

HOUSE BILL REPORT

HB 2073

As Passed House:

March 13, 2003

Title: An act relating to disposing of local government records.

Brief Description: Disposing of local government records.

Sponsors: By Representatives Schoesler, Romero and Cox.

Brief History:

Committee Activity:

Local Government: 3/4/03, 3/5/03 [DP].

Floor Activity:

Passed House: 3/13/03, 96-0.

Brief Summary of Bill

- Authorizes county, city, and local government agencies to donate or auction local government records as an alternative to destroying public records having no further administrative or legal value.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 10 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Ericksen, Mielke and Moeller.

Staff: Amy Wood (786-7127).

Background:

A county, city, or local government agency (local government) must request authority from the "local records committee" to destroy noncurrent public records having no further administrative or legal value. The "local records committee" includes the State Archivist, a representative appointed by the State Auditor, and a representative appointed by the Attorney General. The local records committee shall review the list of such records and approve or veto the destruction of any or all items contained on the list. No public records may be destroyed until approved for destruction by the local records

committee.

Official public records may not be destroyed unless: (1) The records are six years old or more; (2) the department of origin has made a satisfactory showing that the retention of records for a minimum of six years is both unnecessary and uneconomical; or (3) the originals of public records less than six years old have been copied or reproduced by process approved by the state archivist.

"Public records" include any paper, correspondence, completed form, bound record book, or any other document or copy that have been made by or received by any agency in connection with the transaction of public business.

Local government records designated by the State Archivist as having primarily historical interest, may be transferred to a recognized repository agency.

Summary of Bill:

A local government may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the records to the state library, local library, historical society, genealogical society, or similar society or organization; or auction the records through public auction. The public records may only be donated or auctioned if: (1) they are 70 years old or more; (2) the local records committee has approved the destruction of the records; and (3) the State Archivist has determined that the records have no historic interest.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: During a recent remodel project, we discovered local government records dating back to the militia days. These records which are past their retention period and hold no legal or historic value would need to be destroyed. Current law prohibits local governments from donating or auctioning the records to any other person or agency. Such records, however, could be donated or auctioned to a library, genealogical society, or similar organization that could benefit from the historic records and retain them within the local community.

Testimony Against: None.

Testified: Representative Schoesler, prime sponsor.