

2024 Regular Session

SENATE BILL NO. 149

BY SENATOR FIELDS

SECRETARY OF STATE. Provides relative to the powers, duties, and functions of the Louisiana State Archives. (8/1/24)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 44:401, R.S. 44:402, 405, 406,
3 408(A), 410, 411, 415, 419, and 422 and to repeal R.S. 44:407, 412, 413, 414, 416,
4 and 423, relative to the powers, duties, and functions of the Louisiana State
5 Archives; to provide for definitions; to provide for procedures; to provide for
6 retention of records; to provide for management of records; to provide for the
7 authority of the secretary of state; to provide for imaging and preservation services;
8 to provide for safeguards against the destruction of records; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The introductory paragraph of R.S. 44:401, R.S. 44:402, 405, 406, 408(A),
12 410, 411, 415, 419, and 422 are hereby amended and reenacted to read as follows:

13 §401. Division of archives, records management, and history

14 The division of archives, records management, and history is hereby created
15 and established as a division of the Department of State, to perform all duties,
16 functions, and responsibilities and to exercise all authority or authorities heretofore
17 assigned to the Louisiana State Archives and Records Service by providing for a

1 statewide system of managing and preserving government records which will meet
 2 informational requirements and serve the rights and interests of government and its
 3 citizens, and specifically to:

4 * * *

5 §402. Definitions

6 For the purpose of this Chapter:

7 (1) "Secretary" means the secretary of state **who oversees the Department**
 8 **of State.**

9 (2) "State archivist" means the state archivist and director of the division of
 10 archives, records management, and history, appointed by the secretary to serve as
 11 director of that division and as state archivist.

12 (3) "Division" means the division of archives, records management, and
 13 history.

14 (4) "Records" means all documents, papers, letters, books, drawings, maps,
 15 plats, photographs, magnetic or optical media, microfilm, microphotograph, motion
 16 picture film, or other document or any other material, regardless of physical form or
 17 characteristic, generated or received under law or in connection with the transaction
 18 of official business, or preserved by an agency or political subdivision because of
 19 other informational or legal value. This term shall not be construed to include library
 20 and museum material developed or acquired and preserved solely for reference or
 21 exhibition purposes, extra copies maintained for convenience in reference or stocks
 22 of standard publications, or processed documents.

23 (5) "Agency" means any state, parish and municipal office, department,
 24 division, board, bureau, commission, authority, or other separate unit of state, parish,
 25 or municipal government created or established by the constitution, law, resolution,
 26 proclamation, or ordinance.

27 (6) "~~State archives~~ **Louisiana State Archives**" means an establishment
 28 maintained by the ~~division~~ **secretary** to administer a program to provide for the
 29 preservation of ~~those records, and other papers,~~ **and artifacts** that have been

1 determined by the state archivist to have sufficient historical, fiscal, or legal value
2 to warrant their continued preservation by the state, ~~whether they have been~~
3 ~~deposited with the state archives or are to be maintained in agency custody.~~

4 (7) "Records management" means the systematic application of management
5 techniques to the creation, utilization, maintenance, retention, preservation, and
6 disposal of records for the purpose of reducing costs and improving efficiency of
7 records keeping. ~~"Records management"~~ This term includes ~~management of filing~~
8 ~~and microfilming equipment and supplies;~~ the conversion of records from one
9 format to another, filing and information retrieval systems; ~~files, correspondence,~~
10 ~~reports, and forms management; historical documentation; micrographics; retention~~
11 ~~programming;~~ and vital records protection.

12 (8) "Records center" means an establishment maintained by the ~~division~~
13 secretary primarily for the economical storage, processing, servicing, and security
14 of inactive ~~public~~ records that must be retained for varying periods of time but which
15 need not be held in agency offices for the entire periods.

16 (9) "Retention ~~and disposal~~ schedule" means a set of disposition instructions
17 prescribing how long, in what location, under what conditions, and in what form
18 records series shall be kept.

19 (10) "Vital records" means any record essential to either or both the
20 resumption or continuation of operations, to verification or re-creation of the legal
21 and financial status of government in the state, or to the protection and fulfillment
22 of obligations to citizens of the state.

23 (11) "Destruction" means ~~to destroy by shredding, burning, or other suitable~~
24 ~~means of obliteration.~~

25 ~~(12)~~(11) "Disposal" means destruction in any manner approved by the
26 environmental authority and state archivist; or, transferral into the custody of the
27 repository designated by the state archivist as most appropriate for continued
28 maintenance.

