
SENATE BILL 6139

State of Washington

65th Legislature

2018 Regular Session

By Senator Miloscia

Read first time 01/09/18. Referred to Committee on State Government,
Tribal Relations & Elections.

1 AN ACT Relating to increasing public access to the records of the
2 legislature and judiciary; amending RCW 40.14.140, 42.56.010, and
3 42.56.580; and creating a new section.

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, although documents and records of the
10 official business of the legislature, including bills, amendments,
11 bill files, records of floor action, and committee testimony, as well
12 as financial records, are readily available to the public, other
13 documents, including documents under the control of individual
14 legislators, are largely unavailable to the public. Moreover, the
15 legislature finds, that although documents and records of the
16 official business of the judiciary are readily available to the
17 public, other judicial documents of public interest are largely
18 unavailable. The legislature therefore intends to expand the current
19 law definitions of legislative and judicial records so that all
20 records produced by the legislature and the judiciary after the

1 enactment of this act are treated in a manner similar to the public
2 records of executive branch and local agencies.

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

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

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

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

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

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

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

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

37 (b) For the office of the secretary of the senate and the office
38 of the chief clerk of the house of representatives, public records

1 also means legislative records as defined in RCW 40.14.100 and (~~also~~
2 ~~means~~) the following: All budget and financial records; personnel
3 leave, travel, and payroll records; records of legislative sessions;
4 reports submitted to the legislature; and any other record designated
5 a public record by any official action of the senate or the house of
6 representatives.

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

- 10 ((~~a~~)) (i) Do not serve in an administrative capacity;
11 ((~~b~~)) (ii) Have not been appointed by the agency to an agency
12 board, commission, or internship; and
13 ((~~c~~)) (iii) Do not have a supervisory role or delegated agency
14 authority.

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

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

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

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

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

--- END ---