

SHB 2155 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 03/06/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The state of Washington recognizes that an
4 informed citizenry is indispensable to the proper functioning of a
5 democratic society. It is the basic right of citizens to know about
6 the activities of their government, to benefit from the information
7 developed at public expense, and to have permanent access to the
8 information published by state agencies.

9 The secretary of state through the state library must ensure
10 permanent public access to public state government publications,
11 regardless of the format, and prescribe the conditions for use of state
12 publications in depository libraries.

13 **Sec. 2.** RCW 27.04.045 and 2002 c 342 s 3 are each amended to read
14 as follows:

15 The state librarian shall be responsible and accountable for the
16 following functions:

17 (1) Establishing content-related standards for common formats and
18 agency indexes for state agency-produced information. In developing
19 these standards, the state librarian is encouraged to seek involvement
20 of, and comments from, public and private entities with an interest in
21 such standards;

22 (2) Managing and administering the state library;

23 (3) Exerting leadership in information access and the development
24 of library services;

25 (4) Acquiring library materials, equipment, and supplies by
26 purchase, exchange, gift, or otherwise; and, as appropriate, assisting
27 the legislature, other state agencies, and other libraries in the cost-
28 effective purchase of information resources;

1 (5) Employing and terminating personnel in accordance with chapter
2 41.06 RCW as may be necessary to implement the purposes of this
3 chapter;

4 (6) Entering into agreements with other public or private entities
5 as a means of implementing the mission, goals, and objectives of the
6 state library and the entity with which it enters such agreements. In
7 agreements for services between the library and other state agencies,
8 the library may negotiate an exchange of services in lieu of monetary
9 reimbursement for the library's indirect or overhead costs, when such
10 an arrangement facilitates the delivery of library services;

11 (7) Maintaining a library at the state capitol grounds to
12 effectively provide library and information services to members of the
13 legislature, state officials, and state employees in connection with
14 their official duties;

15 (8) Serving as the depository for newspapers published in the state
16 of Washington thus providing a central location for a valuable
17 historical record for scholarly, personal, and commercial reference and
18 circulation;

19 (9) Promoting and facilitating electronic access to public
20 information and services, including providing, or providing for, a
21 service that identifies, describes, and provides location information
22 for government information through electronic means, and that assists
23 government agencies in making their information more readily available
24 to the public;

25 (10) Collecting and distributing copies of state publications, as
26 defined in RCW 40.06.010, prepared by any state agency for
27 distribution. The state library shall maintain the state publications
28 distribution center, as provided in chapter 40.06 RCW(~~(. The office of~~
29 ~~the secretary of state, on recommendation of the state librarian, may~~
30 ~~provide by rule for deposit with the state library of up to three~~
31 ~~copies of each publication)) to provide copies of materials that are
32 not available in electronic format to state depository libraries;~~

33 (11) Providing for the sale of library material in accordance with
34 RCW 27.12.305;

35 (12) Providing advisory services to state agencies regarding their
36 information needs;

37 (13) Providing for library and information service to residents and
38 staff of state-supported residential institutions;

1 (14) Providing for library and information services to persons
2 throughout the state who are blind and/or physically handicapped;

3 (15) Assisting individuals and groups such as libraries, library
4 boards, governing bodies, and citizens throughout the state toward the
5 establishment and development of library services;

6 (16) Making studies and surveys of library needs in order to
7 provide, expand, enlarge, and otherwise improve access to library
8 facilities and services throughout the state;

9 (17) Serving as an interlibrary loan, information, reference, and
10 referral resource for all libraries in the state. The state library
11 may charge lending fees to other libraries that charge the state
12 library for similar services. Money paid as fees shall be retained by
13 the state library as a recovery of costs; and

14 (18) Accepting and expending in accordance with the terms thereof
15 grants of federal, state, local, or private funds. For the purpose of
16 qualifying to receive such grants, the state librarian is authorized to
17 make applications and reports required by the grantor.

18 **Sec. 3.** RCW 40.06.010 and 1977 ex.s. c 232 s 8 are each amended to
19 read as follows:

20 As used in this chapter:

21 (1) (~~("Print" includes all forms of reproducing multiple copies,~~
22 ~~with the exception of typewritten correspondence and interoffice~~
23 ~~memoranda.~~

24 ~~(2))~~ "Electronic repository" means a collection of publicly
25 accessible electronic publications stored in a secure digital
26 environment with redundant backup to preserve the collection.

27 (2) "Format" includes any media used in the publication of state
28 information including electronic, print, audio, visual, and microfilm.

