LC 1146/01

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

INTRODUCED BILL

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.

Section 4. Department of administration -- powers and duties -- records management. In order to insure the proper management and safeguarding of public records, the department of administration shall undertake the following: (1) establish guidelines for inventorying, cataloging, retaining, and transferring all public records of state 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;

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

-2-

58228

1 management of records:

.

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

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

8 Section 5. Agency responsibilities -- transfer schedules. Each executive branch agency of state government 9 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 department of administration and the state records 16 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 submittee by the agency to the state records committee; and 24 25 (5) review established records retention schedules to

1 insure that they are complete and current.

2 Section 6. Legislative and judicial branches. Upon з 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 agancies, and their appointments shall be submitted in writing to the director of the 18 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.

-3-

-4-

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.

Section 9. Transfer of public records. (1) All public 13 records not required in the current operation of the office 14 where they are made or kept and all records of each agency, 15 commission, committee, or any other activity of the 16 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 archives if such records are considered to have permanent 21 22 administrative or historical value.

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

custodian of the agency records, and access will only be by
 agency approval. Agency records for which the state records
 center acts as custodian may not be subpoenaed from the
 state records center but must be subpoenaed from the agency
 to which the records belong. Fees may be charged to cover
 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.

Section 10. Protection of essential records. (1) In 11 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.

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

LC 1146/01

vaulting, planned or natural dispersal of copies, storage in
 the state archives, or any other method approved by the
 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. Repeater. Sections 82-3311, 82-3312, and

8 82-3313, R.C.M. 1947, are repealed.

۹

-

## STATE OF MONTANA

REQUEST NO. 173-77

# FISCAL NOTE

Form BD-15

In	compliance with a written request received January 24, 19, 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.

Ina hand d.

BUDGET DIRECTOR Office of Budget and Program Planning Date:

Approved by Committee on State Administration

Secrett BILL NO. 228 1 INTRODUCED BY Harden 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 4 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EFFICIENT 5 CENTRALIZED RECORDS RETENTION AND DESTRUCTION PROGRAM FOR 6 ALL STATE AGENCIES: REPEALING SECTIONS 32-3311, 82-3312, AND 7 82-3313, R.C.M. 1947.\* 8 q RE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Short title. This act may be cited as the 11 "Public Records Management Act". 12 Section 2. Purpose. The purpose of this act is to 13 create an effective records management program for executive 14 branch agencies of the state of Montana by establishing 15

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 madia, 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

SECOND READING

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

5 (2) All public records are and shall remain the 5 property of the state of Montana. They shall be deliver a 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;

(2) review and analyze all state agency filing systems
and procedures and approve filing system equipment requests;
(3) establish and operate the state records center, as
authorized by appropriation, for the purpose of storing and

22 servicing public records not retained in office space;

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

-2-

58228

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 che state records
17 committee;

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

(4) approve all records disposal requests which are
 submitted by the agency to the state records committee; and
 (5) review established records retention schedulas 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 advise in the establishment of records management procedures 4 5 in the legislative and judicial branches of state covernment and shall, as required by them, provide services similar to 5 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.

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

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

custodian of the agency records, and access will only be by
 agency approval. Agency records for which the state records
 center acts as custodian may not be suppoenaed from the
 state records center but must be suppoenaed from the agency
 to which the records belong. Fees may be charged to cover
 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.

Section 10. Protection of essential records. (1) In 11 12 order to provide for the continuity and preservation of 13 civil government, each elected and appointed officer of the executive branch shall designate certain public records as 14 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.

(2) Each elected and appointed officer of state
government shall insure that the security of essential
records is accomplished by the most economical means
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.

