

By: Representative Clarke

To: County Affairs;  
Appropriations

HOUSE BILL NO. 489

1 AN ACT TO AMEND SECTION 25-60-1, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE THE LOCAL GOVERNMENT RECORDS COMMITTEE TO CONDUCT A  
 3 FEASIBILITY STUDY ON THE POSSIBILITY OF WAIVING THE RETENTION  
 4 SCHEDULES FOR COUNTY HISTORICAL RECORDS AND FILES THAT HAVE  
 5 ENDURED IRREVERSIBLE DETERIORATION; TO REQUIRE THE LOCAL  
 6 GOVERNMENT RECORDS COMMITTEE TO RESEARCH AND STUDY DATA ANALYSIS  
 7 AND FUTURE FUNDING INITIATIVES ON THE ESTABLISHMENT OF A CLIMATE  
 8 CONTROLLED STATE-OF-THE-ART STORAGE AND RETENTION REPOSITORY TO  
 9 HOUSE CERTAIN COUNTY RECORDS; TO BRING FORWARD SECTIONS 25-60-3,  
 10 19-15-1, 19-15-3, 19-15-5 AND 39-5-9, MISSISSIPPI CODE OF 1972,  
 11 FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 25-60-1, Mississippi Code of 1972, is  
 14 amended as follows:

15 25-60-1. There is hereby created the Local Government  
 16 Records Committee. The committee shall be composed of the  
 17 following members: the Attorney General, or his designee; the  
 18 Secretary of State, or his designee; the State Auditor of Public  
 19 Accounts, or his designee; the Chairman of the State Tax  
 20 Commission, or his designee; the Director of the State Department  
 21 of Archives and History, or his designee; a representative from  
 22 each of the following organizations, to be designated by the head



23 of each organization for a term of two (2) years with a limit of  
24 not more than two (2) terms: the Family Research Association of  
25 Mississippi, Inc., the Mississippi Association of Supervisors, The  
26 Mississippi Bar, the Mississippi Chancery Clerks' Association, the  
27 Mississippi Circuit Clerks' Association, the Mississippi City  
28 Clerks' Association, the Mississippi Historical Society, the  
29 Mississippi Municipal Association, the Mississippi Sheriffs'  
30 Association, the Mississippi Superintendents of Education  
31 Association, the Mississippi Tax Assessors' Association and the  
32 Mississippi Tax Collectors' Association; and one (1) resident of  
33 this state appointed by the Governor for a term of two (2) years  
34 with a limit of not more than two (2) terms. The Director of the  
35 Department of Archives and History shall be chairman of the  
36 committee. Members of the committee shall receive per diem as  
37 provided in Section 25-3-69, and shall be reimbursed for necessary  
38 expenses and travel as provided in Section 25-3-41.

39 It is the duty of the committee to review, approve,  
40 disapprove, amend or modify records control schedules submitted by  
41 the Local Government Records Office, municipalities, municipal  
42 courts and counties for the disposition of records based on  
43 administrative, legal, fiscal or historical value. When the  
44 Mississippi Supreme Court designates the Department of Archives  
45 and History as the records management agency for courts, it is the  
46 duty of the committee to review, approve, disapprove, amend or  
47 modify records control schedules submitted by justice, county,



48 circuit and chancery courts. Such records control schedules, once  
49 approved, shall be authoritative and directive, and shall have the  
50 force and effect of law.

51 The committee shall also conduct a feasibility study on the  
52 positive and negative aspects of waiving the retention schedules  
53 for county historical records and files that have endured  
54 irreversible deterioration, rendering them unable to be used for  
55 any future purpose. The study shall also include research and  
56 data analysis and future funding initiatives regarding the  
57 establishment of a climate controlled state-of-the-art storage and  
58 retention repository to house historical, present and future  
59 county records.

60 It is the duty of municipalities and counties to cooperate  
61 with the committee in complying with the provisions of this  
62 section.

63 The committee is authorized to promulgate any rules and  
64 regulations necessary to implement the authority granted to it in  
65 this section.

