



REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *897*  
 2 INTRODUCED BY *Frank Julian Peterson*  
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS *Sub. Steven*  
 4 SUBCOMMITTEE ON GENERAL GOVERNMENT

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONSOLIDATE STATE  
 7 RECORDS MANAGEMENT IN THE OFFICE OF THE SECRETARY OF STATE;  
 8 REQUIRING THE DEPARTMENT OF ADMINISTRATION TO DEVELOP  
 9 STANDARDS FOR COMPUTER AND TELECOMMUNICATIONS SYSTEMS;  
 10 AMENDING SECTIONS 2-6-203, 2-6-206, 2-6-211, 2-6-213,  
 11 2-6-302, 2-6-304, AND 2-15-1013, MCA; AND PROVIDING AN  
 12 EFFECTIVE DATE."  
 13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 2-6-203, MCA, is amended to read:  
 16 "2-6-203. Department-of-administration's Secretary of  
 17 state's powers and duties. (1) In order to insure the proper  
 18 management and safeguarding of public records, the  
 19 department--of--administration secretary of state shall  
 20 undertake the following:

- 21 (a) establish guidelines for inventorying, cataloging,
- 22 retaining, and transferring all public records of state
- 23 agencies;
- 24 (b) review and analyze all state agency filing systems
- 25 and procedures and approve filing system equipment requests;

1 (c) establish and operate the state records center, as  
 2 authorized by appropriation, for the purpose of storing and  
 3 servicing public records not retained in office space;

4 (d) gather and disseminate information on all phases of  
 5 records management, including current practices, methods,  
 6 procedures, and devices for the efficient and economical  
 7 management of records;

8 (e) operate a central microfilm unit which will  
 9 microfilm, on a cost recovery basis, all records approved  
 10 for filming by the office of origin and the department--of  
 11 administration secretary of state; and

12 (f) approve microfilming projects and microfilm  
 13 equipment purchases undertaken by all state agencies.

14 (2) Upon request, the department secretary of state  
 15 shall assist and advise in the establishment of records  
 16 management procedures in the legislative and judicial  
 17 branches of state government and shall, as required by them,  
 18 provide services similar to those available to the executive  
 19 branch."

20 **Section 2.** Section 2-6-206, MCA, is amended to read:

21 "2-6-206. **Protection of essential records.** (1) In order  
 22 to provide for the continuity and preservation of civil  
 23 government, each elected and appointed officer of the  
 24 executive branch shall designate certain public records as  
 25 essential records needed for an emergency or for the



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1 reestablishment of normal operations after any such  
 2 emergency. A list of such records shall be forwarded to the  
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 4 shall be reviewed from time to time by the elected or  
 5 appointed officers to insure its accuracy. Any changes or  
 6 revisions shall be forwarded to the ~~departement~~ secretary of  
 7 state.

8 (2) Each elected and appointed officer of state  
 9 government shall insure that the security of essential  
 10 records is accomplished by the most economical means  
 11 possible. Protection of essential records may be by  
 12 vaulting, planned or natural dispersal of copies, storage in  
 13 the state archives, or any other method approved by the  
 14 ~~department~~ secretary of state.

15 (3) Reproductions of essential records may be by  
 16 photocopy, magnetic tape, microfilm, or other methods  
 17 approved by the ~~department~~ secretary of state."

18 **Section 3.** Section 2-6-211, MCA, is amended to read:

19 "2-6-211. Transfer of public records. (1) All public  
 20 records not required in the current operation of the office  
 21 where they are made or kept and all records of each agency,  
 22 commission, committee, or any other activity of the  
 23 executive branch of state government which may be abolished  
 24 or discontinued shall be, in accordance with approved  
 25 records retention schedules, either transferred to the state

1 records center or transferred to the custody of the state  
 2 archives if such records are considered to have permanent  
 3 administrative or historical value.

4 (2) When records are transferred to the state records  
 5 center, the agency so doing loses none of its rights of  
 6 control and access. The state records center is only a  
 7 custodian of the agency records, and access will only be by  
 8 agency approval. Agency records for which the state records  
 9 center acts as custodian may not be subpoenaed from the  
 10 state records center but must be subpoenaed from the agency  
 11 to which the records belong. Fees may be charged to cover  
 12 the cost of records storage and servicing.

