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STATE OF NEVADA
 DEPARTMENT OF CULTURAL AFFAIRS
 NEVADA STATE LIBRARY AND ARCHIVES

100 N. Stewart Street

Carson City, Nevada 89701

(775) 684-3313 • Fax (775) 684-3311 • TDD (775) 687-8338

KENNY C. GUINN
 Governor

SARA F. JONES
 Division Administrator

SCOTT K. SISCO
 Interim Director

AB260 Assembly Government Affairs- March 18, 2003

The Department of Cultural Affairs is opposed to AB260. To ensure accessibility of public records, State agencies would have to guarantee the ability to migrate data, applications and operating systems in order to access data for what could be permanent preservation of documents and/or to meet records retention requirements of up to 85 years. While confident in the State's ability to provide long-term access to public records through current NRS 239 (microfilm or paper for long term preservation), agencies cannot make the same guarantee for machine readable formats with the language suggested in this bill. This change of statute would include considerable long-term financial obligations to which many agencies could not commit. Agencies have no way of assuring their funding or, for that matter, their program's continued existence, which would be necessary to comply with such a long-term commitment.

As a result of the discussion surrounding AB 260, the Nevada State Library and Archives has reviewed existing policies and procedures and determined two ways within existing statutes and regulations that will allow for increased use of developing technologies.

- 1. Increase the allowance for agencies to maintain non-permanent records in an electronic format from 6 to 10 years.**

Many states have adopted a recent recommendation from NAGARA (National Association of Government Archives and Records Administrators) to define long-term records retention requirements in electronic formats as 10 years and beyond. Nevada had previously been using a 6-year benchmark. We believe the 10-year standard is reasonable and are willing to adopt it.

- 2. Create policies and procedures to provide a process whereby State agencies could petition the State Records Committee to approve agency-specific plans allowing for long-term or permanent records to be maintained in an electronic format.**

The process would enable State agencies desiring to maintain electronic (machine-readable) public records for long-term or permanent preservation without eye-readable backups the ability to prepare and submit plans to the State Records Committee through the NERC subcommittee (Nevada Electronic Records Committee) for agency and plan-specific approval. The agency would have to demonstrate in its plan the following elements in their imaging procedures:

- Accuracy and Integrity of Records
- Maintenance and Retention of Documentation
- Audit Trails and Security
- Access to Records
- Backup Procedures
- Equipment Maintenance Plan
- Plan for Migration of Data, Application, and Operating System

If the above conditions are met and accepted by the State Records Committee and NERC, the Administrator of the State Library and Archives will provide written authorization for the petitioning agency to maintain records solely in electronic (machine-readable) format(s).

**ORIGINALS ON FILE IN THE
 RESEARCH LIBRARY**

C1 of 2 ASSEMBLY GOVERNMENT AFFAIRS *C1-2*
 DATE: *3/18/03* ROOM: *3143* EXHIBIT *C*
 SUBMITTED BY: *Scott Sisco*

The authority for this already exists in NRS 239. The Nevada State Library and Archives is directed to establish rules and regulations governing use of (machine-readable) images and the circumstances under which original, analog, eye-readable copies of imaged documents may be destroyed. As mandated by NRS 378.255, the State Library and Archives Administrator may *"...adopt regulations and establish standards, procedures and techniques for the effective management of records."*

We believe this to be a reasonable compromise because electronic storage technologies are evolving so quickly. Because of the expense of managing electronic recordkeeping over time is substantial, this will allow us to take advantage of the advances in technology while remaining within the economic conditions that dictate doing more with fewer resources.