

SSB 5810 - S AMD 125

By Senators Pedersen, Roach, Liiias

ADOPTED 3/5/2015

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the  
4 electronic signatures in global and national commerce act, 15 U.S.C.  
5 Sec. 7001 et seq., applies to federal and state transactions,  
6 including certain governmental transactions, in or affecting  
7 interstate or foreign commerce relating to this state. In this act,  
8 the legislature, to the extent not already authorized by federal or  
9 state law, authorizes electronic dealings for governmental affairs  
10 and establishes the implementation framework for electronic  
11 governmental affairs and governmental transactions. This act is  
12 intended to promote electronic transactions and remove barriers that  
13 might prevent electronic transactions with governmental entities.

14 NEW SECTION. **Sec. 2.** (1) Unless specifically provided otherwise  
15 by law or agency rule, whenever the use of a written signature is  
16 authorized or required by this code with a state agency, an  
17 electronic signature may be used with the same force and effect as  
18 the use of a signature affixed by hand, as long as the electronic  
19 signature conforms to the definition in section 3 of this act and the  
20 writing conforms to section 4 of this act.

21 (2) Except as otherwise provided by law, each state agency may  
22 determine whether, and to what extent, the agency will send and  
23 accept electronic records and electronic signatures to and from other  
24 persons and otherwise create, generate, communicate, store, process,  
25 use, and rely upon electronic records and electronic signatures.  
26 Nothing in this act requires a state agency to send or accept  
27 electronic records or electronic signatures when a writing or  
28 signature is required by statute.

29 (3) Except as otherwise provided by law, for governmental affairs  
30 and governmental transactions with state agencies, each state agency  
31 electing to send and accept shall establish the method that must be  
32 used for electronic submissions and electronic signatures. The method

1 and process for electronic submissions and the use of electronic  
2 signatures must be established by policy or rule and be consistent  
3 with the policies, standards, or guidance established by the chief  
4 information officer required in subsection (4) of this section.

5 (4)(a) The chief information officer, in coordination with state  
6 agencies, must establish standards, guidelines, or policies for the  
7 electronic submittal and receipt of electronic records and electronic  
8 signatures for governmental affairs and governmental transactions.  
9 The standards, policies, or guidelines must take into account  
10 reasonable access by and ability of persons to participate in  
11 governmental affairs or governmental transactions and be able to rely  
12 on transactions that are conducted electronically with agencies.  
13 Through the standards, policies, or guidelines, the chief information  
14 officer should encourage and promote consistency and interoperability  
15 among state agencies.

16 (b) In order to provide a single point of access, the chief  
17 information officer must establish a web site that maintains or links  
18 to the agency rules and policies established pursuant to subsection  
19 (3) of this section.

20 NEW SECTION. **Sec. 3.** (1) Unless specifically provided otherwise  
21 by law or rule or unless the context clearly indicates otherwise,  
22 whenever the term "signature" is used in this code for governmental  
23 affairs and is authorized by agency rule or policy pursuant to  
24 section 2 of this act, the term includes an electronic signature as  
25 defined in subsection (2) of this section.

26 (2) "Electronic signature" means an electronic sound, symbol, or  
27 process attached to or logically associated with a contract or other  
28 record and executed or adopted by a person with the intent to sign  
29 the record.

30 NEW SECTION. **Sec. 4.** (1) Unless specifically provided otherwise  
31 by law or rule or unless the context clearly indicates otherwise,  
32 whenever the term "writing" is used in this code for governmental  
33 affairs and is authorized by agency rule or policy pursuant to  
34 section 2 of this act, the term means a record.

35 (2) "Record," as used in subsection (1) of this section, means  
36 information that is inscribed on a tangible medium or that is stored  
37 in an electronic or other medium and is retrievable in perceivable

1 form, except as otherwise defined for the purpose of state agency  
2 record retention, preservation, or disclosure.

3 NEW SECTION. **Sec. 5.** (1) Unless specifically provided otherwise  
4 by law or rule or unless the context clearly indicates otherwise,  
5 whenever the term "mail" is used in this code and authorized by  
6 agency rule or policy pursuant to section 2 of this act to transmit a  
7 writing with a state agency, the term includes the use of mail  
8 delivered through an electronic system such as email or secure mail  
9 transfer if authorized by the state agency in rule.

10 (2) For the purposes of this section, "electronic" means relating  
11 to technology having electrical, digital, magnetic, wireless,  
12 optical, electromagnetic, or similar capabilities.

13 NEW SECTION. **Sec. 6.** For purposes of sections 2 through 5 of  
14 this act, "state agency" means any state board, commission, bureau,  
15 committee, department, institution, division, or tribunal in the  
16 executive branch of state government, including statewide elected  
17 offices and institutions of higher education created and supported by  
18 the state government.

