

# HOUSE BILL REPORT

## HB 1359

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**As Passed House:**  
March 5, 2013

**Title:** An act relating to the state archivist.

**Brief Description:** Regarding the state archivist.

**Sponsors:** Representatives Van De Wege, Buys, Hunt and Pollet.

**Brief History:**

**Committee Activity:**

Government Operations & Elections: 2/6/13, 2/14/13 [DP].

**Floor Activity:**

Passed House: 3/5/13, 52-44.

**Brief Summary of Bill**

- Establishes professional qualifications for the State Archivist.
- Expands the explicit duties and responsibilities of the State Archivist.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass. Signed by 6 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Carlyle, Fitzgibbon, Orwall and Van De Wege.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Kristiansen and Manweller.

**Staff:** Jasmine Vasavada (786-7301).

**Background:**

All public records are the property of the State of Washington, and statutory provisions govern how they must be preserved, stored, transferred, destroyed, disposed of, or otherwise managed. Public records include both records created by and records received by an agency. For example, when an agency solicits public comment on an issue, both the request for

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comment and any comments received from the public in response to the request are public records. Public records also include any record providing the proof or evidence of agency business, including its finance, human resources, facility, and asset management. A document is a public record, regardless of physical form or characteristics. In addition to paper records, photographs, and microfilm, these records include those that are created or received using any kind of digital format or application, such as electronic mail, websites, blogs, wikis, digital photos, text messages, and tweets.

The State Archivist administers the Division of Archives and Records Management in the Office of the Secretary of State. The State Archivist has a variety of duties, including cataloging and arranging the retention of all state public records, ensuring the maintenance and security of all state public records, and directly supervising the destruction of public records that are authorized to be destroyed. In addition, the State Archivist operates a records center and a microfilming bureau, prescribes records management procedures for state agencies, and trains state and local agency officials in proper records management practices.

**Summary of Bill:**

Professional qualifications are established for the State Archivist. The State Archivist must have five years of experience as an archivist, as well as certification as an archivist or a master's degree in history, government, political science, or business administration.

The explicit duties and responsibilities of the State Archivist are expanded. The State Archivist must:

- provide consultant services for archival programs and training for state and local records coordinators;
- supervise the operation of regional branches and digital archives;
- serve as a liaison to other branches of government and consultant to local and state government; and
- make recommendations for improvements to laws, rules, policies, and procedures on behalf of the Division of Archives and Records Management and state and local government agencies and officials.

In addition, the State Archivist must demand turnover of original state or local government records illegally possessed by any person, organization, or entity.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This is a good government bill that ensures that the integrity and authenticity of our records is not subject to the whims of the political appointment process. It ensures that the State Archivist is trained and up-to-date on preservation of new formats for future

generations. There is also a clause about recovering records, which is known as replevin. Over time, many records have disappeared into other hands. This replevin law will allow the state to get them back. It is not unusual for professional qualifications to be set forth in statute; the Attorney General and State Auditor both have professional qualification requirements.

(Opposed) It is unnecessary to state professional qualifications in statute. An agency's needs change, and the skills required of a professional employee evolve over time, so it is unhelpful to cement qualifications in statute. It is preferable to allow departments to make hiring decisions that balance and reflect skills already existing in the department.

**Persons Testifying:** (In support) Jerry Handfield, Washington Coalition for Open Government.

(Opposed) Katie Blinn, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** None.