

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 443, As Amended

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO MUNICIPAL RECORDS; AMENDING SECTION 50-907, IDAHO CODE, TO PRO-
2 VIDE THAT HISTORICAL RECORDS MAY NOT BE DESTROYED BUT MAY BE TRANSFERRED
3 TO THE IDAHO STATE HISTORICAL SOCIETY'S PERMANENT RECORDS REPOSITORY
4 UPON RESOLUTION OF THE CITY COUNCIL AND TO PROVIDE WHEN DESTRUCTION IS
5 ALLOWED; AND REPEALING SECTION 50-909, IDAHO CODE, RELATING TO RETEN-
6 TION OF RECORDS USING PHOTOGRAPHIC AND DIGITAL MEDIA.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 50-907, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 50-907. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS. (1) "Per-
12 manent records" shall consist of:

13 (a) Adopted meeting minutes of the city council and city boards and com-
14 missions;

15 (b) Ordinances and resolutions;

16 (c) Building plans and specifications for commercial projects and gov-
17 ernment buildings;

18 (d) Fiscal year-end financial reports;

19 (e) Records affecting the title to real property or liens thereon;

20 (f) Cemetery records of lot ownership, headstone inscriptions, inter-
21 ment, exhumation and removal records, and cemetery maps, plot plans and
22 surveys;

23 (g) Poll books, excluding optional duplicate poll books used to record
24 that the elector has voted, tally books, sample ballots, campaign fi-
25 nance reports, declarations of candidacy, declarations of intent, and
26 notices of election; and

27 (h) Other documents or records as may be deemed of permanent nature by
28 the city council.

29 Permanent records shall be retained by the city in perpetuity, or may be
30 transferred to the Idaho state historical society's permanent records
31 repository upon resolution of the city council.

32 (2) "Semipermanent records" shall consist of:

33 (a) Claims, canceled checks, warrants, duplicate warrants, purchase
34 orders, vouchers, duplicate receipts, utility and other financial
35 records;

36 (b) Contracts;

37 (c) Building applications for commercial projects and government
38 buildings;

39 (d) License applications;

40 (e) Departmental reports;

41 (f) Bonds and coupons; and

1 (g) Other documents or records as may be deemed of semipermanent nature
2 by the city council.

3 Semipermanent records shall be kept for not less than five (5) years after
4 the date of issuance or completion of the matter contained within the record.

5 (3) "Temporary records" shall consist of:

6 (a) Building applications, plans, and specifications for noncommer-
7 cial and nongovernment projects after the structure or project receives
8 final inspection and approval;

9 (b) Cash receipts subject to audit;

10 (c) Election ballots and duplicate poll books; and

11 (d) Other documents or records as may be deemed of temporary nature by
12 the city council.

13 Temporary records shall be retained for not less than two (2) years, but in
14 no event shall financial records be destroyed until completion of the city's
15 financial audit as provided in section 67-450B, Idaho Code.

16 ~~(4) Semipermanent and temporary records may only be destroyed by res-~~
17 ~~olution of the city council, and upon the advice of the city attorney. Such~~
18 ~~disposition shall be under the direction and supervision of the city clerk.~~
19 ~~The resolution ordering destruction shall list in detail records to be de-~~
20 ~~stroyed. Prior to destruction of semipermanent records, the city clerk~~
21 ~~shall provide written notice, including a detailed list of the semiper-~~
22 ~~manent records proposed for destruction, to the Idaho state historical~~
23 ~~society thirty (30) days prior to the destruction of any records "Historical~~
24 ~~records" shall consist of records which, due to age or cultural signifi-~~
25 ~~cance, are themselves artifacts of historical value. Historical records~~
26 ~~have enduring value based on the administrative, legal, fiscal, evidential~~
27 ~~or historical information they contain. Historical records shall be re-~~
28 ~~tained by the city in perpetuity or may be transferred to the Idaho state his-~~
29 ~~torical society's permanent records repository pursuant to subsections 8.~~
30 ~~and 9. of section 67-4126, Idaho Code, upon resolution of the city council.~~

31 ~~(5) Prior to January 1, 2007, e~~Each city council shall adopt by resolu-
32 tion a records retention schedule, listing the various types of city records
33 and the retention period for each type of record.

