
a bill for an act entitled: man act to provide an efficient centralized records retentide and destructijn program hithin the histurical society for all official recorosi and AMENDING SECTIGN 44-523, R.C.M. 1947.*
be it enacted by the legislature of the state of montana:
Section 1. Definitions. As used in this act the following definitions apply:
(1) Constitutionally designated and elected officials of the executive branch of government" means the governor, lieutenant governor, attorney general, secretary of state, superintendent of public instruction, and auditor.
(2) mufficial records" means any paper. correspondence, formp dook, photograph, microfilm, magnetic tape, computer storage media, mapy drawing. or ather document, including all copies thereofy regardiess of physical form or characteristics, that has been made or received by a constitutionally designated and elected official of the executive branch of government in transacting $n i s$ official duties and preserved for inforational value or as evidence of a transaction.

INTRODUCED BILL

Section 2. Ownership of records. All official records shall remain the property of the state. They shall da delivered by outgoing officials to their successors and shall be preserved, stored, transferred, destroyed, or disposed of and otherwise managed only in accordance with the provisions of this act.

Section 3. Jfficial records management -- powers and duties. In order to insure the proper manajenent and safeguarding of official records, the Montana historical society shall:
(1) establish and operate the state archives as authorized by appropriation for the purpose of storing and servicing official records not retained in office space;
(2) in cooperation with the department of administration and any committae or council established by law to regulate the retention of public records, estanlish guidelines for the inventorying, cataloging, retention, and transfer of all official records;
(3) maintain and enforce restrictions on access to official records in accordance with the provisions of this act;
(4) provide adequate housing and care of official records to insure their proper preservation and use by the putilic;
(s) in accordance with the guidelines established
pursuant to subsection \{1\}, remove and destroy duplicate official records and official records of insignificant historical value fron the records deposited in the state archives.

Section 4. Jutgoing officials -- records management duties. (1) Within 2 years after the completion of the final term of office of a constitutionally designated and elected official of the executive branch of government, all of the official racords not necessary to the continuing operation of that office shall be subject to storage, disposal, or transfer in accordance with the provisions of tins act.
(2) Alf official records of a retiring constitutionaliy designated and elected official considered worthy of preservation by the Montana tistorical society shall be transferred to the custody of the state archives within that 2-year period.
(3) An outgoing official, in consultation with staff members of the Montana nistorical society, shall review his official records and isolate any items of a purely personal nature. Such personal papers are not subject to this act but they aray be deposited with the official papersp at the official's discretion.
(4) An outgoing officialg in consultation with staff members of the Montana historical society may restrict access to certain segments of nis official records. No
restrictions may be longer than the lifetime of the depositing official. Restricted ascess may be imposed only to protect the confidentiality of personal informition contained in the records. Restricted ascess may not be imposed unless the demand of individual privacy clearly exceeds the merits of public disclosure.

Section 5. Section 44-523. R.C.M. 1947, is amended to read as follows:

444-523. Powers and duties of trustees. The powers and duties of the trustees are as follows:
(1) To elect annually from among their number a president, a vice-president, and a secretary.
(2) To adopt bylaws for their oun govermment, and to make rules and regulations, not inconsistent with law for the proper administration of the society in the interests of preserving the rich neritage of this state and its people.
(3) To appoint a director, fix his salary, and prescribe his duties and responsibilities.
(4) To create such classes of memberships in the society as they deed desirable, to determine the qualifications for any class of membership, and to set the fees to be paid for such memberships.
(5) To sell or exchange publications and other museum or art objects and use the money arising from such sales for the operation of the society and for the acquisition of