13 (3) If an agency does not wish to transfer records as  
 14 provided in an approved retention schedule, the agency  
 15 shall, within 30 days, notify the ~~department--of~~  
 16 ~~administration~~ secretary of state and request a change in  
 17 the schedule."

18 **Section 4.** Section 2-6-213, MCA, is amended to read:

19 "2-6-213. Agency responsibilities and transfer  
 20 schedules. Each executive branch agency of state government  
 21 shall administer its records management function and shall:

22 (1) coordinate all aspects of the agency records  
 23 management function;

24 (2) manage the inventorying of all public records  
 25 within the agency for disposition, scheduling, and transfer

1 action in accordance with procedures prescribed by the  
2 ~~department-of-administration~~ secretary of state and the  
3 state records committee;

4 (3) analyze records inventory data, examine and compare  
5 divisional or unit inventories for duplication of records,  
6 and recommend to the ~~department-of-administration~~ secretary  
7 of state and the state records committee minimal retentions  
8 for all copies of public records within the agency;

9 (4) approve all records disposal requests which are  
10 submitted by the agency to the state records committee; and

11 (5) review established records retention schedules to  
12 insure that they are complete and current."

13 **Section 5.** Section 2-6-302, MCA, is amended to read:

14 **"2-6-302. Official records management -- powers and**  
15 **duties.** In order to insure the proper management and  
16 safeguarding of official records, the Montana historical  
17 society shall:

18 (1) establish and operate the state archives as  
19 authorized by appropriation for the purpose of storing and  
20 servicing official records transferred to the custody of the  
21 state archives;

22 (2) in cooperation with the ~~department----~~of  
23 administration secretary of state and the state records  
24 committee provided for in 2-15-1013 establish guidelines for  
25 the inventorying, cataloging, retention, and transfer of all

1 official records;

2 (3) maintain and enforce restrictions on access to  
3 official records in the custody of the state archives in  
4 accordance with the provisions of this part;

5 (4) provide adequate housing and care of official  
6 records in the custody of the state archives to insure their  
7 proper preservation and use by the public;

8 (5) in accordance with the guidelines established  
9 pursuant to subsection (2), remove and destroy duplicate  
10 official records and official records of insignificant  
11 historical value from the records deposited in the state  
12 archives."

13 **Section 6.** Section 2-6-304, MCA, is amended to read:

14 **"2-6-304. Outgoing officials -- records management**  
15 **duties.** (1) Within 2 years after the completion of the final  
16 term of office of a constitutionally designated and elected  
17 official of the executive branch of government, all of the  
18 official records not necessary to the current operation of  
19 that office shall be subject to storage, disposal, or  
20 transfer in accordance with the provisions of this part.

21 (2) All official records of a retiring constitutionally  
22 designated and elected official not necessary to the current  
23 operation of that office and considered worthy of  
24 preservation by the Montana historical society shall be  
25 transferred to the custody of the state archives within that

1 2-year period.

2 (3) An outgoing official, in consultation with staff  
3 members of the Montana historical society, shall review his  
4 official records and isolate any items of a purely personal  
5 nature. Such personal papers are not subject to this part,  
6 but they may be deposited with the official papers at the  
7 official's discretion.

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15 imposed unless the demand of individual privacy clearly  
16 exceeds the merits of public disclosure.

17 (5) Any question concerning the transfer or other  
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20 by a ~~three-fourths~~ four-fifths vote of the members of the  
21 state records committee."

22 **Section 7.** Section 2-15-1013, MCA, is amended to read:

23 "2-15-1013. Records committee -- composition and  
24 meetings. (1) There is a committee to be known as the state  
25 records committee composed of representatives of:

1 (a) the department of administration;

2 (b) the legislative auditor;

3 (c) the attorney general;

4 (d) the secretary of state; and

5 (e) the Montana historical society.

6 (2) The representatives are to be designated by the  
7 head of the respective agencies, and their appointments  
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9 ~~department-of-administration~~ secretary of state.

