

The House Committee on State Planning and Community Affairs offers the following substitute to HB 487:

A BILL TO BE ENTITLED  
AN ACT

1 To amend the Official Code of Georgia Annotated so as to change references to the  
2 Department of Archives and History to the Division of Archives and History; to revise its  
3 purposes; to provide for operating hours; to provide for access to certain genealogical records  
4 and data; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

6 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural  
7 resources, is amended by striking subsection (b) of Code Section 12-5-331, relating to duties  
8 and powers of Department of Natural Resources as to development of state's rivers, in its  
9 entirety and inserting in lieu thereof a new subsection (b) to read as follows:  
10

11 "(b) Such information pertinent to the development of Georgia's rivers as may be obtained  
12 by the Department of Natural Resources may be filed from time to time with the  
13 Department of Industry, Trade, and Tourism and, subject to approval of the Governor and  
14 the Secretary of State, with the ~~Department~~ Division of Archives and History."

**SECTION 2.**

15 Said title is further amended by striking Code Section 12-10-21, relating to bylaws and  
16 amendments filed with Department of Archives and History, in its entirety and inserting in  
17 lieu thereof a new Code Section 12-10-21 to read as follows:  
18

19 "12-10-21.

20 Copies of bylaws and amendments to be filed pursuant to Article VI (j) of the agreement  
21 shall be filed with the ~~Department~~ Division of Archives and History."





1 and 45-6-11. The director may initiate such action on his or her own volition and succeeds  
2 to all rights and remedies as the successor in office would normally have in the property."

### 3 SECTION 9.

4 Said title is further amended by striking Code Section 45-13-40, relating to the Department  
5 of Archives and History, in its entirety and inserting in lieu thereof a new Code Section  
6 45-13-40 to read as follows:

7 "45-13-40.

8 There is established a ~~Department~~ within the office of the Secretary of State a Division of  
9 Archives and History in lieu of the office of compiler of state records which shall also be  
10 known as the Georgia Archives."

### 11 SECTION 10.

12 Said title is further amended by striking Code Section 45-13-41, relating to objectives and  
13 purposes generally, in its entirety and inserting in lieu thereof a new Code Section 45-13-41  
14 to read as follows:

15 "45-13-41.

16 The objects and purposes of the ~~department~~ Georgia Archives shall be to:

- 17 (1) Ensure the retention and preservation of the records of any state or local agency with  
18 historical and research value by providing for the application of modern and efficient  
19 methods to the creation, utilization, maintenance, retention, preservation, and disposal of  
20 records;
- 21 (2) Provide an archival and records' depository in which to assemble and maintain the  
22 official archives and other inactive records of the state not in current and common use;
- 23 (3) Collect from the files of old newspapers, court records, church records, private  
24 collections, and other sources data of all kinds bearing upon the history of the state;
- 25 (4) Secure from private individuals, either by loan or gift, rare volumes, manuscripts,  
26 documents, and pamphlets for the use of this ~~department~~ division;
- 27 (5) Obtain, either by loan or gift, historical trophies, souvenirs, and relics;
- 28 (6) Classify, edit, annotate, and publish from time to time such records as may be  
29 deemed expedient and proper, including messages of Governors, executive orders, state  
30 papers, and military rosters of the Revolutionary, Indian, Mexican, Civil, and European  
31 wars;
- 32 (7) Diffuse knowledge in regard to the state's history;
- 33 (8) Prepare biennially an official register giving the latest information of an official  
34 character in regard to the state, including a full list of state officers, legislators, judges,

1 district attorneys, members of Congress, county officials, etc., together with other  
2 pertinent items of information;

3 (9) Encourage the proper marking of battlefields, houses, and other places celebrated in  
4 the history of the state;

5 (10) Encourage the study of Georgia history in the public schools;

6 (11) Assist in the observance of patriotic occasions;

7 ~~(12) Assist and cooperate with the members of the Georgia Commission for the National~~  
8 ~~Bicentennial Celebration in carrying out the lawful functions and programs of the~~  
9 ~~commission;~~

10 ~~(13)~~(12) Plan and coordinate celebrations and observations of events and anniversaries  
11 having historic or special significance to this state;

12 ~~(14)~~(13) Stimulate historical research, especially in the prosecution of local histories;

13 ~~(15)~~(14) Foster sentiment looking to the better protection, classification, and  
14 arrangement of records in the various courthouses of the state; and

15 ~~(16) Prepare a bibliography of Georgia and indicate, by title at least, every book written~~  
16 ~~about Georgia or by Georgia authors; and~~

17 ~~(17)~~(15) Collect biographical information in regard to all public officials and to keep  
18 same on file, in a classified arrangement, for convenient reference by investigators."

