House Bill 487 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Buckner of the 95th, Randall of the 127th, Crawford of the 129th, Coleman of the 142nd, Barnes of the 97th and others

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

SECTION 2.

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

"12-10-21.

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

SECTION 3.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking subsection (a) of Code Section 15-9-43, relating to preservation of newspapers, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The issues of the newspapers preserved as required in paragraph (9) of Code Section 15-9-37 shall be bound, microfilmed, photostated, or photographed; and such newspapers, microfilm, photographs, or photostatic copies shall be maintained within the county courthouse for a period of not less than 50 years, after which time the newspapers, microfilm, photographs, or other photostatic copies may be donated to a library or historical society, with the concurrence of the director of the ~~Department~~ Division of Archives and History, in the discretion of the judge of the probate court."

SECTION 4.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by striking paragraph (3) of subsection (k) of Code Section 16-14-7, relating to forfeiture proceedings, in its entirety and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) Transfer to the ~~Department~~ Division of Archives and History of property useful for historical or instructional purposes;"

SECTION 5.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking subsection (a) of Code Section 17-5-53, relating to disposition of devices with historical or instructional value, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) After a forfeiture of a device used in a crime, in the event the director of the ~~Department~~ Division of Archives and History or the commissioner of public safety, in that order or priority, shall desire to receive and retain a device described in Code Section 17-5-51 for historical or instructional purposes of his or her division or department and gives written notice thereof to the sheriff, either prior to the sheriff´s advertisement of the device for sale or within ten days thereafter, the sheriff shall forthwith deliver the device to the requesting division or department which shall retain the device for such purposes. A device delivered to either the division or the department in accordance with this Code section shall become the property of the state."

SECTION 6.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by striking subsection (k) of Code Section 20-5-2, relating to powers and duties of the board of regents and director of University of Georgia Libraries, in its entirety and inserting in lieu thereof a new subsection (k) to read as follows:

"(k) The director of the University of Georgia Libraries may transfer books and other library holdings to the ~~Department~~ Division of Archives and History, the Board of Regents of the University System of Georgia, the State Law Library, or other public libraries. Books and other library holdings which are obsolete, defective, worn out, or surplus, or otherwise in the discretion of the director of the University of Georgia Libraries are not required, may be sold, destroyed, or otherwise disposed of by the director of the University of Georgia Libraries, without the need to comply with the provisions of Article 5 of Chapter 13 of Title 45 relating to the disposition of surplus state books."

SECTION 7.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking subsection (e) of Code Section 36-36-3, relating to report identifying annexed property, in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

"(e) The Department of Community Affairs shall maintain the annexation reports submitted to it pursuant to this Code section for two years. Annexation reports shall be subject to disclosure and inspection under Article 4 of Chapter 18 of Title 50 while maintained in the possession of the Department of Community Affairs. Two years after receipt of an annexation report from a municipality, the Department of Community Affairs shall transfer possession of such report to the ~~Department~~ Division of Archives and History for permanent retention."

SECTION 8.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by striking Code Section 45-6-12, relating to duty of incumbent to deliver office property to successor, in its entirety and inserting in lieu thereof a new Code Section 45-6-12 to read as follows:

"45-6-12.

The director of the ~~Department~~ Division of Archives and History, or his or her designee, is authorized to act as agent for any public officer or his or her successor in office, or in those cases where the office is abolished or no successor is appointed or elected, to recover books, papers, and other office property in the manner provided in Code Sections 45-6-10

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

SECTION 9.

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

"45-13-40.

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

SECTION 10.

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

"45-13-41.

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

(1) Ensure the retention and preservation of the records of any state or local agency with historical and research value by providing for the application of modern and efficient methods to the creation, utilization, maintenance, retention, preservation, and disposal of records;

(2) Provide an archival and records´ depository in which to assemble and maintain the official archives and other inactive records of the state not in current and common use;

(3) Collect from the files of old newspapers, court records, church records, private collections, and other sources data of all kinds bearing upon the history of the state;

(4) Secure from private individuals, either by loan or gift, rare volumes, manuscripts, documents, and pamphlets for the use of this ~~department~~ division;

(5) Obtain, either by loan or gift, historical trophies, souvenirs, and relics;