10 (3) The committee shall meet at least quarterly.

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12 salary but are entitled to reimbursement for travel expense  
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15 paid from the appropriations made for operation of their  
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17 **NEW SECTION. Section 8. Department of administration**  
18 **-- powers and duties.** (1) In order to ensure compatibility  
19 with the computer and telecommunications systems of state  
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21 standards for technological compatibility for state agencies  
22 for records management equipment or systems used to  
23 electronically capture, store, or retrieve public records  
24 through computerized, optical, or other electronic methods.

25 (2) The department of administration shall approve all

1 acquisitions of executive agency records management  
2 equipment or systems used to electronically capture, store,  
3 or retrieve public records through computerized, optical, or  
4 other electronic methods to ensure compatibility with the  
5 standards developed under subsection (1).

6 (3) The department of administration is responsible for  
7 the management and operation of equipment, systems,  
8 facilities, or processes integral to the department's  
9 central computer and telecommunications systems.

10 NEW SECTION. **Section 9.** Codification instruction.  
11 [Section 8] is intended to be codified as an integral part  
12 of Title 2, chapter 6, part 2, and the provisions of Title  
13 2, chapter 6, part 2, apply to [section 8].

14 NEW SECTION. **Section 10.** Effective date. [This act] is  
15 effective July 1, 1991.

-End-

APPROVED BY COMMITTEE  
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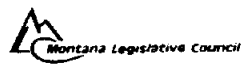
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11 [Section 8] is intended to be codified as an integral part  
12 of Title 2, chapter 6, part 2, and the provisions of Title  
13 2, chapter 6, part 2, apply to [section 8].

14 NEW SECTION. Section 10. Effective date. [This act] is  
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15 duties. (1) Within 2 years after the completion of the final  
16 term of office of a constitutionally designated and elected  
17 official of the executive branch of government, all of the  
18 official records not necessary to the current operation of  
19 that office shall be subject to storage, disposal, or  
20 transfer in accordance with the provisions of this part.

21 (2) All official records of a retiring constitutionally  
22 designated and elected official not necessary to the current  
23 operation of that office and considered worthy of  
24 preservation by the Montana historical society shall be  
25 transferred to the custody of the state archives within that

1 2-year period.

2 (3) An outgoing official, in consultation with staff  
3 members of the Montana historical society, shall review his  
4 official records and isolate any items of a purely personal  
5 nature. Such personal papers are not subject to this part,  
6 but they may be deposited with the official papers at the  
7 official's discretion.

8 (4) An outgoing official, in consultation with staff  
9 members of the Montana historical society, may restrict  
10 access to certain segments of his official records. No  
11 restrictions may be longer than the lifetime of the  
12 depositing official. Restricted access may be imposed only  
13 to protect the confidentiality of personal information  
14 contained in the records. Restricted access may not be  
15 imposed unless the demand of individual privacy clearly  
16 exceeds the merits of public disclosure.

17 (5) Any question concerning the transfer or other  
18 status of official records arising between the state  
19 archives and an elected official's office shall be decided  
20 by a ~~three-fourths~~ four-fifths vote of the members of the  
21 state records committee."

22 **Section 7.** Section 2-15-1013, MCA, is amended to read:

23 "2-15-1013. **Records committee -- composition and**  
24 **meetings.** (1) There is a committee to be known as the state  
25 records committee composed of representatives of:

- 1 (a) the department of administration;
- 2 (b) the legislative auditor;
- 3 (c) the attorney general;
- 4 (d) the secretary of state; and
- 5 (e) the Montana historical society.

6 (2) The representatives are to be designated by the  
7 head of the respective agencies, and their appointments  
8 shall be submitted in writing to the ~~director--of-the~~  
9 department-of-administration secretary of state.

10 (3) The committee shall meet at least quarterly.

11 (4) Committee members shall serve without additional  
12 salary but are entitled to reimbursement for travel expense  
13 incurred while engaged in committee activities as provided  
14 for in 2-18-501 through 2-18-503. Such expenses shall be  
15 paid from the appropriations made for operation of their  
16 respective agencies."

