

1 *Senate* BILL NO. *228*
 2 INTRODUCED BY *Stanley Egan*
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EFFICIENT
 6 CENTRALIZED RECORDS RETENTION AND DESTRUCTION PROGRAM FOR
 7 ALL STATE AGENCIES; REPEALING SECTIONS 82-3311, 82-3312, AND
 8 82-3313, R.C.M. 1947."
 9

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

11 Section 1. Short title. This act may be cited as the
 12 "Public Records Management Act".

13 Section 2. Purpose. The purpose of this act is to
 14 create an effective records management program for executive
 15 branch agencies of the state of Montana by establishing
 16 guidelines and procedures for the efficient and economical
 17 control of the creation, utilization, maintenance, and
 18 preservation of state records.

19 Section 3. Description and preservation of public
 20 records. (1) As used in this act, the term "public records"
 21 includes any paper, correspondence, form, book, photograph,
 22 microfilm, magnetic tape, computer storage media, map,
 23 drawing, or other document, including all copies thereof,
 24 regardless of physical form or characteristics, that has
 25 been made or received by a state agency in connection with

1 the transaction of official business and preserved for
 2 informational value or as evidence of a transaction and all
 3 other records or documents required by law to be filed with
 4 or kept by any agency of the state of Montana.

5 (2) All public records are and shall remain the
 6 property of the state of Montana. They shall be delivered by
 7 outgoing officials and employees to their successors and
 8 shall be preserved, stored, transferred, destroyed, or
 9 disposed of and otherwise managed only in accordance with
 10 the provisions of this act.

11 Section 4. Department of administration -- powers and
 12 duties -- records management. In order to insure the proper
 13 management and safeguarding of public records, the
 14 department of administration shall undertake the following:

15 (1) establish guidelines for inventorying, cataloging,
 16 retaining, and transferring all public records of state
 17 agencies;

18 (2) review and analyze all state agency filing systems
 19 and procedures and approve filing system equipment requests;

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

23 (4) gather and disseminate information on all phases
 24 of records management including current practices, methods,
 25 procedures, and devices for the efficient and economical

1 management of records;

2 (5) operate a central microfilm unit which will
3 microfilm, on a cost recovery basis, all records approved
4 for filming by the office of origin and the department of
5 administration; and

6 (6) approve microfilming projects and microfilm
7 equipment purchases undertaken by all state agencies.

8 Section 5. Agency responsibilities -- transfer
9 schedules. Each executive branch agency of state government
10 shall administer its records management function and shall:

11 (1) coordinate all aspects of the agency records
12 management function;

13 (2) manage the inventoring of all public records
14 within the agency for disposition scheduling and transfer
15 action in accordance with procedures prescribed by the
16 department of administration and the state records
17 committee;

18 (3) analyze records inventory data, examine and
19 compare divisional or unit inventories for duplication of
20 records, and recommend to the department of administration
21 and the state records committee minimal retentions for all
22 copies of public records within the agency;

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

25 (5) review established records retention schedules to

1 insure that they are complete and current.

2 Section 6. Legislative and judicial branches. Upon
3 request, the department of administration shall assist and
4 advise in the establishment of records management procedures
5 in the legislative and judicial branches of state government
6 and shall, as required by them, provide services similar to
7 those available to the executive branch.

8 Section 7. Records committee -- composition --
9 meetings -- powers and duties. (1) There is a committee to
10 be known as the state records committee, composed of
11 representatives of:

12 (a) the department of administration;

13 (b) the legislative auditor;

14 (c) the attorney general; and

15 (d) the Montana historical society.

16 (2) The representatives are to be designated by the
17 head of the respective agencies, and their appointments
18 shall be submitted in writing to the director of the
19 department of administration.

20 (3) The state records committee shall approve, modify,
21 or disapprove the recommendations on retention schedules of
22 all public records to determine which documents not included
23 in the provisions of this act are to be designated public
24 records and approve agency requests to dispose of such
25 public records.

1 (4) The committee shall meet at least quarterly.
 2 Committee members shall serve without additional salary but
 3 are entitled to reimbursement for travel expense incurred
 4 while engaged in committee activities as provided for in
 5 59-538, 59-539, and 59-801. Such expenses shall be paid from
 6 the appropriations made for operation of their respective
 7 agencies.

8 Section 8. Disposal of public records. Requests for
 9 the disposal of public records shall be submitted to the
 10 state records committee by the agency concerned. No public
 11 record may be disposed of or destroyed without the unanimous
 12 approval of the state records committee.

