S-3575.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6139**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2018 Regular Session**

**By** Senator Miloscia

AN ACT Relating to increasing public access to the records of the legislature and judiciary; amending RCW 40.14.140, 42.56.010, and 42.56.580; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that the purpose of the state's public disclosure laws is founded on the public's right to know the business of their government and that transparency in government is an important component of representative democracy. The legislature further finds that, although documents and records of the official business of the legislature, including bills, amendments, bill files, records of floor action, and committee testimony, as well as financial records, are readily available to the public, other documents, including documents under the control of individual legislators, are largely unavailable to the public. Moreover, the legislature finds, that although documents and records of the official business of the judiciary are readily available to the public, other judicial documents of public interest are largely unavailable. The legislature therefore intends to expand the current law definitions of legislative and judicial records so that all records produced by the legislature and the judiciary after the enactment of this act are treated in a manner similar to the public records of executive branch and local agencies.

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

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

(2) It shall be the duty of the clerk of the supreme court to advise each division of the courts concerning the necessity to keep public records. The state archivist or his or her representative shall work with the clerk to provide information and instructions on the best method for keeping judicial records.

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

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

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency, and for records created after the effective date of this section, the legislature and the judiciary. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

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

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

(b) For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records also means legislative records as defined in RCW 40.14.100 and ((~~also means~~)) the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

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

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

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

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

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

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

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

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

(3) For local agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance within the public records disclosure requirements of this chapter shall be made in a way reasonably calculated to provide notice to the public, including posting at the local agency's place of business, posting on its internet site, or including in its publications.

**--- END ---**