Senate Bill 210

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

AS PASSED

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"(c) The Secretary of State is authorized to designate and establish, as a branch depository of the Division of Archives and History for the storage and retention of permanent records, temporary records, or security backup media in any format, facilities occupied by any government agency; 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 government agency involved. Records in the custody of such depositories shall be subject to the same laws, standards, and policies as any records in the physical custody of the Division of Archives and History including, but not limited to, Code Section 50-18-98. The Secretary of State may expend such funds as are necessary or desirable for the maintenance and operation of any such facilities; for the preservation and safeguarding of the contents thereof; and for the employment of such persons as are necessary and desirable for the accomplishment of such maintenance, operation, preservation, and safeguarding. Such depositories may be operated on a cost recovery basis. The Secretary of State may enter into such contractual arrangements as he or she deems to be in the public

interest for creating and operating such branch depositories. The records or digital content maintained in such branch depositories shall be under the immediate management and control of the Division of Archives and History. The Secretary of State may abolish such branch depository at any time."

SECTION 2.

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

"45-13-46.

(a) Any state, county, or other official is authorized, in his or her discretion, to turn over for permanent preservation in the 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. Any record created or received by a state agency, constitutional officer, or Speaker of the House of Representatives in the performance of a public duty or paid for by public funds and certified by the director of the Division of Archives and History as necessary to document the history, organization, functions, policies, decisions, and procedures of the agency or office shall be placed for permanent preservation in the Division of Archives and History when no longer in current use by the agency or officer. 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.

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

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

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

SECTION 3.

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