

2 **E2SSB 6426** - H COMM AMD **ADOPTED 3-4-94**

3 By Committee on State Government

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

19 By January 1, 1995, the public disclosure commission shall design
20 a program for electronic access to public documents filed with the
21 commission. The program may include on-line access to the commission's
22 magic and electronic bulletin board systems, providing information for
23 the internet system, fax-request service, automated telephone service,
24 electronic filing of reports, and other service delivery options.
25 Documents available in the program shall include, but are not limited
26 to, public documents filed with the public disclosure commission,
27 including, but not limited to, commission meeting schedules, financial
28 affairs reports, contribution reports, expenditure reports, and gift
29 reports. Implementation of the program is contingent on the
30 availability of funds.

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

33 The commission is empowered to:

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

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

12 (3) Prepare and publish such reports and technical studies as in
13 its judgment will tend to promote the purposes of this chapter,
14 including reports and statistics concerning campaign financing,
15 lobbying, financial interests of elected officials, and enforcement of
16 this chapter;

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

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

22 (6) Administer oaths and affirmations, issue subpoenas, and compel
23 attendance, take evidence and require the production of any books,
24 papers, correspondence, memorandums, or other records relevant or
25 material for the purpose of any investigation authorized under this
26 chapter, or any other proceeding under this chapter;

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

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

33 (9) Adopt rules prescribing reasonable requirements for keeping
34 accounts of and reporting on a quarterly basis costs incurred by state
35 agencies, counties, cities, and other municipalities and political
36 subdivisions in preparing, publishing, and distributing legislative
37 information. The term "legislative information," for the purposes of
38 this subsection, means books, pamphlets, reports, and other materials
39 prepared, published, or distributed at substantial cost, a substantial

1 purpose of which is to influence the passage or defeat of any
2 legislation. The state auditor in his regular examination of each
3 agency under chapter 43.09 RCW shall review the rules, accounts, and
4 reports and make appropriate findings, comments, and recommendations in
5 his examination reports concerning those agencies;

6 (10) After hearing, by order approved and ratified by a majority of
7 the membership of the commission, suspend or modify any of the
8 reporting requirements of this chapter in a particular case if it finds
9 that literal application of this chapter works a manifestly
10 unreasonable hardship and if it also finds that the suspension or
11 modification will not frustrate the purposes of the chapter. The
12 commission shall find that a manifestly unreasonable hardship exists if
13 reporting the name of an entity required to be reported under RCW
14 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
15 position of any entity in which the person filing the report or any
16 member of his immediate family holds any office, directorship, general
17 partnership interest, or an ownership interest of ten percent or more.
18 Any suspension or modification shall be only to the extent necessary to
19 substantially relieve the hardship. The commission shall act to
20 suspend or modify any reporting requirements only if it determines that
21 facts exist that are clear and convincing proof of the findings
22 required under this section. Any citizen has standing to bring an
23 action in Thurston county superior court to contest the propriety of
24 any order entered under this section within one year from the date of
25 the entry of the order; and

26 (11) Revise, at least once every five years but no more often than
27 every two years, the monetary reporting thresholds and reporting code
28 values of this chapter. The revisions shall be only for the purpose of
29 recognizing economic changes as reflected by an inflationary index
30 recommended by the office of financial management. The revisions shall
31 be guided by the change in the index for the period commencing with the
32 month of December preceding the last revision and concluding with the
33 month of December preceding the month the revision is adopted. As to
34 each of the three general categories of this chapter (reports of
35 campaign finance, reports of lobbyist activity, and reports of the
36 financial affairs of elected and appointed officials), the revisions
37 shall equally affect all thresholds within each category. Revisions
38 shall be adopted as rules under chapter 34.05 RCW. The first revision
39 authorized by this subsection shall reflect economic changes from the

1 time of the last legislative enactment affecting the respective code or
2 threshold through December 1985.

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

7 NEW SECTION. **Sec. 4.** A public information access policy task
8 force is hereby created. The task force shall be composed of: The
9 state librarian or the librarian's designee; the director of the
10 department of information services or the director's designee; four
11 members who are representatives of state and local governmental
12 agencies, appointed by the governor; five representatives of the
13 general public who have experience accessing information electronically
14 or have particular interest in the policies that should govern access
15 to information from public agencies, appointed by the governor; two
16 members of the house of representatives, one from each political party,
17 appointed by the speaker of the house of representatives; two members
18 of the senate, one from each political party, appointed by the
19 president of the senate; and, at the option of the chief justice of the
20 state's supreme court, one representative of the state's judicial
21 branch appointed by the chief justice. The state librarian or the
22 librarian's designee and the director of information services or the
23 director's designee shall serve as the cochairs of the task force. The
24 department of information services and the state library shall provide
25 staff support for the task force.

26 The purpose of the task force is to identify specific means of
27 encouraging and establishing widespread, public, electronic access to
28 the public records held by state government and by local governments.
29 For the purposes of the task force's study and recommendations,
30 providing such access to the public does not include providing the type
31 of services beyond access, and beyond providing assistance with that
32 access, that would be provided by a vendor for commercial purposes,
33 including but not limited to providing such services by means of a
34 geographic information system.

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

36 NEW SECTION. **Sec. 5.** (1) By December 1, 1994, the task force
37 shall provide its initial recommendations to the legislature and the

1 governor regarding: Protecting the privacy of the citizenry and
2 complying with statutory nondisclosure requirements while providing to
3 the public electronic access to records; the status and availability of
4 records for electronic access; and the availability of various means of
5 electronically linking individual citizens to the records they seek.
6 The initial report shall identify implementation strategies for records
7 found to be immediately available for such access.

8 (2) By December 1, 1995, the task force shall provide its final
9 recommendations to the legislature and governor. The recommendations
10 shall be consistent with the recommendations provided under subsection
11 (1) of this section and shall include an implementation strategy for
12 providing widespread, public, electronic access to the public records
13 held by state and local governmental entities, deadlines for
14 implementation, and findings as to costs.

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

19 NEW SECTION. **Sec. 6.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and shall take
26 effect immediately."

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