

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6426

Chapter 40, Laws of 1994

53rd Legislature
1994 Regular Session

ELECTRONIC ACCESS TO PUBLIC DISCLOSURE COMMISSION
DOCUMENTS--PUBLIC INFORMATION ACCESS POLICY TASK FORCE

EFFECTIVE DATE: 3/21/94

Passed by the Senate March 7, 1994
YEAS 46 NAYS 1

JOEL PRITCHARD

President of the Senate

Passed by the House March 4, 1994
YEAS 97 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 21, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6426** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 21, 1994 - 11:42 a.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6426

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Sutherland, Ludwig, Talmadge, Quigley, Vognild, Williams, Owen, McCaslin, Amondson, Hochstatter, West, Erwin, Bauer, Pelz, A. Smith, Hargrove, Skratek and Oke)

Read first time 02/08/94.

1 AN ACT Relating to public electronic access to government
2 information; amending RCW 42.17.370; adding a new section to chapter
3 42.17 RCW; creating new sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that government
6 information is a strategic resource and needs to be managed as such and
7 that broad public access to nonrestricted public information and
8 records must be guaranteed. The legislature further finds that
9 reengineering government processes along with capitalizing on
10 advancements made in digital technology can build greater efficiencies
11 in government service delivery. The legislature further finds that
12 providing citizen electronic access to presently available public
13 documents will allow increased citizen involvement in state policies
14 and empower citizens to participate in state policy decision making.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
16 to read as follows:

17 By January 1, 1995, the public disclosure commission shall design
18 a program for electronic access to public documents filed with the

1 commission. The program may include on-line access to the commission's
2 magic and electronic bulletin board systems, providing information for
3 the internet system, fax-request service, automated telephone service,
4 electronic filing of reports, and other service delivery options.
5 Documents available in the program shall include, but are not limited
6 to, public documents filed with the public disclosure commission,
7 including, but not limited to, commission meeting schedules, financial
8 affairs reports, contribution reports, expenditure reports, and gift
9 reports. Implementation of the program is contingent on the
10 availability of funds.

11 **Sec. 3.** RCW 42.17.370 and 1986 c 155 s 11 are each amended to read
12 as follows:

13 The commission is empowered to:

14 (1) Adopt, promulgate, amend, and rescind suitable administrative
15 rules to carry out the policies and purposes of this chapter, which
16 rules shall be adopted under chapter 34.05 RCW;

17 (2) Appoint and set, within the limits established by the committee
18 on agency officials' salaries under RCW 43.03.028, the compensation of
19 an executive director who shall perform such duties and have such
20 powers as the commission may prescribe and delegate to implement and
21 enforce this chapter efficiently and effectively. The commission shall
22 not delegate its authority to adopt, amend, or rescind rules nor shall
23 it delegate authority to determine whether an actual violation of this
24 chapter has occurred or to assess penalties for such violations;

25 (3) Prepare and publish such reports and technical studies as in
26 its judgment will tend to promote the purposes of this chapter,
27 including reports and statistics concerning campaign financing,
28 lobbying, financial interests of elected officials, and enforcement of
29 this chapter;

30 (4) Make from time to time, on its own motion, audits and field
31 investigations;

32 (5) Make public the time and date of any formal hearing set to
33 determine whether a violation has occurred, the question or questions
34 to be considered, and the results thereof;

35 (6) Administer oaths and affirmations, issue subpoenas, and compel
36 attendance, take evidence and require the production of any books,
37 papers, correspondence, memorandums, or other records relevant or

1 material for the purpose of any investigation authorized under this
2 chapter, or any other proceeding under this chapter;

3 (7) Adopt and promulgate a code of fair campaign practices;

4 (8) Relieve, by rule, candidates or political committees of
5 obligations to comply with the provisions of this chapter relating to
6 election campaigns, if they have not received contributions nor made
7 expenditures in connection with any election campaign of more than one
8 thousand dollars;

9 (9) Adopt rules prescribing reasonable requirements for keeping
10 accounts of and reporting on a quarterly basis costs incurred by state
11 agencies, counties, cities, and other municipalities and political
12 subdivisions in preparing, publishing, and distributing legislative
13 information. The term "legislative information," for the purposes of
14 this subsection, means books, pamphlets, reports, and other materials
15 prepared, published, or distributed at substantial cost, a substantial
16 purpose of which is to influence the passage or defeat of any
17 legislation. The state auditor in his regular examination of each
18 agency under chapter 43.09 RCW shall review the rules, accounts, and
19 reports and make appropriate findings, comments, and recommendations in
20 his examination reports concerning those agencies;

