

Regular Session, 2011

HOUSE BILL NO. 73

BY REPRESENTATIVE SMILEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS: Permits state agencies to store records electronically

1 AN ACT

2 To amend and reenact R.S. 44:39(A)(2), relative to microfilm and electronic digitized
3 records; to eliminate the maintenance of an original source document or microfilm
4 of such source document; to accept electronic digitized records as a method of record
5 preservation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:39(A)(2) is hereby amended and reenacted to read as follows:

8 §39. Microfilm and electronic digitized records; use as evidence

9 A.

10 * * *

11 ~~(2)(a) However, when electronic digitizing is utilized, the original source~~
12 ~~document or microfilm of such source document shall be maintained until such time~~
13 ~~as electronic digitizing is recognized as an acceptable means of records preservation.~~

14 ~~(b) Notwithstanding the provisions of this Subsection, the agencies and~~
15 ~~entities set forth in this Subparagraph~~ Electronic digitization of public records is
16 recognized as an acceptable means of preservation of public records. State agencies
17 shall not be required to maintain the original source document or microfilm thereof
18 when such document has been preserved utilizing electronic digitizing pursuant to
19 written operating standards providing for retention and back-up schedules in

1 accordance with recognized computer operating practices which at a minimum
2 provide the technical equivalent of back-up copies;

3 ~~(i) Public safety services within the Department of Public Safety and~~
4 ~~Corrections.~~

5 ~~(ii) All public retirement systems, plans, and funds.~~

6 ~~(iii) Any further exceptions to the provision to maintain original source~~
7 ~~documents or microfilm thereof under this Subsection must be approved in writing~~
8 ~~by the state archivist.~~

9 * * *

DIGEST

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)]

Smiley

HB No. 73

Abstract: Provides for state agencies to use electronic digitization of public records as the sole source of preservation of such records.

Present law provides that when electronic digitizing is utilized, the original source document or microfilm of such source document shall be maintained until such time as electronic digitizing is recognized as an acceptable means of records preservation.

Proposed law deletes present law.

Present law requires certain state agencies to maintain the original source document or microfilm thereof when such document has been preserved utilizing electronic digitizing pursuant to written operating standards, which at a minimum provide the technical equivalent of back-up copies. Further provides that any further exceptions to maintain original source documents or microfilm must be approved in writing by the state archivist.

Proposed law provides for recognition of electronic digitization of public records as an acceptable means of preservation of public records. Proposed law further provides that all state agencies shall not be required to maintain the original source document or microfilm thereof when such document has been preserved utilizing electronic digitizing pursuant to written operating standards providing for retention and back-up schedules in accordance with recognized computer operating practices, which at a minimum provide the technical equivalent of back-up copies.

(Amends R.S. 44:39(A)(2))