

1 IN THE HOUSE

BY MR. FISHER

2 HOUSE BILL NO. 290

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to records management; and
7 repealing Ch. 147, SLA 1957."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 Section 1. SHORT TITLE. This Act shall be known as the
10 "Records Management Act."

11 Sec. 2. DEFINITIONS. As used in this Act:

12 (1) "record" means document, book, paper, photograph,
13 sound recording or other material, regardless of physical form
14 or characteristics, made or received pursuant to law or ordinance
15 or in connection with the transaction of official business.
16 Library and museum material made or acquired and preserved solely
17 for reference or exhibition purposes, extra copies of documents
18 preserved only for convenience of reference, and stocks of pub-
19 lications and of processed documents are not included within the
20 definition of records as used in this Act.

21 (2) "state record" means a record of a department,
22 commission, board or other agency, however designated, of the
23 state government; a record of the state legislature; a record of
24 any court of record, whether of state-wide or local jurisdiction;
25 or any other record designated or treated as a state record
26 under state law;

27 (3) "local record" means a record of a city, borough,
28 village, district, authority or any public corporation or political
29 entity whether organized and existing under charter or under gen-

1 eral law unless the record is designated or treated as a state
2 record under state law;

3 (4) "agency" means any department, commission, board
4 or other unit, however designated, of the executive branch of
5 state government.

6 Sec. 3. STATE RECORDS ADMINISTRATOR. The commissioner of
7 administration is hereby designated the state records administra-
8 tor, hereinafter called the administrator. The administrator
9 shall establish and administer in the executive branch of state
10 government a records management program, which will apply efficient
11 and economical management methods to the creation, utilization,
12 maintenance, retention, preservation and disposal of state records.

13 Sec. 4. DUTIES OF ADMINISTRATOR. The administrator shall,
14 with due regard for the functions of the agencies concerned:

15 (1) establish standards, procedures, and techniques
16 for effective management of records;

17 (2) make continuing surveys of paper work operations
18 and recommend improvements in current records management practices
19 including the use of space, equipment and supplies employed in
20 creating, maintaining, storing and servicing records;

21 (3) establish standards for the preparation of
22 schedules providing for the retention of state records of con-
23 tinuing value and for the prompt and orderly disposal of state
24 records no longer possessing sufficient administrative, legal, or
25 fiscal value to warrant their further keeping;

26 (4) obtain reports from agencies as are required for
27 the administration of the program.

28 Sec. 5. DUTIES OF AGENCY HEADS. The head of each agency
29 shall:

1 (1) establish and maintain an active, continuing pro-
2 gram for the economical and efficient management of the records
3 of the agency;

4 (2) make and maintain records containing adequate and
5 proper documentation of the organization, functions, policies,
6 decisions, procedures and essential transactions of the agency
7 designed to furnish information to protect the legal and financial
8 rights of the state and of persons directly affected by the agency's
9 activities;

10 (3) submit to the administrator, in accordance with
11 the standards established by him, schedules proposing the length
12 of time each state record series warrants retention for adminis-
13 trative, legal or fiscal purposes after it has been received by
14 the agency. The head of each agency also shall submit lists of
15 state records in his custody that are not needed in the transaction
16 of current business and that do not have sufficient administrative,
17 legal or fiscal value to warrant their further keeping, for dis-
18 posal in conformity with the requirements of sec. 9 of this Act;

19 (4) cooperate with the administrator in the conduct
20 of surveys made by him pursuant to the provisions of this Act;

21 (5) comply with the rules, regulations, standards and
22 procedures issued by the administrator.

23 Sec. 6. RECORDS, MANAGEMENT FOR LOCAL RECORDS. The govern-
24 ing body of each city, borough, village, district, authority or
25 any public corporation or political entity whether organized and
26 existing under charter or under general law shall promote the
27 principles of efficient records management for local records.
28 Such governing body shall, as far as practical, follow the program
29 established for the management of state records. The administra-

1 tor shall, upon the request of a governing body, provide advice
2 and assistance in the establishment of a local records management
3 program.

4 Sec. 7. ASSISTANCE TO LEGISLATIVE AND JUDICIAL BRANCHES.
5 Upon request, the administrator shall assist and advise in the
6 establishment of records management programs in the legislative
7 and judicial branches of state government and shall, as required
8 by them, provide program services similar to those available to
9 the executive branch of state government pursuant to the provi-
10 sions of this Act.

11 Sec. 8. RECORDS NOT TO BE DAMAGED OR DESTROYED. All re-
12 cords made or received by or under the authority of or coming
13 into the custody, control or possession of public officials of
14 this state in the course of their public duties are the property
15 of the state and shall not be mutilated, destroyed, transferred,
16 removed or otherwise damaged or disposed of, in whole or in part,
17 except as provided by law.

18 Sec. 9. DISPOSAL OF RECORDS. No record shall be destroyed
19 or otherwise disposed of by any agency of the state unless it
20 is determined by the administrator and the attorney general that
21 the record has no further administrative, legal, fiscal, or his-
22 torical value. Every agency head who has in his custody state
23 records deemed by him to be without administrative, legal, fiscal,
24 or historical value shall compile lists of such records suffi-
25 ciently detailed to identify them and submit such lists to the
26 administrator and the attorney general. The administrator and
27 the attorney general shall authorize the disposal of such records
28 in the list as are found to be without administrative, legal,
29 fiscal, or historical value. These officials may also, upon re-

1 quest of the legal custodian of the records, authorize in advance
2 the periodic disposal of routine records that they consider to
3 have no administrative, legal, fiscal, or historical value. The
4 legal custodian shall file in the office from which the records
5 are drawn a descriptive list of all records disposed of and a
6 record of the disposal itself and shall transmit copies to the
7 administrator who shall file and preserve them. No state records
8 may be destroyed or otherwise disposed of except as provided in
9 this Act.

10 Sec. 10. DESTRUCTION OF NON-RECORD MATERIALS. Non-record
11 materials may, if not otherwise prohibited by law, be destroyed
12 at any time by the agency in possession of such materials without
13 prior approval of the administrator and the attorney general. The
14 administrator may formulate procedures and interpretation to guide
15 in the disposition of non-record materials.

16 Sec. 11. OPTIONAL CENTRALIZATION OF RECORDS. The adminis-
17 trator is authorized to negotiate for the transfer of and to
18 receive state records from any agency, and is the legal custodian
19 of such state records as may be turned over to him. Any agency
20 head is authorized to turn over to the administrator such state
21 records legally in his custody as are not needed for the trans-
22 action of business of the agency, whenever the administrator is
23 willing to receive and care for them. Whenever such transfers are
24 made, the agency head shall prepare a list in which the records
25 shall be described in terms sufficient to identify them and this
26 list will be receipted by the administrator, a copy retained by
27 him, and a copy filed and preserved in the agency.

28 Sec. 12. RULES AND REGULATIONS. The administrator shall
29 promulgate such rules and regulations as are necessary to effec-

1 tuate the purposes of this Act, except that rules and regulations
2 relating to the disposal of records pursuant to sec. 10 shall be
3 issued jointly by the administrator and the attorney general.

4 Sec. 13. Ch. 147, SLA 1957 is repealed.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29