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**State Government & Tribal Affairs  
Committee**

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**SSB 6354**

**Brief Description:** Requiring state agencies to offer electronic filing for business forms.

**Sponsors:** Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Rolfes, Kastama, Chase, Tom, Frockt and McAuliffe).

**Brief Summary of Substitute Bill**

- Requires that a state agency requiring a business to submit a document, form, or payment of fee in paper format to provide the business with the option of submitting such materials electronically.
- Authorizes an agency to exempt a document, form, or payment of a fee from the electronic filing option if: (1) there is a legal requirement that such materials be submitted in paper format; or (2) it is not technically feasible for such materials to be submitted electronically.

**Hearing Date:** 2/15/12

**Staff:** Thamas Osborn (786-7129).

**Background:**

In recent years it has become commonplace for governmental agencies and commercial entities to use electronic technologies for the receipt, transmission, and filing of important legal documents. In some cases the use of such technology has been extended to the electronic transmission of signatures through electronic media designed to enable reliable signature authentication. The Washington Electronic Authentication Act creates standards and procedures for the use of digital technology in commercial transactions. The act authorizes the Secretary of State (Secretary) to establish rules and procedures governing the use of electronic signatures in order to ensure the authenticity and reliability of electronic messages.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Secretary, the Public Disclosure Commission, and the Department of Revenue have been given broad grants of authority to establish rules related to the the implementation of electronic filing processes for the management of many categories of documents, including those relating to:

- tax returns;
- corporate registration and licensing;
- campaign finance disclosures; and
- the licensing and regulation of nonprofit corporations and charitable organizations.

**Summary of Bill:**

A state agency that requires a business to submit a document, form, or payment of fee in paper format must, with limited exceptions, provide the business with the option of submitting such materials electronically. Unless otherwise required, a business may authorize a second party to meet such filing requirements on its behalf.

An agency may exempt a document, form, or payment of a fee from the electronic filing option if:

- there is a legal requirement that such materials be submitted in paper format; or
- it is not technically feasible for such materials to be submitted electronically.

If applicable, the director of an agency or the director's designee must establish and maintain a process to notify the public as to what materials have been exempt from electronic filing.

**Appropriation:** None.

**Fiscal Note:** Requested on February 14, 2012.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.