

By: Representative Warren

To: County Affairs;
Municipalities

HOUSE BILL NO. 587

1 AN ACT TO AMEND SECTION 25-60-1, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL ON THE CREATION OF THE LOCAL
3 GOVERNMENT RECORDS COMMITTEE; TO AMEND SECTION 25-60-3,
4 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE
5 AUTHORITY OF COUNTIES AND MUNICIPALITIES TO ESTABLISH REGIONAL
6 RECORDS CENTERS; TO AMEND SECTION 25-60-5, MISSISSIPPI CODE OF
7 1972, TO EXTEND THE DATE OF REPEAL ON THE AUTHORITY TO COLLECT A
8 DOCUMENT FILING FEE; AND FOR RELATED PURPOSES.

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

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

12 25-60-1. There is hereby created the local Government
13 Records Committee. The committee shall be composed of the
14 following members: the Attorney General, or his designee; the
15 Secretary of State, or his designee; the State Auditor of Public
16 Accounts, or his designee; the Chairman of the State Tax
17 Commission, or his designee; the Director of the State Department
18 of Archives and History, or his designee; a representative from
19 each of the following organizations, to be designated by the head
20 of each organization for a term of two (2) years with a limit of
21 not more than two (2) terms: the Family Research Association of
22 Mississippi, Inc., the Mississippi Association of Supervisors, The
23 Mississippi Bar, the Mississippi Chancery Clerks' Association, the
24 Mississippi Circuit Clerks' Association, the Mississippi City
25 Clerks' Association, the Mississippi Historical Society, the
26 Mississippi Municipal Association, the Mississippi Sheriffs'
27 Association, the Mississippi Superintendents of Education
28 Association, the Mississippi Tax Assessors' Association and the
29 Mississippi Tax Collectors' Association; and one (1) resident of
30 this state appointed by the Governor for a term of two (2) years

31 with a limit of not more than two (2) terms. The Director of the
32 Department of Archives and History shall be chairman of the
33 committee. Members of the committee shall receive per diem as
34 provided in Section 25-3-69, and shall be reimbursed for necessary
35 expenses and travel as provided in Section 25-3-41.

36 It is the duty of the committee to review, approve,
37 disapprove, amend or modify records control schedules submitted by
38 municipalities, municipal courts and participating counties for
39 the disposition of records based on administrative, legal, fiscal
40 or historical value. When the Mississippi Supreme Court
41 designates the Department of Archives and History as the records
42 management agency for courts, it is the duty of the committee to
43 review, approve, disapprove, amend or modify records control
44 schedules submitted by justice, county, circuit and chancery
45 courts in participating counties. Such records control schedules,
46 once approved, shall be authoritative and directive, and shall
47 have the force and effect of law.

48 It is the duty of municipalities and participating counties
49 to cooperate with the committee in complying with the provisions
50 of this section. Each municipality and participating county shall
51 establish and maintain an active and continuing program for the
52 management of its records and shall submit to the committee
53 recommended retention schedules for records in its custody.

54 Any county may, by resolution spread upon the minutes of the
55 board of supervisors, exempt itself from the requirements imposed
56 by this section.

57 The committee is authorized to promulgate any rules and
58 regulations necessary to implement the authority granted to it in
59 this section.

60 This section shall be repealed on July 1, 2008.

61 **SECTION 2.** Section 25-60-3, Mississippi Code of 1972, is
62 amended as follows:

63 25-60-3. Counties and municipalities are hereby authorized
64 to establish regional records centers for the storage,
65 preservation and use of permanently valuable county and municipal
66 records and of inactive county and municipal records which are
67 required to be retained for a prescribed period of time but which
68 are not needed to be kept in the creating office. Such regional
69 records centers may be jointly established and maintained pursuant
70 to agreements executed under the Interlocal Cooperation Act of
71 1974. Any center established under this section must either be
72 certified by the Department of Archives and History as provided
73 for historical or archival groups or public libraries * * *, or be
74 administered by the Department of Archives and History pursuant to
75 a contract between the department and the local government which
76 established the center.

77 This section shall be repealed on July 1, 2008.

78 **SECTION 3.** Section 25-60-5, Mississippi Code of 1972, is
79 amended as follows:

80 25-60-5. (1) Except as provided in subsection (2) of this
81 section, any county or municipal official or employee who accepts
82 documents for filing as public records shall, in addition to any
83 other fee provided elsewhere by law, collect a fee of One Dollar
84 (\$1.00) for each document so filed. In municipalities and
85 participating counties that collect Three Hundred Dollars
86 (\$300.00) or more per month from the filing fee, the official or
87 employee collecting the fee shall, on or before the last day of
88 each month, deposit the avails of Fifty Cents (50¢) of the fee
89 into the general fund of the county or municipality, as
90 appropriate, and remit the remainder to the State Treasurer who
91 shall deposit it to the credit of a statewide local government
92 records management fund which is hereby created in the State
93 Treasury. In municipalities and participating counties that
94 collect less than Three Hundred Dollars (\$300.00) per month from
95 the filing fee, the avails of Fifty Cents (50¢) of the fee shall

96 be remitted to the State Treasurer on a quarterly basis for
97 deposit as provided in the previous sentence. Any monies
98 remaining in such fund at the end of a fiscal year shall not lapse
99 into the General Fund of the State Treasury. Counties and
100 municipalities shall expend monies derived from the fee
101 hereinabove imposed solely to support proper management of their
102 official records in accordance with records management standards
103 established by the Department of Archives and History. Monies in
104 the Local Government Records Management Fund shall be expended by
105 the Department of Archives and History, pursuant to legislative
106 appropriation, to support the Local Government Records Office of
107 the department and to support a local records management grant
108 program as funds permit.

109 (2) The fee provided in subsection (1) of this section shall
110 not be collected in any county until the board of supervisors, by
111 resolution spread upon its minutes, determines that it will
112 collect the fee.

113 (3) Each municipality and participating county may collect
114 the filing fee provided for in this section on filings in any
115 court subject to their respective jurisdiction.

116 (4) This section shall be repealed on July 1, 2008.

117 **SECTION 4.** This act shall take effect and be in force from
118 and after July 1, 2006.