

**SENATE BILL REPORT**

**SB 5771**

**AS OF FEBRUARY 22, 1993**

**Brief Description:** Authorizing the office of secretary of state to charge a fee to local governments for records management services.

**SPONSORS:** Senators Haugen, Winsley and M. Rasmussen; by request of Secretary of State

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Staff:** Barbara Howard (786-7410)

**Hearing Dates:** February 25, 1993

**BACKGROUND:**

The standards for archiving local records are established by the Division of Archives and Records Management in the office of the Secretary of State. Establishing retention and destruction schedules for public records is in the purview of the Records Committee, which is composed of the State Archivist, and appointees of the State Auditor, the Attorney General and the Director of Financial Management.

Other functions relating to management of local records rest at the local level. It has been suggested that there should be a statewide public records act compliance program, with a specific funding source.

**SUMMARY:**

A public records compliance surcharge is imposed.

The Secretary of State and the Director of the Office of Financial Management (OFM) jointly establish a schedule of fees governing the public archives and records management services provided to local government agencies by the Secretary of State. Each county is assessed up to 7 cents per resident per year, but no county's annual fee may be more than \$15,000. Each city is assessed up to 18 cents per resident, but no city's annual fee shall be more than \$15,000.

A local archives and records management account is created in the State Treasury, consisting of all fees collected for this purpose. The account shall be appropriated exclusively for use by the Secretary of State for costs of providing public archives and records services to local government agencies. The Secretary of State establishes a process for counties and cities to review annual budgets and fee schedules for archives and records management.

To generate the revenue necessary to meet the state surcharges, cities and counties may levy surcharges on fees. Counties may add surcharges up to \$2 on superior and district court filings, and making certified copies; and on land use, building and business-related permits, licenses and registrations.

Cities and towns may add surcharges of up to \$2 on municipal court filings and penalties; land use, building and business-related permits, licenses and registrations; annexations and subdivisions, and municipal cemetery plots.

A detailed formula of priorities for public records is specified, with essential records protection being the highest priority and public disclosure compliance the lowest.

Each city and county must include provision in its budget for depositing the revenues in the records account. Each city and county must form a budget for disbursement of records management moneys. Representation on the respective committees is specified.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** requested February 15, 1993