

# SENATE BILL REPORT

## SB 5603

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As Reported By Senate Committee On:  
Government Operations & Elections, February 27, 2007

**Title:** An act relating to updating public records provisions.

**Brief Description:** Updating public records provisions.

**Sponsors:** Senators Roach, Fairley and Swecker; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/19/07, 2/27/07 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5603 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, Pridemore and Swecker.

**Staff:** Sharon Swanson (786-7447)

**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 (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,

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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 (Recommended Substitute):** 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;
- records retention schedule;
- retention period;
- public record;
- legislative record; 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."

The duties of the State Archivist are to centralize, as well as administer and manage, the division of the archives, and to gather and disseminate to interested agencies information on all phases of records management. The State Archivist is required to supervise the destruction of state records.

The duties of the State and Local Records Committee 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.

The archives and records management account is created in the State Treasury consisting of all fees and charges collected.

The local government archives account is created in the State Treasury.

State agencies must collect a surcharge of \$20 from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge revenue is transmitted to the State Treasurer for deposit in the local government archives account.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** The recommended substitute moves the definition of "legislative records" from chapter 42.17.020 back to chapter 40.14.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: There is very little policy change in this bill. This is a rewrite to clarify and clean up a confusing section of law. Chapter 40.14, drafted in 1957, provides for the preservation and destruction of public records. Many changes in the law and changes in terminology have left 40.14 difficult to navigate and confusing to work with. Redundancies are removed and certain definitions are moved to clarify meaning. The bill helps to better organize growth and manage changes in the law since the 1957 inception of this act.

**Persons Testifying:** PRO: Megan Ridout, Shane Hamlin, Jerry Handfield, State Archivist, Office of the Secretary of State.