

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 131

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO MUNICIPAL RECORDS; AMENDING SECTION 50-907, IDAHO CODE, TO PRO-
2 VIDE FOR THE CLASSIFICATION AND RETENTION OF MUNICIPAL MEDIA RECORDINGS
3 AND LAW ENFORCEMENT MEDIA RECORDINGS AND TO MAKE TECHNICAL CORRECTIONS.
4

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

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

8 50-907. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS. (1) "Per-
9 manent records" shall consist of:

- 10 (a) Adopted meeting minutes of the city council and city boards and com-
11 missions;
12 (b) Ordinances and resolutions;
13 (c) Building plans and specifications for commercial projects and gov-
14 ernment buildings;
15 (d) Fiscal year-end financial reports;
16 (e) Records affecting the title to real property or liens thereon;
17 (f) Cemetery records of lot ownership, headstone inscriptions, inter-
18 ment, exhumation and removal records, and cemetery maps, plot plans and
19 surveys;
20 (g) Poll books, excluding optional duplicate poll books used to record
21 that the elector has voted, tally books, sample ballots, campaign fi-
22 nance reports, declarations of candidacy, declarations of intent, and
23 notices of election; and
24 (h) Other documents or records as may be deemed of permanent nature by
25 the city council.

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

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

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

41 Semipermanent records shall be kept for ~~not~~ no less than five (5) years after
42 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.