

1
2 INTRODUCED BY Raney Smith House BILL NO. 129

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT MANDATING ESTABLISHMENT OF CATEGORIES OF RECORDS
5 FOR WHICH A DISPOSAL REQUEST IS NOT REQUIRED BY THE LOCAL GOVERNMENT RECORDS
6 COMMITTEE; AND AMENDING SECTION 2-6-403, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 2-6-403, MCA, is amended to read:

11 **"2-6-403. Duties and responsibilities.** (1) The local government records committee shall approve,
12 modify, or disapprove proposals for local government records retention and disposition schedules.

13 (2) The local government records committee shall appoint a subcommittee, known as the local
14 government records destruction subcommittee, to handle requests for disposal of records. The
15 subcommittee consists of the state archivist and the bureau chief of the local government services bureau
16 of the department of commerce. Unless specifically authorized by statute or by the retention and disposition
17 schedule, a local government public record may not be destroyed or otherwise disposed of without the
18 unanimous approval of the subcommittee. If there is no unanimous approval by the subcommittee, the issue
19 of the disposition of a record must be referred to the local government records committee for approval.
20 When approval is required, a request for the disposal or destruction of any local government records must
21 be submitted to the subcommittee by the entity concerned. When approval is obtained from the
22 subcommittee or from the local government records committee for the disposal of a record, the local
23 government records committee shall consider the inclusion of a new category of record for which a disposal
24 request is not required and update the schedule.

25 (3) The local government records committee ~~may by unanimous approval establish categories of~~
26 ~~records for which a disposal request is not required, providing that those records are retained for the~~
27 ~~designated retention period~~ shall establish a retention and disposition schedule for categories of records for
28 which a disposal request is not required. The committee shall publish the retention and disposition
29 schedules and updates to those schedules at least annually.

30 (4) The committee shall respond to requests for technical advice on matters relating to local

1 government records.

2 (5) The committee shall provide leadership and coordination in matters affecting the records of
3 multiple local governments."

4 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0129, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act mandating establishment of categories of records for which a disposal request is not required by the local government records committee.

ASSUMPTIONS:

1. This bill mandates the establishment, publishing and annual distribution of a retention schedule and a disposition schedule.
2. The Montana Historical Society, Department of Commerce, or Secretary of State could perform the requirements of this bill as time and budget allow but resources are not likely to be available annually.
3. The committee will provide leadership and coordination in implementing the requirements of the bill, with committee meetings held in Helena. So long as the meetings are held in Helena, these costs can be absorbed in the Executive Budget present law base.

FISCAL IMPACT:

No impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

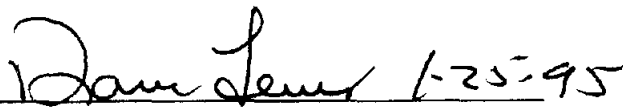
If the state does not absorb these costs, production costs will be passed on to the local governments.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The retention and disposition schedules for local government will be provided as time and budget allow. The committee will provide technical advice, leadership, and coordination on matters relating to government records.

TECHNICAL NOTES:

Section 1, subsection(2), lines 18 and 19 - If there is a statutory mandated reason one of the two members refuse disposition, can the vote of the whole committee overturn that legal definition?


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0129, as introduced

HB 129