13 Section 9. Transfer of public records. (1) All public
 14 records not required in the current operation of the office
 15 where they are made or kept and all records of each agency,
 16 commission, committee, or any other activity of the
 17 executive branch of state government which may be abolished
 18 or discontinued shall be, in accordance with approved
 19 records retention schedules, either transferred to the state
 20 records center or transferred to the custody of the state
 21 archives if such records are considered to have permanent
 22 administrative or historical value.

23 (2) When records are transferred to the state records
 24 center, the agency so doing loses none of its rights of
 25 control and access. The state records center is only a

1 custodian of the agency records, and access will only be by
 2 agency approval. Agency records for which the state records
 3 center acts as custodian may not be subpoenaed from the
 4 state records center but must be subpoenaed from the agency
 5 to which the records belong. Fees may be charged to cover
 6 the cost of records storage and servicing.

7 (3) If an agency does not wish to transfer records as
 8 provided in an approved retention schedule, the agency
 9 shall, within 30 days, notify the department of
 10 administration and request a change in the schedule.

11 Section 10. Protection of essential records. (1) In
 12 order to provide for the continuity and preservation of
 13 civil government, each elected and appointed officer of the
 14 executive branch shall designate certain public records as
 15 essential records needed for an emergency or for the
 16 reestablishment of normal operations after any such
 17 emergency. A list of such records shall be forwarded to the
 18 department of administration. The list shall be reviewed
 19 from time to time by the elected or appointed officers to
 20 insure its accuracy. Any changes or revisions shall be
 21 forwarded to the department of administration.

22 (2) Each elected and appointed officer of state
 23 government shall insure that the security of essential
 24 records is accomplished by the most economical means
 25 possible. Protection of essential records may be by

1 vaulting, planned or natural dispersal of copies, storage in
2 the state archives, or any other method approved by the
3 department of administration.

4 (3) Reproductions of essential records may be by
5 photocopy, magnetic tape, microfilm, or other methods
6 approved by the department of administration.

7 Section 11. Repealer. Sections 82-3311, 82-3312, and
8 82-3313, R.C.M. 1947, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 173-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 228 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.

DESCRIPTION:

Senate Bill 228 proposes to provide an efficient centralized records retention and destruction program.

FISCAL IMPACT:

None. Senate Bill No. 228 is merely a statutory revision i.e., rewrite and repeal existing statutes. All action, duties and responsibilities included in the revised legislation are currently a part of the records management program as authorized by the 38th Legislature in 1963. The new legislation delineates the methods and procedures for the implementation of an effective records management program for state government.

Richard L. Franjo
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-27-77

Approved by Committee
on State Administration

1 *Senate* BILL NO. *228*
2 INTRODUCED BY *Ward* _____
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EFFICIENT
6 CENTRALIZED RECORDS RETENTION AND DESTRUCTION PROGRAM FOR
7 ALL STATE AGENCIES; REPEALING SECTIONS 32-3311, 32-3312, AND
8 32-3313, R.C.M. 1947."
9

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

11 Section 1. Short title. This act may be cited as the
12 "Public Records Management Act".

13 Section 2. Purpose. The purpose of this act is to
14 create an effective records management program for executive
15 branch agencies of the state of Montana by establishing
16 guidelines and procedures for the efficient and economical
17 control of the creation, utilization, maintenance, and
18 preservation of state records.

19 Section 3. Description and preservation of public
20 records. (1) As used in this act, the term "public records"
21 includes any paper, correspondence, form, book, photograph,
22 microfilm, magnetic tape, computer storage media, map,
23 drawing, or other document, including all copies thereof,
24 regardless of physical form or characteristics, that has
25 been made or received by a state agency in connection with

1 the transaction of official business and preserved for
2 informational value or as evidence of a transaction and all
3 other records or documents required by law to be filed with
4 or kept by any agency of the state of Montana.

5 (2) All public records are and shall remain the
6 property of the state of Montana. They shall be delivered by
7 outgoing officials and employees to their successors and
8 shall be preserved, stored, transferred, destroyed, or
9 disposed of and otherwise managed only in accordance with
10 the provisions of this act.

