SENATE STATE ADMIN.
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BILL NO. SB180

Montana Historical Society

SB180: Public Access to Records
Questions and Answers

1. **Q: Why is the Society supporting this bill and what do you plan to use the funding for?**
   A: Since 1969 the Society has been designated as the official state archives for the State of Montana. However, this mandate has been unfunded. With recent budget and personnel cuts, we are no longer able to properly provide access to Montana's public records.

   The funds from the Public Records Access fee will be used to hire two full-time, professional archivists who will process (assess, preserve, and catalog) the records of state government agencies. This will make the records fully accessible through an online catalog, and reduce the storage needs of the MHS.

2. **Q: Aren't state agencies creating fewer paper records and more electronic records? Why aren't you asking for funding for electronic records?**
   A: Unfortunately, state agencies are not creating fewer paper records as they create more electronic records. According to a recent report on the status of electronic records in Montana state government, "most records and information used by State Agencies is originally created in an electronic format. However, much of this information is then sent to the printer before it enters its active lifecycle." The amount of paper records generated by state agencies and, subsequently, transferred to the state archives is not decreasing at this point.

   Currently we are not equipped, either financially or in staffing, to deal with electronic records. Electronic records are prohibitively expensive to manage and preserve. Due to these costs, we are choosing to focus on preserving and providing access to our paper records now, while we investigate more financially viable ways to manage electronic records.

3. **Q: What do you mean when you say archivists "process" the records?**
   A: Archivists are professionals trained in the art of assessing the historical value of all types of records. "Processing" is a term used to describe the multitude of activities that are necessary for making a collection accessible to the public. Those activities include assessing the historical value of the content of each piece of paper, arranging the records into a comprehensible order, preserving the records through conservation treatments and proper storage conditions, and cataloging each collection to provide in-depth accessibility.

4. **Q: How far behind is the Society in providing access to state records?**
   A: We have 10,277 feet of unprocessed state records. Laid out side-by-side, they are over 34 football fields in length or they would line the streets from the Capitol to Jorgenson's Restaurant and back—twice.

5. **Q: It seems hopeless – as if the Society will never catch up. How can you be sure that if you get the money, you can make a dent in the backlog?**
   A: One governor's administration will generate approximately 350 boxes of records. According to the law, these records are the property of the state of Montana. They are also of permanent value to the state and its citizens and must be transferred to the state archives. If the Society had the personnel, we could assess, preserve, and catalog the contents of this collection. This would reduce the storage requirement for the collection by as much as 140 to 210 boxes (40-60%) and, most importantly, would provide meaningful public access to these records.

6. **Q: If you hire two archivists, as you propose, how soon will you catch up?**
   A: Professional archivists can process (assess, preserve, and catalog) approximately one linear foot of records or 3,000 pieces of paper per day (250 boxes or 750,000 pieces of paper per year). If we hired 2 archivists, they could process 500 linear feet of records or 1.5 million pieces of paper each year. At that rate, the current backlog of state records would be gone in approximately 18 years, and the incoming material would be kept abreast of by the year 2054.

7. **Q: Why is the Society so far behind in making these records accessible?**
   A: The Historical Society is one of the smallest agencies in state government. But we are working to preserve and provide access to the records of ALL state government agencies without any assistance from them and with a reduced number of staff. Currently, we have no full time employee dedicated to processing state records. We are now at 98% capacity of storage in our present facility. We could make room for over 4,000 linear feet just by processing the materials that we are storing now.

8. **Q: Why base the fee on FTE?**
   A: Basing the fee on the number of full-time, regular staff makes sense because larger departments generate more records. It's that simple.

   For example:

Dept. of Public Health & Human Services	2677 FTE	2485.6 feet
Department of Transportation	1953 FTE	724.3 feet
Department of Corrections	1114 FTE	1072.6 feet
Office of Public Instruction	153 FTE	175.3 feet
Department of Agriculture	91 FTE	113.0 feet

   We prefer not to use a per-box fee because it will act as a deterrent to agencies to transfer the permanent records to the State Archives.

9. **Q: Are there any other similar fee systems already in place in state government?**
A: Yes, the state Day Care program, which is administered through the Department of Administration, charges a fee based on agency FTEs. This fee is used to pay the rent for the program's building. For this particular program, each agency is assessed a fee of $5.97 per Helena area employee per year. This raised a total of $32,240 for FY2005 lease costs..

10. **Q: Do any other agencies charge similar fees for similar service?**
A: Yes. The Secretary of State's Records Management Bureau charges agencies a fee assessed per item (box) for storing departmental records. The Secretary of State's Records Management Bureau charges this fee ($0.295 per box per month) for keeping the records for 1-10 years but does not provide access to the documents. Agencies pay a fee for storage and additional fees if/when they require access to those documents.

11. **Q: Why not just charge the same fee that the Secretary of State's Records Management Bureau charges?**
A: The Secretary of State's Records Management Bureau charges agencies on a "per box" basis. This works because it encourages the agencies to be economical in how much they store. We could charge departments on a "per box" basis, but we are concerned that there would then be a disincentive to transfer records of permanent value, since it might be seen by some agencies as a place to save money. A number of agencies are already out of compliance with state records laws (MCA 2-6-211) and adding a "per box" fee will only make that worse. If agencies are charged a fee whether they transfer records or not, we feel that more agencies will comply and the historical record will therefore be more complete.

An audit (2002) conducted by the Legislative Audit Division of the Secretary of State's Records Management Bureau showed that "most agencies are not in compliance with state laws or policies" in managing their records.

A Regional Example: A recent law was passed by the British Columbia legislature that did just that—assessed a $25 fee per box to transfer records to the Provincial Archives. The result is that 3 large agencies have several thousand boxes sitting on a loading dock in Victoria awaiting transfer to the Archives because the departments' heads won't agree to pay to have them transferred (not in their budgets) and the Provincial Archivist has already signed the forms designating the records "of permanent historic value".

12. **Q: How is the transfer of records to the Society's Archives different from a transfer to the Secretary of State's Records Management Bureau?**
A: The Secretary of State's Records Management Bureau stores records without making any assessment of them, and without doing any cataloging or preservation work on them. They simply store them for an agency until such time as they are ready to be transferred to the Archives or until they can be legally destroyed.

By contrast, the Archives accepts only those records that the State Archivist deems of "permanent public value." Once the records have been accepted, they are assessed,

preserved, cataloged, and made accessible to the public. Once cataloged into the State Archives, the materials are retained permanently.

13. **Q: What will happen if the Public Records Access bill is not funded? (or what if we do nothing?)**
A: There will be significant consequences for the Historical Society and state records if this bill is not funded. At present the State Archives has reached 98% capacity in its storage area. Without the addition of staff to properly address these records, the Society will be forced to refuse to accept state records of historical significance. Agencies will be forced to store and provide access to their own records. This will mean that access to state records will be greatly reduced or completely gone. Additionally, the Historical Society will be forced to turn public space, such as the museum galleries, into storage areas for the records.

With no additional staff for the State Archives, the historically significant records of state government will be virtually inaccessible to the public. The records will be in danger of being irreparably damaged or destroyed or, worse, being lost to the public forever.