
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-3463.1/18

ATTY/TYPIST: PW:lel

BRIEF DESCRIPTION:

1 AN ACT Relating to transparency in lawmaking act; amending RCW
2 42.56.010; adding a new section to chapter 42.56 RCW; and creating
3 new sections.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The people find that the purpose of
6 the state's public disclosure laws is founded on the public's right
7 to know the business of their government and that transparency in
8 government is an important component of representative democracy. The
9 people further find that current law does not include certain records
10 held, owned, used, and retained by individual legislators as public
11 records for purposes of the public records act, while the records of
12 other elected officials, including local elected officials, are
13 subject to public disclosure. The people therefore intend that the
14 records of state legislators and their offices should be made
15 publicly available to the same extent as records of other elected
16 officials under the terms of the public records act.

17 (2) The people strongly support universal access to public
18 records. For this reason, the people believe that members of the
19 legislature should be held to the same standard as other government
20 officials.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.56
2 RCW to read as follows:

3 The state legislature is subject to the public records act and
4 the communications and documents of legislators and staff must be
5 made publicly available as a public record.

6 **Sec. 3.** RCW 42.56.010 and 2017 c 303 s 1 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Agency" includes all state agencies and all local agencies.
11 "State agency" includes the state legislature, every state office,
12 department, division, bureau, board, commission, or other state
13 agency. "Local agency" includes every county, city, town, municipal
14 corporation, quasi-municipal corporation, or special purpose
15 district, or any office, department, division, bureau, board,
16 commission, or agency thereof, or other local public agency.

17 (2) "Person in interest" means the person who is the subject of a
18 record or any representative designated by that person, except that
19 if that person is under a legal disability, "person in interest"
20 means and includes the parent or duly appointed legal representative.

21 (3) "Public record" includes any writing containing information
22 relating to the conduct of government or the performance of any
23 governmental or proprietary function prepared, owned, used, or
24 retained by any state or local agency regardless of physical form or
25 characteristics. For the office of the secretary of the senate and
26 the office of the chief clerk of the house of representatives, public
27 records means legislative records as defined in RCW 40.14.100 and
28 also means the following: All budget and financial records; personnel
29 leave, travel, and payroll records; records of legislative sessions;
30 reports submitted to the legislature; and any other record designated
31 a public record by any official action of the senate or the house of
32 representatives. This definition does not include records that are
33 not otherwise required to be retained by the agency and are held by
34 volunteers who:

- 35 (a) Do not serve in an administrative capacity;
- 36 (b) Have not been appointed by the agency to an agency board,
37 commission, or internship; and
- 38 (c) Do not have a supervisory role or delegated agency authority.

1 (4) "Writing" means handwriting, typewriting, printing,
2 photostating, photographing, and every other means of recording any
3 form of communication or representation including, but not limited
4 to, letters, words, pictures, sounds, or symbols, or combination
5 thereof, and all papers, maps, magnetic or paper tapes, photographic
6 films and prints, motion picture, film and video recordings, magnetic
7 or punched cards, discs, drums, diskettes, sound recordings, and
8 other documents including existing data compilations from which
9 information may be obtained or translated.

10 NEW SECTION. **Sec. 4.** The provisions of this act are to be
11 liberally construed to effectuate the policies, purposes, and intent
12 of this act.

13 NEW SECTION. **Sec. 5.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 6.** This act is known and may be cited as
18 "transparency in lawmaking act."

--- END ---