11 Section 4. Department of administration -- powers and
12 duties -- records management. In order to insure the proper
13 management and safeguarding of public records, the
14 department of administration shall undertake the following:

15 (1) establish guidelines for inventorying, cataloging,
16 retaining, and transferring all public records of state
17 agencies;

18 (2) review and analyze all state agency filing systems
19 and procedures and approve filing system equipment requests;

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

23 (4) gather and disseminate information on all phases
24 of records management including current practices, methods,
25 procedures, and devices for the efficient and economical

1 management of records;

2 (5) operate a central microfilm unit which will
3 microfilm, on a cost recovery basis, all records approved
4 for filming by the office of origin and the department of
5 administration; and

6 (6) approve microfilming projects and microfilm
7 equipment purchases undertaken by all state agencies.

8 Section 5. Agency responsibilities -- transfer
9 schedules. Each executive branch agency of state government
10 shall administer its records management function and shall:

11 (1) coordinate all aspects of the agency records
12 management function;

13 (2) manage the inventorying of all public records
14 within the agency for disposition scheduling and transfer
15 action in accordance with procedures prescribed by the
16 department of administration and the state records
17 committee;

18 (3) analyze records inventory data, examine and
19 compare divisional or unit inventories for duplication of
20 records, and recommend to the department of administration
21 and the state records committee minimal retentions for all
22 copies of public records within the agency;

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

25 (5) review established records retention schedules to

1 insure that they are complete and current.

2 Section 6. Legislative and judicial branches. Upon
3 request, the department of administration shall assist and
4 advise in the establishment of records management procedures
5 in the legislative and judicial branches of state government
6 and shall, as required by them, provide services similar to
7 those available to the executive branch.

8 Section 7. Records committee -- composition --
9 meetings -- powers and duties. (1) There is a committee to
10 be known as the state records committee, composed of
11 representatives of:

12 (a) the department of administration;

13 (b) the legislative auditor;

14 (c) the attorney general; and

15 (d) the Montana historical society.

16 (2) The representatives are to be designated by the
17 head of the respective agencies, and their appointments
18 shall be submitted in writing to the director of the
19 department of administration.

20 (3) The state records committee shall approve, modify,
21 or disapprove the recommendations on retention schedules of
22 all public records to determine which documents not included
23 in the provisions of this act are to be designated public
24 records and approve agency requests to dispose of such
25 public records.

1 (4) The committee shall meet at least quarterly.
 2 Committee members shall serve without additional salary but
 3 are entitled to reimbursement for travel expense incurred
 4 while engaged in committee activities as provided for in
 5 59-538, 59-539, and 59-501. Such expenses shall be paid from
 6 the appropriations made for operation of their respective
 7 agencies.

8 Section 8. Disposal of public records. Requests for
 9 the disposal of public records shall be submitted to the
 10 state records committee by the agency concerned. No public
 11 record may be disposed of or destroyed without the unanimous
 12 approval of the state records committee.

13 Section 9. Transfer of public records. (1) All public
 14 records not required in the current operation of the office
 15 where they are made or kept and all records of each agency,
 16 commission, committee, or any other activity of the
 17 executive branch of state government which may be abolished
 18 or discontinued shall be, in accordance with approved
 19 records retention schedules, either transferred to the state
 20 records center or transferred to the custody of the state
 21 archives if such records are considered to have permanent
 22 administrative or historical value.

23 (2) When records are transferred to the state records
 24 center, the agency so doing loses none of its rights of
 25 control and access. The state records center is only a

1 custodian of the agency records, and access will only be by
 2 agency approval. Agency records for which the state records
 3 center acts as custodian may not be subpoenaed from the
 4 state records center but must be subpoenaed from the agency
 5 to which the records belong. Fees may be charged to cover
 6 the cost of records storage and servicing.

7 (3) If an agency does not wish to transfer records as
 8 provided in an approved retention schedule, the agency
 9 shall, within 30 days, notify the department of
 10 administration and request a change in the schedule.

11 Section 10. Protection of essential records. (1) In
 12 order to provide for the continuity and preservation of
 13 civil government, each elected and appointed officer of the
 14 executive branch shall designate certain public records as
 15 essential records needed for an emergency or for the
 16 reestablishment of normal operations after any such
 17 emergency. A list of such records shall be forwarded to the
 18 department of administration. The list shall be reviewed
 19 from time to time by the elected or appointed officers to
 20 insure its accuracy. Any changes or revisions shall be
 21 forwarded to the department of administration.

22 (2) Each elected and appointed officer of state
 23 government shall insure that the security of essential
 24 records is accomplished by the most economical means
 25 possible. Protection of essential records may be by

LC 1146/01

1 vaulting, planned or natural dispersal of copies, storage in
2 the state archives, or any other method approved by the
3 department of administration.

