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INTRODUCED BY

*Anderson* *House* *BILL NO. 190*  
*Control*  
*Raney*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE ISSUE OF THE DISPOSAL OF A RECORD BE SUBMITTED TO THE LOCAL GOVERNMENT RECORDS COMMITTEE IF THERE IS NOT UNANIMOUS APPROVAL OF THE DISPOSAL OF THE RECORD BY THE LOCAL GOVERNMENT RECORDS DESTRUCTION SUBCOMMITTEE; REQUIRING THE LOCAL GOVERNMENT RECORDS COMMITTEE TO ESTABLISH A RETENTION AND DISPOSITION SCHEDULE FOR CATEGORIES OF RECORDS AND TO PUBLISH THE SCHEDULES AND UPDATES TO THE SCHEDULES AT LEAST ANNUALLY; AND AMENDING SECTION 2-6-403, MCA."

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

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

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

(2) The local government records committee shall appoint a subcommittee, known as the local government records destruction subcommittee, to handle requests for disposal of records. The subcommittee consists of the state archivist and a representative of the department of commerce. Unless specifically authorized by statute or by the retention and disposition schedule, a local government public record may not be destroyed or otherwise disposed of without the unanimous approval of the subcommittee. When approval is required, a request for the disposal or destruction of any local government records must be submitted to the subcommittee by the entity concerned. If there is not unanimous approval of the subcommittee, the issue of the disposition of a record must be referred to the local government records committee for approval. When approval is obtained from the subcommittee or from the local government records committee for the disposal of a record, the local government records committee shall consider the inclusion of a new category of record for which a disposal request is not required and shall update the schedule.

(3) The local government records committee ~~may by unanimous approval establish categories of records for which a disposal request is not required, providing that these records are retained for the~~

1 ~~designated retention period~~ shall establish a retention and disposition schedule for categories of records for  
2 which a disposal request is not required. The committee shall publish the retention and disposition  
3 schedules and updates to those schedules at least annually.

4 (4) The committee shall respond to requests for technical advice on matters relating to local  
5 government records.

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

8 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0190, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act providing the disposal of a record be submitted to the Local Government Records Committee if there is not unanimous approval of the disposal of the record by the local government records destruction subcommittee; requiring a retention and disposition schedule.

ASSUMPTIONS:

1. This bill will require a consultant to publish the schedule of retention. The consultant is estimated to cost \$3,000 each fiscal year.
2. There are 1,492 local governments.
3. The committee meets twice a year and this cost can be absorbed by the agencies.
4. Printing and Postage costs are estimated to be \$2,640 the first year and \$500 each year after.
5. The committee will provide leadership and coordination in implementing the requirements of the bill.
6. All committee meetings shall be held in Helena.

FISCAL IMPACT:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Consultant	3,000	3,000
Printing and postage	<u>2,640</u>	<u>500</u>
Total	5,640	3,500

Funding:


General Fund (01)	5,640	3,500
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

If the state absorbs the cost of this bill, there will be no financial cost to local governments. If the state does not absorb these costs, the costs of production will be passed on to local governments.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The local governments will have a Retention and Disposition schedule. The local governments will also have technical advice on matters relating to government records. They will also receive leadership and coordination on these matters.

 1-12-97

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

SHIELL ANDERSON, PRIMARY SPONSOR      DATE

Fiscal Note for HB0190, as introduced

HB 190

APPROVED BY COM ON  
LOCAL GOVERNMENT

HOUSE BILL NO. 190

INTRODUCED BY ANDERSON, GROSFIELD, RANEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE ISSUE OF THE DISPOSAL OF A RECORD BE SUBMITTED TO THE LOCAL GOVERNMENT RECORDS COMMITTEE IF THERE IS NOT UNANIMOUS APPROVAL OF THE DISPOSAL OF THE RECORD BY THE LOCAL GOVERNMENT RECORDS DESTRUCTION SUBCOMMITTEE; REQUIRING THE LOCAL GOVERNMENT RECORDS COMMITTEE TO ESTABLISH A RETENTION AND DISPOSITION SCHEDULE FOR CATEGORIES OF RECORDS AND TO PUBLISH THE SCHEDULES AND UPDATES TO THE SCHEDULES ~~AT LEAST ANNUALLY~~; AND AMENDING ~~SECTION~~ SECTIONS 2-6-403 AND 20-1-212, MCA."

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5 government records.

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7 multiple local governments."

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9 **SECTION 2. SECTION 20-1-212, MCA, IS AMENDED TO READ:**

10 "20-1-212. **Destruction of records by school officer.** (1) Upon the order of the board of trustees  
11 ~~and with the written approval of the local government records destruction subcommittee provided for in~~  
12 ~~2-6-403~~, a school officer may destroy records that have met the retention period, as contained in the local  
13 government records retention and disposition schedules, and that are no longer needed by the office.

14 (2) Student records must be permanently kept, and employment records must be kept for 10 years  
15 after termination."

16

-END-

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2 INTRODUCED BY ANDERSON, GROSFIELD, RANEY

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THIRD READING

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5 (4) THE COMMITTEE SHALL ESTABLISH SCHOOL RECORDS RETENTION SCHEDULES BY  
 6 SEPTEMBER 1, 1997.

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