66 **SECTION 2.** Section 25-60-3, Mississippi Code of 1972, is  
67 brought forward as follows:

68 25-60-3. Counties and municipalities are hereby authorized  
69 to establish regional records centers for the storage,  
70 preservation and use of permanently valuable county and municipal  
71 records and of inactive county and municipal records which are  
72 required to be retained for a prescribed period of time but which



73 are not needed to be kept in the creating office. Such regional  
74 records centers may be jointly established and maintained pursuant  
75 to agreements executed under the Interlocal Cooperation Act of  
76 1974. Any center established under this section must either be  
77 certified by the Department of Archives and History as provided  
78 for historical or archival groups or public libraries in Section  
79 25-59-25(2), or be administered by the Department of Archives and  
80 History pursuant to a contract between the department and the  
81 local government which established the center.

82 **SECTION 3.** Section 19-15-1, Mississippi Code of 1972, is  
83 brought forward as follows:

84 19-15-1. The Legislature declares that records containing  
85 information essential to the operation of government and to the  
86 protection of the rights and interests of persons should be  
87 protected against the destructive effect of all forms of disaster  
88 whether fire, flood, storm, earthquake, explosion or other  
89 disaster, and whether such occurrence is caused by an act of  
90 nature or man, including an enemy of the United States. It is,  
91 therefore, necessary to adopt special provisions for the  
92 preservation of essential records of counties, and this section  
93 shall be liberally construed to effect its purposes. However, it  
94 is the express intention of this section that the provisions  
95 herein contained are not mandatory but are permissive only and  
96 shall authorize preservation of records as herein contemplated  
97 within the discretion of the governing authorities of the counties



98 of the state and in accordance with a records control schedule  
99 approved by the Local Government Records Committee as provided in  
100 Section 25-60-1.

101 The board of supervisors of any county is hereby authorized  
102 and empowered in its discretion to preserve essential records, or  
103 any portion thereof, of the county deemed by the board of  
104 supervisors to be an essential record necessary to the operation  
105 of government in an emergency created by disaster or containing  
106 information necessary to protect the rights and interests of  
107 persons or to establish and affirm the powers and duties of  
108 governments in the resumption of operations after the destruction  
109 or damage of the original records.

110 The board of supervisors of any county is authorized and  
111 empowered in its discretion to make and enter into contracts and  
112 agreements with any person, firm or corporation to make and  
113 prepare copies or duplicates of records, and, subject to the  
114 standards established by the Department of Archives and History,  
115 to provide for and enter into contracts concerning the safekeeping  
116 and preservation of copies or duplicates at points of storage at a  
117 location approved by the Local Government Records Committee.

118 In the event that the original record or records shall have  
119 been destroyed, the copy or reproduction shall be deemed to be an  
120 original record for all purposes and shall be treated as an  
121 original record in all courts or administrative agencies for the  
122 purpose of its admissibility in evidence. An enlargement or



123 facsimile of a reproduction is likewise admissible in evidence if  
124 the original reproduction is in existence and available for  
125 inspection under direction of court.

126 The board of supervisors of any such county is authorized and  
127 empowered, in its discretion, to appropriate and expend monies out  
128 of the available funds of the county for the purposes of this  
129 section.

130 **SECTION 4.** Section 19-15-3, Mississippi Code of 1972, is  
131 brought forward as follows:

132 19-15-3. Whenever any county records, documents, files or  
133 papers whatsoever are required by law to be preserved and  
134 retained, or which are necessary or desirable to be preserved or  
135 retained, the board of supervisors of the county shall have the  
136 power and authority, in its discretion, to destroy or dispose of  
137 any records, documents, files or papers after having reproductions  
138 made thereof as hereinafter provided and in accordance with a  
139 records control schedule approved by the Local Government Records  
140 Committee as provided in Section 25-60-1.

