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HOUSE BILL 1506

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State of Washington

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By Representatives Reams, Rust, Brumsickle, Regala, R. Fisher, Hymes, Mielke and Quall

Read first time 01/27/95. Referred to Committee on Government Operations.

1 AN ACT Relating to public inspection of public records contained in  
2 geographic information systems maintained by state and local agencies;  
3 amending RCW 42.17.020 and 42.17.300; and adding a new section to  
4 chapter 42.17 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW  
7 under the subchapter heading "public records" to read as follows:

8 (1) Agencies that maintain a geographic information system shall  
9 establish procedures for providing, without charge, reasonable public  
10 access to public records contained in the system that are neither  
11 exempted nor precluded from disclosure under applicable law.

12 (2)(a) Agencies are authorized to establish fee schedules imposing  
13 charges for creating and providing a copy of a particular map or other  
14 compilation of information maintained in a geographic information  
15 system, provided that fees for a copy of a map or other assemblage of  
16 information compiled as part of an agency's governmental function shall  
17 not exceed the reasonable costs incurred by the agency in creating or  
18 providing such a copy.

1 (b) Agencies are also authorized to establish fee schedules for  
2 providing a digital copy of geographic information system data bases,  
3 layers, or other substantial and discrete portions of such a system.  
4 Such fee schedules may be designed to enable an agency to maintain such  
5 a geographic information system on a financially self-supporting basis,  
6 and may be designed to recover an agency's costs associated with  
7 maintaining and updating such a geographic information system.

8 (c) All fee schedules established pursuant to this section shall be  
9 in writing, and, in the case of a local agency, adopted by ordinance or  
10 resolution of the governing body.

11 (3) Agencies are authorized to enter into licensing or other  
12 similar agreements with recipients of copies of records maintained in  
13 a geographic information system, including recipients of a digital copy  
14 of geographic information system data bases, layers, or other  
15 substantial and discrete portions of such a system. Such agreements  
16 may include provisions governing the terms and conditions under which  
17 such recipients may utilize such records, including restrictions on  
18 copying, reuse, and resale, and may provide for compensation to the  
19 agency.

20 (4) RCW 42.17.300 shall have no application to requests for copies  
21 of records maintained in a geographic information system, or for a  
22 digital copy of geographic information system data bases, layers, or  
23 other substantial and discrete portions of such a system.

24 (5) Nothing in this section is intended or may be construed to  
25 restrict an agency's copyright interest in a geographic information  
26 system or the records contained therein, or to create either a right of  
27 public inspection or a right to obtain a copy of any record that is not  
28 a public record or the disclosure of which is exempted or prohibited by  
29 applicable law.

30 **Sec. 2.** RCW 42.17.020 and 1992 c 139 s 1 are each amended to read  
31 as follows:

32 Unless the context clearly requires otherwise, the definitions in  
33 this section apply throughout this chapter.

34 (1) "Agency" includes all state agencies and all local agencies.  
35 "State agency" includes every state office, department, division,  
36 bureau, board, commission, or other state agency. "Local agency"  
37 includes every county, city, town, municipal corporation, quasi-  
38 municipal corporation, or special purpose district, or any office,

1 department, division, bureau, board, commission, or agency thereof, or  
2 other local public agency.

3 (2) "Ballot proposition" means any "measure" as defined by RCW  
4 29.01.110, or any initiative, recall, or referendum proposition  
5 proposed to be submitted to the voters of the state or any municipal  
6 corporation, political subdivision, or other voting constituency from  
7 and after the time when the proposition has been initially filed with  
8 the appropriate election officer of that constituency prior to its  
9 circulation for signatures.

10 (3) "Depository" means a bank designated by a candidate or  
11 political committee pursuant to RCW 42.17.050.

12 (4) "Treasurer" and "deputy treasurer" mean the individuals  
13 appointed by a candidate or political committee, pursuant to RCW  
14 42.17.050, to perform the duties specified in that section.

15 (5) "Candidate" means any individual who seeks election to public  
16 office. An individual shall be deemed to seek election when he or she  
17 first:

18 (a) Receives contributions or makes expenditures or reserves space  
19 or facilities with intent to promote his or her candidacy for office;  
20 or

21 (b) Announces publicly or files for office.

22 (6) "Commercial advertiser" means any person who sells the service  
23 of communicating messages or producing printed material for broadcast  
24 or distribution to the general public or segments of the general public  
25 whether through the use of newspapers, magazines, television and radio  
26 stations, billboard companies, direct mail advertising companies,  
27 printing companies, or otherwise.

28 (7) "Commission" means the agency established under RCW 42.17.350.

29 (8) "Compensation" unless the context requires a narrower meaning,  
30 includes payment in any form for real or personal property or services  
31 of any kind: PROVIDED, That for the purpose of compliance with RCW  
32 42.17.241, the term "compensation" shall not include per diem  
33 allowances or other payments made by a governmental entity to reimburse  
34 a public official for expenses incurred while the official is engaged  
35 in the official business of the governmental entity.