29 (3) "State agency" includes every state office, officer,
30 department, division, bureau, board, commission and agency of the
31 state, and, where applicable, all subdivisions of each.

32 ~~((3))~~ (4) "State publication" means information published by
33 state agencies, regardless of format, intended for distribution to
34 state government or the public. Examples may include((s)) annual,
35 biennial, and special reports required by law, state agency
36 newsletters, periodicals, and magazines, ((books, pamphlets, leaflets,
37 and all other materials, other than news releases sent exclusively to

1 ~~the news media, typewritten correspondence and interoffice memoranda,~~
2 ~~issued in print by the state, the legislature, constitutional officers,~~
3 ~~or any state department, committee, or other state agency supported~~
4 ~~wholly or in part by state funds)) and other informational material
5 intended for general dissemination to state agencies, the public, or
6 the legislature.~~

7 **Sec. 4.** RCW 40.06.020 and 2002 c 342 s 5 are each amended to read
8 as follows:

9 There is hereby created as a division of the state library, and
10 under the direction of the state librarian, a state publications
11 distribution center. The center shall utilize the depository library
12 system to permit citizens economical and convenient access to state
13 publications, regardless of format. To this end the secretary of state
14 shall make such rules as may be deemed necessary to carry out the
15 provisions of this chapter.

16 **Sec. 5.** RCW 40.06.030 and 1977 ex.s. c 232 s 10 are each amended
17 to read as follows:

18 (1) ~~Every state agency shall promptly ((deposit copies of each of~~
19 ~~its state publications with the state library in quantities as~~
20 ~~certified by the state librarian as required to meet the needs of the~~
21 ~~depository library system. Upon consent of the issuing state agency~~
22 ~~such state publications as are printed by the public printer shall be~~
23 ~~delivered directly to the center.~~

24 ~~(2))~~ submit to the state library copies of published information
25 that are state publications.

26 (a) For state publications available only in print format, each
27 state agency shall deposit, at a minimum, two copies of each of its
28 publications with the state library. For the purposes of broad public
29 access, state agencies may deposit additional copies with the state
30 library for distribution to additional depository libraries.

31 (b) For state publications available only in electronic format,
32 each state agency shall deposit one copy of each of its publications
33 with the state library.

34 (c) For state publications available in both print and electronic
35 format, each state agency shall deposit two print copies and one
36 electronic copy of the publication with the state library.

1 (2) Annually, each state agency shall provide the state library
2 with a listing of all its publications made available to state
3 government and the public during the preceding year, including those
4 published in electronic form. The secretary of state shall, by rule,
5 establish the annual date by which state agencies must provide the list
6 of its publications to the state library.

7 (3) In the interest of economy and efficiency, the state librarian
8 may specifically or by general rule exempt a given state publication or
9 class of publications from the requirements of this section in full or
10 in part.

11 (4) Upon consent of the issuing state agency, such state
12 publications as are printed by the public printer shall be delivered
13 directly to the center.

14 **Sec. 6.** RCW 40.06.040 and 2002 c 342 s 6 are each amended to read
15 as follows:

16 (1) To provide economical public access to state publications, the
17 center may enter into depository contracts with any free public
18 library, The Evergreen State College, regional university, or state
19 university library, or, if needed, the library of any privately
20 incorporated college or university in this state. The requirements for
21 eligibility to contract as a depository library shall be established by
22 the secretary of state upon recommendations of the state librarian.
23 The standards shall include and take into consideration the type of
24 library, available housing and space for the publications, the number
25 and qualifications of personnel, and availability for public use. The
26 center may also contract with public, out-of-state libraries for the
27 exchange of state and other publications on a reciprocal basis. Any
28 state publication to be distributed to the public and the legislature
29 shall be mailed at the lowest available postal rate.

30 (2) The office of the secretary of state through the state
31 librarian shall preserve and make accessible state agency electronic
32 publications deposited with the state library through an electronic
33 repository.

34 **Sec. 7.** RCW 40.06.050 and 1963 c 233 s 5 are each amended to read
35 as follows:

36 The center shall publish and distribute regularly a list of

1 available state publications, and may publish and distribute such other
2 descriptive (~~printed~~) matter as will facilitate the distribution of
3 and access to state publications."

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4 On page 1, line 2 of the title, after "state;" strike the remainder
5 of the title and insert "amending RCW 27.04.045, 40.06.010, 40.06.020,
6 40.06.030, 40.06.040, and 40.06.050; and creating a new section."

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