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HOUSE BILL 2255

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Graves, Pellicciotti, Kilduff, and Young

Prefiled 12/05/17. Read first time 01/08/18. Referred to Committee on State Govt, Elections & IT.

1 AN ACT Relating to the definition of public records in regards to  
2 the legislature; amending RCW 40.14.140, 42.56.010, and 42.56.580;  
3 and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the purpose of  
6 the state's public disclosure laws is founded on the public's right  
7 to know the business of their government and that transparency in  
8 government is an important component of representative democracy. The  
9 legislature further finds that current law does not include certain  
10 records held, owned, used, and retained by individual legislators as  
11 public records for purposes of the public records act, while the  
12 records of other elected officials, including local elected  
13 officials, are subject to public disclosure. The legislature  
14 therefore intends that the records of state legislators and their  
15 offices should be made publicly available substantially to the same  
16 extent as records of other elected officials under the terms of the  
17 public records act.

18 **Sec. 2.** RCW 40.14.140 and 2011 c 336 s 821 are each amended to  
19 read as follows:

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

7 **Sec. 3.** RCW 42.56.010 and 2017 c 303 s 1 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Agency" includes all state agencies and all local agencies.  
12 "State agency" includes every state office, department, division,  
13 bureau, board, commission, or other state agency. "Local agency"  
14 includes every county, city, town, municipal corporation, quasi-  
15 municipal corporation, or special purpose district, or any office,  
16 department, division, bureau, board, commission, or agency thereof,  
17 or other local public agency.

18 (2) "Person in interest" means the person who is the subject of a  
19 record or any representative designated by that person, except that  
20 if that person is under a legal disability, "person in interest"  
21 means and includes the parent or duly appointed legal representative.

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

27 (b) For records created before the effective date of this  
28 section, the office of the secretary of the senate and the office of  
29 the chief clerk of the house of representatives, public records means  
30 legislative records as defined in RCW 40.14.100 and also means the  
31 following: All budget and financial records; personnel leave, travel,  
32 and payroll records; records of legislative sessions; reports  
33 submitted to the legislature; and any other record designated a  
34 public record by any official action of the senate or the house of  
35 representatives.

36 (c) This definition does not include records that are not  
37 otherwise required to be retained by the agency and are held by  
38 volunteers who:

39 ((+a)) (i) Do not serve in an administrative capacity;

1       (~~(b)~~) (ii) Have not been appointed by the agency to an agency  
2 board, commission, or internship; and

3       (~~(c)~~) (iii) Do not have a supervisory role or delegated agency  
4 authority.

5       (4) "Writing" means handwriting, typewriting, printing,  
6 photostating, photographing, and every other means of recording any  
7 form of communication or representation including, but not limited  
8 to, letters, words, pictures, sounds, or symbols, or combination  
9 thereof, and all papers, maps, magnetic or paper tapes, photographic  
10 films and prints, motion picture, film and video recordings, magnetic  
11 or punched cards, discs, drums, diskettes, sound recordings, and  
12 other documents including existing data compilations from which  
13 information may be obtained or translated.

14       **Sec. 4.** RCW 42.56.580 and 2007 c 456 s 6 are each amended to  
15 read as follows:

16       (1) Each state and local agency shall appoint and publicly  
17 identify a public records officer whose responsibility is to serve as  
18 a point of contact for members of the public in requesting disclosure  
19 of public records and to oversee the agency's compliance with the  
20 public records disclosure requirements of this chapter. A state or  
21 local agency's public records officer may appoint an employee or  
22 official of another agency as its public records officer. The  
23 secretary of the senate and the chief clerk of the house of  
24 representatives, respectively, shall be the appointed public records  
25 officers for requests made to the senate or house of representatives,  
26 including each state legislative office in each house.

27       (2) For state agencies, the name and contact information of the  
28 agency's public records officer to whom members of the public may  
29 direct requests for disclosure of public records and who will oversee  
30 the agency's compliance with the public records disclosure  
31 requirements of this chapter shall be published in the state register  
32 at the time of designation and maintained thereafter on the code  
33 reviser web site for the duration of the designation.

34       (3) For local agencies, the name and contact information of the  
35 agency's public records officer to whom members of the public may  
36 direct requests for disclosure of public records and who will oversee  
37 the agency's compliance within the public records disclosure  
38 requirements of this chapter shall be made in a way reasonably  
39 calculated to provide notice to the public, including posting at the

1 local agency's place of business, posting on its internet site, or  
2 including in its publications.

3 NEW SECTION. **Sec. 5.** This act may be known and cited as the  
4 legislative transparency act.

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