### 19 SECTION 11.

20 Said title is further amended by striking Code Section 45-13-42, relating to duties of  
21 department with respect to Indians generally, in its entirety and inserting in lieu thereof a new  
22 Code Section 45-13-42 to read as follows:

23 "45-13-42.

24 It shall be the duty of the ~~department~~ division to study, consider, accumulate, compile,  
25 assemble, and disseminate information on any aspect of Indian affairs; to investigate relief  
26 needs of Indians of Georgia and to provide technical assistance in the preparation of plans  
27 for the alleviation of such needs; to confer with appropriate officials of local, state, and  
28 federal governments, and agencies of these governments, and with such congressional  
29 committees that may be concerned with Indian affairs, in order to encourage and  
30 implement coordination of applicable resources to meet the needs of Indians in Georgia;  
31 to cooperate with and secure the assistance of the local, state, and federal governments, or  
32 any agencies thereof, in formulating any such programs and to coordinate such programs  
33 with any programs regarding Indian affairs adopted or planned by the federal government,  
34 to the end that the ~~department~~ division secures the full benefit of such programs; to review  
35 all proposed or pending state legislation and amendments to existing state legislation  
36 affecting Indians in Georgia; to conduct public hearings on matters relating to Indian





1 books, records, documents, original papers, manuscript files, newspaper files, portraits, and  
 2 printed volumes not in current use in his or her office. The Secretary of State shall provide  
 3 for the preservation of said materials; and, when so surrendered, copies thereof shall be  
 4 made and certified by the director upon the application of any person interested, which  
 5 certification shall have the same force and effect as if made by the officers originally in  
 6 custody of them and for which the same fees shall be charged."

#### 7 **SECTION 16.**

8 Said title is further amended by striking Code Section 45-13-49, relating to printing of  
 9 circulars, notices, or forms, in its entirety and inserting in lieu thereof a new Code Section  
 10 45-13-49 to read as follows:

11 "45-13-49.

12 All circulars, notices, or forms which may be needed for the use of the ~~department~~ division  
 13 and all official communications, reports, or any other printing of the ~~department~~ division  
 14 shall be printed and paid for as other printing of the state."

#### 15 **SECTION 17.**

16 Said title is further amended by striking Code Section 45-13-50, relating to department  
 17 facilities and records to be open to public on Saturdays, in its entirety and inserting in lieu  
 18 thereof a new Code Section 45-13-50 to read as follows:

19 "45-13-50.

20 The ~~Department~~ Division of Archives and History shall make accessible to the general  
 21 public ~~between~~ for not less than the hours of 9:30 A.M. ~~and to~~ to 3:30 P.M. on every  
 22 Saturday, except legal holidays and such days as may be required to relocate the division  
 23 and the records therein, such records and facilities as are ordinarily available to the public  
 24 during regular office hours on weekdays."

#### 25 **SECTION 18.**

26 Said title is further amended by striking subsections (a), (c), (h), and (k) of Code Section  
 27 45-13-55, relating to creation of Georgia Historical Records Advisory Board, in their entirety  
 28 and inserting in lieu thereof new subsections (a), (c), (h), and (k) to read as follows:

29 "(a) As used in this article, the term:

30 (1) 'Board' means the Georgia Historical Records Advisory Board created under this  
 31 article.

32 (2) '~~Department~~ Division' means the ~~Department~~ Division of Archives and History."

33 "(c) The purpose of the board shall be to advise the Secretary of State and the ~~Department~~  
 34 Division of Archives and History; to serve as the state advisory body required by federal

1 granting agencies; and to encourage cooperative efforts to improve the condition of  
2 Georgia's historical records."

3 "(h) The director of the ~~Department~~ Division of Archives and History shall serve as  
4 Georgia historical records coordinator and assist the board in its activities."

5 "(k) The board shall be administratively assigned to the ~~department~~ division."

#### 6 SECTION 19.

7 Said title is further amended by striking paragraph (2) of Code Section 45-13-56, relating to  
8 the powers and duties of the board, in its entirety and inserting in lieu thereof a new  
9 paragraph (2) to read as follows:

10 "(2) Serve in an advisory capacity to the ~~Department~~ Division of Archives and History  
11 on issues concerning records;"

#### 12 SECTION 20.

13 Said title is further amended by striking Code Section 45-13-83, relating to determination of  
14 archival value of surplus printed material, in its entirety and inserting in lieu thereof a new  
15 Code Section 45-13-83 to read as follows:

16 "45-13-83.

17 (a) When the Secretary of State receives an inventory of surplus printed material as  
18 provided for by Code Section 45-13-82, he or she shall make a determination of whether  
19 or not any of such surplus printed material has archival value within the meaning of Article  
20 3 of this chapter, relating to the ~~Department~~ Division of Archives and History. The  
21 Secretary of State shall be authorized to use such personnel of the ~~Department~~ Division of  
22 Archives and History as may be necessary to make the determination provided for in this  
23 Code section. If the determination cannot be made on the basis of the description of the  
24 surplus printed material included in the inventory of such material, the Secretary of State  
25 or his or her designee shall visit the state agency which submitted the inventory for the  
26 purpose of examining the surplus printed material listed on such inventory; and the  
27 determination required in this Code section may be made on the basis of such examination.

28 (b) If any surplus printed material is determined to have archival value as provided by  
29 subsection (a) of this Code section, the Secretary of State is authorized to direct the state  
30 agency which submitted the inventory to release such printed material to the ~~Department~~  
31 Division of Archives and History. The Secretary of State shall make or cause to be made  
32 a notation on the inventory for each item of surplus printed material released to the  
33 ~~Department~~ Division of Archives and History; and a copy of such inventory, signed by the  
34 Secretary of State or his or her designee, containing the notations thereon shall be  
35 transmitted to the originating state agency. The state agency submitting the inventory shall

1 be authorized to deliver surplus printed material having archival value to the ~~Department~~  
 2 Division of Archives and History if the state agency has transportation available for such  
 3 purpose. If the state agency does not have transportation available for such purpose, the  
 4 ~~Department~~ Division of Archives and History shall provide for the transportation of surplus  
 5 printed material having archival value."

#### 6 SECTION 21.

7 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 8 by striking paragraph (8) of Code Section 50-9-62, relating to the powers and duties of the  
 9 executive center fine arts committee, in its entirety and inserting in lieu thereof a new  
 10 paragraph (8) to read as follows:

11 "(8) Keep a complete list of all furnishings and of all gifts and articles received, together  
 12 with their history and value, and request the assistance of the ~~Department~~ Division of  
 13 Archives and History for this purpose."

#### 14 SECTION 22.

15 Said title is further amended by striking Code Section 50-11-9, relating to transfer, sale,  
 16 destruction, or other disposal of books and other library holdings, in its entirety and inserting  
 17 in lieu thereof a new Code Section 50-11-9 to read as follows:

18 "50-11-9.

19 The librarian may transfer books and other library holdings to the ~~Department~~ Division of  
 20 Archives and History, the State Board of Education, and the Board of Regents of the  
 21 University System of Georgia, each of which is empowered to accept such transfers. Books  
 22 and other library holdings which are obsolete, defective, worn-out, or surplus, or otherwise  
 23 in the discretion of the librarian are not required in the operation of the library, may be  
 24 sold, destroyed, or otherwise disposed of by the librarian, without the need to comply with  
 25 the provisions of Article 5 of Chapter 13 of Title 45, relating to the disposition of surplus  
 26 state books."

#### 27 SECTION 23.

28 Said title is further amended by striking paragraphs (3), (4), and (6) of Code Section  
 29 50-18-91, relating to definitions, in their entirety and inserting in lieu thereof new paragraphs  
 30 (3), (4), and (6) to read as follows:

31 "(3) '~~Department~~ Division' means the ~~Department~~ Division of Archives and History of  
 32 the Office of the Secretary of State.