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historical materiais and objects of arte
    (6) To sell or exchange surplus or duplicate books,
surglus museum or art objects or artifacts not pertinent to
the region encompassed by the Montana historical society
mission and to use the money arising from such sales
exclusively for acquisitions of library, art, and museum
artifacts.
(7) To see that the collections and properties of the society are maintained in good order and repair.
(8) To report to the governor and the legislature biennially. The report shall include a statement of all important transactions and acquisitions, with suggestions and recommendations for the betier realization of the purposes of the society and the improvement of its collections and services.
(9) To accept, receive and administer in the name of the society, any gifti, donations, properties, securities, bequests and legacies that may be made to the society. Moneys received by donation, gift, bequest or legacy, unless otherwise provided by the conor, shall be deposited in the state treasury and used for the jeneral operation of the society.
(10) To collect, assemble, preserve and display where appropriater all obtainable books, pamphlets, maps, charts,
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\begin{abstract}
paintings, drawings, engravings, photographs, statuary, models, relics, and all other materials illustrative of the nistory of montana in particular, and generally of the Pacific Northwest, Nortnern Rocky Mountain and Northern Great plains regions, and of the Jnited States of America when pertinent; to procure from pioneers, early settlers and others, narratives of the events relative to the zariy settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and impligration to the territories of the west and all other related documents of Montanas historyp development and society; to gather contemporary information, specimens, and all other naterials which exhibit faithfully the distinctive historical and contemporary characteristics of the area with particular attention to Indian, military and pioneer artifacts and implements; to collect and preserve such natural history objects as fossils, plants, minerals and animals; to collect and preserve books, mapsp manuscripts and other materials as will tend to facilitate historical, scientific, and antiquarian research; to promote the sudy of Montana history by lectures and publications; to jeneraly foster and encourgge the fine arts and cultural activities in Montana; to receive for and on behalf of the state by donation or otherwise, art objects of any kind and dascription and to exhibit and circulate such abjects in
\end{abstract}

1 Montana and el sewhere; and to microfilm papers or documents
2 in danger of disappearance or injury.
(11) To_establish and operate_a_state archives for_the

\section*{4 purpose of managing official records."}
-End-

\section*{FISCAL NOTE}

In compliance with a written request received January 28 \(19^{77}\) , there is hereby submitted a Fiscal Note for \(\qquad\) pursuant to Chapter 53, Laws of Montana, 1965-Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

\section*{DESCRIPTION OF PROPOSED LEGISLATION:}

House Bill 512 is an act to provide an efficient centralized records retention and destruction program within the Historical Society for all official records.

FISCAL IMPACT:
None.

\section*{TECHNICAL NOTE:}

There appears to be no requirement to amend Section \(44-523\), R.C.M. 1947, to establish and operate a state archives for the purpose of managing official records. A state archives was created under Section 82-3208, R.C.M. 1947, and the language specifies the duties of the state archivist.


\begin{abstract}
Approved by Committee on State Administration
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    INTRODUCED by mETCALF, ESTENSON, J. GuNDERSON, MARPER
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(1) establish and operate the state archives as authorized by appropriation for the purpose of storing and servicing official records not retained in office space;
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\section*{house bill no. 512}

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(3) maintain and enforce restrictions on access to official records in accordance with the provisions of this act;
(4) provide adequate housing and care of official records to insure their proper preservation and use by the public;
(5) in accordance with the guidelines established
pursuant to subsection ttil2l, remove and destroy duplicate official records and official records of insignificant nistorical value from the records deposited in the state archives.
Section 4. Outgoing officials -- records management duties. (1) Within 2 years after the completion of the final term of office of a constitutionally designated and eiected official of the executive branch of government, all of the official records not necessary to the continuing operation of that office shall be subject to storage, disposal, or transfer in accordance with the provisions of this acte
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That House Bill No. 5l2, third reading, be amended as follows:
1. Amend page 2, section 3, line 13.

Following: "records"
Strike: "not retained in office space"
Insert: "transferred to the custody of the state archives"
2. Amend page 2, section 3, line 20.

Following: "records"
Insert: "in the custody of the state archives"
3. Amend page 2 , section 3 , line 23.

Foliowing: "records"
Insert: "in the custody of the state archives"
4. Amend page 3, section 4, line 9.

Following: "the"
Strike: "continuing"
Insert: "current"
5. Amend page 3, section 4, line 14.

