
The original instrument was prepared by Matt DeVille. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 146 Reengrossed 2021 Regular Session Pope

Present law, relative to public records, defines "public body" to mean any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, or any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority.

Present law, relative to state archival, historical, and public records services, defines "agency" to mean any state, parish and municipal office, department, division, board, bureau, commission, authority, or other separate unit of state, parish, or municipal government created or established by the constitution, law, resolution, proclamation, or ordinance.

PUBLIC BODIES

Present law, relative to all public bodies including agencies, requires the preservation of public records for the times specified in approved formal retention schedules or for three years if there is no approved formal retention schedule. Requires an original record, if it exists, to be retained. Requires one duplicate to be retained if no original exists.

Proposed law retains present law for agencies, except those subject to records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State.

Proposed law, applicable only to public bodies that are not agencies, deletes references to a formal retention schedule and instead requires all documents to be retained for three years or as provided by law.

Present law allows an appropriate microform, produced in compliance with present law by a public body including an agency, to be considered an original. Requires the microform process to comply with conversion standards established by the division of archives, records management, and history of the Dept. of State. Requires disposal of the original and any copies to be in accordance with present law. Requires the process to reproduce an unalterable image of the source document.

Proposed law retains present law relative to agencies.

Proposed law, applicable to all public bodies, additionally requires that the image produced be accessible.

Proposed law, applicable only to public bodies that are not agencies, allows use of any microphotographic or other electronic document reproduction process that is not otherwise prohibited by law.

AGENCIES ONLY

Present law requires the Sec. of State through the state archivist to establish standards for selective retention of records and to monitor agencies' application of these standards.

Proposed law clarifies that the standards established and monitored apply to all agency records retention.

Proposed law provides that certain agencies shall keep all records in accordance to the retention schedule developed and approved by the state archivist and director of the division of archives, records management, and history of the Dept. of State.

Present law requires each agency head to identify records that are not needed for current agency business and do not warrant further retention and to request the state archivist to authorize disposal of the identified records.

Proposed law clarifies that this process of identification and request for disposal authority applies to records that are no longer needed.

Present law requires each agency to have a designated records officer.

Proposed law requires a designation to occur every year.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 44:36, 39, 411(A)(intro para) and (A)(2) and (C), and 422)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Clarifies that all agencies as defined in R.S. 44:402 other than enumerated exceptions are subject to records retention schedules and document conversion standards developed by the state archivist.

Senate Floor Amendments to engrossed bill

1. Creates an exception in present law for those agencies defined in R.S. 44:402 subject to records retention schedules that have been developed and approved by the state archivist and director of the division of archives, records management, and history

of the Department of State.

2. Provides that certain agencies shall keep all records in accordance to the retention schedule developed and approved by the state archivist and director of the division of archives, records management, and history of the Dept. of State.
3. Makes technical changes.