19 **Sec. 7.** RCW 18.25.020 and 1996 c 191 s 8 are each amended to  
20 read as follows:

21 (1) Any person not now licensed to practice chiropractic in this  
22 state and who desires to practice chiropractic in this state, before  
23 it shall be lawful for him or her to do so, shall make application  
24 therefor to the secretary, upon such form and in such manner as may  
25 be adopted and directed by the secretary. Each applicant who  
26 matriculates to a chiropractic college (~~((after January 1, 1975))~~),  
27 shall have completed not less than one-half of the requirements for a  
28 baccalaureate degree at an accredited and approved college or  
29 university and shall be a graduate of a chiropractic school or  
30 college accredited and approved by the commission and shall show  
31 satisfactory evidence of completion by each applicant of a resident  
32 course of study of not less than four thousand classroom hours of  
33 instruction in such school or college. Applications shall be in  
34 writing and shall be signed by the applicant (~~((in his or her own  
35 handwriting and shall be sworn to before some officer authorized to  
36 administer oaths))~~), and shall recite the history of the applicant as  
37 to his or her educational advantages, his or her experience in

1 matters pertaining to a knowledge of the care of the sick, how long  
2 he or she has studied chiropractic, under what teachers, what  
3 collateral branches, if any, he or she has studied, the length of  
4 time he or she has engaged in clinical practice; accompanying the  
5 same by reference therein, with any proof thereof in the shape of  
6 diplomas, certificates, and shall accompany said application with  
7 satisfactory evidence of good character and reputation.

8 (2) Applicants shall follow administrative procedures and  
9 administrative requirements and pay fees as provided in RCW 43.70.250  
10 and 43.70.280.

11 **Sec. 8.** RCW 18.32.100 and 1994 sp.s. c 9 s 213 are each amended  
12 to read as follows:

13 The applicant for a dentistry license shall file an application  
14 on a form furnished by the secretary, stating the applicant's name,  
15 age, place of residence, the name of the school or schools attended  
16 by the applicant, the period of such attendance, the date of the  
17 applicant's graduation, whether the applicant has ever been the  
18 subject of any disciplinary action related to the practice of  
19 dentistry, and shall include a statement of all of the applicant's  
20 dental activities. This shall include any other information deemed  
21 necessary by the commission.

22 The application shall be signed by the applicant (~~and sworn to~~  
23 ~~by the applicant before some person authorized to administer oaths,~~)  
24 and shall be accompanied by proof of the applicant's school  
25 attendance and graduation.

26 **Sec. 9.** RCW 19.34.231 and 2011 1st sp.s. c 43 s 809 and 2011 c  
27 183 s 2 are each reenacted and amended to read as follows:

28 (~~(1) If a signature of a unit of state or local government,~~  
29 ~~including its appropriate officers or employees, is required by~~  
30 ~~statute, administrative rule, court rule, or requirement of the~~  
31 ~~office of financial management, that unit of state or local~~  
32 ~~government may become a subscriber to a certificate issued by a~~  
33 ~~licensed certification authority for purposes of conducting official~~  
34 ~~public business with electronic records.~~

35 (2)) A city or county may become a licensed certification  
36 authority under RCW 19.34.100 for purposes of providing services to  
37 local government, if authorized by ordinance adopted by the city or  
38 county legislative authority.

1       (~~(3) A unit of state government, except the secretary, may not~~  
2 ~~act as a certification authority.~~)

3       **Sec. 10.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended  
4 to read as follows:

5       If any legal voter of the state, either individually or on behalf  
6 of an organization, desires to petition the legislature to enact a  
7 proposed measure, or submit a proposed initiative measure to the  
8 people, or order that a referendum of all or part of any act, bill,  
9 or law, passed by the legislature be submitted to the people, he or  
10 she shall file with the secretary of state:

11       (1) A legible copy of the measure proposed, or the act or part of  
12 such act on which a referendum is desired(~~(, accompanied by an)~~);

13       (2) A signed affidavit, or electronic submission, that the  
14 sponsor is a (~~legal~~) registered voter; and

15       (3) A filing fee prescribed under RCW 43.07.120.

16       NEW SECTION.   **Sec. 11.** RCW 39.04.390 (Electronic competitive  
17 bidding) and 2014 c 151 s 1 are each repealed.

18       NEW SECTION.   **Sec. 12.** Sections 1 through 6 of this act  
19 constitute a new chapter in Title 19 RCW."

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20       On page 1, line 2 of the title, after "signatures;" strike the  
21 remainder of the title and insert "amending RCW 18.25.020, 18.32.100,  
22 and 29A.72.010; reenacting and amending RCW 19.34.231; adding a new  
23 chapter to Title 19 RCW; and repealing RCW 39.04.390."

EFFECT: Clarifies the effect of the act on existing law. The act  
no longer supersedes the Washington electronic authentication act.  
The act no longer applies provisions of ESIGN state law aspects of  
intrastate, interstate, or foreign transactions.

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