(6) Classify, edit, annotate, and publish from time to time such records as may be deemed expedient and proper, including messages of Governors, executive orders, state papers, and military rosters of the Revolutionary, Indian, Mexican, Civil, and European wars;

(7) Diffuse knowledge in regard to the state´s history;

(8) Prepare biennially an official register giving the latest information of an official character in regard to the state, including a full list of state officers, legislators, judges,

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

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

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

(11) Assist in the observance of patriotic occasions;

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

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

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

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

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

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

(16) Encourage the study of historical documents including but not limited to those which reflect our National Motto, the Declaration of Independence, the Ten Commandments, the Constitution of the United States and such other nationally recognized documents which contributed to the history of the State of Georgia.″

SECTION 11.

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

″45-13-42.

It shall be the duty of the ~~department~~ division to study, consider, accumulate, compile, assemble, and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of Georgia and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, state, and federal governments, and agencies of these governments, and with such congressional committees that may be concerned with Indian affairs, in order to encourage and implement coordination of applicable resources to meet the needs of Indians in Georgia; to cooperate with and secure the assistance of the local, state, and federal governments, or any agencies thereof, in formulating any such programs and to coordinate such programs

with any programs regarding Indian affairs adopted or planned by the federal government, to the end that the ~~department~~ division secures the full benefit of such programs; to review all proposed or pending state legislation and amendments to existing state legislation affecting Indians in Georgia; to conduct public hearings on matters relating to Indian affairs; to subpoena any information or documents deemed necessary by the ~~department~~ division; to study the existing status of recognition of all Indian groups, tribes, and communities presently existing in the state; to establish appropriate procedures to provide for legal recognition by the state of presently unrecognized groups and to initiate procedures for their recognition by the federal government; to expend funds in compliance with state regulations; to make legislative recommendations; and to make and publish reports of findings and recommendations."

SECTION 12.

Said title is further amended by striking Code Section 45-13-43, relating to preservation and fostering of Indian culture and heritage, in its entirety and inserting in lieu thereof a new Code Section 45-13-43 to read as follows:

"45-13-43.

A further purpose of the ~~department~~ division shall be to preserve and foster the culture and heritage of Indians and Indian descendents in this state and to be the agency to deal with specific federal programs which are required to be dealt with only by an Indian agency or organization. It is not the purpose of the ~~department~~ division to deal with programs already administered by other agencies."

SECTION 13.

Said title is further amended by striking Code Section 45-13-44, relating to appointment of director of department, in its entirety and inserting in lieu thereof a new Code Section 45-13-44 to read as follows:

"45-13-44.

The ~~department~~ division shall be under the immediate management and control of a director who shall be appointed by and serve at the pleasure of the Secretary of State. Such director shall take an oath of office as other public officials are required to do and shall be commissioned in like manner. Such director shall devote such director´s time to the work of the ~~department~~ division, using such director´s best efforts to develop and build it up so as to carry out the design of its creation, and shall receive for such director´s services a salary to be fixed by the Secretary of State. Such director shall have control and direction of the various activities of the ~~department~~ division, preserve its collections, care for the

official archives which may come into its custody, and perform all of the duties enumerated in Code Section 45-13-41."

SECTION 14.

Said title is further amended by striking Code Section 45-13-45, relating to the powers of the Secretary of State with regard to management of department generally, in its entirety and inserting in lieu thereof a new Code Section 45-13-45 to read as follows:

"45-13-45.

(a) The Secretary of State is authorized to adopt rules for the government of the ~~department~~ division; to appoint a director and to provide for the selection or appointment of such other officials or employees as may be authorized; to provide for the publication, under the supervision of the director, of historical material pertaining to the state; to control and expend such appropriations as may be made for the maintenance of the ~~Department~~ Division of Archives and History; and to do such other acts and things as may be necessary to carry out the true intent and purpose of this article.

