HLS 12RS-1088 **ORIGINAL**

Regular Session, 2012

HOUSE BILL NO. 712

BY REPRESENTATIVE ST. GERMAIN

PUBLIC RECORDS: Provides relative to retention of public records

1	AN ACT
2	To enact R.S. 44:411(A)(5), relative public records; to provide authority to the secretary of
3	state to survey agency heads relative to the location of public records in their
4	custody; to provide requirements; to provide for implementation; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 44:411(A)(5) is hereby enacted to read as follows:
8	§411. Selective retention of records; actions for recovery of records
9	A. The secretary, acting through the state archivist, shall establish standards
10	for the selective retention of records of continuing value, and monitor state and local
11	agencies in the application of such standards to all records in their custody. To
12	facilitate this application:
13	* * *
14	(5) The head of each agency, or his designated records officer, shall
15	complete a survey by June thirtieth of every calendar year ending in an odd number
16	listing, for each physical location, where media or records of the agency are stored
17	the physical address and type of media or records at each location; and, if the records
18	are not stored on the agency's premises, the vendor and contact information for the
19	vendor including an agent name, phone number, and email address of each place

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1 where the agency's records are stored. The survey shall be completed on a form 2 provided by the secretary of state's office. 3 4 Section 2. The survey form required by this Act shall be created by the secretary of state's office and distributed to all agency heads no later ninety days prior to June 30, 2013. 5 6 The first survey of each agency under the provisions of this Act shall be completed and 7 submitted to the secretary of state's office by June 30, 2013. All subsequent surveys shall 8 be completed pursuant to the provisions of this Act. 9 Section 3. This Act shall become effective upon signature by the governor or, if not 10 signed by the governor, upon expiration of the time for bills to become law without signature 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become

DIGEST

effective on the day following such approval.

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

St. Germain HB No. 712

Abstract: Requires agency heads or their designee to complete a survey from the secretary of state every two years listing each physical location and type of record stored by the agency, as well as contact information for the off-site vendor if the record is not stored on the agency's premises.

<u>Present law</u> (R.S. 44:36) provides for retention schedules for public records of agencies. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> (R.S. 44:411) requires the state archivist to monitor the retention of records deemed to have continuing value. To facilitate this requirement, <u>proposed law</u> requires each agency head, or designated records officer, to complete a survey every two years listing the physical location and the type of records stored at each location. If records are stored with off-site vendors, <u>proposed law</u> requires the name of the vendor and certain contact information for the vendor be included on the survey response.

Further provides for the implementation of <u>proposed law</u>. The first survey to be completed under <u>proposed law</u> is to be returned to the secretary of state's office by June 30, 2013. The forms for the survey are to be created by the secretary of state's office and submitted to each agency head no later than 90 days prior to the required return date.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 44:411(A)(5))

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.