4 (3) Reproductions of essential records may be by
5 photocopy, magnetic tape, microfilm, or other methods
6 approved by the department of administration.

7 Section 11. Repealer. Sections 82-3311, 82-3312, and
8 82-3313, R.C.M. 1947, are repealed.

-End-

1 *Senate* BILL NO. *228*
 2 INTRODUCED BY *Warden Egan*
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EFFICIENT
 6 CENTRALIZED RECORDS RETENTION AND DESTRUCTION PROGRAM FOR
 7 ALL STATE AGENCIES; REPEALING SECTIONS 82-3311, 82-3312, AND
 8 82-3313, R.C.M. 1947."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. This act may be cited as the
 12 "Public Records Management Act".

13 Section 2. Purpose. The purpose of this act is to
 14 create an effective records management program for executive
 15 branch agencies of the state of Montana by establishing
 16 guidelines and procedures for the efficient and economical
 17 control of the creation, utilization, maintenance, and
 18 preservation of state records.

19 Section 3. Description and preservation of public
 20 records. (1) As used in this act, the term "public records"
 21 includes any paper, correspondence, form, book, photograph,
 22 microfilm, magnetic tape, computer storage media, map,
 23 drawing, or other document, including all copies thereof,
 24 regardless of physical form or characteristics, that has
 25 been made or received by a state agency in connection with

1 the transaction of official business and preserved for
 2 informational value or as evidence of a transaction and all
 3 other records or documents required by law to be filed with
 4 or kept by any agency of the state of Montana.

5 (2) All public records are and shall remain the
 6 property of the state of Montana. They shall be delivered by
 7 outgoing officials and employees to their successors and
 8 shall be preserved, stored, transferred, destroyed, or
 9 disposed of and otherwise managed only in accordance with
 10 the provisions of this act.

11 Section 4. Department of administration -- powers and
 12 duties -- records management. In order to insure the proper
 13 management and safeguarding of public records, the
 14 department of administration shall undertake the following:

15 (1) establish guidelines for inventorying, cataloging,
 16 retaining, and transferring all public records of state
 17 agencies;

18 (2) review and analyze all state agency filing systems
 19 and procedures and approve filing system equipment requests;

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

23 (4) gather and disseminate information on all phases
 24 of records management including current practices, methods,
 25 procedures, and devices for the efficient and economical

1 management of records;

2 (5) operate a central microfilm unit which will
3 microfilm, on a cost recovery basis, all records approved
4 for filming by the office of origin and the department of
5 administration; and

6 (6) approve microfilming projects and microfilm
7 equipment purchases undertaken by all state agencies.

8 Section 5. Agency responsibilities -- transfer
9 schedules. Each executive branch agency of state government
10 shall administer its records management function and shall:

11 (1) coordinate all aspects of the agency records
12 management function;

13 (2) manage the inventorying of all public records
14 within the agency for disposition scheduling and transfer
15 action in accordance with procedures prescribed by the
16 department of administration and the state records
17 committee;

18 (3) analyze records inventory data, examine and
19 compare divisional or unit inventories for duplication of
20 records, and recommend to the department of administration
21 and the state records committee minimal retentions for all
22 copies of public records within the agency;

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

25 (5) review established records retention schedules to

1 insure that they are complete and current.

2 Section 6. Legislative and judicial branches. Upon
3 request, the department of administration shall assist and
4 advise in the establishment of records management procedures
5 in the legislative and judicial branches of state government
6 and shall, as required by them, provide services similar to
7 those available to the executive branch.

8 Section 7. Records committee -- composition --
9 meetings -- powers and duties. (1) There is a committee to
10 be known as the state records committee, composed of
11 representatives of:

- 12 (a) the department of administration;
- 13 (b) the legislative auditor;
- 14 (c) the attorney general; and
- 15 (d) the Montana historical society.

16 (2) The representatives are to be designated by the
17 head of the respective agencies, and their appointments
18 shall be submitted in writing to the director of the
19 department of administration.

20 (3) The state records committee shall approve, modify,
21 or disapprove the recommendations on retention schedules of
22 all public records to determine which documents not included
23 in the provisions of this act are to be designated public
24 records and approve agency requests to dispose of such
25 public records.

1 (4) The committee shall meet at least quarterly.
 2 Committee members shall serve without additional salary but
 3 are entitled to reimbursement for travel expense incurred
 4 while engaged in committee activities as provided for in
 5 59-538, 59-539, and 59-301. Such expenses shall be paid from
 6 the appropriations made for operation of their respective
 7 agencies.

