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HOUSE BILL 3058

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Green, Nixon, Haigh, Hunt and Lantz; by request of Secretary of State

Read first time 01/18/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to updating public records provisions; amending RCW  
2 36.22.175; adding new sections to chapter 40.14 RCW; creating a new  
3 section; and repealing RCW 40.14.010, 40.14.020, 40.14.022, 40.14.024,  
4 40.14.025, 40.14.027, 40.14.030, 40.14.040, 40.14.050, 40.14.060,  
5 40.14.070, 40.14.080, 40.14.100, 40.14.110, 40.14.120, 40.14.130,  
6 40.14.140, 40.14.150, 40.14.160, 40.14.170, and 40.14.180.

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

8 **PART I**  
9 **INTENT**

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 40.14 RCW  
11 to read as follows:

12 The division of archives and records management is established in  
13 the office of the secretary of state to ensure the proper management  
14 and safeguarding of public records. All public records remain the  
15 property of the state of Washington. Public records must be delivered  
16 by outgoing officials and employees to their successors and must be  
17 retained, preserved, stored, transferred, destroyed, or disposed of in  
18 accordance with this chapter. The state archivist will administer the

1 division and must have reasonable access to all public records,  
2 wherever kept, for the purposes of information, surveying, or  
3 cataloging.

4 **PART II**  
5 **DEFINITIONS**

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 40.14 RCW  
7 to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "General retention schedule" means a records retention schedule  
11 applicable to any state or local agency.

12 (2) "Legislative record" means correspondence, amendments, reports,  
13 and minutes of meetings made by or submitted to legislative committees  
14 or subcommittees and transcripts or other records of hearings or  
15 supplementary written testimony or data thereof filed with committees  
16 or subcommittees in connection with the exercise of legislative or  
17 investigatory functions. "Legislative record" does not include the  
18 records of an official act of the legislature kept by the secretary of  
19 state, bills and their copies, published materials, digests, or  
20 multicopied matter that are routinely retained and otherwise available  
21 at the state library or in a public repository, or reports or  
22 correspondence made or received by or in any way under the personal  
23 control of the individual members of the legislature.

24 (3) "Local agency" includes every county, city, town, municipal  
25 corporation, quasi-municipal corporation, or special purpose district,  
26 or any office, department, division, bureau, board, commission, or  
27 agency thereof, or other local public agency.

28 (4) "Public record" means any record, original or copy, containing  
29 information relating to the conduct of government or the performance of  
30 any governmental or proprietary function prepared, received, used, or  
31 owned by any state or local agency regardless of physical form or  
32 characteristic. "Public records" includes legislative records.

33 (5) "Records retention schedule" means a legal document approved by  
34 the state or local records committee that specifies minimum retention  
35 periods for a records series and gives agencies ongoing disposition

1 authority for the records series after its approved retention period  
2 has been satisfied.

3 (6) "Records series" means a class of public records with a  
4 specific or common function or purpose of state or local agencies as  
5 identified and defined by the state or local records committee.

6 (7) "Retention period" means the minimum amount of time approved by  
7 the state or local records committee for the retention of records  
8 within a records series.

9 (8) "State agency" includes every state office, department,  
10 division, bureau, board, or commission.

11 (9) "Unique retention schedule" means a records retention schedule  
12 applicable to a specific state or local agency.

13 **PART III**  
14 **STATE ARCHIVIST--DUTIES**

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 40.14 RCW  
16 to read as follows:

17 The state archivist shall:

18 (1) Administer and manage the archives of the state of Washington,  
19 make them available for reference and scholarship, and ensure their  
20 proper preservation;

21 (2) Inspect, inventory, catalog, and arrange retention and transfer  
22 schedules on public records of all state agencies;

23 (3) Ensure the maintenance and security of all state agency public  
24 records and establish safeguards against their unauthorized removal or  
25 destruction;

26 (4) Approve of the transfer of local agency records of historical  
27 or legal significance as provided by section 7(4) of this act;

28 (5) Establish and operate such state record centers as may from  
29 time to time be authorized by appropriation, for the purpose of  
30 preserving, servicing, screening, and protecting all state agency  
31 public records which must be preserved temporarily or permanently, but  
32 which need not be retained in office space and equipment;

33 (6) Provide for the efficient and economical management and  
34 preservation of public records;

35 (7) Operate at cost an imaging service for state or local agency  
36 records;

