

the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 18, 1981.

Passed the House April 9, 1981.

Approved by the Governor April 17, 1981.

Filed in Office of Secretary of State April 17, 1981.

CHAPTER 32

[Substitute House Bill No. 49]

FORMS MANAGEMENT, PROGRAM PURPOSE, RESPONSIBILITY—PUBLIC RECORDS, DEFINITION, REPRODUCTION APPROVAL

AN ACT Relating to forms management; amending definitions of public records; amending and recodifying section 1, chapter 13, Laws of 1973 and RCW 43.19.510; amending section 1, chapter 246, Laws of 1957 as amended by section 1, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.010; amending section 1, chapter 223, Laws of 1949 as amended by section 1, chapter 95, Laws of 1973 and RCW 40.20.020; and adding a new chapter to Title 40 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "State agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government. The term includes any unit of state government established by law of which the executive officer or each member is either elected or appointed, and upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature. It also includes every state-supported institution of higher education.

(2) "Director" means the director of the department of general administration.

(3) "Form" means a printed document providing entry space for variable information. Forms may include envelopes, tags, and other printed material to the extent required by the director for efficient and effective accomplishment of program objectives.

(4) "State forms" means all forms used or issued by a state agency, whether produced in state facilities or purchased, unless excluded by the director.

NEW SECTION. Sec. 2. It is the objective of the state forms management program to eliminate unnecessary forms, to simplify paperwork, increase efficiency, effect productivity improvements, and to reduce paperwork and forms costs including but not limited to costs related to forms procurement, printing, storage, use, and distribution.

Sec. 3. Section 1, chapter 13, Laws of 1973 and RCW 43.19.510 are each amended to read as follows and, as amended, shall be recodified as a new section of the chapter created by section 6 of this act:

The director of the department of general administration shall establish and staff an activity within the department to be known as the "forms management center" for the coordination, orderly design, implementation, and maintenance of a state-wide forms management program.

The director of general administration, through the forms management center, shall:

(1) Coordinate a forms management program for all state agencies(~~(; and educational institutions))~~) and provide assistance in establishing internal forms management capabilities;

(2) Study, develop, coordinate, and initiate forms of interagency and common administrative usage that will be cost-effective, and establish basic state design and specification criteria to effect the standardization of state forms when cost-effective;

(3) Provide assistance, training, and instruction in forms management techniques to state agencies (~~(and educational institutions for))~~ including but not limited to economical forms design and forms ((art work)) composition ((and establish and supervise));

(4) Encourage state agency use of cost-effective control procedures to prevent the undue creation and reproduction of state forms;

~~((4) Provide assistance, training and instruction in forms management techniques to state agencies and educational institutions forms management representatives and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations or institutions as they are created;))~~

(5) Establish and maintain ((a central)) such cross ((index)) indices and functional files of state forms ~~((to))~~ as are cost-effective and will facilitate the standardization of ((such)) forms, ((to)) eliminate redundant forms, and ((to)) provide ((a central source of)) forms usage and availability information;

(6) ~~((Utilize))~~ Encourage use of appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and ~~((work directly with the public printer toward))~~ promote more efficient, economical, and timely procurement, receipt, storage, and distribution of state forms;

~~((Coordinate the forms management program with the existing state archives and records management program to insure timely disposition of outdated forms and related records;))~~

~~((8))~~ Conduct periodic evaluations of the effectiveness of the overall forms management program and the forms management practices of ~~((the))~~

individual (~~((state educational institutions and))~~) state agencies(~~(, and maintain records which indicate net dollar savings which have been realized through centralized forms management))~~);

~~((9) Enter into agreements which delegate implementing action to state agencies or educational institutions where such mutually developed arrangements will result in the most timely and economical method of accomplishing the responsibilities set forth in this section; and~~

~~(10))~~ (8) Develop and promulgate rules and standards to implement the overall purposes of this section; and

(9) Maintain such records of the costs and benefits of the overall forms management program as may be necessary for executive and legislative program review and evaluation.

The governor, acting through the director of general administration, may delegate or assign program implementation responsibility under mutually developed agreements with various state agencies when such action will contribute to the economical, efficient, and effective accomplishment of the objectives of the overall state forms management program.