34 (6) The city may reproduce, retain and manage records in a photo-
35 graphic, digital or other nonpaper medium. The medium in which a document is
36 retained shall accurately reproduce the record in paper form during the pe-
37 riod for which the document must be retained and shall preclude unauthorized
38 alteration of the document.

39 (a) If the medium chosen for retention is photographic, all film used
40 must meet the quality standards of the American national standards in-
41 stitute (ANSI).

42 (b) If the medium chosen for retention is digital, the medium must pro-
43 vide for reproduction on paper at a resolution of at least two hundred
44 (200) dots per inch.

45 (c) A record retained by the city in any form or medium permitted under
46 this section shall be deemed an original public record for all purposes.
47 A reproduction or copy of such record, certified by the city clerk,
48 shall be deemed to be a transcript or certified copy of the original and
49 shall be admissible before any court or administrative hearing.

1 (d) Once a semipermanent or temporary record is retained in a nonpaper
2 medium as authorized by this section:

3 (i) The original paper document shall be considered a duplicate
4 of the record, and may be summarily disposed of or returned to the
5 sender; and

6 (ii) The provisions of this section related to retention and de-
7 struction of semipermanent and temporary records shall apply only
8 to the record retained in the nonpaper medium.

9 (e) Once a permanent record is retained in a nonpaper medium as autho-
10 rized by this section:

11 (i) The original paper document shall be considered a copy of the
12 record and may be destroyed after compliance with the provisions
13 of this subparagraph. Prior to destruction of original paper
14 documents, the city clerk shall provide written notice, either by
15 electronic or physical delivery, including a detailed list of the
16 documents proposed for destruction to the Idaho state historical
17 society. The Idaho state historical society shall have thirty
18 (30) days after receipt of the notice to review the list and re-
19 spond in writing, either by electronic or physical delivery, to
20 the city clerk identifying any documents that will be requested
21 to be transferred from the city to the historical society for re-
22 retention in the permanent records repository. Any documents that
23 will not be transferred for retention in the permanent records
24 repository may be destroyed. If the city clerk receives no written
25 response within thirty (30) days after the notice was received by
26 the historical society, then the records proposed for destruction
27 may be destroyed.

28 (ii) The provisions of this section related to retention of perma-
29 nent records shall only apply to the record retained in the nonpa-
30 per medium.

31 (f) Even if a historic record is retained in a nonpaper medium as autho-
32 rized by this section, the original paper record shall also be retained
33 by the city in perpetuity, or it may be transferred to the Idaho state
34 historical society's permanent records repository upon resolution of
35 the city council.

36 (g) Whenever any record is retained in a nonpaper medium, the city clerk
37 shall maintain, throughout the scheduled retention period for such
38 record, suitable equipment for displaying such record at not less than
39 original size and for making copies of the record.

40 (h) Whenever any record is retained in a nonpaper medium, it shall be
41 made in duplicate and the custodian thereof shall place one (1) copy in
42 a fire-resistant vault or off-site storage facility, and he shall re-
43 tain the other copy in his office with suitable equipment for displaying
44 such record at not less than original size and for making copies of the
45 record.

46 (7) Destruction or transfer of records:

47 (a) Permanent records shall not be destroyed, except for paper origi-
48 inals of permanent records retained in a nonpaper medium as provided
49 in subsection (6) (e) of this section. Permanent records may be trans-

1 ferred to the Idaho state historical society's permanent records repos-
2 itory upon resolution of the city council.

3 (b) Semipermanent records may be destroyed only by resolution of the
4 city council and upon the advice of the city attorney, except for pa-
5 per originals of semipermanent records retained in a nonpaper medium as
6 provided in subsection (6) (d) of this section. Such disposition shall
7 be under the direction and supervision of the city clerk. The resolu-
8 tion ordering destruction shall list in detail records to be destroyed.

9 (c) Temporary records may be destroyed only by resolution of the city
10 council and upon the advice of the city attorney, except for paper orig-
11 inals of temporary records retained in a nonpaper medium as provided in
12 subsection (6) (d) of this section. Such disposition shall be under the
13 direction and supervision of the city clerk. The resolution ordering
14 destruction shall list in detail records to be destroyed.

15 (d) Historical records may not be destroyed but may be transferred to
16 the Idaho state historical society's permanent records repository upon
17 resolution of the city council.

18 SECTION 2. That Section [50-909](#), Idaho Code, be, and the same is hereby
19 repealed.