1 (8) Approve imaging projects of public records undertaken by state  
2 agencies and, upon request, by local agencies, and develop and maintain  
3 standards for this work;

4 (9) Consult with state and local agencies to develop guidelines for  
5 the destruction of public records as authorized by this chapter;

6 (10) Assist and train state and local agencies in the proper  
7 methods of creating, maintaining, cataloging, indexing, transmitting,  
8 storing, and reproducing photographic, optical, electronic, or other  
9 images used as public records;

10 (11) Solicit, accept, and expend donations as provided in RCW  
11 43.07.037 for the purpose of the archive program. These purposes  
12 include, but are not limited to, acquisition, accession,  
13 interpretation, and display of archival materials. Donations that do  
14 not meet the criteria of the archive program may not be accepted;

15 (12) Upon availability of resources, furnish appropriate  
16 information, suggestions, and guidelines to local government agencies  
17 for their assistance in the preparation of records series and retention  
18 schedules or any other matter relating to the retention, preservation,  
19 disposition, or destruction of records under this chapter; and

20 (13) Adopt rules under chapter 34.05 RCW that:

21 (a) Set standards for the durability and permanence of public  
22 records maintained by state and local agencies;

23 (b) Govern procedures for the creation, maintenance, transmission,  
24 cataloging, indexing, storage, or reproduction of photographic,  
25 optical, electronic, or other images of public documents or records in  
26 a manner consistent with current standards, policies, and procedures of  
27 the department of information services for the acquisition of  
28 information technology;

29 (c) Govern the accuracy and durability of, and facilitate access  
30 to, photographic, optical, electronic, or other images used as public  
31 records; or

32 (d) Carry out any other provision of this chapter.

33 **PART IV**  
34 **TRANSFER OF RECORDS**

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 40.14 RCW  
36 to read as follows:

1 (1) All state agency public records, not required in the current  
2 operation of the office where they are made or kept, and all records of  
3 every agency, commission, committee, or any other activity of state  
4 government which may be abolished or discontinued, shall be transferred  
5 to the state archives so that the valuable historical records of the  
6 state may be centralized, made more widely available, and ensured  
7 permanent preservation. However, this section does not apply to public  
8 records approved for destruction under this chapter.

9 When transferred, copies of the public records concerned shall be  
10 made and certified by the archivist, which certification shall have the  
11 same force and effect as though made by the officer originally in  
12 charge of them. Fees may be charged to cover the cost of reproduction.  
13 In turning over the archives of his or her office, the officer in  
14 charge of those archives, or his or her successor, retains the rights  
15 of access to them, without charge, whenever necessary.

16 (2)(a) Records that are confidential, privileged, or exempt from  
17 public disclosure under state or federal law while in the possession of  
18 the originating agency, commission, board, committee, or other entity  
19 of state or local government retain their confidential, privileged, or  
20 exempt status after transfer to the state archives unless the  
21 archivist, with the concurrence of the originating jurisdiction,  
22 determines that the records must be made accessible to the public  
23 according to proper and reasonable rules adopted by the secretary of  
24 state, in which case the records may be open to inspection and  
25 available for copying after the expiration of seventy-five years from  
26 creation of the record. If the originating jurisdiction is no longer  
27 in existence, the archivist shall make the determination of  
28 availability according to the rules. If, while in the possession of  
29 the originating agency, commission, board, committee, or other entity,  
30 any record is determined to be confidential, privileged, or exempt from  
31 public disclosure under state or federal law for a period of less than  
32 seventy-five years, then the record must be made accessible to the  
33 public upon the expiration of the shorter period of time according to  
34 proper and reasonable rules adopted by the secretary of state.

35 (b) Records of investigative reports prepared by any state, county,  
36 municipal, or other law enforcement agency pertaining to sex offenders  
37 contained in chapter 9A.44 RCW or sexually violent offenses as defined  
38 in RCW 71.09.020 that are not required in the current operation of the

1 law enforcement agency or for pending judicial proceedings shall,  
2 following the expiration of the applicable schedule of the law  
3 enforcement agency's retention of the records, be transferred to the  
4 Washington association of sheriffs and police chiefs for permanent  
5 electronic retention and retrieval. Upon electronic retention of any  
6 document, the association may destroy the paper copy of the document.