LC 1146/01

INTRODUCED BY Varden LIN 1 2 BY REQUEST OF THE PARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EFFICIENT 5 CENTRALIZED RECORDS RETENTION AND DESTRUCTION PROGRAM FOR 6 ALL STATE AGENCIES; REPEALING SECTIONS 82-3311, 82-3312, AND 7 82-3313. R.C.H. 1947." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Short title. This act may be cited as the 11 "Public Records Management Act". 12 Section 2. Purpose. The purpose of this act is to 13 create an effective records management program for executive 14 branch agencies of the state of Montana by establishing 15 quidelines and procedures for the efficient: and economical 16 control of the creation, utilization, maintenance, and 17 preservation of state records. 18 Section 3. Description and preservation of public 19 records. (1) As used in this act, the term "public records" 20 includes any paper, correspondence, form, book, photograph, 21 microfilm, magnetic tape, computer storage madia, map, 22 drawing, or other document, including all copies thereof, 23 rewardless of physical form or characteristics, that has 24 been made or received by a state agency in connection with 25

the transaction of official business and preserved for
 informational value or as evidence of a transaction and all
 other records or documents required by law to be filed with
 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;

(2) review and analyze all state agency filing systems
and procedures and approve filing system equipment requests;
(3) establish and operate the state records center, as
authorized by appropriation, for the purpose of storing and
servicing public records not retained in office space;
(4) gather and disseminate information on all phases
of records management inclusing current practices, methods,

25 procedures, and devices for the efficient and economical

-2-

```
THIRD READING
```

SB228

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;

(4) approve all records disposal requests which are
 submitted by the agency to the state records committee; and
 (5) review established records retention schedules to

1 insure that they are complete and current.

z Section 6. Legislative and judicial branches. Upon request, the department of administration shall assist and 3 advise in the establishment of records management procedures 4 in the legislative and judicial branches of state government 5 and shall, as required by them, provide services similar to 6 those available to the executive branch. 7 Section 7. Records committee -- composition --8 meetings -- powers and duties. (1) There is a committee to 9

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.

-3-

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 executive branch of state government which may be abolished 17 18 or discontinued shall be, in accordance with approved records retention schedules, either transferred to the state 19 records center or transferred to the custody of the state 20 21 archives if such records are considered to have permanent administrative or historical value. 22

(2) When records are transferred to the state records
center. the agency so doing loses none of its rights of
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 ŧΖ 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

-5-

LC 1146/01

-6-

•

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

**n**, 7

SB 0228/02

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

REFERENCE BILL

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 quidelines for inventorving, 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, procedures, and devices for the efficient and economical 25

-2-

SB 0228/02

\$3 228

#### \$8 0228/02

SB 228

SB 0228/02

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;

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

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

(4) approve all records disposal requests which are
 submitted by the agency to the state records committee; and
 (5) review established records retention schedules to

-3-

1 insure that they are complete and current.

Section 6. Legislative and judicial branches. Upon 2 request, the department of administration shall assist and 3 4 advise in the establishment of records management procedures in the legislative and judicial branches of state government 5 6 and shall, as required by them, provide services similar to 7 those available to the executive branch. 8 Section 7. Records committee --- composition --meetings --- powers and duties. (1) There is a committee to 9 be known as the state records committee, composed of 10 11 representatives of: (a) the department of administration; 12 13 (b) the legislative auditor; 14 (c) the attorney general; and the Montana historical society. 15 (d) (2) The representatives are to be designated by the 16 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, monify, 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.

-4-

#### SB 0228/02

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

-5-

S3 228

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 executive branch shall designate certain public records as 14 15 essential records needed for an emergency or for the reestablishment of normal operations after any 16 such emergency. A list of such records shall be forwarded to the 17 department of administration. The list shall be reviewed 18 19 from time to time by the elected or appointed officers to 20 insure its accuracy. Any changes or revisions shall be forwarded to the department of administration. 21

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

-6-

SB 228

#### S3 0228/02

SB 228

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 ó approved by the department of administration. Section 11. Repealer. Sections 82-3311, 82-3312, and 7 8 82-3313, R.C.M. 1947, are repealed.