8 Section 8. Disposal of public records. Requests for
 9 the disposal of public records shall be submitted to the
 10 state records committee by the agency concerned. No public
 11 record may be disposed of or destroyed without the unanimous
 12 approval of the state records committee.

13 Section 9. Transfer of public records. (1) All public
 14 records not required in the current operation of the office
 15 where they are made or kept and all records of each agency,
 16 commission, committee, or any other activity of the
 17 executive branch of state government which may be abolished
 18 or discontinued shall be, in accordance with approved
 19 records retention schedules, either transferred to the state
 20 records center or transferred to the custody of the state
 21 archives if such records are considered to have permanent
 22 administrative or historical value.

23 (2) When records are transferred to the state records
 24 center, the agency so doing loses none of its rights of
 25 control and access. The state records center is only a

1 custodian of the agency records, and access will only be by
 2 agency approval. Agency records for which the state records
 3 center acts as custodian may not be subpoenaed from the
 4 state records center but must be subpoenaed from the agency
 5 to which the records belong. Fees may be charged to cover
 6 the cost of records storage and servicing.

7 (3) If an agency does not wish to transfer records as
 8 provided in an approved retention schedule, the agency
 9 shall, within 30 days, notify the department of
 10 administration and request a change in the schedule.

11 Section 10. Protection of essential records. (1) In
 12 order to provide for the continuity and preservation of
 13 civil government, each elected and appointed officer of the
 14 executive branch shall designate certain public records as
 15 essential records needed for an emergency or for the
 16 reestablishment of normal operations after any such
 17 emergency. A list of such records shall be forwarded to the
 18 department of administration. The list shall be reviewed
 19 from time to time by the elected or appointed officers to
 20 insure its accuracy. Any changes or revisions shall be
 21 forwarded to the department of administration.

22 (2) Each elected and appointed officer of state
 23 government shall insure that the security of essential
 24 records is accomplished by the most economical means
 25 possible. Protection of essential records may be by

1 vaulting, planned or natural dispersal of copies, storage in
2 the state archives, or any other method approved by the
3 department of administration.

4 (3) Reproductions of essential records may be by
5 photocopy, magnetic tape, microfilm, or other methods
6 approved by the department of administration.

7 Section 11. Repealed. Sections 82-3311, 82-3312, and
8 82-3313, R.C.M. 1947, are repealed.

-End-

1 SENATE BILL NO. 228
2 INTRODUCED BY WARDEN, REGAN
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EFFICIENT
6 CENTRALIZED RECORDS RETENTION AND DESTRUCTION PROGRAM FOR
7 ALL STATE AGENCIES; REPEALING SECTIONS 82-3311, 82-3312, AND
8 82-3313, R.C.M. 1947."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Short title. This act may be cited as the
12 "Public Records Management Act".
13 Section 2. Purpose. The purpose of this act is to
14 create an effective records management program for executive
15 branch agencies of the state of Montana by establishing
16 guidelines and procedures for the efficient and economical
17 control of the creation, utilization, maintenance, and
18 preservation of state records.
19 Section 3. Description and preservation of public
20 records. (1) As used in this act, the term "public records"
21 includes any paper, correspondence, form, book, photograph,
22 microfilm, magnetic tape, computer storage media, map,
23 drawing, or other document, including all copies thereof,
24 regardless of physical form or characteristics, that has
25 been made or received by a state agency in connection with

1 the transaction of official business and preserved for
2 informational value or as evidence of a transaction and all
3 other records or documents required by law to be filed with
4 or kept by any agency of the state of Montana.
5 (2) All public records are and shall remain the
6 property of the state of Montana. They shall be delivered by
7 outgoing officials and employees to their successors and
8 shall be preserved, stored, transferred, destroyed, or
9 disposed of and otherwise managed only in accordance with
10 the provisions of this act.
11 Section 4. Department of administration -- powers and
12 duties -- records management. In order to insure the proper
13 management and safeguarding of public records, the
14 department of administration shall undertake the following:
15 (1) establish guidelines for inventorying, cataloging,
16 retaining, and transferring all public records of state
17 agencies;
18 (2) review and analyze all state agency filing systems
19 and procedures and approve filing system equipment requests;
20 (3) establish and operate the state records center, as
21 authorized by appropriation, for the purpose of storing and
22 servicing public records not retained in office space;
23 (4) gather and disseminate information on all phases
24 of records management including current practices, methods,
25 procedures, and devices for the efficient and economical

1 management of records;

2 (5) operate a central microfilm unit which will
3 microfilm, on a cost recovery basis, all records approved
4 for filming by the office of origin and the department of
5 administration; and

6 (6) approve microfilming projects and microfilm
7 equipment purchases undertaken by all state agencies.