7 (c) Any record transferred to the Washington association of  
8 sheriffs and police chiefs under (b) of this subsection is no longer a  
9 public record under RCW 42.17.020 and is exempt from public disclosure.  
10 Such records shall be disseminated only to criminal justice agencies as  
11 defined in RCW 10.97.030 to determine if a sex offender meets the  
12 criteria of a sexually violent predator as defined in chapter 71.09  
13 RCW.

14 **PART V**

15 **STATE RECORDS COMMITTEE**

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 40.14 RCW  
17 to read as follows:

18 (1) The state records committee is created. Membership on the  
19 state records committee consists of the state archivist or his or her  
20 designee, a representative appointed by the state auditor, a  
21 representative appointed by the attorney general, and a representative  
22 appointed by the director of the office of financial management. The  
23 appointing authority for each committee member may appoint an alternate  
24 member to serve in the absence of the primary appointee.

25 (2) The state records committee shall meet at least once every  
26 quarter or more often as business dictates. Action by the committee  
27 shall be by majority vote and records shall be kept of all committee  
28 business. The state records committee may adopt appropriate policies  
29 and procedures to be followed in implementing its authority under this  
30 chapter.

31 (3) The state records committee must approve, modify, or disapprove  
32 records retention schedules for state agency public records and must  
33 act upon requests to dispose of or to destroy such records.

34 (4) The state records committee shall establish general retention  
35 schedules for state agency records when practical. State agency unique  
36 retention schedules may be approved for the agency by the state records

1 committee upon a determination by the committee that there is good  
2 cause for the unique schedule. The committee's determination shall  
3 include consideration of factors justifying the use of a unique  
4 retention schedule in lieu of, or the absence of, a general retention  
5 schedule.

6 (5) Except as otherwise provided by law, no public records of a  
7 state agency shall be disposed of or destroyed until approved for  
8 disposition or destruction by the state records committee. State  
9 agencies may apply for authority to dispose of or destroy public  
10 records having no further administrative or legal value by submitting  
11 retention schedules for approval to the state records committee.  
12 Submittals shall be made to the state records committee through the  
13 division of archives and records management on forms approved by the  
14 state records committee. The division shall facilitate the state  
15 agency's submittal to the state records committee and provide  
16 administrative support as needed.

17 **PART VI**  
18 **STATE RECORDS OFFICERS**

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 40.14 RCW  
20 to read as follows:

21 Each department or other agency of the state government shall  
22 designate a records officer to supervise its records management and  
23 retention program under this chapter and to represent the office in all  
24 contacts with the state records committee and the division of archives  
25 and records management. The records officer shall:

26 (1) Coordinate all aspects of the records management and retention  
27 program;

28 (2) Inventory, or manage the inventory, of all public records at  
29 least once during a biennium for disposition scheduling and transfer  
30 action, in accordance with procedures prescribed by the state archivist  
31 and state records committee. However, essential records shall be  
32 inventoried and processed in accordance with chapter 40.10 RCW at least  
33 annually;

34 (3) Consult with any other personnel responsible for maintenance of  
35 specific records within the officer's state organization regarding  
36 records retention and transfer recommendations;

1 (4) Coordinate with the state records committee proposals for  
2 retention schedules affecting agency records;

3 (5) Approve all records inventory and destruction requests which  
4 are submitted to the state records committee;

5 (6) Review established records retention schedules at least  
6 annually to ensure that they are complete and current.

7 If a particular agency or department does not wish to transfer  
8 records at a time previously scheduled therefor, the records officer  
9 shall, within thirty days, notify the archivist and request a change in  
10 such previously set schedule, including the officer's reasons therefor.

## 11 PART VII

### 12 LOCAL RECORDS COMMITTEE

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 40.14 RCW  
14 to read as follows:

15 (1)(a) The local records committee is created. Membership on the  
16 committee consists of the state archivist or his or her designee, a  
17 representative appointed by the state auditor, and a representative  
18 appointed by the attorney general. The appointing authority for each  
19 committee member may appoint an alternate member to serve in the  
20 absence of the primary appointee. The committee shall meet at least  
21 once every quarter or more often as business dictates. Records shall  
22 be kept of all committee business.

23 (b) Approval, amendment, or veto of any retention schedule shall be  
24 by unanimous vote of the local records committee. Upon such approval,  
25 the retention schedule shall constitute authority for the local agency  
26 to dispose of or destroy the records listed thereon consistent with the  
27 conditions of the retention schedule.