All (~~(educational institutions and agencies of the))~~ state agencies shall cooperate with and support the development and implementation of the state-wide forms management program. To assist in the coordination and implementation of the forms management program, each state (~~(educational institution and))~~ agency shall appoint (~~((a))~~) at least one forms management representative who within three months of appointment shall have completed a forms management training course approved by the forms management center.

Sec. 4. Section 1, chapter 246, Laws of 1957 as amended by section 1, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.010 are each amended to read as follows:

As used in this chapter, the term "public records" shall include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, or other document, regardless of physical form or characteristics, and including (~~((a))~~) 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.

For the purposes of this chapter, public records shall be classified as follows:

(1) Official public records shall include all original vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the

state of Washington or any agency thereof; all records or documents required by law to be filed with or kept by any agency of the state of Washington; all legislative records as defined in RCW 40.14.100; and all other documents or records determined by the records committee, (~~hereinafter~~) created in RCW 40.14.050, to be official public records.

(2) Office files and memoranda (~~shall~~) include (~~all~~) such records, correspondence, exhibits, (~~books, booklets;~~) drawings, maps, (~~blank~~) completed forms, or documents not above defined and classified as official public records; (~~all~~) duplicate copies of official public records filed with any agency of the state of Washington; (~~all~~) documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; and (~~all~~) other documents or records(~~;~~) as determined by the records committee(~~(, hereinafter created;)~~) to be office files and memoranda.

Sec. 5. Section 1, chapter 223, Laws of 1949 as amended by section 1, chapter 95, Laws of 1973 and RCW 40.20.020 are each amended to read as follows:

The head of any business or the head of any state, county or municipal department, commission, bureau or board may cause any or all records required or authorized by law to be made or kept by such official, department, commission, bureau, board, or business to be photographed, microphotographed, (~~photostated or~~) reproduced on film, or photocopied for all purposes of recording documents, plats, files or papers, or copying or reproducing such records. Such film or reproducing material shall be of permanent material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details, and shall be approved for the intended purpose: PROVIDED, That the (~~forms committee~~) state archivist shall approve such material for state records use: PROVIDED, FURTHER, That the state auditor shall approve such material for use by local governmental subdivisions.

*** NEW SECTION. Sec. 6. Sections 1 through 3 of this act shall constitute a new chapter in Title 40 RCW.**

*Sec. 6. was vetoed, see message at end of chapter.

Passed the House March 3, 1981.

Passed the Senate April 9, 1981.

Approved by the Governor April 17, 1981, with the exception of Section 6, which is vetoed.

Filed in Office of Secretary of State April 17, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section of Substitute House Bill No. 49 entitled:

AN ACT Relating to forms management.

I am vetoing Section 6 in order to allow the codification of this bill into RCW 43.19, which governs the duties of the Department of General Administration. (This bill relates to their duties.)

With the exception of Section 6, which I have vetoed, the remainder of Substitute House Bill No. 49 is approved."

CHAPTER 33

[Substitute House Bill No. 219]

ART DEALER, ARTIST RELATIONSHIP

AN ACT Relating to businesses and professions; adding a new chapter to Title 18 RCW; adding a new section to Title 62A RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Art dealer" means a person, partnership, firm, association, or corporation, other than a public auctioneer, which undertakes to sell a work of fine art created by another.

(2) "Artist" means the creator of a work of fine art.

(3) "On consignment" means delivered to an art dealer for the purpose of sale or exhibition, or both, to the public by the art dealer other than at a public auction.

(4) "Work of fine art" means an original art work which is:

(a) A visual rendition including a painting, drawing, sculpture, mosaic, or photograph;

(b) A work of calligraphy;

(c) A work of graphic art including an etching, lithograph, offset print, or silk screen;

(d) A craft work in materials including clay, textile, fiber, wood, metal, plastic, or glass; or

(e) A work in mixed media including a collage or a work consisting of any combination of works included in this subsection.

NEW SECTION. Sec. 2. If an art dealer accepts a work of fine art on a fee, commission, or other compensation basis, on consignment from the artist:

(1) The art dealer is, with respect to that work of fine art, the agent of the artist.

(2) The work of fine art is trust property and the art dealer is trustee for the benefit of the artist until the work of fine art is sold to a bona fide third party.

(3) The proceeds of the sale of the work of fine art are trust property and the art dealer is trustee for the benefit of the artist until the amount due the artist from the sale is paid. These trust funds shall be paid to the