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**HOUSE BILL 2155**

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**State of Washington****59th Legislature****2005 Regular Session**

**By** Representatives Lantz and Shabro; by request of Secretary of State  
Read first time 02/21/2005. Referred to Committee on State  
Government Operations & Accountability.

1       AN ACT Relating to state publication preservation by state library  
2 services within the office of the secretary of state; amending RCW  
3 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, 40.06.050,  
4 40.07.020, and 40.07.030; and creating a new section.

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

6       NEW SECTION. **Sec. 1.** The state of Washington recognizes that an  
7 informed citizenry is indispensable to the proper functioning of a  
8 democratic society. It is the basic right of citizens to know about  
9 the activities of their government, to benefit from the information  
10 developed at public expense, and to have permanent access to the  
11 information published by state agencies.

12       The state library within the office of the secretary of state  
13 should ensure permanent public access to public state government  
14 publications, regardless of the format, and prescribe the conditions  
15 for use of state publications in depository libraries.

16       **Sec. 2.** RCW 27.04.045 and 2002 c 342 s 3 are each amended to read  
17 as follows:

1       The state librarian shall be responsible and accountable for the  
2 following functions:

3           (1) Establishing content-related standards for common formats and  
4 agency indexes for state agency-produced information. In developing  
5 these standards, the state librarian is encouraged to seek involvement  
6 of, and comments from, public and private entities with an interest in  
7 such standards;

8           (2) Managing and administering the state library;

9           (3) Exerting leadership in information access and the development  
10 of library services;

11          (4) Acquiring library materials, equipment, and supplies by  
12 purchase, exchange, gift, or otherwise; and, as appropriate, assisting  
13 the legislature, other state agencies, and other libraries in the cost-  
14 effective purchase of information resources;

15          (5) Employing and terminating personnel in accordance with chapter  
16 41.06 RCW as may be necessary to implement the purposes of this  
17 chapter;

18          (6) Entering into agreements with other public or private entities  
19 as a means of implementing the mission, goals, and objectives of the  
20 state library and the entity with which it enters such agreements. In  
21 agreements for services between the library and other state agencies,  
22 the library may negotiate an exchange of services in lieu of monetary  
23 reimbursement for the library's indirect or overhead costs, when such  
24 an arrangement facilitates the delivery of library services;

25          (7) Maintaining a library at the state capitol grounds to  
26 effectively provide library and information services to members of the  
27 legislature, state officials, and state employees in connection with  
28 their official duties;

29          (8) Serving as the depository for newspapers published in the state  
30 of Washington thus providing a central location for a valuable  
31 historical record for scholarly, personal, and commercial reference and  
32 circulation;

33          (9) Promoting and facilitating electronic access to public  
34 information and services, including providing, or providing for, a  
35 service that identifies, describes, and provides location information  
36 for government information through electronic means, and that assists  
37 government agencies in making their information more readily available  
38 to the public;

1       (10) Collecting and distributing copies of state publications, as  
2 defined in RCW 40.06.010, prepared by any state agency for  
3 distribution. The state library shall maintain the state publications  
4 distribution center, as provided in chapter 40.06 RCW to provide copies  
5 of materials that are not available in electronic format to state  
6 depository libraries. The office of the secretary of state, on  
7 recommendation of the state librarian, may provide by rule for deposit  
8 with the state library of up to ((three)) two copies of each  
9 publication;

10      (11) Providing for the sale of library material in accordance with  
11 RCW 27.12.305;

12      (12) Providing advisory services to state agencies regarding their  
13 information needs;

14      (13) Providing for library and information service to residents and  
15 staff of state-supported residential institutions;

16      (14) Providing for library and information services to persons  
17 throughout the state who are blind and/or physically handicapped;

18      (15) Assisting individuals and groups such as libraries, library  
19 boards, governing bodies, and citizens throughout the state toward the  
20 establishment and development of library services;

21      (16) Making studies and surveys of library needs in order to  
22 provide, expand, enlarge, and otherwise improve access to library  
23 facilities and services throughout the state;

24      (17) Serving as an interlibrary loan, information, reference, and  
25 referral resource for all libraries in the state. The state library  
26 may charge lending fees to other libraries that charge the state  
27 library for similar services. Money paid as fees shall be retained by  
28 the state library as a recovery of costs; and

29      (18) Accepting and expending in accordance with the terms thereof  
30 grants of federal, state, local, or private funds. For the purpose of  
31 qualifying to receive such grants, the state librarian is authorized to  
32 make applications and reports required by the grantor.