36 (9) "Continuing political committee" means a political committee  
37 that is an organization of continuing existence not established in  
38 anticipation of any particular election campaign.

1 (10) "Contribution" includes a loan, gift, deposit, subscription,  
2 forgiveness of indebtedness, donation, advance, pledge, payment,  
3 transfer of funds between political committees, or transfer of anything  
4 of value, including personal and professional services for less than  
5 full consideration, but does not include interest on moneys deposited  
6 in a political committee's account, ordinary home hospitality and the  
7 rendering of personal services of the sort commonly performed by  
8 volunteer campaign workers, or incidental expenses personally incurred  
9 by volunteer campaign workers not in excess of fifty dollars personally  
10 paid for by the worker. Volunteer services, for the purposes of this  
11 chapter, means services or labor for which the individual is not  
12 compensated by any person. For the purposes of this chapter,  
13 contributions other than money or its equivalents shall be deemed to  
14 have a money value equivalent to the fair market value of the  
15 contribution. Sums paid for tickets to fund-raising events such as  
16 dinners and parties are contributions; however, the amount of any such  
17 contribution may be reduced for the purpose of complying with the  
18 reporting requirements of this chapter, by the actual cost of  
19 consumables furnished in connection with the purchase of the tickets,  
20 and only the excess over the actual cost of the consumables shall be  
21 deemed a contribution.

22 (11) "Elected official" means any person elected at a general or  
23 special election to any public office, and any person appointed to fill  
24 a vacancy in any such office.

25 (12) "Election" includes any primary, general, or special election  
26 for public office and any election in which a ballot proposition is  
27 submitted to the voters: PROVIDED, That an election in which the  
28 qualifications for voting include other than those requirements set  
29 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
30 the state of Washington shall not be considered an election for  
31 purposes of this chapter.

32 (13) "Election campaign" means any campaign in support of or in  
33 opposition to a candidate for election to public office and any  
34 campaign in support of, or in opposition to, a ballot proposition.

35 (14) "Expenditure" includes a payment, contribution, subscription,  
36 distribution, loan, advance, deposit, or gift of money or anything of  
37 value, and includes a contract, promise, or agreement, whether or not  
38 legally enforceable, to make an expenditure. The term "expenditure"  
39 also includes a promise to pay, a payment, or a transfer of anything of

1 value in exchange for goods, services, property, facilities, or  
2 anything of value for the purpose of assisting, benefiting, or honoring  
3 any public official or candidate, or assisting in furthering or  
4 opposing any election campaign. For the purposes of this chapter,  
5 agreements to make expenditures, contracts, and promises to pay may be  
6 reported as estimated obligations until actual payment is made. The  
7 term "expenditure" shall not include the partial or complete repayment  
8 by a candidate or political committee of the principal of a loan, the  
9 receipt of which loan has been properly reported.

10 (15) "Final report" means the report described as a final report in  
11 RCW 42.17.080(2).

12 (16) "Geographic information system" means a system of hardware,  
13 software, and data files, on which spatially oriented geographical  
14 information is digitally collected, stored, managed, manipulated,  
15 analyzed, and displayed.

16 (17) "Gift," for the purposes of RCW 42.17.170 and 42.17.2415,  
17 means a rendering of anything of value in return for which reasonable  
18 consideration is not given and received and includes a rendering of  
19 money, property, services, discount, loan forgiveness, payment of  
20 indebtedness, or reimbursements from or payments by persons (other than  
21 the federal government, or the state of Washington or any agency or  
22 political subdivision thereof) for travel or anything else of value.  
23 The term "reasonable consideration" refers to the approximate range of  
24 consideration that exists in transactions not involving donative  
25 intent. However, the value of the gift of partaking in a single hosted  
26 reception shall be determined by dividing the total amount of the cost  
27 of conducting the reception by the total number of persons partaking in  
28 the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415  
29 does not include:

30 (a) A gift, other than a gift of partaking in a hosted reception,  
31 with a value of fifty dollars or less;

32 (b) The gift of partaking in a hosted reception if the value of the  
33 gift is one hundred dollars or less;

34 (c) A contribution that is required to be reported under RCW  
35 42.17.090 (~~or 42.17.243~~);

36 (d) Informational material that is transferred for the purpose of  
37 informing the recipient about matters pertaining to official business  
38 of the governmental entity of which the recipient is an official or  
39 officer, and that is not intended to confer on that recipient any

1 commercial, proprietary, financial, economic, or monetary advantage, or  
2 the avoidance of any commercial, proprietary, financial, economic, or  
3 monetary disadvantage;

4 (e) A gift that is not used and that, within thirty days after  
5 receipt, is returned to the donor or delivered to a charitable  
6 organization. However, this exclusion from the definition does not  
7 apply if the recipient of the gift delivers the gift to a charitable  
8 organization and claims the delivery as a charitable contribution for  
9 tax purposes;

10 (f) A gift given under circumstances where it is clear beyond any  
11 doubt that the gift was not made as part of any design to gain or  
12 maintain influence in the governmental entity of which the recipient is  
13 an officer or official or with respect to any legislative matter or  
14 matters of that governmental entity; or

15 (g) A gift given prior to September 29, 1991.