141 Whenever the board of supervisors of any county shall desire  
142 to destroy or dispose of any records, documents, files or papers,  
143 the board shall first cause the same to be reproduced under  
144 standards established by the Department of Archives and History  
145 using microfilm, microfiche, data processing, computers, magnetic  
146 tape, optical discs or other medium. If the county where records  
147 and the like are to be destroyed or disposed of does not have or



148 own the necessary equipment to reproduce same, the board of  
149 supervisors shall be authorized and empowered to enter into a  
150 contract for the reproduction thereof, which contract may be for a  
151 period of not more than twelve (12) months from the date thereof.  
152 The contract shall be awarded to the lowest and best bidder after  
153 the board of supervisors shall have advertised its intentions of  
154 awarding such contract by publication of a notice thereof once  
155 each week for at least three (3) consecutive weeks in some  
156 newspaper published or having a general circulation in such  
157 county.

158         After reproduction of the records and the like shall have  
159 been made, the board of supervisors shall have the power and  
160 authority to destroy and dispose of the originals thereof after  
161 spreading upon its minutes certification that the reproductions  
162 are true and correct copies and disposal is in accordance with a  
163 records control schedule approved by the Local Government Records  
164 Committee as provided in Section 25-60-1; the reproductions shall  
165 thereafter be preserved, retained and stored by the board of  
166 supervisors as a record of the county, and provision shall be made  
167 for preserving, examining and using them. Any reproductions or  
168 copy of any original record or other documents shall be deemed to  
169 be the original record for all purposes and shall be admissible as  
170 evidence in all courts or administrative agencies. A facsimile,  
171 exemplification or certified copy thereof shall, for all purposes



172 set forth herein, be deemed to be a transcript, exemplification or  
173 certified copy of the original record.

174 The board of supervisors of any county is hereby authorized  
175 to pay all expenses incurred in reproducing records and the like  
176 and in making provision for the preservation, retention and  
177 storage of the reproductions from the general fund of the county.

178 When any of the records and the like of which reproductions  
179 are made under the provisions of this section are declared by law  
180 or are by their nature confidential and privileged records, then  
181 the reproduction thereof shall likewise be deemed to be  
182 confidential and privileged to the same extent as the original  
183 records and the like.

184 Nothing herein shall be construed to require the keeping and  
185 preservation of any records and documents which are not required  
186 by law or a records control schedule to be kept and preserved, or  
187 which it is not desirable or necessary to keep and preserve, and  
188 in all cases where records and the like are authorized by law to  
189 be destroyed or disposed of, they may be disposed of as authorized  
190 by a records control schedule approved by the Local Government  
191 Records Committee as provided in Section 25-60-1.

192 **SECTION 5.** Section 19-15-5, Mississippi Code of 1972, is  
193 brought forward as follows:

194 19-15-5. The board of supervisors of any county is  
195 authorized and empowered, in its discretion, to purchase all the  
196 necessary equipment and supplies needed for the electronic storage





197 of documents out of the general fund of said county. Before  
198 purchasing such equipment advertisement shall be made, as required  
199 by law for letting of bids, and the board shall purchase the  
200 equipment from the lowest and best bidder on the type machine  
201 desired to be purchased.

202 **SECTION 6.** Section 39-5-9, Mississippi Code of 1972, is  
203 brought forward as follows:

204 39-5-9. A Local Government Records Office is established  
205 within the Department of Archives and History. The office shall  
206 begin operation when sufficient funds therefor have accumulated in  
207 the Local Government Records Management Fund established in  
208 Section 25-60-5. The office shall have the following powers and  
209 duties as well as any others which are prescribed by law elsewhere  
210 or assigned to the office by the director of the department:

211 (a) Provide and coordinate education and training for  
212 counties and municipalities on records management issues.

213 (b) Establish records management standards to guide  
214 counties and municipalities, such standards to include, but not be  
215 limited to, guidelines for microfilm production and storage,  
216 electronic records security and migration, records preservation,  
217 imaging and records storage.

218 (c) Prepare records control schedules for adoption or  
219 amendment by the Local Government Records Committee established in  
220 Section 25-60-1. In the preparation of the schedules and



221 amendments thereto, the office shall seek input from interested  
222 citizens and organizations.

223 (d) Establish standards for records storage areas of  
224 local governmental bodies, such standards to include, but not be  
225 limited to, guidelines for the selection of an off-site storage  
226 facility for records of enduring or archival value.

227 **SECTION 7.** This act shall take effect and be in force from  
228 and after July 1, 2018.