21 (10) After hearing, by order approved and ratified by a majority of
22 the membership of the commission, suspend or modify any of the
23 reporting requirements of this chapter in a particular case if it finds
24 that literal application of this chapter works a manifestly
25 unreasonable hardship and if it also finds that the suspension or
26 modification will not frustrate the purposes of the chapter. The
27 commission shall find that a manifestly unreasonable hardship exists if
28 reporting the name of an entity required to be reported under RCW
29 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
30 position of any entity in which the person filing the report or any
31 member of his immediate family holds any office, directorship, general
32 partnership interest, or an ownership interest of ten percent or more.
33 Any suspension or modification shall be only to the extent necessary to
34 substantially relieve the hardship. The commission shall act to
35 suspend or modify any reporting requirements only if it determines that
36 facts exist that are clear and convincing proof of the findings
37 required under this section. Any citizen has standing to bring an
38 action in Thurston county superior court to contest the propriety of

1 any order entered under this section within one year from the date of
2 the entry of the order; and

3 (11) Revise, at least once every five years but no more often than
4 every two years, the monetary reporting thresholds and reporting code
5 values of this chapter. The revisions shall be only for the purpose of
6 recognizing economic changes as reflected by an inflationary index
7 recommended by the office of financial management. The revisions shall
8 be guided by the change in the index for the period commencing with the
9 month of December preceding the last revision and concluding with the
10 month of December preceding the month the revision is adopted. As to
11 each of the three general categories of this chapter (reports of
12 campaign finance, reports of lobbyist activity, and reports of the
13 financial affairs of elected and appointed officials), the revisions
14 shall equally affect all thresholds within each category. Revisions
15 shall be adopted as rules under chapter 34.05 RCW. The first revision
16 authorized by this subsection shall reflect economic changes from the
17 time of the last legislative enactment affecting the respective code or
18 threshold through December 1985.

19 (12) Develop and provide to filers a system for certification of
20 reports required under this chapter which are transmitted by facsimile
21 or electronically to the commission. Implementation of the program is
22 contingent on the availability of funds.

23 NEW SECTION. **Sec. 4.** A public information access policy task
24 force is hereby created. The task force shall be composed of: The
25 state librarian or the librarian's designee; the director of the
26 department of information services or the director's designee; four
27 members who are representatives of state and local governmental
28 agencies, appointed by the governor; five representatives of the
29 general public who have experience accessing information electronically
30 or have particular interest in the policies that should govern access
31 to information from public agencies, appointed by the governor; two
32 members of the house of representatives, one from each political party,
33 appointed by the speaker of the house of representatives; two members
34 of the senate, one from each political party, appointed by the
35 president of the senate; and, at the option of the chief justice of the
36 state's supreme court, one representative of the state's judicial
37 branch appointed by the chief justice. The state librarian or the
38 librarian's designee and the director of information services or the

1 director's designee shall serve as the cochairs of the task force. The
2 department of information services and the state library shall provide
3 staff support for the task force.

4 The purpose of the task force is to identify specific means of
5 encouraging and establishing widespread, public, electronic access to
6 the public records held by state government and by local governments.
7 For the purposes of the task force's study and recommendations,
8 providing such access to the public does not include providing the type
9 of services beyond access, and beyond providing assistance with that
10 access, that would be provided by a vendor for commercial purposes,
11 including but not limited to providing such services by means of a
12 geographic information system.

13 The task force shall cease to exist on June 30, 1996.

14 NEW SECTION. **Sec. 5.** (1) By December 1, 1994, the task force
15 shall provide its initial recommendations to the legislature and the
16 governor regarding: Protecting the privacy of the citizenry and
17 complying with statutory nondisclosure requirements while providing to
18 the public electronic access to records; the status and availability of
19 records for electronic access; and the availability of various means of
20 electronically linking individual citizens to the records they seek.
21 The initial report shall identify implementation strategies for records
22 found to be immediately available for such access.

23 (2) By December 1, 1995, the task force shall provide its final
24 recommendations to the legislature and governor. The recommendations
25 shall be consistent with the recommendations provided under subsection
26 (1) of this section and shall include an implementation strategy for
27 providing widespread, public, electronic access to the public records
28 held by state and local governmental entities, deadlines for
29 implementation, and findings as to costs.

30 (3) Nothing in this section or section 4 of this act precludes
31 records from being made available to the public electronically prior to
32 the dates established for the initial and final reports of the task
33 force.

34 NEW SECTION. **Sec. 6.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the
36 remainder of the act or the application of the provision to other
37 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

 Passed the Senate March 7, 1994.

 Passed the House March 4, 1994.

 Approved by the Governor March 21, 1994.

 Filed in Office of Secretary of State March 21, 1994.