29 * * *

1 §405. Powers and duties

2 A. The secretary shall enforce the provisions of this Chapter and pursuant
3 thereto may promulgate, ~~or authorize the state archivist to promulgate,~~ policies not
4 inconsistent with law and in accordance with the Administrative Procedure Act,
5 establishing:

6 (1) Procedures for the ~~compiling and submitting~~ **creation and submission**
7 **of retention schedules** to the division ~~heretofore created, of lists and schedules of~~
8 ~~records proposed for disposal.~~

9 (2) Procedures for the disposal of records ~~authorized for disposal,~~ whether in
10 agency custody or in the possession of the division.

11 (3) Procedures for the ~~reproduction of public records by photographic,~~
12 ~~microphotographic, or other appropriate process when necessary to assure the~~
13 ~~preservation thereof.~~ **conversion of records by microphotographic or electronic**
14 **digitizing processes.**

15 (4) Procedures for ~~preservation, repair, treatment, and restoration of old,~~
16 ~~discolored, worn, fragile, faded, or torn documents, or records which are declared by~~
17 ~~the state archivist to have historical or archival value, whether stored in the state~~
18 ~~archives, the records center, or held in the custody of the repository agency~~ **the**
19 **collection of records from agencies that are declared by the state archivist to**
20 **have intrinsic, historical, or evidentiary value.**

21 B. It is intended that such policies, rules, and regulations be formulated after
22 ~~surveying and evaluating the circumstances of and receiving advice from the various~~
23 ~~state agencies and the governing authorities of the various subdivisions of the state.~~
24 Such **The promulgated** policies, rules, and regulations ~~thereafter~~ shall be binding
25 upon all ~~the agencies of the state and its subdivisions~~ **state agencies.** The secretary
26 shall employ ~~such~~ personnel, purchase ~~such~~ equipment, and provide ~~such~~ facilities
27 as may be required in the execution of the powers and duties imposed upon the
28 secretary. The secretary shall perform any acts deemed necessary, legal and proper
29 to carry out the duties and responsibilities imposed upon him pursuant to the

1 authority granted herein.

2 C. The secretary is hereby authorized to inspect and survey records,
3 records management policies, and records disposal practices of any agency and
4 obtain reports thereon. The secretary shall be given full cooperation of officials
5 and employees of state agencies in any inspection, survey, or report. The
6 secretary may report to the legislature and the governor on these activities at
7 his discretion or as called upon by the governor or legislature.

8 §406. Collection of records

9 The state archivist ~~shall collect court records, official documents, reports,~~
10 ~~newspapers, church records, private papers, and other historical materials and data~~
11 ~~pertaining to the colonial, territorial, and statehood periods from the earliest times~~
12 ~~to the present, to have said documents, records, and material properly repaired, filed,~~
13 ~~indexed, and preserved, whether physically or by micrographic or other appropriate~~
14 ~~process or both, and, when deemed desirable, edited and published to encourage~~
15 ~~historical investigation and research in the history of the state. When original~~
16 ~~documents or records are to be maintained in the possession of a custodial agency,~~
17 ~~the division may provide for the making of a microphotographic security copy or~~
18 ~~other appropriate facsimile for deposit with the state archives.~~ may collect and
19 accept records of any format, papers, and artifacts from agencies or the public,
20 provided these records adhere to the mission of the division as provided in R.S.
21 44:401. The division shall prepare inventories, indexes, catalogs, and other aids
22 to facilitate the access and use of these records.

23 * * *

24 §408. Archives and records center building; duty custody and control

25 A. The secretary shall have custody and control of the Louisiana State
26 Archives and its contents to house and facilitate operations of the various archives
27 and records management programs, including the records center establishment, and
28 ~~through the Louisiana State Building Authority or its successors~~ shall have authority
29 to design, build, purchase, lease, maintain, operate, protect, and improve buildings

1 or facilities used for the storage of inactive records of state and local agencies of
2 Louisiana.

