

of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for so doing.

NEW SECTION. Sec. 8. The commission is hereby authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of such agreement.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 21, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 102

[Substitute Senate Bill No. 90]

PUBLIC RECORDS--LEGISLATIVE RECORDS

AN ACT Relating to public records; amending section 1, chapter 246, Laws of 1957 and RCW 40.14.010; and creating new sections.

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

Section 1. Section 1, chapter 246, Laws of 1957 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, form, book, photograph, film, sound recording, map drawing, or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by or received by any agency of the state of Washington (~~or received by it~~) in connection with the transaction of public business, and legislative records as described in section 2 of this 1971 amendatory act.

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 section 2 of this 1971 amendatory act; and all other documents or records determined by the records committee, hereinafter created, to be official public records.

(2) Office files and memoranda shall include all records, correspondence, exhibits, books, booklets, drawings, maps, blank 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, determined by the records committee, hereinafter created, to be office files and memoranda.

NEW SECTION. Sec. 2. As used in this 1971 amendatory act, unless the context requires otherwise, "legislative records" shall be defined as correspondence, amendments, reports, and minutes of meetings made by or submitted to legislative committees or subcommittees and transcripts or other records of hearings or supplementary written testimony or data thereof filed with committees or subcommittees in connection with the exercise of legislative or investigatory functions, but does not include the records of an official act of the legislature kept by the secretary of state, bills and their copies, published materials, digests, or multi-copied matter which are routinely retained and otherwise available at the state library or in a public repository, or reports or correspondence made or received by or in any way under the personal control of the individual members of the legislature.

NEW SECTION. Sec. 3. Nothing in this 1971 amendatory act shall prohibit a legislator or legislative employee from contributing his personal papers to any private library, public library, or the state archives. The state archivist is authorized to receive papers of legislators and legislative employees and is directed to encourage the donation of such personal records to the state. The state archivist is authorized to establish such guidelines and procedures for the collection of personal papers and correspondence relating to the legislature as he sees fit. Legislators and legislative employees are encouraged to contribute their personal papers to the state for preservation.

NEW SECTION. Sec. 4. As used in this 1971 amendatory act "clerk" means clerk of the Washington state house of representatives and "secretary" means the secretary of the Washington state senate.

NEW SECTION. Sec. 5. The legislative committee chairman,

subcommittee chairman, committee member, or employed personnel of the state legislature having possession of legislative records that are not required for the regular performance of official duties shall, within ten days after the adjournment sine die of a regular or special session, deliver all such legislative records to the clerk of the house or the secretary of the senate.

The clerk of the house and the secretary of the senate are charged to include requirements and responsibilities for keeping committee minutes and records as part of their instructions to committee chairmen and employees.

The clerk or the secretary, with the assistance of the state archivist, shall classify and arrange the legislative records delivered to the clerk or secretary in a manner that he considers best suited to carry out the efficient and economical utilization, maintenance, preservation, and disposition of the records. The clerk or the secretary may deliver to the state archivist all legislative records in his possession when such records have been classified and arranged and are no longer needed by either house. The state archivist shall thereafter be custodian of the records so delivered, but shall deliver such records back to either the clerk or secretary upon his request.

The chairman, member, or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, on a scheduled basis agreed upon by the chairman, member, or employee of the legislative interim committee, deliver to the clerk or secretary all legislative records in his possession, as long as such records are not required for the regular performance of official duties. He shall also deliver to the clerk or secretary all records of an interim committee within ten days after the committee ceases to function.

NEW SECTION. Sec. 6. It shall be the duty of the clerk and the secretary to advise the party caucuses in each house concerning the necessity to keep public records. The state archivist or his representative shall work with the clerk and secretary to provide information and instructions on the best method for keeping legislative records.

NEW SECTION. Sec. 7. Committee records may be used by legislative employees for research at the discretion of the clerk or the secretary.

NEW SECTION. Sec. 8. The clerk or the secretary shall, with advice of the state archivist, prescribe rules for access to records more than three years old when such records have been delivered to the state archives for preservation and maintenance.

NEW SECTION. Sec. 9. Any sound recording of debate in the house or senate made by legislative employees shall be preserved by

the chief clerk of the house and by the secretary of the senate, respectively, for two years from the end of the session at which made, and thereafter shall be transmitted to the state archivist. The chief clerk and the secretary shall catalogue or index the recordings in their custody according to a uniform system, in order to allow easy access to the debate on specific questions before either house, and shall make available to any court of record, at the cost of reproduction, such portions of the recordings as the court may request.

NEW SECTION. Sec. 10. The provisions of this 1971 amendatory act shall not be construed as repealing or modifying any other acts or parts of acts authorizing the retention or destruction of public records nor shall this 1971 amendatory act affect the provisions of RCW 40.04.020 requiring the deposit of all state publications in the state library nor shall it affect the confidentiality of the bill drafting records of the code reviser's office.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

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CHAPTER 103

[Engrossed Senate Bill No. 164]

COUNTIES--

UNDERGROUND UTILITIES

AN ACT Relating to counties; amending section 1, chapter 194, Laws of 1967 and RCW 36.88.410; amending section 3, chapter 194, Laws of 1967 and RCW 36.88.430; and amending section 4, chapter 194, Laws of 1967 and RCW 36.88.440.

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

Section 1. Section 1, chapter 194, Laws of 1967 and RCW 36.88.410 are each amended to read as follows:

It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities and the initial underground installation of such facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to any electric or communication utility affected by such conversion or installation.

Sec. 2. Section 3, chapter 194, Laws of 1967 and RCW 36.88.430 are each amended to read as follows: