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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

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DIGEST

SB 149 Engrossed

2024 Regular Session

Fields

Present law defines "Secretary" as the secretary of state

Proposed law defines "Secretary" as the secretary of state who oversees the Department of State.

Present law defines "State archives" as an establishment maintained by the division to administer a program to provide for the preservation of those records and other papers that have been determined by the state archivist to have sufficient historical, fiscal, or legal value to warrant their continued preservation by the state, whether they have been deposited with the state archives or are to be maintained in agency custody.

Proposed law defines "State archives" as an establishment maintained by the secretary to administer a program to provide for preservation of records, papers, and artifacts, that have been determined by the state archivist to have sufficient historical, fiscal, or legal value to warrant their continued preservation by the state.

Present law defines "Records management" as the systematic application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records for the purpose of reducing costs and improving efficiency of records keeping, including management of filing and microfilming equipment and supplies; filing and information retrieval systems; files, correspondence, reports, and forms management; historical documentation; micrographics; retention programming; and vital records protection

Proposed law defines "Records management" as the systematic application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records for the purpose of reducing costs and improving efficiency of records keeping, including the conversion of records from one format to another, filing and information retrieval systems, and vital records protection.

Present law defines "Records center" as an establishment maintained by the division primarily for the economical storage, processing, servicing, and security of inactive public records that must be retained for varying periods of time but which need not be held in agency offices for the entire periods.

Proposed law retains present law and makes technical changes.

Present law defines "Retention and disposal schedule" a set of disposition instructions prescribing how long, in what location, under what conditions, and in what form records series shall be kept.

Proposed law changes the term "Retention and disposal schedule" to "Retention schedule" but otherwise retains present law.

Present law defines "Destruction" as to destroy by shredding, burning, or other suitable means of obliteration.

Proposed law repeals present law.

Present law defines "Disposal" as destruction in any manner approved by the environmental authority; or, transferral into the custody of the repository designated by the state archivist as most appropriate for continued maintenance.

Proposed law defines "Disposal" as destruction in any manner approved by the environmental authority and state archivist; or, transferral into the custody of the repository designated by the state archivist as most appropriate for continued maintenance.

Present law provides that the secretary of state may promulgate or authorize the state archivist to promulgate policies establishing procedures for the retention, disposal, reproduction, and collection of records.

Proposed law makes technical changes but otherwise retains present law and provides that only the secretary of state may promulgate these policies.

Proposed law further provides that the secretary is authorized to inspect, survey, and obtain reports on records and records management and disposal policies of any agency and that the secretary may report his findings to the governor or legislature.

Present law provides the state archivist shall collect court records, official documents, reports, newspapers, church records, private papers, and other historical materials and data pertaining to the colonial, territorial, and statehood periods from the earliest times to the present, to have said documents, records, and material properly repaired, filed, indexed, and preserved, whether physically or by micrographic or other appropriate process or both, and, when deemed desirable, edited and published to encourage historical investigation and research in the history of the state. Further provides that when original documents or records are to be maintained in the possession of a custodial agency, the division may provide for the making of a microphotographic security copy or other appropriate facsimile for deposit with the state archives.

Proposed law provides the state archivist may collect and accept records of any format, papers, and artifacts, from agencies or the public, provided these records adhere to the mission of the division as provided in present law and that the division shall prepare inventories, indexes, catalogs, and other aids to facilitate the access and use of these records.

Present law provides the secretary shall have custody and control of the Louisiana State Archives and its contents to house and facilitate operations of the various archives and records management programs, including the records center establishment, and through the Louisiana State Building

Authority or its successors shall have authority to design, build, purchase, lease, maintain, operate, protect, and improve buildings or facilities used for the storage of inactive records of state and local agencies of Louisiana.

Proposed law removes the reference to the Louisiana State Building Authority or its successors but otherwise retains present law.

Present law provides that the secretary, acting through the state archivist, shall prescribe policies and principles to be followed by state and local governmental agencies in the conduct of their records management programs and make provision for the economical and efficient management of records by state and local governmental agencies.

Proposed law provides that the secretary shall maintain a statewide records management program that prescribes policies and principles to be followed by state and local agencies for the economical and efficient management of state and local government records, to improve preservation and access to records, to insure the maintenance and security of records, and to facilitate the appropriate retention or disposal of records.

Present law provides that the division shall formulate and execute a program to inventory, schedule, and microfilm official parish, municipal, and other local records which are determined by the state archivist to have permanent value, to provide safe storage for microfilm copies of such records, and to give advice and assistance to local officials in their programs for creating, preserving, filing, and making available public records in their custody.

Present law further provides that the division may assist any state, parish, municipal, or other local agency to implement a records program by providing records analysts and consultants in records management, conducting surveys in order to recommend more efficient records management practices, and providing training for records management personnel.

