

CHAPTER 36

[House Bill No. 357]

PUBLIC RECORDS—RETENTION PERIOD—STATE ARCHIVIST AUTHORITY

AN ACT Relating to the preservation and destruction of public records; amending section 1, chapter 241, Laws of 1963 as amended by section 1, chapter 54, Laws of 1973 and RCW 40.10.010; amending section 2, chapter 241, Laws of 1963 as amended by section 2, chapter 54, Laws of 1973 and RCW 40.10.020; amending section 1, chapter 246, Laws of 1957 as last amended by section 4, chapter 32, Laws of 1981 and RCW 40.14.010; amending section 4, chapter 246, Laws of 1957 as last amended by section 51, chapter 151, Laws of 1979 and RCW 40.14.040; amending section 6, chapter 246, Laws of 1957 as last amended by section 52, chapter 151, Laws of 1979 and RCW 40.14.060; and amending section 7, chapter 246, Laws of 1957 as last amended by section 5, chapter 54, Laws of 1973 and RCW 40.14.070.

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

Section 1. Section 1, chapter 241, Laws of 1963 as amended by section 1, chapter 54, Laws of 1973 and RCW 40.10.010 are each amended to read as follows:

In order to provide for the continuity and preservation of civil government, each elected and appointed officer of the state shall designate those public documents which are essential records of his office and needed in an emergency and for the reestablishment of normal operations after any such emergency. A list of such records shall be forwarded to the state archivist (~~and director of the department of emergency services~~) on forms prescribed by the state archivist. This list shall be reviewed at least annually by the elected or appointed officer to insure its completeness. Any changes or revisions following this review shall be forwarded to the state archivist (~~and the director of the department of emergency services~~). Each such elected and appointed officer of state government shall insure that the security of essential records of his office is by the most economical means commensurate with adequate protection. Protection of essential records may be by vaulting, planned or natural dispersal of copies, or any other method approved by the state archivist (~~and the director of the department of emergency services~~). Reproductions of essential records may be by photo copy, magnetic tape, microfilm or other method approved by the state archivist. Local government offices may coordinate the protection of their essential records with the state archivist (~~and director of the department of emergency services~~) as necessary to provide continuity of local government under emergency conditions.

Sec. 2. Section 2, chapter 241, Laws of 1963 as amended by section 2, chapter 54, Laws of 1973 and RCW 40.10.020 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of

the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the ~~((director of the department of emergency services))~~ state archivist with the advice of the director of the department of emergency services. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the preservation of essential records. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

Sec. 3. Section 1, chapter 246, Laws of 1957 as last amended by section 4, chapter 32, Laws of 1981 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, machine-readable material, 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.

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, created in RCW 40.14.050, to be official public records.

(2) Office files and memoranda include such records~~(;)~~ as correspondence, exhibits, drawings, maps, completed forms, or documents not above defined and classified as official public records; duplicate copies of official public records filed with any agency of the state of Washington; 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 other documents or records as determined by the records committee to be office files and memoranda.

Sec. 4. Section 4, chapter 246, Laws of 1957 as last amended by section 51, chapter 151, Laws of 1979 and RCW 40.14.040 are each amended to read as follows:

Each department or other agency of the state government shall designate a records officer to supervise its records program and to represent the office in all contacts with the records committee, hereinafter created, and the division of archives and records management. The records officer shall:

(1) Coordinate all aspects of the records management program.

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

(3) Consult with any other personnel responsible for maintenance of specific records within his state organization regarding records retention and transfer recommendations.

(4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial and administrative needs.

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

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

(7) Exercise internal control over the acquisition of filming and file equipment.

~~((8) Report annually all savings resulting from records disposition actions to his management, the state archivist and the office of financial management:))~~

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

Sec. 5. Section 6, chapter 246, Laws of 1957 as last amended by section 52, chapter 151, Laws of 1979 and RCW 40.14.060 are each amended to read as follows:

~~((Official public records shall not be destroyed until they are either photographed, microphotographed, photostated, or reproduced on film, or until they are seven years old, except on a showing of the department of origin, as approved by the records committee, that the retention of such records for a minimum of seven years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs are involved: PROVIDED, That)) (1) Any~~

destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:

(a) The records are six or more years old;

(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or

(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

(2) Any lesser term of retention than ~~((seven))~~ six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except ~~((where))~~ when records have federal retention guidelines the state records committee may adjust the retention period accordingly~~((PROVIDED, FURTHER, That)).~~ An automatic reduction of retention periods from ~~((ten to))~~ seven to six years ~~((as provided for in this 1973 amendatory section))~~ for official public records on record retention schedules existing on the effective date of this 1982 act shall not be made ~~((as to records on existing record retention schedules))~~, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of ~~((seven))~~ six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

Sec. 6. Section 7, chapter 246, Laws of 1957 as last amended by section 5, chapter 54, Laws of 1973 and RCW 40.14.070 are each amended to read as follows:

County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management~~((;))~~ lists of such records~~((, in triplicate,))~~ on forms prepared by the division. The archivist and the chief examiner of the division of municipal corporations of the office of the state auditor and a representative appointed by the attorney general shall constitute a committee ~~((to be))~~, known as the local records committee, which shall review such lists~~((;))~~ and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

~~((No public record other than office files and memoranda of any local government agency shall be destroyed until it is either photographed, microphotographed, photostated, or reproduced on film, or until it is seven years old, and))~~ Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee~~((: PROVIDED, That where records have federal retention guidelines the local records committee may adjust the retention period accordingly: PROVIDED FURTHER, That))~~. Official public records shall not be destroyed unless:

(1) The records are six or more years old;

(2) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(3) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from ((ten-to)) seven to six years ((as provided for in this 1973 amendatory section)) for official public records on record retention schedules existing on the effective date of this 1982 act shall not be made ((as to records on existing record retention schedules)), but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of ((seven)) six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency (~~selected by the archivist, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study~~)).

Passed the House March 4, 1982.

Passed the Senate March 1, 1982.

Approved by the Governor March 22, 1982.

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CHAPTER 37

[House Bill No. 442]

BOARD OF REGISTRATION FOR ENGINEERS AND LAND SURVEYORS— DISCIPLINARY AUTHORITY—HEARINGS—PENALTIES

AN ACT Relating to engineers and land surveyors; amending section 14, chapter 283, Laws of 1947 as amended by section 49, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.110; and providing penalties.

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

Section 1. Section 14, chapter 283, Laws of 1947 as amended by section 49, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.110 are each amended to read as follows:

The board shall have the exclusive power to fine and reprimand the registrant and suspend or revoke the certificate of registration of any registrant who is found guilty of:

The practice of any fraud or deceit in obtaining a certificate of registration; or

Any gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred. ~~((The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date set for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.))~~
All procedures related to hearings on such charges shall be in accordance