33 (4) 'Georgia State Archives' means an establishment maintained by the ~~department~~  
 34 division for the preservation of those records and other papers that have been determined

1 by the ~~department~~ division to have sufficient historical and other value to warrant their  
 2 continued preservation by the state and that have been accepted by the ~~department~~  
 3 division for deposit in its custody."

4 "(6) 'Records center' means an establishment maintained by the ~~department~~ division  
 5 primarily for the storage, processing, servicing, and security of public records that must  
 6 be retained for varying periods of time but need not be retained in an agency's office  
 7 equipment or office space."

#### 8 **SECTION 24.**

9 Said title is further amended by striking subsection (a) of Code Section 50-18-92, relating  
 10 to the creation of State Records Committee, in its entirety and inserting in lieu thereof a new  
 11 subsection (a) to read as follows:

12 "(a) There is created the State Records Committee, to be composed of the Governor, the  
 13 Secretary of State, an appointee of the Governor who is not the Attorney General, the state  
 14 auditor, and an officer of a governing body, as such terms are defined in subsection (a) of  
 15 Code Section 50-18-99, to be appointed by the Secretary of State, or their designated  
 16 representatives. It shall be the duty of the committee to review, approve, disapprove,  
 17 amend, or modify retention schedules submitted by agency heads, school boards, county  
 18 governments, and municipal governments through the ~~department~~ division for the  
 19 disposition of records based on administrative, legal, fiscal, or historical values. The  
 20 retention schedules, once approved, shall be authoritative, shall be directive, and shall have  
 21 the force and effect of law. A retention schedule may be determined by three members of  
 22 the committee. Retention schedules may be amended by the committee on change of  
 23 program mission or legislative changes affecting the records. The Secretary of State shall  
 24 serve as chairperson of the committee and shall schedule meetings of the committee as  
 25 required. Three members shall constitute a quorum. Each agency head has the right of  
 26 appeal to the committee for actions taken under this Code section."

#### 27 **SECTION 25.**

28 Said chapter is further amended by striking Code Section 50-18-93, relating to duties of the  
 29 department, in its entirety and inserting in lieu thereof a new Code Section 50-18-93 to read  
 30 as follows:

31 "50-18-93.

32 It shall be the duty of the ~~department~~ division to:

33 (1) Establish and administer, under the direction of a state records management officer,  
 34 who shall be employed under the rules and regulations of the state merit system, a records  
 35 management program;

1 (2) Develop and issue procedures, rules, and regulations establishing standards for  
 2 efficient and economical management methods relating to the creation, maintenance,  
 3 utilization, retention, preservation, and disposition of records, filing equipment, supplies,  
 4 microfilming of records, and vital records programs;

5 (3) Assist state agencies in implementing records programs by providing consultative  
 6 services in records management, conducting surveys in order to recommend more  
 7 efficient records management practices, and providing training for records management  
 8 personnel; and

9 (4) Operate a records center or centers which shall accept all records transferred to it  
 10 through the operation of approved retention schedules, provide secure storage and  
 11 reference service for the same, and submit written notice to the applicable agency of  
 12 intended destruction of records in accordance with approved retention schedules."

### 13 SECTION 26.

14 Said chapter is further amended by striking Code Section 50-18-94, relating to duties of  
 15 agencies, in its entirety and inserting in lieu thereof a new Code Section 50-18-94 to read as  
 16 follows:

17 "50-18-94.

18 It shall be the duty of each agency to:

19 (1) Cause to be made and preserved records containing adequate and proper  
 20 documentation of the organization, functions, policies, decisions, procedures, and  
 21 essential transactions of the agency and designed to furnish the information necessary to  
 22 protect the legal and financial rights of the government and of persons directly affected  
 23 by the agency's activities;

24 (2) Cooperate fully with the ~~department~~ division in complying with this article;

25 (3) Establish and maintain an active and continuing program for the economical and  
 26 efficient management of records and assist the ~~department~~ division in the conduct of  
 27 records management surveys;

28 (4) Implement records management procedures and regulations issued by the ~~department~~  
 29 division;

