

BILL ANALYSIS

S.B. 394
By: Shapleigh
Government Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 74th Legislature established the Records Management Interagency Coordinating Council (RMICC) to report on records management issues within Texas state government. RMICC consists of the Attorney General, Comptroller of Public Accounts, State Auditor, Building and Procurement Commission, Department of Information Resources, State Library and Archives Commission, and Secretary of State.

Currently, RMICC lacks access to research opportunities in higher education and access to expertise on electronic records management. As the state government transitions from paper to an electronic environment of record keeping, it is necessary for its record managers to have adequate knowledge of electronic records. As proposed, S.B. 394 expands the membership of the Record Management Interagency Coordinating Council to include one faculty member of a public senior college or university and two individuals who serve as information resource managers for state agencies in the executive branch of government. Adding a faculty member and two individual experts in electronic record keeping will give RMICC access to research opportunities in the academic setting and provide knowledgeable guidance on proper electronic records management.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 441.203, Government Code, by amending Subsections (a), (b), and (d)-(j) and adding Subsections (a-1), (a-2), (a-3), and (k), as follows:

(a) Provides that the Records Management Interagency Coordinating Council is composed of permanent members, consisting of certain officers or the officer's designee, including the executive director of the Texas Building and Procurement Commission; and auxiliary voting members, consisting of one faculty member of a public senior college or university, as defined by Section 61.003 (Definitions), Education Code, who has demonstrated knowledge of records and information management and two individuals who serve as information resources managers, under Section 2054.071, for state agencies in the executive branch of government.

(a-1) Requires the presiding officer of the council to appoint auxiliary voting members in accordance with this section. Requires a person, before being appointed by the presiding officer as an auxiliary voting member for either a full or a partial term, to be nominated by the presiding officer and receive the approval of the majority of the permanent members listed under Subsection (a) (1).

(a-2) Provides that auxiliary voting members serve two-year terms, with the terms expiring February 1 of each odd-numbered year. Authorizes a person appointed as an auxiliary voting member or to fill a vacancy of an auxiliary voting to continue to serve as a member only while the persons continues to possess the qualifications for the category under which the person is appointed.

(a-3) Requires the presiding officer to fill a vacancy of an auxiliary voting member for the unexpired term by appointing a person who has the qualifications required under Subsection (a)(2) for the vacated position. Requires a person appointed to fill a vacant position of an auxiliary voting member to serve for the unexpired portion of the term for which the person is appointed.

(b) Provides that the position of the presiding officer rotates among the permanent members of the council according to the procedures adopted by the council.

(d) Requires the council's permanent member agencies to provide staff for the council.

(e) Requires the council to review the activities of each permanent member agency that affect the state's management records and meet certain requirements.

(f) Makes a conforming change.

(g) Makes a conforming change.

(h) Makes a conforming change.

(i) Redefines "permanent member agency."

(j) Deletes text requiring state agencies to cooperate with the council by providing information.

(k) Requires a state agency to cooperate with the council in the performance of its duties.

SECTION 2. Requires the presiding officer of the Records Management Interagency Coordinating Council to make the initial appointments of the auxiliary voting members of the council, in accordance with Section 441.203 (Records Management Interagency Coordinating Council), Government Code, as amended by this Act, by October 31, 2003, for terms to expire February 1, 2005.

SECTION 3. Effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2003.