

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 131

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO MUNICIPAL RECORDS; AMENDING SECTION 50-907, IDAHO CODE, TO PROVIDE FOR THE CLASSIFICATION AND RETENTION OF MUNICIPAL MEDIA RECORDINGS AND LAW ENFORCEMENT MEDIA RECORDINGS AND TO MAKE TECHNICAL CORRECTIONS.

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

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

50-907. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS. (1) "Permanent records" shall consist of:

- (a) Adopted meeting minutes of the city council and city boards and commissions;
- (b) Ordinances and resolutions;
- (c) Building plans and specifications for commercial projects and government buildings;
- (d) Fiscal year-end financial reports;
- (e) Records affecting the title to real property or liens thereon;
- (f) Cemetery records of lot ownership, headstone inscriptions, interment, exhumation and removal records, and cemetery maps, plot plans and surveys;
- (g) Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, and notices of election; and
- (h) Other documents or records as may be deemed of permanent nature by the city council.

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

(2) "Semipermanent records" shall consist of:

- (a) Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
- (b) Contracts;
- (c) Building applications for commercial projects and government buildings;
- (d) License applications;
- (e) Departmental reports;
- (f) Bonds and coupons; and
- (g) Other documents or records as may be deemed of semipermanent nature by the city council.

Semipermanent records shall be kept for ~~not~~ no less than five (5) years after the date of issuance or completion of the matter contained within the record.

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

- 2 (a) Building applications, plans, and specifications for noncommer-  
 3 cial and nongovernment projects after the structure or project receives  
 4 final inspection and approval;  
 5 (b) Cash receipts subject to audit;  
 6 (c) Election ballots and duplicate poll books; and  
 7 (d) Other documents or records as may be deemed of temporary nature by  
 8 the city council.

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

12 (4) "Historical records" shall consist of records which, due to age or  
 13 cultural significance, are themselves artifacts of historical value. His-  
 14 torical records have enduring value based on the administrative, legal, fis-  
 15 cal, evidential or historical information they contain. Historical records  
 16 shall be retained by the city in perpetuity or may be transferred to the Idaho  
 17 state historical society's permanent records repository pursuant to subsec-  
 18 tions 8. and 9. of section 67-4126, Idaho Code, upon resolution of the city  
 19 council.

20 (5) "Municipality media recordings" shall consist of digital record-  
 21 ings created by a municipality that contain a recording of visual or audi-  
 22 ble components or both. Municipality media recordings that have evidentiary  
 23 value may be handed over to the law enforcement agency and fall under its man-  
 24 agement. Law enforcement requests for municipality media recordings must be  
 25 requested within thirty (30) days of the recording date. Municipality media  
 26 recordings that are recorded by the municipality's equipment affixed to any  
 27 building or structure's interior or exterior wall shall be retained for no  
 28 less than thirty (30) days from the date the recording was made, and all mu-  
 29 nicipality media recordings may be automatically deleted or overwritten af-  
 30 ter the thirty (30) day retention period.

31 (6) "Law enforcement media recordings" shall consist of digital  
 32 recordings created by a law enforcement agency in the performance of its  
 33 duties that contain a recording of visual or audible components or both. Law  
 34 enforcement media recordings with evidentiary value shall be retained for  
 35 no less than two hundred (200) days from the date the recording was made.  
 36 Law enforcement media recordings that have no evidentiary value and that  
 37 are recorded by the law enforcement agency's equipment not affixed to any  
 38 building or structure's interior or exterior wall shall be retained for no  
 39 less than sixty (60) days from the date the recording was made. Law enforce-  
 40 ment media recordings that have no evidentiary value and that are recorded  
 41 by the law enforcement agency's equipment affixed to any building or struc-  
 42 ture's interior or exterior wall shall be retained for no less than fourteen  
 43 (14) days from the date the recording was made. All law enforcement media  
 44 recordings may be automatically deleted or overwritten after the designated  
 45 retention period provided in this subsection.

46 (7) Each city council shall adopt by resolution a records retention  
 47 schedule, listing the various types of city records and the retention period  
 48 for each type of record.

49 (68) The city may reproduce, retain and manage records in a photo-  
 50 graphic, digital or other nonpaper medium. The medium in which a document is

1 retained shall accurately reproduce the record in paper form during the pe-  
2 riod for which the document must be retained and shall preclude unauthorized  
3 alteration of the document.

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

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

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

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

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

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

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

25 (i) The original paper document shall be considered a copy of the  
26 record and may be destroyed after compliance with the provisions  
27 of this subparagraph. Prior to destruction of original paper  
28 documents, the city clerk shall provide written notice, either by  
29 electronic or physical delivery, including a detailed list of the  
30 documents proposed for destruction to the Idaho state historical  
31 society. The Idaho state historical society shall have thirty  
32 (30) days after receipt of the notice to review the list and re-  
33 spond in writing, either by electronic or physical delivery, to  
34 the city clerk identifying any documents that will be requested  
35 to be transferred from the city to the historical society for re-  
36 tention in the permanent records repository. Any documents that  
37 will not be transferred for retention in the permanent records  
38 repository may be destroyed. If the city clerk receives no written  
39 response within thirty (30) days after the notice was received by  
40 the historical society, then the records proposed for destruction  
41 may be destroyed.

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

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

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

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

11 (~~79~~) Destruction or transfer of records:

12 (a) Permanent records shall not be destroyed, except for paper origi-  
13 nals of permanent records retained in a nonpaper medium as provided in  
14 subsection (~~68~~) (e) of this section. Permanent records may be trans-  
15 ferred to the Idaho state historical society's permanent records reposi-  
16 tory upon resolution of the city council.

17 (b) Semipermanent records may be destroyed only by resolution of the  
18 city council and upon the advice of the city attorney, except for pa-  
19 per originals of semipermanent records retained in a nonpaper medium as  
20 provided in subsection (~~68~~) (d) of this section. Such disposition shall  
21 be under the direction and supervision of the city clerk. The resolu-  
22 tion ordering destruction shall list in detail records to be destroyed.

23 (c) Temporary records may be destroyed only by resolution of the city  
24 council and upon the advice of the city attorney, except for paper origi-  
25 nals of temporary records retained in a nonpaper medium as provided in  
26 subsection (~~68~~) (d) of this section. Such disposition shall be under the  
27 direction and supervision of the city clerk. The resolution ordering  
28 destruction shall list in detail records to be destroyed.

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