3 * * *

4 §410. Records management programs; policies and principles

5 A. ~~The secretary, acting through the state archivist, shall, with due regard to~~
6 ~~the program activities of the state and local agencies concerned, prescribe policies~~
7 ~~and principles to be followed by state and local governmental agencies in the~~
8 ~~conduct of their records management programs and make provision for the~~
9 ~~economical and efficient management of records by state and local governmental~~
10 ~~agencies; by analyzing, developing, prescribing, and coordinating the~~
11 ~~implementation of standards, procedures, and techniques designed to improve the~~
12 ~~management of records, to insure the maintenance and security of records deemed~~
13 ~~appropriate for preservation, and to facilitate the segregation and disposal of records~~
14 ~~of temporary value; and by effecting the efficient and economical utilization of~~
15 ~~space, equipment, and supplies needed for the purpose of creating, maintaining,~~
16 ~~storing, and servicing records.~~ **The secretary shall maintain a statewide records**
17 **management program that prescribes policies and principles to be followed by**
18 **state and local agencies for the economical and efficient management of state**
19 **and local government records, to improve preservation and access to records,**
20 **to insure the maintenance and security of records, and to facilitate the**
21 **appropriate retention or disposal of records.**

22 B. ~~The division also shall formulate and execute a program to inventory,~~
23 ~~schedule, and microfilm official parish, municipal, and other local records which are~~
24 ~~determined by the state archivist to have permanent value, to provide safe storage for~~
25 ~~microfilm copies of such records, and to give advice and assistance to local officials~~
26 ~~in their programs for creating, preserving, filing, and making available public records~~
27 ~~in their custody. The division may assist any state, parish, municipal, or other local~~
28 ~~agency to implement a records program by providing records analysts and~~
29 ~~consultants in records management, conducting surveys in order to recommend more~~

1 ~~efficient records management practices, and providing training for records~~
 2 ~~management personnel.~~ The secretary shall employ records analysts to assist
 3 agencies in their compliance with the requirements of this Chapter and to
 4 provide training regarding compliance with the statewide records management
 5 program to state and local agencies.

6 §411. ~~Retention of records; actions for recovery of records~~ Record management
 7 obligation of agency heads

8 A. The secretary, ~~acting through the state archivist,~~ shall establish standards
 9 for the retention of records of continuing value, and monitor state and local agencies
 10 in the application of such standards to all records in their custody. To facilitate this
 11 application:

12 (1) The head of each agency shall establish and maintain a program for
 13 the economical and efficient management of the records of the agency, including
 14 the maintenance, access, use, security, and preservation of the records.

15 (2) The head of each agency shall annually designate a records officer to
 16 act as a liaison between the division and the agency on all matters relating to
 17 records management.

18 ~~(3)~~ (3) The head of each agency shall submit to the state archivist, in
 19 accordance with the policies, rules, and regulations prescribed by the secretary and
 20 the implementational standards and procedures established by the state archivist,
 21 retention schedules proposing the length of time each state record series warrants
 22 retention shall be kept for administrative, legal, or fiscal purposes after it has been
 23 created or received by the agency.

24 ~~(2)~~ (4) The head of each agency shall also submit disposal requests to the
 25 state archivist lists of state listing records in the custody of ~~that~~ the agency which are
 26 no longer required for the transaction of current business and which lack sufficient
 27 administrative, legal, or fiscal value to warrant further retention ~~and request that the~~
 28 ~~state archivist authorize appropriate disposal.~~ The state archivist, at his discretion,
 29 may require the records to be kept for a longer period than specified in the

1 approved retention schedule or by law.

2 ~~(3)~~(5) Upon termination of employment with the state, unless otherwise
3 directed by law, each agency head prior to transfer of his records to a successor, shall
4 notify the state archivist to arrange for an appraisal to determine which record or
5 records series should be retained in the agency office and which should be
6 transferred to the custody of the division for permanent retention.

7 ~~(4)~~(6) The records of any state agency, upon termination of its existence or
8 functions, shall automatically be transferred into the custody of the division, unless
9 otherwise directed by law.

10 ~~B. The secretary, acting through the state archivist, shall also notify the head~~
11 ~~of any such agency of any actual, impending, or threatening unlawful removal,~~
12 ~~defacing, alteration, or destruction of records in the custody of such agency that shall~~
13 ~~come to his attention, and initiate action through the attorney general for the~~
14 ~~recovery of such records as shall have been unlawfully removed and for such other~~
15 ~~redress as may be provided by law. In any case in which records or other materials~~
16 ~~of actual or potential archival significance are determined by the state archivist to be~~
17 ~~in jeopardy of destruction or deterioration, and such material is not essential to the~~
18 ~~conduct of daily business in the agency of origin, the secretary shall have authority~~
19 ~~to require and schedule transfer of said records to the physical and legal custody of~~
20 ~~the division and the state archivist.~~