28 (c) The local records committee may adopt appropriate policies and  
29 procedures to be followed in implementing its authority under this  
30 chapter.

31 (2) No local agency public records shall be disposed of or  
32 destroyed until the expiration of applicable retention periods on  
33 records retention schedules approved by the local records committee.

34 (3)(a) The local records committee shall establish general  
35 retention schedules for local agency records when practical. Local  
36 agency unique retention schedules may be approved for a local agency by

1 the local records committee upon a determination by the committee that  
2 there is good cause for such a unique schedule. The committee's  
3 determination shall include consideration of factors justifying the use  
4 of a unique retention schedule in lieu of, or the absence of, a general  
5 retention schedule.

6 (b) Local government agencies may apply for authority to dispose of  
7 or destroy public records having no further administrative or legal  
8 value by submitting retention schedules for approval to the local  
9 records committee. Submittals shall be made to the local records  
10 committee through the division of archives and records management on  
11 forms approved by the local records committee. The division shall  
12 facilitate the local agency's submittal to the local records committee  
13 and provide administrative support as needed.

14 (c) Except as otherwise provided by law, local agencies may, as an  
15 alternative to destroying public records having no further  
16 administrative or legal value, donate the public records to the state  
17 library, local library, historical society, genealogical society, or  
18 similar society or organization. Public records may not be donated  
19 under this subsection unless:

20 (i) The records are seventy years old or older;

21 (ii) The local records committee has approved the destruction of  
22 the public records; and

23 (iii) The state archivist has determined that the public records  
24 have no historic or legal significance.

25 (4) Records of local agencies, designated by the archivist as  
26 having historical or legal significance, may be transferred to a  
27 repository approved by the archivist.

## 28 PART VIII

### 29 RETENTION REQUIREMENTS

30 NEW SECTION. **Sec. 8.** A new section is added to chapter 40.14 RCW  
31 to read as follows:

32 Public records shall not be disposed of or destroyed until the  
33 expiration of applicable retention periods on records retention  
34 schedules approved by the state or local records committee. Unless  
35 otherwise provided by state or federal law, rule, or regulation,  
36 retention periods approved for records series that serve as primary

1 documentation of official actions, transactions, contracts, or  
2 agreements must be at least six years. The state or local records  
3 committee may approve retention periods of less than six years for  
4 records series that do not serve as primary documentation of official  
5 actions, transactions, contracts, and agreements.

6 **PART IX**  
7 **LEGISLATIVE RECORDS**

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 40.14 RCW  
9 to read as follows:

10 Nothing in this chapter prohibits a legislator or legislative  
11 employee from contributing his or her personal papers to any private  
12 library, public library, or the state archives. The state archivist is  
13 authorized to receive papers of legislators and legislative employees  
14 and is directed to encourage the donation of such personal papers to  
15 the state. The state archivist is authorized to establish such  
16 guidelines and procedures for the collection of personal papers and  
17 correspondence relating to the legislature as the archivist sees fit.  
18 Legislators and legislative employees are encouraged to contribute  
19 their personal papers to the state for preservation.

20 NEW SECTION. **Sec. 10.** A new section is added to chapter 40.14 RCW  
21 to read as follows:

22 The legislative committee chair, subcommittee chair, committee  
23 member, or employed personnel of the state legislature having  
24 possession of legislative records that are not required for the regular  
25 performance of official duties shall, within ten days after the  
26 adjournment sine die of a regular or special session, deliver all such  
27 legislative records to the chief clerk of the house of representatives  
28 or the secretary of the senate.

29 The chief clerk of the house of representatives and the secretary  
30 of the senate are charged to include requirements and responsibilities  
31 for keeping committee minutes and records as part of their instructions  
32 to committee chairs and employees.

33 The chief clerk or the secretary, with the assistance of the state  
34 archivist, shall classify and arrange the legislative records delivered  
35 to the chief clerk or secretary in a manner that he or she considers

1 best suited to carry out the efficient and economical utilization,  
2 maintenance, preservation, and disposition of the records. The chief  
3 clerk or the secretary may deliver to the state archivist all  
4 legislative records in his or her possession when such records have  
5 been classified and arranged and are no longer needed by either house.  
6 The state archivist shall thereafter be custodian of the records so  
7 delivered, but shall deliver such records back to either the chief  
8 clerk or secretary upon his or her request.