30 (5) Submit to the ~~department~~ division, in accordance with the rules and regulations of the  
 31 ~~department~~ division, a recommended retention schedule for each record series in its  
 32 custody, except that schedules for common-type files may be established by the  
 33 ~~department~~ division. No records will be scheduled for permanent retention in an office.  
 34 No records will be scheduled for retention any longer than is absolutely necessary in the  
 35 performance of required functions. Records requiring retention for several years will be

1 transferred to the records center for low-cost storage at the earliest possible date  
2 following creation;

3 (6) Establish necessary safeguards against the removal or loss of records and such further  
4 safeguards as may be required by regulations of the ~~department~~ division. The safeguards  
5 shall include notification to all officials and employees of the agency that no records in  
6 the custody of the agency are to be alienated or destroyed except in accordance with this  
7 article; and

8 (7) Designate an agency records management officer who shall establish and operate a  
9 records management program."

#### 10 **SECTION 27.**

11 Said chapter is further amended by striking subsection (b) of Code Section 50-18-95, relating  
12 to agency heads retaining authority to determine records required by departments, in its  
13 entirety and inserting in lieu thereof a new subsection (b) to read as follows:

14 "(b) Any records designated confidential by law shall be so treated by the ~~department~~  
15 division in the maintenance, storage, and disposition of such confidential records. These  
16 records shall be destroyed in such a manner that they cannot be read, interpreted, or  
17 reconstructed."

#### 18 **SECTION 28.**

19 Said chapter is further amended by striking Code Section 50-18-97, relating to the effect of  
20 the certification of records, in its entirety and inserting in lieu thereof a new Code Section  
21 50-18-97 to read as follows:

22 "50-18-97.

23 The ~~department~~ division may make certified copies under seal of any records or any  
24 preservation duplicates transferred or deposited in the Georgia State Archives or the  
25 records center or may make reproductions of such records. The certified copies or  
26 reproductions, when signed by the director of the ~~department~~ division, shall have the same  
27 force and effect as if made by the agency from which the records were received. The  
28 ~~department~~ division may establish and charge reasonable fees for such services."

#### 29 **SECTION 29.**

30 Said chapter is further amended by striking subsection (a) of Code Section 50-18-98, relating  
31 to title to records, in its entirety and inserting in lieu thereof a new subsection (a) to read as  
32 follows:

33 "(a) Title to any record transferred to the Georgia State Archives as authorized by this  
34 article shall be vested in the ~~department~~ division. The ~~department~~ division shall not destroy

1 any record transferred to it by an agency without consulting with the proper official of the  
 2 transferring agency prior to submitting a retention schedule requesting such destruction to  
 3 the State Records Committee. Access to records of constitutional officers shall be at the  
 4 discretion of the constitutional officer who created, received, or maintained the records, but  
 5 no limitation on access to such records shall extend more than 25 years after creation of the  
 6 records."

### 7 SECTION 30.

8 Said chapter is further amended by striking subsection (f) of Code Section 50-18-99, relating  
 9 to records management programs for local governments, in its entirety and inserting in lieu  
 10 thereof a new subsection (f) to read as follows:

11 "(f) The Secretary of State, through the ~~department~~ division, shall coordinate all records  
 12 management matters for purposes of this Code section. The ~~department~~ division shall  
 13 provide local governments with a list of common types of records maintained together with  
 14 recommended retention periods and shall provide training and assistance as required. The  
 15 ~~department~~ division shall advise local governments of records of historical value which  
 16 may be deposited in the state archives. All other records shall be maintained by the local  
 17 government."

### 18 SECTION 31.

19 Said chapter is further amended by striking subsection (d) of Code Section 50-18-100,  
 20 relating to lifting restrictions on access to confidential, classified, or restricted records after  
 21 75 years, in its entirety and inserting in lieu thereof new subsections (d) and (e) to read as  
 22 follows:

23 "(d) Applications requesting that the State Records Committee review and consider lifting  
 24 such restrictions may be made either by the director of the ~~department~~ division or by the  
 25 head of the agency that transferred the record to the archives.

26 (e) Notwithstanding any other provisions of this Code to the contrary, a date of birth or  
 27 maiden name contained in genealogical research notes, papers, records, and publications  
 28 donated to or acquired by the division shall be open to any qualified researcher."

### 29 SECTION 32.

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