State Government Operations & Accountability Committee

HB 3058

Brief Description: Updating public records provisions.

Sponsors: Representatives Green, Nixon, Haigh, Hunt and Lantz; by request of Secretary of State.

Brief Summary of Bill

- Allows the State Archivist to assign a designee to serve on the state and local government records committee;

- Adds definitions of key terms; and

- Clarifies responsibilities of the state and local government records committees.

Hearing Date: 1/25/06

Staff: Marsha Reilly (786-7135).

Background:

Public records are required to be preserved, stored, transferred, destroyed or disposed of, and managed in accordance with provisions of law.

The State Archivist manages the division of archives and records management in the Office of the Secretary of State to insure the proper management and safeguarding of public records. The State Archivist manages the state archives, catalogs and arranges the retention of all state public records, insures the maintenance and security of all state public records, operates a microfilming bureau, and directly supervises the destruction of public records that are authorized to be destroyed.

The State Records Committee consists of the State Archivist, an appointee of the State Auditor, an appointee of the Attorney General, and an appointee of the Director of the Office of Financial Management. The committee meets at least quarterly to approve, modify, or disapprove recommendations on retention schedules and to approve or reject requests to destroy any public records.

The Local Records Committee , consisting of the State Archivist, an appointee of the State Auditor, and an appointee of the Attorney General, considers retention schedules and requests to destroy noncurrent public records by county, municipal, and other local government agencies.

For purposes of the preservation and destruction of public records statutes, "public record" includes any "paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specification, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100."

Summary of Bill:

The statutes governing the preservation and destruction of public records are repealed and rewritten for purposes of organization and clarity. Definitions are added for the following terms:
• general retention schedule;
• local agency;
• records retention schedule;
• records series;
• retention period;
• state agency; and
• unique retention schedule.

The definition for "public record" is defined as "any record, original or copy, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, received, used, or owned by any state or local agency regardless of physical form or characteristic."

Definitions are added for state and local agency. *State agency* is "every state office, department, division, bureau, board, or commission," and *local agency* is "every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency."

The duties of the state and local records committees are clarified.   The State Archivist may designate a representative to each committee in lieu of personally serving on the committee and the appointing authorities for each committee may also appoint an alternate member to serve in the absence of the primary appointee.

Appropriation: None.

Fiscal Note: Available.

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