33      **Sec. 3.** RCW 40.06.010 and 1977 ex.s. c 232 s 8 are each amended to  
34 read as follows:

35      As used in this chapter:

36      (1) ~~("Print" includes all forms of reproducing multiple copies,~~  
37 ~~with the exception of typewritten correspondence and interoffice~~

1 memoranda.)) "Format" includes any media used in the publication of  
2 state information including electronic, print, audio, visual, and  
3 microfilm.

4 (2) "State agency" includes every state office, officer,  
5 department, division, bureau, board, commission and agency of the  
6 state, and, where applicable, all subdivisions of each.

7 (3) "State publication" means information published by state  
8 agencies intended for distribution to state government or the public,  
9 including publications issued electronically or in other formats.  
10 Examples may include((s)) annual, biennial, and special reports  
11 required by law, state agency newsletters, periodicals, and magazines,  
12 ((books, pamphlets, leaflets, and all other materials, other than news  
13 releases sent exclusively to the news media, typewritten correspondence  
14 and interoffice memoranda, issued in print by the state, the  
15 legislature, constitutional officers, or any state department,  
16 committee, or other state agency supported wholly or in part by state  
17 funds)) and other printed informational material intended for general  
18 dissemination to state agencies, the public, or the legislature.

19 **Sec. 4.** RCW 40.06.020 and 2002 c 342 s 5 are each amended to read  
20 as follows:

21 There is hereby created as a division of the state library, and  
22 under the direction of the state librarian, a state publications  
23 distribution center. The center shall utilize the depository library  
24 system to permit citizens economical and convenient access to state  
25 publications in any format. To this end the secretary of state shall  
26 make such rules as may be deemed necessary to carry out the provisions  
27 of this chapter.

28 **Sec. 5.** RCW 40.06.030 and 1977 ex.s. c 232 s 10 are each amended  
29 to read as follows:

30 (1) Every state agency shall promptly and electronically submit to  
31 the state library copies of published information that are state  
32 publications and that conform to state library and the office of  
33 financial management standards of any electronic or print publication.  
34 For publications not electronically available, each state agency shall  
35 deposit copies of each of its state publications with the state library  
36 in quantities as certified by the state librarian as required to meet

1 the needs of the depository library system. Upon consent of the  
2 issuing state agency such state publications as are printed by the  
3 public printer shall be delivered directly to the center.

4       (2) For print publications, in addition to the electronic files,  
5 each state agency shall deposit copies of each of its state  
6 publications with the state library in quantities as certified by the  
7 state librarian as required to meet the needs of the depository library  
8 system. Other materials that are state publications shall be deposited  
9 with the state library in the appropriate format as a public record.

10     (3) In the interest of economy and efficiency, the state librarian  
11 may specifically or by general rule exempt a given state publication or  
12 class of publications from the requirements of this section in full or  
13 in part.

14     (4) Each issuing state agency shall make available by March 15th  
15 each year to the state library an annual listing of all its  
16 publications, including those produced in electronic form, made  
17 available to state government and the public during the preceding year.

18     **Sec. 6.** RCW 40.06.040 and 2002 c 342 s 6 are each amended to read  
19 as follows:

20     (1) To provide economical public access to state publications, the  
21 center may enter into depository contracts with any free public  
22 library, The Evergreen State College, regional university, or state  
23 university library, or, if needed, the library of any privately  
24 incorporated college or university in this state. The requirements for  
25 eligibility to contract as a depository library shall be established by  
26 the secretary of state upon recommendations of the state librarian.  
27 The standards shall include and take into consideration the type of  
28 library, available housing and space for the publications, the number  
29 and qualifications of personnel, and availability for public use. The  
30 center may also contract with public, out-of-state libraries for the  
31 exchange of state and other publications on a reciprocal basis. Any  
32 state publication to be distributed to the public and the legislature  
33 shall be mailed at the lowest available postal rate.

34     (2) The office of the secretary of state through the state  
35 librarian shall preserve and make accessible state agency electronic  
36 publications deposited with the state library through an electronic  
37 repository.

1       **Sec. 7.** RCW 40.06.050 and 1963 c 233 s 5 are each amended to read  
2 as follows:

3       The center shall publish and distribute regularly a list of  
4 available state publications, and may publish and distribute such other  
5 descriptive ((printed)) matter as will facilitate the distribution of  
6 and access to state publications.

7       **Sec. 8.** RCW 40.07.020 and 1989 c 175 s 86 are each amended to read  
8 as follows:

9       The terms defined in this section shall have the meanings indicated  
10 when used in this chapter.

11      (1) "Director" means the director of financial management.

12      (2) "Electronic repository" is a collection of electronic  
13 publications kept in a secure environment with adequate backup to  
14 protect the collection.

