H-1931.1

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

**HOUSE BILL 2105**

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

**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Pellicciotti, Kilduff, Leavitt, Orwall, Callan, Paul, Pollet, and Ramos

AN ACT Relating to the definition of public records in regards to the legislature; amending RCW 40.14.140, 42.56.010, and 42.56.580; and creating new sections.

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 current law does not include certain records held, owned, used, and retained by individual legislators as public records for purposes of the public records act, while the records of other elected officials, including local elected officials, are subject to public disclosure. The legislature therefore intends that the records of state legislators and their offices should be made publicly available substantially to the same extent as records of other elected officials under the terms of the public records act.

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

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.

**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. "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 records created before the effective date of this section in the possession of the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records 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, respectively, shall be the appointed public records officers for requests made to the senate or house of representatives, including each state legislative office in each house.

(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.

NEW SECTION. **Sec.**  This act may be known and cited as the legislative transparency act.

**--- END ---**