S-3697.2

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**SENATE BILL 6315**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Roach, Takko, Fain, and Mullet

AN ACT Relating to local government modernization; amending RCW 19.360.020, 19.360.030, 19.360.040, 19.360.050, 19.360.060, and 36.32.245; and creating a new section.

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

NEW SECTION. **Sec.**  Local governments must be efficient and prudent stewards of our residents' tax resources. To best serve our communities, certain local government statutes must be amended to reflect technological and organizational change. It is the intent of the legislature to clarify current authorities so that local government can better serve their residents, and it is the intent of the legislature that the following sections allow local government to pursue modern methods of serving their residents while preserving the public's right to access public records, and judiciously using scarce county resources to achieve maximum benefit.

**Sec.**  RCW 19.360.020 and 2015 c 72 s 2 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by this code with a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand, as long as the electronic signature conforms to the definition in RCW 19.360.030 and the writing conforms to RCW 19.360.040.

(2) Except as otherwise provided by law, each state or local agency may determine whether, and to what extent, the agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. Nothing in this act requires a state or local agency to send or accept electronic records or electronic signatures when a writing or signature is required by statute.

(3) Except as otherwise provided by law, for governmental affairs and governmental transactions with state agencies, each state agency electing to send and accept shall establish the method that must be used for electronic submissions and electronic signatures. The method and process for electronic submissions and the use of electronic signatures must be established by policy or rule and be consistent with the policies, standards, or guidance established by the chief information officer required in subsection (4) of this section.

(4)(a) The chief information officer, in coordination with state agencies, must establish standards, guidelines, or policies for the electronic submittal and receipt of electronic records and electronic signatures for governmental affairs and governmental transactions. The standards, policies, or guidelines must take into account reasonable access by and ability of persons to participate in governmental affairs or governmental transactions and be able to rely on transactions that are conducted electronically with agencies. Through the standards, policies, or guidelines, the chief information officer should encourage and promote consistency and interoperability among state agencies.

(b) In order to provide a single point of access, the chief information officer must establish a web site that maintains or links to the agency rules and policies established pursuant to subsection (3) of this section.

(5) Except as otherwise provided by law, for governmental affairs and governmental transactions with local agencies, each local agency electing to send and accept shall establish the method that must be used for electronic submissions and electronic signatures. The method and process for electronic submissions and the use of electronic signatures must be established by ordinance, resolution, policy, or rule. The local agency shall also establish standards, guidelines, or policies for the electronic submittal and receipt of electronic records and electronic signatures for governmental affairs and governmental transactions. The standards, policies, or guidelines must take into account reasonable access by and ability of persons to participate in governmental affairs or governmental transactions and be able to rely on transactions that are conducted electronically with agencies.

**Sec.**  RCW 19.360.030 and 2015 c 72 s 3 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "signature" is used in this code for governmental affairs and is authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020, the term includes an electronic signature as defined in subsection (2) of this section.

(2) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

**Sec.**  RCW 19.360.040 and 2015 c 72 s 4 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "writing" is used in this code for governmental affairs and is authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020, the term means a record.

(2) "Record," as used in subsection (1) of this section, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention, preservation, or disclosure.

**Sec.**  RCW 19.360.050 and 2015 c 72 s 5 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "mail" is used in this code and authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020 to transmit a writing with a state or local agency, the term includes the use of mail delivered through an electronic system such as email or secure mail transfer if authorized by the state agency in rule.

(2) For the purposes of this section, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

**Sec.**  RCW 19.360.060 and 2015 c 72 s 6 are each amended to read as follows:

For purposes of RCW 19.360.020 through 19.360.050, "state agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the executive branch of state government, including statewide elected offices and institutions of higher education created and supported by the state government. "Local agency" means every county, city, town, municipal corporation, quasi-municipal corporation, special purpose district, or other local public agency.

**Sec.**  RCW 36.32.245 and 2007 c 88 s 1 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, or supplies may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Contracts requiring competitive bidding under this section may be awarded only to the lowest responsible bidder. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between ((~~five~~)) ten thousand and ((~~twenty-five~~)) fifty thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190. Advertisement and formal sealed bidding may be dispensed with as to purchases of less than ((~~five~~)) ten thousand dollars upon the order of the county legislative authority.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(6) This section does not apply to contracting for public defender services by a county.

**--- END ---**