17 NEW SECTION. **Section 8.** Department of administration  
18 -- **powers and duties.** (1) In order to ensure compatibility  
19 with the computer and telecommunications systems of state  
20 government, the department of administration shall develop  
21 standards for technological compatibility for state agencies  
22 for records management equipment or systems used to  
23 electronically capture, store, or retrieve public records  
24 through computerized, optical, or other electronic methods.

25 (2) The department of administration shall approve all



1 acquisitions of executive agency records management  
2 equipment or systems used to electronically capture, store,  
3 or retrieve public records through computerized, optical, or  
4 other electronic methods to ensure compatibility with the  
5 standards developed under subsection (1).

6 (3) The department of administration is responsible for  
7 the management and operation of equipment, systems,  
8 facilities, or processes integral to the department's  
9 central computer and telecommunications systems.

10 NEW SECTION. **Section 9.** Codification instruction.  
11 [Section 8] is intended to be codified as an integral part  
12 of Title 2, chapter 6, part 2, and the provisions of Title  
13 2, chapter 6, part 2, apply to [section 8].

14 NEW SECTION. **Section 10.** Effective date. [This act] is  
15 effective July 1, 1991.

-End-

1 HOUSE BILL NO. 897  
 2 INTRODUCED BY ZOOK, QUILICI, PETERSON,  
 3 FRITZ, STIMATZ, TVEIT  
 4 BY REQUEST OF THE HOUSE APPROPRIATIONS  
 5 SUBCOMMITTEE ON GENERAL GOVERNMENT  
 6

7 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO CONSOLIDATE~~  
 8 CONSOLIDATING STATE RECORDS MANAGEMENT IN THE OFFICE OF THE  
 9 SECRETARY OF STATE; REQUIRING THE DEPARTMENT OF  
 10 ADMINISTRATION TO DEVELOP STANDARDS FOR COMPUTER AND  
 11 TELECOMMUNICATIONS SYSTEMS; AMENDING SECTIONS 2-6-203,  
 12 2-6-206, 2-6-211, 2-6-213, 2-6-302, 2-6-304, AND 2-15-1013,  
 13 MCA; AND PROVIDING AN EFFECTIVE DATE."  
 14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 2-6-203, MCA, is amended to read:  
 17 "2-6-203. ~~Department--of--administration's~~ Secretary of  
 18 state's powers and duties. (1) In order to insure the proper  
 19 management and safeguarding of public records, the  
 20 ~~department---of--administration~~ secretary of state shall  
 21 undertake the following:

22 (a) establish guidelines for inventorying, cataloging,  
 23 retaining, and transferring all public records of state  
 24 agencies;

25 (b) review and analyze all state agency filing systems

1 and procedures and approve filing system equipment requests;

2 (c) establish and operate the state records center, as  
 3 authorized by appropriation, for the purpose of storing and  
 4 servicing public records not retained in office space;

5 (d) gather and disseminate information on all phases of  
 6 records management, including current practices, methods,  
 7 procedures, and devices for the efficient and economical  
 8 management of records;

9 (e) operate a central microfilm unit which will  
 10 microfilm, on a cost recovery basis, all records approved  
 11 for filming by the office of origin and the ~~department--of~~  
 12 administration secretary of state; and

13 (f) approve microfilming projects and microfilm  
 14 equipment purchases undertaken by all state agencies.

15 (2) Upon request, the ~~department~~ secretary of state  
 16 shall assist and advise in the establishment of records  
 17 management procedures in the legislative and judicial  
 18 branches of state government and shall, as required by them,  
 19 provide services similar to those available to the executive  
 20 branch."

21 **Section 2.** Section 2-6-206, MCA, is amended to read:

22 "2-6-206. **Protection of essential records.** (1) In order  
 23 to provide for the continuity and preservation of civil  
 24 government, each elected and appointed officer of the  
 25 executive branch shall designate certain public records as



1 essential records needed for an emergency or for the  
 2 reestablishment of normal operations after any such  
 3 emergency. A list of such records shall be forwarded to the  
 4 department-of-administration secretary of state. The list  
 5 shall be reviewed from time to time by the elected or  
 6 appointed officers to insure its accuracy. Any changes or  
 7 revisions shall be forwarded to the department secretary of  
 8 state.