Following: "THE"
Strike: "CONTINUING"
Insert: "current"
6. Amend page 4, section 4, line 7. Following: line 7
Insert: "(5) Any question concerning the transfer or other status of official records arising between the state archives and an elected official's office shall be decided by a \(3 / 4\) vote of the members of the state records committee:"

\section*{HOUSE BILL ND. 512}

INTRODUCED BY METCALF, ESTENSON, J. GUNDERSON, HARPER by request of the montana historical society
a bill fur an act entitled: "an act to provioe an efficient Centralized reciords retention and destruction program within THE HISTORICAL SOCIETY FOR AEL OFFICIAL RECGRDSt---ANB

be it enacted by the legislature of the state of montana:
Section l. Definitions. As used in this act the following definitions apply:
(1) Constitutionally designated and elected officials of the executive branch of government* means the governor, lieutenant governcr, attorney qeneral, secretary of state, superintendent of public instruction, and auditor.
(2) mfficial records* means any paper. correspondence, form, book, photograph, microfilm, magnetic tape, computer storaqe media, map, drawing, or other document, including all copies thereof, reqardiess of physica; form or characteristics, that has been made of received by a constitutionally designated and elected official of the executive branch of novernment in transacting his official duties and preserved for informational value or as evidence of a transaction.

Section 2. Ownership of records. All official records shall remain the property of the state. They shall be delivered by outgoing officials to their successors and shall be preserved, stored, transferred, destroyed, or disposed of and otherwise managed only in accordance with the provisions of this act.

Section 3. official records management -- powers and duties. In order to insure the proper management and safeguarding of official records, the Montana historical society shall:
(1) establish and operate the state archives as authorized by appropriation for the purpose of storing and servicing official records mot--retoined-in--office-spmee

\section*{IRANSEERRED IO IHE CUSTOOY OF THE SIATE ARCHIVES:}
(2) in cooperation with the department of administration and any committee or council estabiished by 1 aw to regulate the retention of public records, establish quidelines for the inventorying, cataloging, retention, and transfer of all official records;
(3) maintain and enforce restrictions on access to official records IN IHE CUSIODY OF IHE SIALE ARCHIYES in accordance with the provisions of this act;
(4) provide adeguate housina and care of official records IN IHE CUSTODY OE IHE SIAIE ARCHIYES to insure their proper preservation and use by the oublic;
(5) in accordance with the quidelines established pursuant to subsection \(t+121\), renove and destroy duplicate official records and official records of insignificant historical value from the records deposited in the state archives.

Section 4. Outooing officials -- records manaqement duties. (1) Withln 2 years after the completion of the final term of office of a constitutionally designated and elected official of the executive branch of government. all of the official records not necessary to the continmine CURRENI operation of that office shall be subject to storage, disposal, or transfer in accordance with the provis ons of this act.
(2) All official records of a retiring constitutionally designated and elected official moI
 ANO considered worthy of preservation by the Montana historical society shall be transferred to the custody of the state archives within that 2 -year period.
(3) An outooina official, in consultation with staff members of the montana historical society, shall review his official records and isolate any items of a purely personal nature. Such personal papers are not subject to this act but they may be deposited with the official papers, at the official*s discretion.
(4) An outgoing official. in consultation with staff members of the montana historical society, may restrict access to certain seqments of his official recordse No restric*ions may be fonger than the lifetime of the fepositing official. kestricted access may be imosed only to protect the confidentiality of personal information contained in the records. Restricted access may not be imposed unless the demand of individual privacy clearly exceeds the merits of public disclosure.
(5) AMY OUESILON_CONCERNING THE TRANSEER OR OTHER SIATUS OE OFFICLAL RECORDS ARISING BEIHEEM IHE SLATE ARCHIYES AND AN ELECIED OEEICIAL*S DEEICE SHALL BE DECIDED BY A \(3 \angle 4\) YOIE DE IHE MEMBERS OE_IHE SIAIE RECOROS COMMITEE:
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