9 The chair, member, or employee of a legislative interim committee  
10 responsible for maintaining the legislative records of that committee  
11 shall, on a scheduled basis agreed upon by the chair, member, or  
12 employee of the legislative interim committee, deliver to the chief  
13 clerk or secretary all legislative records in his or her possession, as  
14 long as such records are not required for the regular performance of  
15 official duties. He or she shall also deliver to the chief clerk or  
16 secretary all records of an interim committee within ten days after the  
17 committee ceases to function.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 40.14 RCW  
19 to read as follows:

20 It shall be the duty of the chief clerk of the house of  
21 representatives and the secretary of the senate to advise the party  
22 caucuses in each house concerning the necessity to keep public records.  
23 The state archivist or his or her representative shall work with the  
24 chief clerk and secretary to provide information and instructions on  
25 the best method for keeping legislative records.

26 NEW SECTION. **Sec. 12.** A new section is added to chapter 40.14 RCW  
27 to read as follows:

28 Committee records may be used by legislative employees for research  
29 at the discretion of the chief clerk of the house of representatives or  
30 the secretary of the senate.

31 NEW SECTION. **Sec. 13.** A new section is added to chapter 40.14 RCW  
32 to read as follows:

33 The chief clerk of the house of representatives or the secretary of  
34 the senate shall, with advice of the state archivist, prescribe rules

1 for access to records more than three years old when such records have  
2 been delivered to the state archives for preservation and maintenance.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 40.14 RCW  
4 to read as follows:

5 Any sound recording of debate in the house of representatives or  
6 senate made by legislative employees shall be preserved by the chief  
7 clerk of the house and by the secretary of the senate, respectively,  
8 for two years from the end of the session at which made, and thereafter  
9 shall be transmitted to the state archivist. The chief clerk and the  
10 secretary shall catalogue or index the recordings in their custody  
11 according to a uniform system, in order to allow easy access to the  
12 debate on specific questions before either house, and shall make  
13 available to any court of record, at the cost of reproduction, such  
14 portions of the recordings as the court may request.

15 NEW SECTION. **Sec. 15.** A new section is added to chapter 40.14 RCW  
16 to read as follows:

17 This chapter does not repeal or modify any other acts or parts of  
18 acts authorizing the retention or destruction of public records. This  
19 chapter does not affect the provisions of chapter 40.07 RCW requiring  
20 the deposit of all state publications in the state library or the  
21 confidentiality of the bill drafting records of the code reviser's  
22 office.

23 **PART X**  
24 **FUNDING**

25 NEW SECTION. **Sec. 16.** A new section is added to chapter 40.14 RCW  
26 to read as follows:

27 (1) There is created the archives and records management account in  
28 the state treasury which shall consist of all fees and charges  
29 collected under this section. The account shall be appropriated  
30 exclusively for the payment of costs and expenses incurred in the  
31 operation of the division of archives and records management as  
32 specified by law.

33 (2) The secretary of state and the director of financial management  
34 shall jointly establish a procedure and formula for allocating the

1 costs of services provided by the division of archives and records  
2 management to state agencies. The total amount allotted for services  
3 to state agencies shall not exceed the appropriation to the archives  
4 and records management account during any allotment period.

5 NEW SECTION. **Sec. 17.** A new section is added to chapter 40.14 RCW  
6 to read as follows:

7 The local government archives account is created in the state  
8 treasury. All receipts collected by the county auditors under section  
9 18 of this act and RCW 36.22.175 for local government services, such as  
10 providing records scheduling, security microfilm inspection and  
11 storage, archival preservation, cataloging, and indexing for local  
12 government records and digital data and access to those records and  
13 data through the regional branch archives of the division of archives  
14 and records management, must be deposited into the account, and  
15 expenditures from the account may be used only for these purposes.

16 NEW SECTION. **Sec. 18.** A new section is added to chapter 40.14 RCW  
17 to read as follows:

18 State agencies shall collect a surcharge of twenty dollars from the  
19 judgment debtor upon the satisfaction of a warrant filed in superior  
20 court for unpaid taxes or liabilities. The surcharge is imposed on the  
21 judgment debtor in the form of a penalty in addition to the filing fee  
22 provided in RCW 36.18.012(10). The surcharge revenue shall be  
23 transmitted to the state treasurer for deposit in the local government  
24 archives account under section 17 of this act.

