

HB 2073 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 40.14.070 and 1999 c 326 s 2 are each amended to read
4 as follows:

5 (1)(a) County, municipal, and other local government agencies may
6 request authority to destroy noncurrent public records having no
7 further administrative or legal value by submitting to the division of
8 archives and records management lists of such records on forms prepared
9 by the division. The archivist, a representative appointed by the
10 state auditor, and a representative appointed by the attorney general
11 shall constitute a committee, known as the local records committee,
12 which shall review such lists and which may veto the destruction of any
13 or all items contained therein.

14 (b) A local government agency, as an alternative to submitting
15 lists, may elect to establish a records control program based on
16 recurring disposition schedules recommended by the agency to the local
17 records committee. The schedules are to be submitted on forms provided
18 by the division of archives and records management to the local records
19 committee, which may either veto, approve, or amend the schedule.
20 Approval of such schedule or amended schedule shall be by unanimous
21 vote of the local records committee. Upon such approval, the schedule
22 shall constitute authority for the local government agency to destroy
23 the records listed thereon, after the required retention period, on a
24 recurring basis until the schedule is either amended or revised by the
25 committee.

26 (2)(a) Except as otherwise provided by law, no public records shall
27 be destroyed until approved for destruction by the local records
28 committee. Official public records shall not be destroyed unless:

29 (i) The records are six or more years old;

1 (ii) The department of origin of the records has made a
2 satisfactory showing to the state records committee that the retention
3 of the records for a minimum of six years is both unnecessary and
4 uneconomical, particularly where lesser federal retention periods for
5 records generated by the state under federal programs have been
6 established; or

7 (iii) The originals of official public records less than six years
8 old have been copied or reproduced by any photographic, photostatic,
9 microfilm, miniature photographic, or other process approved by the
10 state archivist which accurately reproduces or forms a durable medium
11 for so reproducing the original.

12 An automatic reduction of retention periods from seven to six years
13 for official public records on record retention schedules existing on
14 June 10, 1982, shall not be made, but the same shall be reviewed
15 individually by the local records committee for approval or disapproval
16 of the change to a retention period of six years.

17 The state archivist may furnish appropriate information,
18 suggestions, and guidelines to local government agencies for their
19 assistance in the preparation of lists and schedules or any other
20 matter relating to the retention, preservation, or destruction of
21 records under this chapter. The local records committee may adopt
22 appropriate regulations establishing procedures to be followed in such
23 matters.

24 Records of county, municipal, or other local government agencies,
25 designated by the archivist as of primarily historical interest, may be
26 transferred to a recognized depository agency.

27 (b) Records of investigative reports prepared by any state, county,
28 municipal, or other law enforcement agency pertaining to sex offenders
29 contained in chapter 9A.44 RCW or sexually violent offenses as defined
30 in RCW 71.09.020 that are not required in the current operation of the
31 law enforcement agency or for pending judicial proceedings shall,
32 following the expiration of the applicable schedule of the law
33 enforcement agency's retention of the records, be transferred to the
34 Washington association of sheriffs and police chiefs for permanent
35 electronic retention and retrieval. Upon electronic retention of any
36 document, the association shall be permitted to destroy the paper copy
37 of the document.

1 (c) Any record transferred to the Washington association of
2 sheriffs and police chiefs pursuant to (b) of this subsection shall be
3 deemed to no longer constitute a public record pursuant to RCW
4 42.17.020 and shall be exempt from public disclosure. Such records
5 shall be disseminated only to criminal justice agencies as defined in
6 RCW 10.97.030 for the purpose of determining if a sex offender met the
7 criteria of a sexually violent predator as defined in chapter 71.09
8 RCW.

9 (3) Except as otherwise provided by law, county, municipal, and
10 other local government agencies may, as an alternative to destroying
11 noncurrent public records having no further administrative or legal
12 value, donate the public records to the state library, local library,
13 historical society, genealogical society, or similar society or
14 organization.

15 Public records may not be donated under this subsection unless:

16 (a) The records are seventy years old or more;

17 (b) The local records committee has approved the destruction of the
18 public records; and

19 (c) The state archivist has determined that the public records have
20 no historic interest."

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21 On page 1, line 1 of the title, after "records;" strike the
22 remainder of the title and insert "and amending RCW 40.14.070."

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