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**SUBSTITUTE SENATE BILL 6005**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Rockefeller, Honeyford, Haugen, Regala and Kohl-Welles; by request of Secretary of State)

READ FIRST TIME 01/26/06.

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, and 40.06.050;  
4 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 secretary of state through the state library must ensure  
13 permanent public access to public state government publications,  
14 regardless of the format, and prescribe the conditions for use of state  
15 publications in depository libraries.

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

1       The state librarian shall be responsible and accountable for the  
2 following functions:

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

8       (2) Managing and administering the state library;

9       (3) Exerting leadership in information access and the development  
10 of library services;

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

15       (5) Employing and terminating personnel in accordance with chapter  
16 41.06 RCW as may be necessary to implement the purposes of this  
17 chapter;

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

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

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

33       (9) Promoting and facilitating electronic access to public  
34 information and services, including providing, or providing for, a  
35 service that identifies, describes, and provides location information  
36 for government information through electronic means, and that assists  
37 government agencies in making their information more readily available  
38 to the public;

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

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

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

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

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

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

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

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

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

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

34 As used in this chapter:

35 (1) (~~"Print" includes all forms of reproducing multiple copies,~~  
36 ~~with the exception of typewritten correspondence and interoffice~~  
37 ~~memoranda.~~

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

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

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

9       ~~((3))~~ (4) "State publication" means information published by  
10 state agencies, regardless of format, intended for distribution to  
11 state government or the public. Examples may include~~((s)) annual,~~  
12 biennial, and special reports required by law, state agency  
13 newsletters, periodicals, and magazines, ~~((books, pamphlets, leaflets,~~  
14 ~~and all other materials, other than news releases sent exclusively to~~  
15 ~~the news media, typewritten correspondence and interoffice memoranda,~~  
16 ~~issued in print by the state, the legislature, constitutional officers,~~  
17 ~~or any state department, committee, or other state agency supported~~  
18 ~~wholly or in part by state funds)) and other informational material~~  
19 intended for general dissemination to state agencies, the public, or  
20 the legislature.

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

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

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

32       (1) Every state agency shall promptly ~~((deposit copies of each of~~  
33 ~~its state publications with the state library in quantities as~~  
34 ~~certified by the state librarian as required to meet the needs of the~~  
35 ~~depository library system. Upon consent of the issuing state agency~~

1 ~~such state publications as are printed by the public printer shall be~~  
2 ~~delivered directly to the center.~~

3 (2)) submit to the state library copies of published information  
4 that are state publications.

5 (a) For state publications available only in print format, each  
6 state agency shall deposit, at a minimum, two copies of each of its  
7 publications with the state library. For the purposes of broad public  
8 access, state agencies may deposit additional copies with the state  
9 library for distribution to additional depository libraries.

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

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

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

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

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

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

31 (1) To provide economical public access to state publications, the  
32 center may enter into depository contracts with any free public  
33 library, The Evergreen State College, regional university, or state  
34 university library, or, if needed, the library of any privately  
35 incorporated college or university in this state. The requirements for  
36 eligibility to contract as a depository library shall be established by  
37 the secretary of state upon recommendations of the state librarian.

1 The standards shall include and take into consideration the type of  
2 library, available housing and space for the publications, the number  
3 and qualifications of personnel, and availability for public use. The  
4 center may also contract with public, out-of-state libraries for the  
5 exchange of state and other publications on a reciprocal basis. Any  
6 state publication to be distributed to the public and the legislature  
7 shall be mailed at the lowest available postal rate.

8 (2) The office of the secretary of state through the state  
9 librarian shall preserve and make accessible state agency electronic  
10 publications deposited with the state library through an electronic  
11 repository.

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

14 The center shall publish and distribute regularly a list of  
15 available state publications, and may publish and distribute such other  
16 descriptive (~~printed~~) matter as will facilitate the distribution of  
17 and access to state publications.

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