Proposed law provides that the secretary shall employ records analysts to assist agencies in their compliance with records management, retention, and disposal requirements and to provide training regarding compliance with the statewide records management program to state and local agencies.

Present law provides that the secretary, acting through the state archivist, shall establish standards for the retention of records of continuing value, and monitor state and local agencies in the application of such standards to all records in their custody.

Proposed law provides that the secretary alone shall establish standards for the retention of records of continuing value, and monitor state and local agencies in the application of such standards to all records in their custody.

Proposed law provides that the head of each agency shall establish and maintain a program for the economical and efficient management of the records of the agency, including the maintenance, access, use, security, and preservation of the records.

Proposed law provides that the head of each agency shall annually designate a records officer to act as a liaison between the division and the agency on all matters relating to records management.

Present law provides that the head of each agency shall submit to the state archivist, in accordance with the policies, rules, and regulations prescribed by the secretary and the implementational standards and procedures established by the state archivist, schedules proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been created or received by the agency.

Proposed law provides that the head of each agency shall submit retention schedules proposing the length of time each record series be kept for administrative, legal, or fiscal purposes after it has been created or received by the agency to the state archivist.

Present law provides that the head of each agency shall also submit to the state archivist lists of state records in the custody of that agency which are no longer required for the transaction of current business and which lack sufficient administrative, legal, or fiscal value to warrant further retention and request that the state archivist authorize appropriate disposal.

Proposed law removes the requirement that the agency head request authorization for appropriate disposal from the state archivist but otherwise retains present law.

Proposed law further provides that state archivist, at his discretion, may require the records to be kept for a longer period than specified in the approved retention schedule or by law.

Present law provides that the imaging and preservation services section of the records management program of the division shall be the centralized document conversion center for the state. All state agencies lacking existing internally established paper conversion systems of their own, and those state agencies whose equipment or facilities are no longer adequate to meet the agency's need, shall contract with the division for conversion services or shall obtain division approval for a conversion contract with any other vendor or purchase of any other conversion system. All records produced by state agency conversion systems shall comply with standards established by the division in accordance with present law.

Proposed law provides that the imaging and preservation services program shall provide conversion services for the state. All agencies shall contract with the division for conversion services or shall comply with the conversion standards and disposal request procedures established by the division in accordance with present law.

Present law provides that the state archivist shall make provisions for the preservation, management, repair, and rehabilitation, duplication and reproduction, description, and exhibition of records or related documentary material transferred to him as may be needful or appropriate, including the preparation and duplication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use.

Proposed law provides that the secretary shall maintain a conservation and exhibition program and

shall make provisions for the preservation, conservation, and exhibition of records at the Louisiana State Archives.

Present law provides that the state archivist shall make provisions for the display or exhibition of photographic copies of microphotographic copies of records in his or the agency's custody, in lieu of the original records, if he deems it necessary to protect old, fragile, or damaged records from further damage or loss.

Proposed law provides that the secretary shall make provisions for the exhibition of copies in lieu of the original records, if he deems it necessary to protect old, fragile, or damaged records.

Present law provides that the head of each agency of the state or its subdivisions shall establish safeguards against the removal or loss of records as he shall consider necessary and as may be required by rules and regulations.

Proposed law retains present law.

Present law further provides that the secretary of state, acting through the state archivist, may refer any matter to the legislative auditor, inspector general, or attorney general as necessary for investigation relating to any instance of damaging, altering, tampering with, or falsifying records, including but not limited to fraudulent creation, distribution, or filing of records.

Proposed law provides that the secretary may refer any matter to the legislative auditor, inspector general, or attorney general as necessary for investigation relating to any instance of actual, impending, or threatened unlawful removal, damage, falsification, defacement, alteration, or destruction of records, including but not limited to fraudulent creation, distribution, or filing of records.

Proposed law further provides that the head of each agency shall notify the secretary through the state archivist of any actual, impending, or threatened unlawful removal, damage, falsification, defacement, alteration, or destruction of records in the custody of the agency that come to his attention and shall assist the secretary in initiating legal action through the attorney general for their recovery.

Proposed law further provides that the secretary shall notify the head of any agency of any actual, impending, or threatened unlawful removal, damage, falsification, defacement, alteration, or destruction of records in the custody of the agency that come to his attention.

Proposed law further provides that in any case in which records of other materials of actual or potential archival significance are determined by the state archivist to be in jeopardy of destruction or deterioration, the secretary shall have the authority to require and schedule transfer of the records to the physical and legal custody of the division and the state archivist.

Effective August 1, 2024.

(Amends R.S. 44:401(intro para), 402, 405, 406, 408(A), 410, 411, 415, 419, and 422; repeals R.S. 44:407, 412, 413, 414, 416, and 423)