15      (3) "Format" has the definition in RCW 40.06.010.

16      (4) "State agency" includes every state office, department,  
17 division, bureau, board, commission, committee, higher education  
18 institution, community college, and agency of the state and all  
19 subordinate subdivisions of such agencies in the executive branch  
20 financed in whole or in part from funds held in the state treasury, but  
21 does not include the offices of executive officials elected on a  
22 statewide basis, agricultural commodity commissions, the legislature,  
23 the judiciary, or agencies of the legislative or judicial branches of  
24 state government.

25      ((+3))) (5)(a) "State publication" means ((publications of state  
26 agencies and shall)) information published by state agencies intended  
27 for distribution to state government or the public, including  
28 publications issued electronically or in other formats. Examples may  
29 include any annual and biennial reports, any special report required by  
30 law, state agency newsletters, periodicals and magazines, and other  
31 printed informational material intended for general dissemination to  
32 the public or to the legislature.

33      (b) "State publication" may include such other state agency  
34 ((printed)) informational material as the director may prescribe by  
35 rule or regulation, in the interest of economy and efficiency, after  
36 consultation with the governor, the state librarian, and any state  
37 agencies affected.

1                   (c) "State publication" does not include:

2                   (i) Business forms, preliminary draft reports, working papers, or  
3 copies of testimony and related exhibit material prepared solely for  
4 purposes of a presentation to a committee of the state legislature;

5                   (ii) Typewritten correspondence and interoffice memoranda, and  
6 staff memoranda and similar material prepared exclusively as testimony  
7 or exhibits in any proceeding in the courts of this state, the United  
8 States, or before any administrative entity;

9                   (iii) Any notices of intention to adopt rules under RCW 34.05.320;

10                  (iv) Publications relating to a multistate program financed by more  
11 than one state or by federal funds or private subscriptions; or

12                  (v) News releases sent exclusively to the news media.

13                  ((4) "Print" includes all forms of reproducing multiple copies  
14 with the exception of typewritten correspondence and interoffice  
15 memoranda.) )

16                  **Sec. 9.** RCW 40.07.030 and 1977 ex.s. c 232 s 3 are each amended to  
17 read as follows:

18                  (1) Any annual, biennial, or special report required to be made by  
19 any state officer, board, agency, department, commissioner, regents,  
20 trustees, or institution to the governor or to the legislature may be  
21 typewritten and a copy shall be filed with the governor, or the  
22 governor's designee, and the legislature as the law may require. ((An  
23 additional copy shall be filed with the state library as a public  
24 record.))

25                  (2) Each state agency shall promptly and electronically submit to  
26 the state library each of the agency's state publications in a manner  
27 that conforms to state library and the office of financial management  
28 standards.

29                  (3) For print publications, in addition to the electronic files,  
30 each state agency shall deposit copies of each of its state  
31 publications with the state library in quantities as certified by the  
32 state librarian as required to meet the needs of the depository library  
33 system. Other state publications shall be deposited with the state  
34 library in the appropriate format as a public record.

35                  (4) Each agency shall assign a designee as a contact for the state  
36 librarian regarding agency publications and shall notify the state  
37 library of the assigned designee.

1       (5) The agency director or the agency's director's designee may  
2 selectively review state publications in order to determine if specific  
3 state publications are economically and effectively contributing to the  
4 accomplishment of state agency program objectives. The agency director  
5 or the agency director's designee shall provide general guidelines as  
6 to the number of copies to be printed for use or distribution by the  
7 issuing agency and any public or other distribution under chapter 40.06  
8 RCW as now or hereafter amended, or other applicable directives.

9       ((+3))) (6) No agency head shall recommend a state publication for  
10 printing and distribution, other than those required by law, unless the  
11 benefits from the publication and distribution thereof to the citizens  
12 and taxpayers of this state clearly exceed the costs of preparation,  
13 printing, and distribution.

14       ((+4))) (7) The agency director, after consultation with affected  
15 agencies, shall prepare and publish guidelines for use by state  
16 agencies in determining and evaluating the benefits and costs of  
17 current and proposed state publications. All state agencies shall  
18 evaluate each new state publication they propose and shall annually  
19 evaluate each continuing state publication they produce in accordance  
20 with the guidelines published by the director.

21       ((+5))) (8) The agency director shall, after consultation with  
22 affected state agencies, also provide by general rules ((and  
23 regulations)) for overall control of the quality of the printing of  
24 state publications. Necessary publications are to be prepared and  
25 printed in the most economic manner consistent with effectiveness and  
26 achievement of program objectives.

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