

2 E2SSB 5931 - H COMM AMD
3 By Committee on Appropriations

4

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
8 to read as follows:

9 (1) It is the intent of the legislature to ensure that the
10 commission provide the general public timely access to all contribution
11 and expenditure reports submitted by candidates, continuing political
12 committees, bona fide political parties, lobbyists, and lobbyists'
13 employers. The legislature finds that failure to comply with this
14 chapter's requirements for full and timely disclosure threatens to
15 undermine our electoral process.

16 (2) Beginning January 1, 2001, the commission shall establish goals
17 that all reports, copies of reports, or copies of the data or
18 information included in reports, filed under RCW 42.17.040, 42.17.065,
19 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and
20 42.17.180, that are:

21 (a) Submitted using the commission's electronic filing system shall
22 be accessible in the commission's office within two business days of
23 the commission's receipt of the report and shall be accessible on the
24 commission's web site within seven business days of the commission's
25 receipt of the report; and

26 (b) Submitted in any format or using any method other than as
27 described in (a) of this subsection, shall be accessible in the
28 commission's office within two business days of the actual physical
29 receipt of the report, and not the technical date of filing as provided
30 under RCW 42.17.420, and shall be accessible on the commission's web
31 site within from fourteen to twenty-eight business days of the actual
32 physical receipt of the report, and not the technical date of filing as
33 provided under RCW 42.17.420, as specified in rule adopted by the
34 commission.

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

3 By July 1st of each year beginning in 2000, the commission shall
4 calculate the following performance measures, provide a copy of the
5 performance measures to the governor and appropriate legislative
6 committees, and make the performance measures available to the public:

7 (1) The average number of days that elapse between the commission's
8 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and
9 42.17.100 and the time that the report, a copy of the report, or a copy
10 of the data or information included in the report, is first accessible
11 to the general public (a) in the commission's office, and (b) via the
12 commission's web site;

13 (2) The average number of days that elapse between the commission's
14 receipt of reports filed under RCW 42.17.105 and the time that the
15 report, a copy of the report, or a copy of the data or information
16 included in the report, is first accessible to the general public (a)
17 in the commission's office, and (b) via the commission's web site;

18 (3) The average number of days that elapse between the commission's
19 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
20 42.17.180 and the time that the report, a copy of the report, or a copy
21 of the data or information included in the report, is first accessible
22 to the general public (a) in the commission's office, and (b) via the
23 commission's web site;

24 (4) The percentage of candidates, categorized as state-wide, state
25 legislative, or local, that have used each of the following methods to
26 file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper
27 format; (b) electronic format via diskette; (c) electronic format via
28 modem or satellite; (d) electronic format via the Internet; and (e) any
29 other format or method;

30 (5) The percentage of continuing political committees that have
31 used each of the following methods to file reports under RCW 42.17.065
32 or 42.17.105: (a) Hard copy paper format; (b) electronic format via
33 diskette; (c) electronic format via modem or satellite; (d) electronic
34 format via the Internet; and (e) any other format or method; and

35 (6) The percentage of lobbyists and lobbyists' employers that have
36 used each of the following methods to file reports under RCW 42.17.150,
37 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b)
38 electronic format via diskette; (c) electronic format via modem or

1 satellite; (d) electronic format via the Internet; and (e) any other
2 format or method.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 (1) The commission shall develop an information technology plan
6 consistent with plans or portfolios required by chapter 43.105 RCW.

7 (2) The plan must include, but not be limited to, the following:

8 (a) A baseline assessment of the agency's information technology
9 resources and capabilities that will serve as the benchmark for
10 subsequent planning and performance measures;

11 (b) A statement of the agency's mission, goals, and objectives for
12 information technology, including goals and objectives for achieving
13 electronic access to agency records, information, and services for at
14 least the next five years;

15 (c) An explanation of how the agency's mission, goals, and
16 objectives for information technology support and conform to the state
17 strategic information technology plan;

18 (d) An implementation strategy to enhance electronic access to
19 public records and information required to be filed with and disclosed
20 by the commission. This implementation strategy must be assembled to
21 include:

22 (i) Adequate public notice and opportunity for comment;

23 (ii) Consideration of a variety of electronic technologies,
24 including those that help to transcend geographic locations, standard
25 business hours, economic conditions of users, and disabilities;

26 (iii) Methods to educate agency employees, the public, and the news
27 media in the effective use of agency technology;

28 (iv) Ways to simplify and improve public access to information held
29 by the commission through electronic means;

30 (e) Projects and resources required to meet the objectives of the
31 plan; and

32 (f) If feasible, estimated schedules and funding required to
33 implement identified projects.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
35 to read as follows:

36 In preparing the information technology plan, the commission shall
37 consult with affected state agencies, the department of information

1 services, and stakeholders in the commission's work, including
2 representatives of political committees, bona fide political parties,
3 news media, and the general public.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
5 to read as follows:

6 The commission shall submit the information technology plan to the
7 senate and house of representatives fiscal committees, the governor,
8 the senate state and local government committee, the house of
9 representatives state government committee, and the department of
10 information services by January 1, 2000. It is the intent of the
11 legislature that the commission thereafter comply with the requirements
12 of chapter 43.105 RCW with respect to preparation and submission of
13 biennial performance reports on the commission's information
14 technology.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
16 to read as follows:

17 The commission shall prepare and submit to the department of
18 information services a biennial performance report in accordance with
19 chapter 43.105 RCW.