16 (~~(17)~~) (18) "Immediate family" includes the spouse, dependent  
17 children, and other dependent relatives, if living in the household.

18 (~~(18)~~) (19) "Legislation" means bills, resolutions, motions,  
19 amendments, nominations, and other matters pending or proposed in  
20 either house of the state legislature, and includes any other matter  
21 that may be the subject of action by either house or any committee of  
22 the legislature and all bills and resolutions that, having passed both  
23 houses, are pending approval by the governor.

24 (~~(19)~~) (20) "Lobby" and "lobbying" each mean attempting to  
25 influence the passage or defeat of any legislation by the legislature  
26 of the state of Washington, or the adoption or rejection of any rule,  
27 standard, rate, or other legislative enactment of any state agency  
28 under the state Administrative Procedure Act, chapter 34.05 RCW.  
29 Neither "lobby" nor "lobbying" includes an association's or other  
30 organization's act of communicating with the members of that  
31 association or organization.

32 (~~(20)~~) (21) "Lobbyist" includes any person who lobbies either in  
33 his or her own or another's behalf.

34 (~~(21)~~) (22) "Lobbyist's employer" means the person or persons by  
35 whom a lobbyist is employed and all persons by whom he or she is  
36 compensated for acting as a lobbyist.

37 (~~(22)~~) (23) "Person" includes an individual, partnership, joint  
38 venture, public or private corporation, association, federal, state, or  
39 local governmental entity or agency however constituted, candidate,

1 committee, political committee, political party, executive committee  
2 thereof, or any other organization or group of persons, however  
3 organized.

4 (~~((23))~~) (24) "Person in interest" means the person who is the  
5 subject of a record or any representative designated by that person,  
6 except that if that person is under a legal disability, the term  
7 "person in interest" means and includes the parent or duly appointed  
8 legal representative.

9 (~~((24))~~) (25) "Political advertising" includes any advertising  
10 displays, newspaper ads, billboards, signs, brochures, articles,  
11 tabloids, flyers, letters, radio or television presentations, or other  
12 means of mass communication, used for the purpose of appealing,  
13 directly or indirectly, for votes or for financial or other support in  
14 any election campaign.

15 (~~((25))~~) (26) "Political committee" means any person (except a  
16 candidate or an individual dealing with his or her own funds or  
17 property) having the expectation of receiving contributions or making  
18 expenditures in support of, or opposition to, any candidate or any  
19 ballot proposition.

20 (~~((26))~~) (27) "Public office" means any federal, state, county,  
21 city, town, school district, port district, special district, or other  
22 state political subdivision elective office.

23 (~~((27))~~) (28) "Public record" includes any writing containing  
24 information relating to the conduct of government or the performance of  
25 any governmental or proprietary function prepared, owned, used, or  
26 retained by any state or local agency regardless of physical form or  
27 characteristics.

28 (~~((28))~~) (29) "Surplus funds" mean, in the case of a political  
29 committee or candidate, the balance of contributions that remain in the  
30 possession or control of that committee or candidate subsequent to the  
31 election for which the contributions were received, and that are in  
32 excess of the amount necessary to pay remaining debts incurred by the  
33 committee or candidate prior to that election. In the case of a  
34 continuing political committee, "surplus funds" mean those  
35 contributions remaining in the possession or control of the committee  
36 that are in excess of the amount necessary to pay all remaining debts  
37 when it makes its final report under RCW 42.17.065.

38 (~~((29))~~) (30) "Writing" means handwriting, typewriting, printing,  
39 photostating, photographing, and every other means of recording any

1 form of communication or representation, including, but not limited to,  
2 letters, words, pictures, sounds, or symbols, or combination thereof,  
3 and all papers, maps, magnetic or paper tapes, photographic films and  
4 prints, motion picture, film and video recordings, magnetic or punched  
5 cards, discs, drums, diskettes, sound recordings, and other documents  
6 including existing data compilations from which information may be  
7 obtained or translated.

8 As used in this chapter, the singular shall take the plural and any  
9 gender, the other, as the context requires.

10 **Sec. 3.** RCW 42.17.300 and 1973 c 1 s 30 are each amended to read  
11 as follows:

12 No fee shall be charged for the inspection of public records.  
13 Agencies may impose a reasonable charge for providing copies of public  
14 records and for the use by any person of agency equipment to copy  
15 public records, which charges shall not exceed the amount necessary to  
16 reimburse the agency for its actual costs incident to such copying  
17 except as authorized in section 1 of this act.

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