21 ~~C. To ensure that the above enumerated reports and notifications are~~
22 ~~submitted and implemented, the chief executive officer of each state agency shall~~
23 ~~designate annually a records officer to act as liaison between the division and the~~
24 ~~agency on all matters relating to records management.~~

25 * * *

26 §415. Centralized imaging **Imaging** and preservation services

27 ~~The imaging and preservation services section of the records management~~
28 ~~program of the division shall be the centralized document conversion center for the~~
29 ~~state. All state agencies lacking existing internally established paper conversion~~

1 ~~systems of their own, and those state agencies whose equipment or facilities are no~~
 2 ~~longer adequate to meet the agency's need, shall contract with the division for~~
 3 ~~conversion services or shall obtain division approval for a conversion contract with~~
 4 ~~any other vendor or purchase of any other conversion system. All records produced~~
 5 ~~by state agency conversion systems shall comply with standards established by the~~
 6 ~~division in accordance with R.S. 44:405(A)(3).~~

7 **The imaging and preservation services program shall provide conversion**
 8 **services for the state. All agencies shall contract with the division for conversion**
 9 **services or shall comply with the conversion standards and disposal request**
 10 **procedures established by the division in accordance with R.S. 44:405.**

11 * * *

12 §419. Preservation, **repair conservation, and** exhibition of records; ~~finding aids~~

13 A. ~~The state archivist shall make provisions for the preservation,~~
 14 ~~management, repair, and rehabilitation, duplication and reproduction, description,~~
 15 ~~and exhibition of records or related documentary material transferred to him as may~~
 16 ~~be needful or appropriate, including the preparation and duplication of inventories,~~
 17 ~~indexes, catalogs, and other finding aids or guides facilitating their use. **The**~~
 18 **secretary shall maintain a conservation and exhibition program and shall make**
 19 **provisions for the preservation, conservation, and exhibition of records at the**
 20 **Louisiana State Archives.**

21 B. ~~The state archivist shall make provisions for the display or exhibition of~~
 22 ~~photographic copies of microphotographic copies of records in his or the agency's~~
 23 ~~custody, in lieu of the original records, if he deems it necessary to protect old,~~
 24 ~~fragile, or damaged records from further damage or loss. **The secretary shall make**~~
 25 **provisions for the exhibition of copies in lieu of the original records, if he deems**
 26 **it necessary to protect old, fragile, or damaged records.**

27 * * *

28 §422. Safeguards against **the removal, unlawful destruction,** or loss of records

29 A. ~~The head of each agency of the state or its subdivisions shall establish~~

1 such safeguards against removal or loss of records as he shall consider necessary and
2 as may be required by rules and regulations issued under authority of this Chapter.
3 Such safeguards shall include making it known to all officials and employees of the
4 agency that no records are to be alienated or destroyed except in accordance with law
5 and the policies, rules, and regulations developed therefrom by the state archivist and
6 the division, and calling their attention to the penalties provided by law for the
7 unlawful removal or destruction of records.

8 **B. The head of each agency shall notify the secretary through the state**
9 **archivist of any actual, impending, or threatened unlawful removal, damage,**
10 **falsification, defacement, alteration, or destruction of records in the custody of**
11 **the agency that come to his attention and shall assist the secretary in initiating**
12 **legal action through the attorney general for their recovery.**

13 **C. The secretary shall notify the head of any agency of any actual,**
14 **impending, or threatened unlawful removal, damage, falsification, defacement,**
15 **alteration, or destruction of records in the custody of the agency that come to**
16 **his attention.**

17 ~~B.D.~~ The secretary of state, acting through the state archivist, may refer any
18 matter to the legislative auditor, inspector general, or attorney general as necessary
19 for investigation relating to any instance of ~~damaging, altering, tampering with, or~~
20 ~~falsifying records~~ **actual, impending, or threatened unlawful removal, damage,**
21 **falsification, defacement, alteration, or destruction of records,** including but not
22 limited to fraudulent creation, distribution, or filing of records.

23 **E. In any case in which records of other materials of actual or potential**
24 **archival significance are determined by the state archivist to be in jeopardy of**
25 **destruction or deterioration, the secretary shall have the authority to require**
26 **and schedule transfer of the records to the physical and legal custody of the**
27 **division and the state archivist.**

28 Section 2. R.S. 44:407, 412, 413, 414, 416, and 423 are hereby repealed in their
29 entirety.

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

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)