
SUBSTITUTE HOUSE BILL 2155

State of Washington

59th Legislature

2005 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representatives Lantz and Shabro; by request
of Secretary of State)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to state publication preservation by state library
2 services within the office of the secretary of state; amending RCW
3 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, 40.06.050,
4 40.07.020, and 40.07.030; and creating a new section.

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

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

12 The state library within the office of the secretary of state
13 should ensure permanent public access to public state government
14 publications, regardless of the format, and prescribe the conditions
15 for use of state publications in depository libraries. It is the
16 intent of the legislature that this act be implemented within existing
17 appropriation levels. The legislature does not intend to appropriate
18 additional funding for purposes of implementing this act.

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

3 The state librarian shall be responsible and accountable for the
4 following functions:

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

10 (2) Managing and administering the state library;

11 (3) Exerting leadership in information access and the development
12 of library services;

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

17 (5) Employing and terminating personnel in accordance with chapter
18 41.06 RCW as may be necessary to implement the purposes of this
19 chapter;

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

27 (7) Maintaining a library at the state capitol grounds to
28 effectively provide library and information services to members of the
29 legislature, state officials, and state employees in connection with
30 their official duties;

31 (8) Serving as the depository for newspapers published in the state
32 of Washington thus providing a central location for a valuable
33 historical record for scholarly, personal, and commercial reference and
34 circulation;

35 (9) Promoting and facilitating electronic access to public
36 information and services, including providing, or providing for, a
37 service that identifies, describes, and provides location information

1 for government information through electronic means, and that assists
2 government agencies in making their information more readily available
3 to the public;

4 (10) Collecting and distributing copies of state publications, as
5 defined in RCW 40.06.010, prepared by any state agency for
6 distribution. The state library shall maintain the state publications
7 distribution center, as provided in chapter 40.06 RCW to provide copies
8 of materials that are not available in electronic format to state
9 depository libraries. The office of the secretary of state, on
10 recommendation of the state librarian, may provide by rule for deposit
11 with the state library of up to ((three)) two copies of each
12 publication;

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

15 (12) Providing advisory services to state agencies regarding their
16 information needs;

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

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

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

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

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

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

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

1 As used in this chapter:

2 (1) (~~"Print" includes all forms of reproducing multiple copies,~~
3 ~~with the exception of typewritten correspondence and interoffice~~
4 ~~memoranda.)) "Format" includes any media used in the publication of
5 state information including electronic, print, audio, visual, and
6 microfilm.~~

7 (2) "State agency" includes every state office, officer,
8 department, division, bureau, board, commission and agency of the
9 state, and, where applicable, all subdivisions of each.

10 (3) "State publication" means information published by state
11 agencies intended for distribution to state government or the public,
12 including publications issued electronically or in other formats.
13 Examples may include(~~(s))~~ annual, biennial, and special reports
14 required by law, state agency newsletters, periodicals, and magazines,
15 (~~books, pamphlets, leaflets, and all other materials, other than news~~
16 ~~releases sent exclusively to the news media, typewritten correspondence~~
17 ~~and interoffice memoranda, issued in print by the state, the~~
18 ~~legislature, constitutional officers, or any state department,~~
19 ~~committee, or other state agency supported wholly or in part by state~~
20 ~~funds)) and other printed informational material intended for general~~
21 dissemination to state agencies, the public, or the legislature.

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

24 There is hereby created as a division of the state library, and
25 under the direction of the state librarian, a state publications
26 distribution center. The center shall utilize the depository library
27 system to permit citizens economical and convenient access to state
28 publications in any format. To this end the secretary of state shall
29 make such rules as may be deemed necessary to carry out the provisions
30 of this chapter.

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

33 (1) Every state agency shall promptly and electronically submit to
34 the state library copies of published information that are state
35 publications and that conform to state library and the office of
36 financial management standards of any electronic or print publication.

1 For publications not electronically available, each state agency shall
2 deposit copies of each of its state publications with the state library
3 in quantities as certified by the state librarian as required to meet
4 the needs of the depository library system. Upon consent of the
5 issuing state agency such state publications as are printed by the
6 public printer shall be delivered directly to the center.

7 (2) For print publications, in addition to the electronic files,
8 each state agency shall deposit copies of each of its state
9 publications with the state library in quantities as certified by the
10 state librarian as required to meet the needs of the depository library
11 system. Other materials that are state publications shall be deposited
12 with the state library in the appropriate format as a public record.

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

17 (4) Each issuing state agency shall make available by March 15th
18 each year to the state library an annual listing of all its
19 publications, including those produced in electronic form, made
20 available to state government and the public during the preceding year.

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

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

1 (2) The office of the secretary of state through the state
2 librarian shall preserve and make accessible state agency electronic
3 publications deposited with the state library through an electronic
4 repository.

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

7 The center shall publish and distribute regularly a list of
8 available state publications, and may publish and distribute such other
9 descriptive (~~(printed)~~) matter as will facilitate the distribution of
10 and access to state publications.

