

SENATE BILL REPORT

SB 5275

As Reported By Senate Committee On:
Government Operations & Elections, February 26, 2003

Title: An act relating to the confidential nature of public records transferred to the state archives.

Brief Description: Managing confidential records.

Sponsors: Senators Roach, Fairley, Horn, Stevens and Hale; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 2/11/03, 2/26/03 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Staff: Mac Nicholson (786-7445)

Background: All public records and the records of every state government, when they are no longer required in the current operation of the office where they are made or kept, must be transferred to the state archives.

Summary of Substitute Bill: Records that have a confidential character while in the possession of the original agency, commission, committee, or any other entity of state or local government retain their confidential character after transfer to the state archives. If the archivist determines that the records must be made accessible to the public under proper and reasonable rules adopted by the Secretary of State, and the originating jurisdiction concurs, then the records may be open to inspection after the expiration of 75 years from creation of the record.

If the originating jurisdiction is no longer in existence, the archivist shall make the determination of availability. A record exempt from public disclosure under state or federal law for a period of less than 75 years must be made accessible to the public upon the expiration of the shorter period of time.

Substitute Bill Compared to Original Bill: The substitute bill provides that the archivist makes the determination of availability of documents if the originating jurisdiction is no longer in existence. The substitute also adds the requirement that a document exempt from disclosure under state or federal law for a period less than 75 years must be made accessible upon the expiration of that shorter time period. The substitute bill eliminates the provision opening all records after 75 years.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Confidential documents that may possess some historical value are not being collected because they remain confidential indefinitely. This bill allows collection of such documents and provides for disclosure after 75 years.

Testimony Against: None.

Testified: PRO: Jerry Handfield, State Archivist. PRO W/CONCERNS: Laura Sparr, WA State Genealogical Society; Rowland Thompson, Allied Daily Newspapers.