25 Surcharge revenue shall be expended by the secretary of state  
26 exclusively for disaster recovery, essential records protection  
27 services, and records management training for local government agencies  
28 by the division of archives and records management. The secretary of  
29 state shall, with local government representatives, establish a  
30 committee to advise the state archivist on the local government  
31 archives and records management program.

32 NEW SECTION. **Sec. 19.** A new section is added to chapter 40.14 RCW  
33 to read as follows:

34 The imaging account is created in the custody of the state  
35 treasurer. All receipts collected for contract imaging, micrographics,

1 reproduction, and duplication services provided by the division of  
2 archives and records management must be deposited into the account, and  
3 expenditures from the account may be used only for these purposes.  
4 Only the secretary of state or the secretary's designee may authorize  
5 expenditures from the account. The account is subject to allotment  
6 procedures under chapter 43.88 RCW, but an appropriation is not  
7 required for expenditures.

8 **Sec. 20.** RCW 36.22.175 and 2003 c 163 s 5 are each amended to read  
9 as follows:

10 (1) In addition to any other charge authorized by law, the county  
11 auditor shall charge a surcharge of one dollar per instrument for each  
12 document recorded. Revenue generated through this surcharge shall be  
13 transmitted monthly to the state treasurer for deposit in the local  
14 government archives account under ((RCW 40.14.024)) section 17 of this  
15 act. These funds shall be used solely for providing records  
16 scheduling, security microfilm inspection and storage, archival  
17 preservation, cataloging, and indexing for local government records and  
18 digital data and access to those records and data through the regional  
19 branch archives of the division of archives and records management.

20 The division of archives and records management within the office  
21 of the secretary of state shall provide records management training for  
22 local governments and shall establish a competitive grant program to  
23 solicit and prioritize project proposals from local governments for  
24 potential funding to be paid for by funds from the auditor surcharge  
25 and tax warrant surcharge revenues. Application for specific projects  
26 may be made by local government agencies only. The state archivist in  
27 consultation with the advisory committee established under ((RCW  
28 40.14.027)) section 18 of this act shall adopt rules governing project  
29 eligibility, evaluation, awarding of grants, and other criteria  
30 including requirements for records management training for grant  
31 recipients.

32 (2) The advisory committee established under ((RCW 40.14.027))  
33 section 18 of this act shall review grant proposals and establish a  
34 prioritized list of projects to be considered for funding by January  
35 1st of each even-numbered year, beginning in 2002. The evaluation of  
36 proposals and development of the prioritized list must be developed  
37 through open public meetings. Funding for projects shall be granted

1 according to the ranking of each application on the prioritized list  
2 and projects will be funded only to the extent that funds are  
3 available. A grant award may have an effective date other than the  
4 date the project is placed on the prioritized list.

5 (3) In addition to any other surcharge authorized by law, the  
6 county auditor shall charge a surcharge of one dollar per instrument  
7 for every document recorded after January 1, 2002. Revenue generated  
8 through this surcharge shall be transmitted to the state treasurer  
9 monthly for deposit in the local government archives account under  
10 ((RCW 40.14.024)) section 17 of this act to be used exclusively for the  
11 construction and improvement of a specialized regional facility located  
12 in eastern Washington designed to serve the archives, records  
13 management, and digital data management needs of local government.

14 To the extent the facilities are used for the storage and retrieval  
15 of state agency records and digital data, that portion of the  
16 construction of such facilities used for state government records and  
17 data shall be supported by other charges and fees paid by state  
18 agencies and shall not be supported by the surcharge authorized in this  
19 subsection.

20 At such time that all debt service from construction on such  
21 facility has been paid, fifty percent of the surcharge authorized by  
22 this subsection shall be reverted to the centennial document  
23 preservation and modernization account as prescribed in RCW 36.22.170  
24 and fifty percent of the surcharge authorized by this section shall be  
25 reverted to the state treasurer for deposit in the archives and records  
26 management account to serve the archives, records management, and  
27 digital data management needs of local government.

## 28 PART XI

### 29 CONSTRUCTION AND REPEALERS

30 NEW SECTION. **Sec. 21.** A new section is added to chapter 40.14 RCW  
31 to read as follows:

32 This chapter does not repeal or modify any other acts or parts of  
33 acts authorizing the destruction of public records. This chapter does  
34 not affect the provisions of chapter 40.07 RCW requiring the deposit of  
35 all state publications in the state library.

1        NEW SECTION.    **Sec. 22.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 40.14.010 (Definition and classification of public records)  
4 and 1996 c 71 s 1, 1982 c 36 s 3, 1981 c 32 s 4, 1971 ex.s. c 102 s 1,  
5 & 1957 c 246 s 1;

6        (2) RCW 40.14.020 (Division of archives and records management--  
7 State archivist--Powers and duties--Duties of public officials) and  
8 2002 c 358 s 4 & 1995 c 326 s 1;

9        (3) RCW 40.14.022 (Division of archives and records management--  
10 Imaging account) and 2003 c 163 s 2;

11       (4) RCW 40.14.024 (Division of archives and records management--  
12 Local government archives account) and 2003 c 163 s 3;

13       (5) RCW 40.14.025 (Division of archives and records management--  
14 Allocation of costs of services--Archives and records management  
15 account) and 2003 c 163 s 1, 1996 c 245 s 3, 1991 sp.s. c 13 s 5, 1985  
16 c 57 s 22, & 1981 c 115 s 4;

17       (6) RCW 40.14.027 (Public archives and records management  
18 services--Judgment debtor surcharge) and 2003 c 163 s 4, 2001 c 146 s  
19 4, 1996 c 245 s 4, 1995 c 292 s 17, & 1994 c 193 s 2;

20       (7) RCW 40.14.030 (Transfer to state archives--Certified copies,  
21 cost--Public disclosure) and 2003 c 305 s 1 & 1957 c 246 s 3;

22       (8) RCW 40.14.040 (Records officers--Designation--Powers and  
23 duties) and 1982 c 36 s 4, 1979 c 151 s 51, 1973 c 54 s 3, & 1957 c 246  
24 s 4;

25       (9) RCW 40.14.050 (Records committee--Composition, travel expenses,  
26 meetings, powers and duties--Retention schedules) and 1985 c 192 s 1,  
27 1975-'76 2nd ex.s. c 34 s 83, & 1957 c 246 s 5;

28       (10) RCW 40.14.060 (Destruction, disposition of official public  
29 records or office files and memoranda--Record retention schedules) and  
30 1999 c 326 s 1, 1982 c 36 s 5, 1979 c 151 s 52, 1973 c 54 s 4, & 1957  
31 c 246 s 6;

32       (11) RCW 40.14.070 (Destruction, disposition, donation of local  
33 government records--Preservation for historical interest--Local records  
34 committee, duties--Record retention schedules--Sealed records) and 2005  
35 c 227 s 1, 2003 c 240 s 1, 1999 c 326 s 2, 1995 c 301 s 71, 1982 c 36  
36 s 6, 1973 c 54 s 5, 1971 ex.s. c 10 s 1, & 1957 c 246 s 7;

37       (12) RCW 40.14.080 (Chapter not to affect other laws) and 1983 c 3  
38 s 84 & 1957 c 246 s 8;

- 1 (13) RCW 40.14.100 (Legislative records--Defined) and 1971 ex.s. c  
2 102 s 2;
- 3 (14) RCW 40.14.110 (Legislative records--Contribution of papers by  
4 legislators and employees) and 1971 ex.s. c 102 s 3;
- 5 (15) RCW 40.14.120 (Legislative records--"Clerk," "secretary"  
6 defined) and 1971 ex.s. c 102 s 4;
- 7 (16) RCW 40.14.130 (Legislative records--Duties of legislative  
8 officials, employees and state archivist--Delivery of records--  
9 Custody--Availability) and 1971 ex.s. c 102 s 5;
- 10 (17) RCW 40.14.140 (Legislative records--Party caucuses to be  
11 advised--Information and instructions) and 1971 ex.s. c 102 s 6;
- 12 (18) RCW 40.14.150 (Legislative records--Use for research) and 1971  
13 ex.s. c 102 s 7;
- 14 (19) RCW 40.14.160 (Legislative records--Rules for access to  
15 records) and 1971 ex.s. c 102 s 8;
- 16 (20) RCW 40.14.170 (Legislative records--Sound recordings) and 1971  
17 ex.s. c 102 s 9; and
- 18 (21) RCW 40.14.180 (Legislative records--Construction--  
19 Confidentiality of bill drafting records) and 1983 c 3 s 85 & 1971  
20 ex.s. c 102 s 10.

21 NEW SECTION. **Sec. 23.** Part headings used in this act are not any  
22 part of the law.

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