
SENATE BILL 5771

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen, Winsley and M. Rasmussen; by request of Secretary of State

Read first time 02/12/93. Referred to Committee on Government Operations.

1 AN ACT Relating to public records preservation, maintenance, and
2 disposition by agencies of local government and the secretary of state;
3 adding new sections to chapter 40.14 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Accountability for and the efficient management of local
7 government records is in the public interest and that compliance with
8 public records management requirements significantly affects the cost
9 of local government administration; (2) the secretary of state is
10 responsible to administer the preservation of local government archives
11 and local government compliance with public records statutes; (3) the
12 secretary of state's archives and public records act compliance
13 services have heretofore been funded solely by fees charged to state
14 government agencies; and (4) agencies of local government should
15 contribute to the funding of such services.

16 Therefore, the legislature by this act imposes a local government
17 public records compliance surcharge.

1 NEW SECTION. **Sec. 2.** (1) The secretary of state and the director
2 of the office of financial management shall jointly establish a
3 schedule of fees and charges exclusively governing the public archives
4 and records management services provided to local government agencies
5 by the secretary of state.

6 (2) Each county shall be assessed up to seven cents per each
7 resident per year, except that no county's annual fee shall be more
8 than fifteen thousand dollars. Each city shall be assessed up to
9 eighteen cents per each resident per year, except that no city's annual
10 fee shall be more than fifteen thousand dollars.

11 (3) There is created the local archives and records management
12 account in the state treasury which shall consist of all fees and
13 charges collected under this section. The account shall be
14 appropriated exclusively for use by the secretary of state for the
15 payment of costs and expenses incurred in the provision of public
16 archives and records management services to local government agencies
17 by the division of archives and records management.

18 (4) The secretary of state shall establish a process for counties
19 and cities to review the annual budgets and fee schedules developed
20 under this section by the secretary of state governing local government
21 archives and records management services.

22 NEW SECTION. **Sec. 3.** Cities and counties may elect to levy
23 surcharges on fees to generate extra revenue necessary to compensate
24 for compliance with state-mandated public records management fees,
25 charges, and responsibilities. Counties may charge surcharges of up to
26 two dollars on fees for filing superior court civil actions and making
27 certified copies of superior court documents; district court filings
28 and penalties; and land use, building, and business-related permits,
29 licenses, and registrations. Cities and towns may charge surcharges of
30 up to two dollars on fees for municipal court filings and penalties;
31 land use, building, and business-related permits, licenses, and
32 registrations; annexations and subdivisions; and municipal cemetery
33 plots.

34 Public records management responsibilities, as provided in chapters
35 40.10 and 40.20 RCW, and RCW 40.14.025, 40.14.070, and 42.17.250
36 through 42.17.320 must be satisfied in a county's or city's base budget
37 or satisfied with surcharge revenue in the following order of priority:

1 (1) Essential records protection: As provided by chapters 40.10
2 and 40.20 RCW. Permanent facsimiles of essential records shall be
3 produced and placed in security storage with the state archives
4 according to the following priorities:

5 (a) All original legislative records, including official minutes of
6 council, commission and/or board meetings, and all approved ordinances
7 and/or adopted resolutions.

8 (b) All permanent records of superior court proceedings.

9 (c) All permanent architectural and engineering drawings of county
10 or city-owned capital improvements including roads and streets.

11 (d) All other documents of permanent value as determined by the
12 local records committee of the state of Washington or of essential
13 value to the operation and maintenance of city or county government not
14 otherwise protected under the provisions of RCW 36.22.170.

15 (2) Records retention and disposition management: Provide staff or
16 consultant support for the following functions according to the
17 provisions of RCW 40.14.070:

18 (a) The compilation, maintenance, and updating of records retention
19 schedules and destruction authorizations.

20 (b) Coordination of state archives appraisal and transfer of
21 records designated by the local records committee-approved records
22 retention schedules and destruction authorizations as having potential
23 archival value.

24 (c) Coordinating the destruction of all nonarchival records in
25 compliance with the instructions of the local records committee-
26 approved records retention schedules and destruction authorizations.

27 (3) Public disclosure compliance: Provide staff or consultant
28 support for the following functions according to the provisions of
29 chapter 42.17 RCW.

30 (a) Promulgate, maintain, and update public disclosure policies and
31 procedures.

32 (b) Coordinate the compilation, duplication, and maintenance of
33 public disclosure indexes.

34 (c) Coordinate processes for evaluating and complying with
35 individual public disclosure requests.

36 NEW SECTION. **Sec. 4.** (1) Each county and city shall deposit
37 revenue from the surcharges authorized in section 3 of this act in a
38 dedicated account to be allocated in each annual budget. The balance

1 of revenue not used to meet the charges imposed by section 2 of this
2 act or the requirements of chapters 40.10 and 40.20 RCW, and RCW
3 40.14.025, 40.14.070, and 42.17.320 may be allocated to other needs.

4 (2) Each county shall form a committee, consisting of a
5 representative of the county executive or board of commissioners,
6 county clerk, prosecutor, and any other officer or individual
7 officially designated as records manager, to annually prepare a
8 proposed budget for the disbursement of moneys from the account for the
9 approval of the county commissioners or county council. Each city
10 shall form a committee, consisting of a representative of the chief
11 executive officer, the city clerk, and any other officer or individual
12 officially designated as records manager, to annually prepare a
13 proposed budget for the disbursement of moneys from the account for the
14 approval of the city council.

15 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each
16 added to chapter 40.14 RCW.

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