11 **Sec. 8.** RCW 40.07.020 and 1989 c 175 s 86 are each amended to read
12 as follows:

13 The terms defined in this section shall have the meanings indicated
14 when used in this chapter.

15 (1) "Director" means the director of financial management.

16 (2) "Electronic repository" is a collection of electronic
17 publications kept in a secure environment with adequate backup to
18 protect the collection.

19 (3) "Format" has the definition in RCW 40.06.010.

20 (4) "State agency" includes every state office, department,
21 division, bureau, board, commission, committee, higher education
22 institution, community college, and agency of the state and all
23 subordinate subdivisions of such agencies in the executive branch
24 financed in whole or in part from funds held in the state treasury, but
25 does not include the offices of executive officials elected on a
26 statewide basis, agricultural commodity commissions, the legislature,
27 the judiciary, or agencies of the legislative or judicial branches of
28 state government.

29 (~~(3)~~) (5)(a) "State publication" means (~~(publications of state~~
30 ~~agencies and shall)~~) information published by state agencies intended
31 for distribution to state government or the public, including
32 publications issued electronically or in other formats. Examples may
33 include any annual and biennial reports, any special report required by
34 law, state agency newsletters, periodicals and magazines, and other
35 printed informational material intended for general dissemination to
36 the public or to the legislature.

1 (b) "State publication" may include such other state agency
2 (~~printed~~) informational material as the director may prescribe by
3 rule or regulation, in the interest of economy and efficiency, after
4 consultation with the governor, the state librarian, and any state
5 agencies affected.

6 (c) "State publication" does not include:

7 (i) Business forms, preliminary draft reports, working papers, or
8 copies of testimony and related exhibit material prepared solely for
9 purposes of a presentation to a committee of the state legislature;

10 (ii) Typewritten correspondence and interoffice memoranda, and
11 staff memoranda and similar material prepared exclusively as testimony
12 or exhibits in any proceeding in the courts of this state, the United
13 States, or before any administrative entity;

14 (iii) Any notices of intention to adopt rules under RCW 34.05.320;

15 (iv) Publications relating to a multistate program financed by more
16 than one state or by federal funds or private subscriptions; or

17 (v) News releases sent exclusively to the news media.

18 (~~(4) "Print" includes all forms of reproducing multiple copies
19 with the exception of typewritten correspondence and interoffice
20 memoranda.~~)

21 **Sec. 9.** RCW 40.07.030 and 1977 ex.s. c 232 s 3 are each amended to
22 read as follows:

23 (1) Any annual, biennial, or special report required to be made by
24 any state officer, board, agency, department, commissioner, regents,
25 trustees, or institution to the governor or to the legislature may be
26 typewritten and a copy shall be filed with the governor, or the
27 governor's designee, and the legislature as the law may require. (~~An
28 additional copy shall be filed with the state library as a public
29 record.~~)

30 (2) Each state agency shall promptly and electronically submit to
31 the state library each of the agency's state publications in a manner
32 that conforms to state library and the office of financial management
33 standards.

34 (3) For print publications, in addition to the electronic files,
35 each state agency shall deposit copies of each of its state
36 publications with the state library in quantities as certified by the

1 state librarian as required to meet the needs of the depository library
2 system. Other state publications shall be deposited with the state
3 library in the appropriate format as a public record.

4 (4) Each agency shall assign a designee as a contact for the state
5 librarian regarding agency publications and shall notify the state
6 library of the assigned designee.

7 (5) The agency director or the agency's director's designee may
8 selectively review state publications in order to determine if specific
9 state publications are economically and effectively contributing to the
10 accomplishment of state agency program objectives. The agency director
11 or the agency director's designee shall provide general guidelines as
12 to the number of copies to be printed for use or distribution by the
13 issuing agency and any public or other distribution under chapter 40.06
14 RCW as now or hereafter amended, or other applicable directives.

15 ~~((3))~~ (6) No agency head shall recommend a state publication for
16 printing and distribution, other than those required by law, unless the
17 benefits from the publication and distribution thereof to the citizens
18 and taxpayers of this state clearly exceed the costs of preparation,
19 printing, and distribution.

20 ~~((4))~~ (7) The agency director, after consultation with affected
21 agencies, shall prepare and publish guidelines for use by state
22 agencies in determining and evaluating the benefits and costs of
23 current and proposed state publications. All state agencies shall
24 evaluate each new state publication they propose and shall annually
25 evaluate each continuing state publication they produce in accordance
26 with the guidelines published by the director.

27 ~~((5))~~ (8) The agency director shall, after consultation with
28 affected state agencies, also provide by general rules ~~((and~~
29 ~~regulations))~~ for overall control of the quality of the printing of
30 state publications. Necessary publications are to be prepared and
31 printed in the most economic manner consistent with effectiveness and
32 achievement of program objectives.

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