9 (2) Each elected and appointed officer of state  
 10 government shall insure that the security of essential  
 11 records is accomplished by the most economical means  
 12 possible. Protection of essential records may be by  
 13 vaulting, planned or natural dispersal of copies, storage in  
 14 the state archives, or any other method approved by the  
 15 department secretary of state.

16 (3) Reproductions of essential records may be by  
 17 photocopy, magnetic tape, microfilm, or other methods  
 18 approved by the department secretary of state."

19 **Section 3.** Section 2-6-211, MCA, is amended to read:

20 "2-6-211. Transfer of public records. (1) All public  
 21 records not required in the current operation of the office  
 22 where they are made or kept and all records of each agency,  
 23 commission, committee, or any other activity of the  
 24 executive branch of state government which may be abolished  
 25 or discontinued shall be, in accordance with approved

1 records retention schedules, either transferred to the state  
 2 records center or transferred to the custody of the state  
 3 archives if such records are considered to have permanent  
 4 administrative or historical value.

5 (2) When records are transferred to the state records  
 6 center, the agency so doing loses none of its rights of  
 7 control and access. The state records center is only a  
 8 custodian of the agency records, and access will only be by  
 9 agency approval. Agency records for which the state records  
 10 center acts as custodian may not be subpoenaed from the  
 11 state records center but must be subpoenaed from the agency  
 12 to which the records belong. Fees may be charged to cover  
 13 the cost of records storage and servicing.

14 (3) If an agency does not wish to transfer records as  
 15 provided in an approved retention schedule, the agency  
 16 shall, within 30 days, notify the department--of  
 17 administration secretary of state and request a change in  
 18 the schedule."

19 **Section 4.** Section 2-6-213, MCA, is amended to read:

20 "2-6-213. Agency responsibilities and transfer  
 21 schedules. Each executive branch agency of state government  
 22 shall administer its records management function and shall:

23 (1) coordinate all aspects of the agency records  
 24 management function;

25 (2) manage the inventorying of all public records

1 within the agency for disposition, scheduling, and transfer  
 2 action in accordance with procedures prescribed by the  
 3 ~~department-of-administration~~ secretary of state and the  
 4 state records committee;

5 (3) analyze records inventory data, examine and compare  
 6 divisional or unit inventories for duplication of records,  
 7 and recommend to the ~~department-of-administration~~ secretary  
 8 of state and the state records committee minimal retentions  
 9 for all copies of public records within the agency;

10 (4) approve all records disposal requests which are  
 11 submitted by the agency to the state records committee; and

12 (5) review established records retention schedules to  
 13 insure that they are complete and current."

14 **Section 5.** Section 2-6-302, MCA, is amended to read:

15 "2-6-302. Official records management -- powers and  
 16 duties. In order to insure the proper management and  
 17 safeguarding of official records, the Montana historical  
 18 society shall:

19 (1) establish and operate the state archives as  
 20 authorized by appropriation for the purpose of storing and  
 21 servicing official records transferred to the custody of the  
 22 state archives;

23 (2) in cooperation with the ~~department---of~~  
 24 administration secretary of state and the state records  
 25 committee provided for in 2-15-1013 establish guidelines for

1 the inventorying, cataloging, retention, and transfer of all  
 2 official records;

3 (3) maintain and enforce restrictions on access to  
 4 official records in the custody of the state archives in  
 5 accordance with the provisions of this part;

6 (4) provide adequate housing and care of official  
 7 records in the custody of the state archives to insure their  
 8 proper preservation and use by the public;

9 (5) in accordance with the guidelines established  
 10 pursuant to subsection (2), remove and destroy duplicate  
 11 official records and official records of insignificant  
 12 historical value from the records deposited in the state  
 13 archives."

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 16 duties. (1) Within 2 years after the completion of the final  
 17 term of office of a constitutionally designated and elected  
 18 official of the executive branch of government, all of the  
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3 (3) An outgoing official, in consultation with staff  
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