8 Section 5. Agency responsibilities -- transfer
9 schedules. Each executive branch agency of state government
10 shall administer its records management function and shall:

11 (1) coordinate all aspects of the agency records
12 management function;

13 (2) manage the inventoring of all public records
14 within the agency for disposition scheduling and transfer
15 action in accordance with procedures prescribed by the
16 department of administration and the state records
17 committee;

18 (3) analyze records inventory data, examine and
19 compare divisional or unit inventories for duplication of
20 records, and recommend to the department of administration
21 and the state records committee minimal retentions for all
22 copies of public records within the agency;

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

25 (5) review established records retention schedules to

1 insure that they are complete and current.

2 Section 6. Legislative and judicial branches. Upon
3 request, the department of administration shall assist and
4 advise in the establishment of records management procedures
5 in the legislative and judicial branches of state government
6 and shall, as required by them, provide services similar to
7 those available to the executive branch.

8 Section 7. Records committee -- composition --
9 meetings -- powers and duties. (1) There is a committee to
10 be known as the state records committee, composed of
11 representatives of:

12 (a) the department of administration;

13 (b) the legislative auditor;

14 (c) the attorney general; and

15 (d) the Montana historical society.

16 (2) The representatives are to be designated by the
17 head of the respective agencies, and their appointments
18 shall be submitted in writing to the director of the
19 department of administration.

20 (3) The state records committee shall approve, modify,
21 or disapprove the recommendations on retention schedules of
22 all public records to determine which documents not included
23 in the provisions of this act are to be designated public
24 records and approve agency requests to dispose of such
25 public records.

1 (4) The committee shall meet at least quarterly.
 2 Committee members shall serve without additional salary but
 3 are entitled to reimbursement for travel expense incurred
 4 while engaged in committee activities as provided for in
 5 59-538, 59-539, and 59-801. Such expenses shall be paid from
 6 the appropriations made for operation of their respective
 7 agencies.

8 Section 8. Disposal of public records. Requests for
 9 the disposal of public records shall be submitted to the
 10 state records committee by the agency concerned. No public
 11 record may be disposed of or destroyed without the unanimous
 12 approval of the state records committee.

13 Section 9. Transfer of public records. (1) All public
 14 records not required in the current operation of the office
 15 where they are made or kept and all records of each agency,
 16 commission, committee, or any other activity of the
 17 executive branch of state government which may be abolished
 18 or discontinued shall be, in accordance with approved
 19 records retention schedules, either transferred to the state
 20 records center or transferred to the custody of the state
 21 archives if such records are considered to have permanent
 22 administrative or historical value.

23 (2) When records are transferred to the state records
 24 center, the agency so doing loses none of its rights of
 25 control and access. The state records center is only a

1 custodian of the agency records, and access will only be by
 2 agency approval. Agency records for which the state records
 3 center acts as custodian may not be subpoenaed from the
 4 state records center but must be subpoenaed from the agency
 5 to which the records belong. Fees may be charged to cover
 6 the cost of records storage and servicing.

7 (3) If an agency does not wish to transfer records as
 8 provided in an approved retention schedule, the agency
 9 shall, within 30 days, notify the department of
 10 administration and request a change in the schedule.

11 Section 10. Protection of essential records. (1) In
 12 order to provide for the continuity and preservation of
 13 civil government, each elected and appointed officer of the
 14 executive branch shall designate certain public records as
 15 essential records needed for an emergency or for the
 16 reestablishment of normal operations after any such
 17 emergency. A list of such records shall be forwarded to the
 18 department of administration. The list shall be reviewed
 19 from time to time by the elected or appointed officers to
 20 insure its accuracy. Any changes or revisions shall be
 21 forwarded to the department of administration.

22 (2) Each elected and appointed officer of state
 23 government shall insure that the security of essential
 24 records is accomplished by the most economical means
 25 possible. Protection of essential records may be by

SB 0228/02

1 vaulting, planned or natural dispersal of copies, storage in
2 the state archives, or any other method approved by the
3 department of administration.

4 (3) Reproductions of essential records may be by
5 photocopy, magnetic tape, microfilm, or other methods
6 approved by the department of administration.

7 Section 11. Repealer. Sections 82-3311, 82-3312, and
8 82-3313, R.C.M. 1947, are repealed.

-End-