

By: Perkins

To: County Affairs

HOUSE BILL NO. 1517

1 AN ACT TO AMEND SECTION 19-15-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE SAFEKEEPING AND PRESERVATION OF RECORDS IN
3 CHANCERY AND CIRCUIT CLERK OFFICES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 19-15-1, Mississippi Code of 1972, is
6 amended as follows:[HS1]

7 **[With respect to those counties which have exempted**
8 **themselves from the provisions of Section 25-60-1, this section**
9 **shall read as follows:]**

10 19-15-1. The Legislature declares that records containing
11 information essential to the operation of government and to the
12 protection of the rights and interests of persons should be
13 protected against the destructive effect of all forms of disaster
14 whether fire, flood, storm, earthquake, explosion or other
15 disaster, and whether such occurrence is caused by an act of
16 nature or man, including an enemy of the United States. It is,
17 therefore, necessary to adopt special provisions for the
18 preservation of essential records of counties, and this section
19 shall be liberally construed to effect its purposes. However, it
20 is the express intention of this section that the provisions
21 herein contained are not mandatory but are permissive only and
22 shall authorize preservation of records as herein contemplated
23 within the discretion of the governing authorities of the counties
24 of the state.

25 The board of supervisors of any county is hereby authorized
26 and empowered in its discretion to preserve essential records or

27 any portion thereof, of such county, deemed by the board of
28 supervisors to be an essential record necessary to the operation
29 of government in an emergency created by disaster or containing
30 information necessary to protect the rights and interests of
31 persons or to establish and affirm the powers and duties of
32 governments in the resumption of operations after the destruction
33 or damage of the original records.

34 The board of supervisors of any such county is authorized and
35 empowered in its discretion to make and enter into contracts and
36 agreements with any person, firm or corporation to make and
37 prepare such copies or duplicates of records, and to provide for
38 and enter into contracts concerning the safekeeping and
39 preservation of such copies or duplicates at points of storage at
40 a location within the state other than the legally designated or
41 customary location and depository of the original of such records.
42 This shall include the chancery clerk's office and the circuit
43 clerk's office and the records in such offices.

44 In the event that the original record or records shall have
45 been destroyed, any such copy or reproduction shall be deemed to
46 be an original record for all purposes and shall be treated as an
47 original record in all courts or administrative agencies for the
48 purpose of its admissibility in evidence. An enlargement or
49 facsimile of such reproduction is likewise admissible in evidence
50 if the original reproduction is in existence and available for
51 inspection under direction of court.

52 The board of supervisors of any such county is authorized and
53 empowered, in its discretion, to appropriate and expend monies out
54 of the available funds of such county for the purposes of this
55 section.

56 **[With respect to those counties which have not exempted**
57 **themselves from the provisions of Section 25-60-1, this section**
58 **shall read as follows:]**

59 19-15-1. The Legislature declares that records containing
60 information essential to the operation of government and to the
61 protection of the rights and interests of persons should be
62 protected against the destructive effect of all forms of disaster
63 whether fire, flood, storm, earthquake, explosion or other

64 disaster, and whether such occurrence is caused by an act of
65 nature or man, including an enemy of the United States. It is,
66 therefore, necessary to adopt special provisions for the
67 preservation of essential records of counties, and this section
68 shall be liberally construed to effect its purposes. However, it
69 is the express intention of this section that the provisions
70 herein contained are not mandatory but are permissive only and
71 shall authorize preservation of records as herein contemplated
72 within the discretion of the governing authorities of the counties
73 of the state and in accordance with a records control schedule
74 approved by the Local Government Records Committee as provided in
75 Section 25-60-1.

76 The board of supervisors of any county is hereby authorized
77 and empowered in its discretion to preserve essential records or
78 any portion thereof, of such county, deemed by the board of
79 supervisors to be an essential record necessary to the operation
80 of government in an emergency created by disaster or containing
81 information necessary to protect the rights and interests of
82 persons or to establish and affirm the powers and duties of
83 governments in the resumption of operations after the destruction
84 or damage of the original records.

85 The board of supervisors of any such county is authorized and
86 empowered in its discretion to make and enter into contracts and
87 agreements with any person, firm or corporation to make and
88 prepare such copies or duplicates of records, and, subject to the
89 standards established by the Department of Archives and History,
90 to provide for and enter into contracts concerning the safekeeping
91 and preservation of such copies or duplicates at points of storage
92 at a location approved by the Local Government Records Committee.
93 This shall include the chancery clerk's office and the circuit
94 clerk's office and the records in such office.

95 In the event that the original record or records shall have
96 been destroyed, any such copy or reproduction shall be deemed to

97 be an original record for all purposes and shall be treated as an
98 original record in all courts or administrative agencies for the
99 purpose of its admissibility in evidence. An enlargement or
100 facsimile of such reproduction is likewise admissible in evidence
101 if the original reproduction is in existence and available for
102 inspection under direction of court.

103 The board of supervisors of any such county is authorized and
104 empowered, in its discretion, to appropriate and expend monies out
105 of the available funds of such county for the purposes of this
106 section.

107 SECTION 2. This act shall take effect and be in force from
108 and after July 1, 2000.