20 The report must include:

21 (1) An evaluation of the agency's performance relating to
22 information technology;

23 (2) An assessment of progress made toward implementing the agency
24 information technology plan;

25 (3) An analysis of the commission's performance measures, set forth
26 in section 4 of this act, that relate to the electronic filing of
27 reports and timely public access to those reports via the commission's
28 web site;

29 (4) A comprehensive description of the methods by which citizens
30 may interact with the agency in order to obtain information and
31 services from the commission; and

32 (5) An inventory of agency information services, equipment, and
33 proprietary software.

34 **Sec. 7.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read
35 as follows:

1 The commission shall conduct a sufficient number of audits and
2 field investigations so as to provide a statistically valid finding
3 regarding the degree of compliance with the provisions of this chapter
4 by all required filers. Any documents, records, reports, computer
5 files, papers, or materials provided to the commission for use in
6 conducting audits and investigations must be returned to the candidate,
7 campaign, or political committee from which they were received within
8 two weeks of the commission's receipt.

9 **Sec. 8.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read
10 as follows:

11 By January 1, ~~((1995))~~ 2000, the ~~((public disclosure))~~ commission
12 shall ~~((design a program for electronic access to public documents~~
13 ~~filed with the commission. The program may include on-line access to~~
14 ~~the commission's magic and electronic bulletin board systems, providing~~
15 ~~information for the internet system, fax request service, automated~~
16 ~~telephone service, electronic filing of reports, and other service~~
17 ~~delivery options. Documents available in the program shall include,~~
18 ~~but are not limited to, public documents filed with the public~~
19 ~~disclosure commission, including, but not limited to, commission~~
20 ~~meeting schedules, financial affairs reports, contribution reports,~~
21 ~~expenditure reports, and gift reports. Implementation of the program~~
22 ~~is contingent on the availability of funds))~~ operate a web site or
23 contract for the operation of a web site that allows access to reports,
24 copies of reports, or copies of data and information submitted in
25 reports, filed with the commission under RCW 42.17.040, 42.17.065,
26 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site
27 shall allow access to reports, copies of reports, or copies of data and
28 information submitted in reports, filed with the commission under RCW
29 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the
30 commission shall attempt to make available via the web site other
31 public records submitted to or generated by the commission that are
32 required by this chapter to be available for public use or inspection.

33 **Sec. 9.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read
34 as follows:

35 (1) Except as provided in subsection (2) of this section, when any
36 application, report, statement, notice, or payment required to be made
37 under the provisions of this chapter has been deposited postpaid in the

1 United States mail properly addressed, it shall be deemed to have been
2 received on the date of mailing. It shall be presumed that the date
3 shown by the post office cancellation mark on the envelope is the date
4 of mailing. The provisions of this section do not apply to reports
5 required to be delivered under RCW 42.17.105 and 42.17.175.

6 (2) When a report is filed electronically with the commission, it
7 is deemed to have been received on the file transfer date. The
8 commission shall notify the filer of receipt of the electronically
9 filed report. Such notification may be sent by mail, facsimile, or
10 electronic mail. If the notification of receipt of the electronically
11 filed report is not received by the filer, the filer may offer his or
12 her own proof of sending the report, and such proof shall be treated as
13 if it were a receipt sent by the commission. Electronic filing may be
14 used for purposes of filing the special reports required to be
15 delivered under RCW 42.17.105 and 42.17.175.

16 NEW SECTION. Sec. 10. A new section is added to chapter 42.17 RCW
17 to read as follows:

18 (1) By July 1, 1999, the commission shall offer every candidate,
19 public official, political committee, and party organization that is
20 required to file reports under this chapter the option of filing
21 financial affairs reports, contribution reports, and expenditure
22 reports electronically by diskette or via modem, satellite, or the
23 Internet.

24 (2) By January 1, 2001, the commission shall offer all lobbyists
25 and lobbyists' employers required to file reports under RCW 42.17.150,
26 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports
27 electronically by diskette or via modem, satellite, or the Internet.

28 (3) The commission shall make available to each candidate, public
29 official, political committee, lobbyist, lobbyist employer, and party
30 organization an electronic copy of the appropriate reporting forms at
31 no charge.

32 NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW
33 to read as follows:

34 Beginning January 1, 2001, each continuing political committee,
35 that expended ten thousand dollars or more in the preceding year or
36 expects to expend ten thousand dollars or more in expenditures in the
37 current year, shall file all contribution reports and expenditure

1 reports required by this chapter electronically by diskette or via
2 modem, satellite, or the Internet. Failure by a continuing political
3 committee to comply with this section is a violation of this chapter.

4 NEW SECTION. **Sec. 12.** By September 1, 2000, the joint legislative
5 audit and review committee shall have completed a performance audit of
6 the duties and staffing of the public disclosure commission.

7 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 1999, in the omnibus appropriations act, this act
10 is null and void."

11 Correct the title.

--- END ---