

Senate Bill 210

By: Senators Hooks of the 14th, Johnson of the 1st, Shafer of the 48th and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the Division of Archives and History, so as to authorize the Secretary of State to
3 designate and establish facilities occupied by a government agency as a branch depository
4 under certain circumstances; to provide that the Division of Archives and History shall own
5 and operate any equipment necessary to manage and retain control of electronic archival
6 records but may contract with third parties for services related to the management of such
7 records; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the
11 Division of Archives and History, is amended by revising Code Section 45-12-45, relating
12 to powers of Secretary of State with respect to management of division generally, by adding
13 a new subsection as follows:

14 "(c) The Secretary of State is authorized to designate and establish, as a branch depository
15 of the Division of Archives and History for the storage and retention of permanent records,
16 temporary records, or security backup media in any format, facilities occupied by any
17 government agency; provided, however, that no such designation and establishment of a
18 branch depository shall be made unless the Secretary of State shall obtain the prior written
19 approval of the government agency involved. Records in the custody of such depositories
20 shall be subject to the same laws, standards, and policies as any records in the physical
21 custody of the Division of Archives and History including, but not limited to, Code Section
22 50-18-98. The Secretary of State may expend such funds as are necessary or desirable for
23 the maintenance and operation of any such facilities; for the preservation and safeguarding
24 of the contents thereof; and for the employment of such persons as are necessary and
25 desirable for the accomplishment of such maintenance, operation, preservation, and
26 safeguarding. Such depositories may be operated on a cost recovery basis. The Secretary

1 of State may enter into such contractual arrangements as he or she deems to be in the public
 2 interest for creating and operating such branch depositories. The records or digital content
 3 maintained in such branch depositories shall be under the immediate management and
 4 control of the Division of Archives and History. The Secretary of State may abolish such
 5 branch depository at any time."

6 **SECTION 2.**

7 Said article is further amended by revising Code Section 45-13-46, relating to surrender of
 8 materials to division for preservation, as follows:

9 "45-13-46.

10 (a) Any state, county, or other official is authorized, in his or her discretion, to turn over
 11 for permanent preservation in the Division of Archives and History any official books,
 12 records, documents, original papers, manuscript files, newspaper files, portraits, and
 13 printed volumes not in current use in his or her office. Any record created or received by
 14 a state agency, constitutional officer, or Speaker of the House of Representatives in the
 15 performance of a public duty or paid for by public funds and certified by the director of the
 16 Division of Archives and History as necessary to document the history, organization,
 17 functions, policies, decisions, and procedures of the agency or office shall be placed for
 18 permanent preservation in the Division of Archives and History when no longer in current
 19 use by the agency or officer. The Secretary of State shall provide for the preservation of
 20 said materials; and, when so surrendered, copies thereof shall be made and certified by the
 21 director upon the application of any person interested, which certification shall have the
 22 same force and effect as if made by the officers originally in custody of them and for which
 23 the same fees shall be charged.

24 (b) The Division of Archives and History shall own and operate any equipment necessary
 25 to manage and retain control of electronic archival records in its custody but may, at its
 26 discretion, contract with third-party entities to provide any or all services related to
 27 managing archival records on equipment owned by the contractor, by other third parties,
 28 or by the Division of Archives and History.

29 ~~(b)~~ (c) Personal and official records and papers of the Lieutenant Governor and the
 30 Speaker of the House of Representatives shall be exempt from the provisions of subsection
 31 (a) of this Code section when such records and papers are deposited in a repository that
 32 meets the minimum archival and public access standards promulgated by the Division of
 33 Archives and History.

34 ~~(c)~~ (d) As used in this Code section, the term 'constitutional officer' means any officer
 35 enumerated in Article V, Section I, Paragraph I; Article V, Section I, Paragraph III; or
 36 Article V, Section III, Paragraph I of the Constitution of the State of Georgia."

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.