

SUBJECT: Allowing the governor to designate a library for official records

COMMITTEE: State, Federal and International Relations— favorable, without amendment

VOTE: 7 ayes — Hunter, Moreno, Isett, Palmer, Pitts, West, Wise
0 nays
2 absent — Chavez, Seaman

SENATE VOTE: On final passage, April 11 — 29-0

WITNESSES: For — None
Against — Gloria Meraz, Archival Enterprise; David Gracy; Claudette Landry
On — Robert Martin, Texas State Library and Archives Commission

DIGEST: SB 1702 would allow the governor to designate an institution of higher education or another archival institution as the repository for records created or received while the governor was in office. The designated repository would have to administer the records in accordance with normally accepted archival principles and practices, and would have to ensure that the records were available to the public. The terms of the alternative repository arrangement would have to be recorded in a memorandum of understanding, deposit agreement or other arrangement between the Texas State Library and Archives Commission and the designated institution.

SB 1702 stipulates that the provisions of HB 1812 by Hunter, if enacted, would prevail.

SB 1702 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

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House Research Organization
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SUPPORTERS SAY: SB 1702 would authorize in law a decades-long practice by Texas governors of donating papers and other effects to a university or archive other than the Texas State Library. While current state law requires that all papers of executive departments be deposited in the Texas State Library, governors have traditionally chosen to deposit their papers elsewhere. SB 1702 would ensure that the public has access to the governor's records and that these records are kept according to standard archival practice.

These state records would still be managed under the same rules and would still be the property of state archives, they would simply be allowed to be housed elsewhere.

OPPONENTS SAY: Just because governors have made a practice of placing their records in places other than the Texas State Library does not make it right. These are public records, and they should be kept in a central place where regulators and the public can be assured access to them. Other libraries may have different requirements that make it difficult for the public to have free access to this information. Allowing these records to be placed in various locations throughout the state impairs the ability of lawmakers and others to get information that is important for the conduct of future affairs.

NOTES: HB 1812 by Hunter, which would consolidate and revise statutes relating to the management of state records and archives, also includes the main provisions of SB 1702. HB 1812 passed the House on the Local and Consent Calendar on May 7 and was reported favorably, without amendment, by the Senate State Affairs Committee on May 16 and recommended for the Local and Uncontested Calendar.