

CHAPTER NO. 102.

SENATE BILL NO. 79

INTRODUCED BY McCALLUM

BY REQUEST OF THE INTERIM SUBCOMMITTEE ON EDUCATION

IN THE SENATE

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| January 10, 1979 | Introduced and referred to Committee on Education. |
| January 16, 1979 | Committee recommend bill do pass. Report adopted. |
| January 17, 1979 | Printed and placed on members' desks. |
| January 18, 1979 | Second reading, do pass. |
| January 19, 1979 | Considered correctly engrossed. |
| January 20, 1979 | Third reading, passed. Transmitted to second house. |

IN THE HOUSE

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| January 22, 1979 | Introduced and referred to Committee on Education and Cultural Resources. |
| March 2, 1979 | Committee recommend bill be concurred in. Report adopted. |
| March 3, 1979 | Second reading, concurred in. |
| March 6, 1979 | Third reading, concurred in. |

IN THE SENATE

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| March 7, 1979 | Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled. |
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1 *Senate* BILL NO. 79
 2 INTRODUCED BY *McBaldern*
 3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON EDUCATION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING ORIGINAL
 6 CUSTODIANS TO TRANSFER OFFICIAL RECORDS TO THE STATE
 7 ARCHIVES; ESTABLISHING THE LEGAL STATUS OF CERTIFIED COPIES
 8 OF PUBLIC AND OFFICIAL RECORDS; AND AMENDING SECTION
 9 2-6-303, MCA."

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

12 NEW SECTION. Section 1. Certified copies of public
 13 records. (1) The Montana historical society shall reproduce
 14 and certify copies of public records in its possession upon
 15 application of any citizen of this state.

16 (2) The certified copy of a public record has the same
 17 force in law as if made by the original custodian.

18 NEW SECTION. Section 2. Certified copies of official
 19 records. (1) The Montana historical society shall reproduce
 20 and certify copies of official records in its possession
 21 upon application of any citizen of this state.

22 (2) The certified copy of an official record has the
 23 same force in law as if made by the original custodian.

24 Section 3. Section 2-6-303, MCA, is amended to read:

25 "2-6-303. Ownership of records -- transfer. (1) Every

1 public officer is entitled to the possession of all books
 2 and papers pertaining to his office or in the custody of a
 3 former incumbent by virtue of his office.

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

9 ~~(3) A public officer may, with the concurrence of the~~
 10 ~~Montana historical society, transfer to the state archives~~
 11 ~~official records that he has been specifically directed by~~
 12 ~~statute to preserve or keep in his office."~~

13 Section 4. Codification instructions. The code
 14 commissioner shall codify section 1 in chapter 6, part 2, of
 15 Title 2 and section 2 in chapter 6, part 3, of Title 2.

-End-

-2- INTRODUCED BILL
 SB 79

STATE OF MONTANA

Request No. 127-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 1979, there is hereby submitted a Fiscal Note for Senate Bill 79 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 OF PROPOSED LEGISLATION:

A proposal allowing the transfer of permanently valuable state records to the State Archives that are otherwise mandated to remain in the custody of the generating office; and to establish the authority of the State Archives to certify copies of the records housed in that facility.

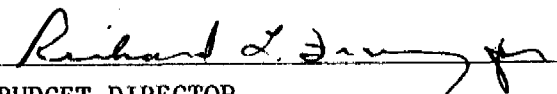
ASSUMPTIONS:

1. Effective July 1, 1979, this act would transfer to the program an additional maximum of 1000 cubic feet of permanently valuable state records. This 1000 cubic feet maximum transfer per year is a reflection of the facility's work space capabilities, not a projection of the records which might be transferred under this act.
2. The present staff can handle the increased transfer of state records under this proposed law through some alteration in work priorities. Little or no travel would be required.
3. Citizens will be charged actual cost for requested copies.

FISCAL IMPACT:

| | <u>FY 79-80</u> | <u>FY 80-81</u> |
|--|-----------------|-----------------|
| Net additional expenditures under proposed law | \$1,590 | \$1,590 |
| Less: Expenditures under current law | <u>313</u> | <u>313</u> |
| Increased expenditures under proposed law | <u>\$1,277</u> | <u>\$1,277</u> |

The additional cost would be funded from the State General Fund.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1/29/79

Approved by Committee
on Education

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-End-

SB 79
-2- SECOND READING

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