(b) The Secretary of State is authorized to designate and establish, as a branch depository of the ~~Department~~ Division of Archives and History, facilities occupied by any nonprofit historical association organized for the purpose of collecting, preserving, and diffusing information relating to the history of Georgia, which association has been in continuous existence for a period of at least 100 years; provided, however, that no such designation and establishment of a branch depository shall be made unless the Secretary of State shall obtain the prior written approval of the historical association involved and unless the funds are made available to the Secretary of State for the specific purpose of supporting such branch depository. The Secretary of State may expend such funds as are necessary or desirable for the maintenance and operation of any such facilities and for the preservation and safeguarding of the contents thereof and for the employment of such persons as are necessary or desirable for the accomplishment of same. The Secretary of State may enter into such contractual arrangements as he or she deems to be in the public interest for acquiring the title to or loan of any historical records for use in such branch depository or any other depository of the ~~Department~~ Division of Archives and History. Such branch depository shall be under the immediate management and control of the Secretary of State. The Secretary of State may abolish such branch depository at any time."

SECTION 15.

Said title is further amended by striking Code Section 45-13-46, relating to surrender of materials to department for preservation, in its entirety and inserting in lieu thereof a new Code Section 45-13-46 to read as follows:

"45-13-46.

Any state, county, or other official is authorized, in his or her discretion, to turn over for permanent preservation in the ~~Department~~ Division of Archives and History any official books, records, documents, original papers, manuscript files, newspaper files, portraits, and printed volumes not in current use in his or her office. The Secretary of State shall provide for the preservation of said materials; and, when so surrendered, copies thereof shall be made and certified by the director upon the application of any person interested, which certification shall have the same force and effect as if made by the officers originally in custody of them and for which the same fees shall be charged."

SECTION 16.

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

"45-13-49.

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

SECTION 17.

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

"45-13-50.

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

SECTION 18.

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

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

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

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

"(c) The purpose of the board shall be to advise the Secretary of State and the ~~Department~~ Division of Archives and History; to serve as the state advisory body required by federal granting agencies; and to encourage cooperative efforts to improve the condition of Georgia´s historical records."

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

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

SECTION 19.

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

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

SECTION 20.

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

"45-13-83.

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

(b) If any surplus printed material is determined to have archival value as provided by subsection (a) of this Code section, the Secretary of State is authorized to direct the state agency which submitted the inventory to release such printed material to the ~~Department~~ Division of Archives and History. The Secretary of State shall make or cause to be made a notation on the inventory for each item of surplus printed material released to the

~~Department~~ Division of Archives and History; and a copy of such inventory, signed by the Secretary of State or his or her designee, containing the notations thereon shall be transmitted to the originating state agency. The state agency submitting the inventory shall be authorized to deliver surplus printed material having archival value to the ~~Department~~ Division of Archives and History if the state agency has transportation available for such purpose. If the state agency does not have transportation available for such purpose, the ~~Department~~ Division of Archives and History shall provide for the transportation of surplus printed material having archival value."

SECTION 21.

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

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

SECTION 22.

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

"50-11-9.

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

SECTION 23.

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

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

(4) 'Georgia State Archives' means an establishment maintained by the ~~department~~ division for the preservation of those records and other papers that have been determined by the ~~department~~ division to have sufficient historical and other value to warrant their continued preservation by the state and that have been accepted by the ~~department~~ division for deposit in its custody.″

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

SECTION 24.

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

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

SECTION 25.

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

″50-18-93.

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

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

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

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

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

SECTION 26.

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

″50-18-94.

It shall be the duty of each agency to:

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

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

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

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

(5) Submit to the ~~department~~ division, in accordance with the rules and regulations of the ~~department~~ division, a recommended retention schedule for each record series in its custody, except that schedules for common-type files may be established by the

~~department~~ division. No records will be scheduled for permanent retention in an office. No records will be scheduled for retention any longer than is absolutely necessary in the performance of required functions. Records requiring retention for several years will be transferred to the records center for low-cost storage at the earliest possible date following creation;

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

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

SECTION 27.

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

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

SECTION 28.

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

″50-18-97.

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

SECTION 29.

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

"(a) Title to any record transferred to the Georgia State Archives as authorized by this article shall be vested in the ~~department~~ division. The ~~department~~ division shall not destroy any record transferred to it by an agency without consulting with the proper official of the transferring agency prior to submitting a retention schedule requesting such destruction to the State Records Committee. Access to records of constitutional officers shall be at the discretion of the constitutional officer who created, received, or maintained the records, but no limitation on access to such records shall extend more than 25 years after creation of the records."

SECTION 30.

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

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

SECTION 31.

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

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

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

SECTION 32.

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