

CHAPTER 232

[Engrossed Substitute Senate Bill No. 2121]
STATE GOVERNMENT PUBLICATIONS

AN ACT Relating to state government publications; amending section 1, chapter 233, Laws of 1963 and RCW 40.06.010; amending section 2, chapter 233, Laws of 1963 and RCW 40.06.020; amending section 3, chapter 233, Laws of 1963 and RCW 40.06.030; amending section 4, chapter 233, Laws of 1963 and RCW 40.06.040; adding a new section to chapter 27.04 RCW; adding a new chapter to Title 40 RCW; repealing section 1, chapter 150, Laws of 1941 and RCW 40.04-.010; repealing section 2, chapter 150, Laws of 1941 and RCW 40.04.020; and repealing section 43.01.030, chapter 8, Laws of 1965 and RCW 43.01.030.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. It is the intent of this legislation to improve executive management and control of state publications and reduce state expenditures through: (1) Elimination of reports and publications which are economically or otherwise unjustified; and (2) the simplification and consolidation of other reports and publications.

NEW SECTION. Sec. 2. The terms defined in this section shall have the meanings indicated when used in this chapter.

(1) "Director" means the director of the office of program planning and fiscal management.

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

(3) (a) "State publication" means publications of state agencies and shall include any annual and biennial reports, any special report required by law, state agency newsletters, periodicals and magazines, and other printed informational material intended for general dissemination to the public or to the legislature.

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

(c) "State publication" does not include:

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

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

(iii) Any notices of intention to adopt rules under RCW 34.04.025(1)(a) as now existing or hereafter amended;

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

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

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

NEW SECTION. Sec. 3. (1) Any annual, biennial, or special report required to be made by any state officer, board, agency, department, commissioner, regents, trustees, or institution to the governor or to the legislature may be typewritten and a copy shall be filed with the governor, or the governor's designee, and the legislature as the law may require. An additional copy shall be filed with the state library as a public record.

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

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

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

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

NEW SECTION. Sec. 4. (1) The governor or the governor's designee shall take such other action as may be necessary to maximize the economy, efficiency, and effectiveness of state publications and to do so may eliminate, consolidate, or simplify state agency publications.

(2) Nothing in this chapter shall be construed in any way as restricting public access to public records or the public right to copy such records as provided by RCW 42.17.250 through 42.17.340 as now existing or hereafter amended.

NEW SECTION. Sec. 5. Neither the public printer nor any state agency shall print or authorize for printing any state publication that has been determined by the director to be inconsistent with section 3 of this 1977 amendatory act except to the extent this requirement may conflict with the laws of the United States or any rules or regulations lawfully promulgated under those laws. A copy of any state

publication printed without the approval of the director under the exceptions authorized in this section shall be filed with the director with a letter of transmittal citing the federal statute, rule, or regulation requiring the publication. The director shall submit a report of such exceptions, as filed, to the legislative budget committee at least annually.

NEW SECTION. Sec. 6. Each state agency shall at least once each biennium notify the addresses of each state publication in or with that publication that they may be removed from the mailing list by notifying the originating agency. Mailings required by a state or federal statute, rule, or regulation, those maintained by an institution of higher education for official fund raising or curriculum offerings, bulk mailings addressed to "occupant" or a similar designation, and paid subscriptions are excluded from the provisions of this paragraph.

All publications shall be distributed or mailed at the lowest available rate.

NEW SECTION. Sec. 7. There is added to chapter 27.04 RCW a new section to read as follows:

The state library commission, on recommendation of the state librarian, may provide by rule or regulation for deposit with the state library of up to three copies of any state publication, as defined in RCW 40.06.010 as now existing or hereafter amended, prepared by any state agency whenever fifteen or more copies are prepared for distribution.

Sec. 8. Section 1, chapter 233, Laws of 1963 and RCW 40.06.010 are each amended to read as follows:

As used in this chapter:

(1) "~~Print~~" includes all forms of ~~((printing and duplicating, regardless of format or purpose))~~ reproducing multiple copies, with the exception of typewritten correspondence and interoffice memoranda.

(2) ~~(("Public document" means the annual and biennial reports required by law or by the governor which are bound in sets and titled Washington public documents.~~

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

~~((4))~~ (3) "State publication" includes ~~((any document, compilation, journal, law, resolution, bluebook, statute, code, register, pamphlet, list, book, proceedings, minutes, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine))~~ annual, biennial, and special reports, state periodicals and magazines, books, pamphlets, leaflets, and all other materials, other than news releases sent exclusively to the news media, typewritten correspondence and interoffice memoranda, issued in print by the state, the legislature, constitutional officers, or any state department, committee, or other state agency supported wholly or in part by state funds.

Sec. 9. Section 2, chapter 233, Laws of 1963 and RCW 40.06.020 are each amended to read as follows:

There is hereby created as a division of the state library, and under the direction of the state librarian, a state publications distribution center. The center shall ~~((promote the establishment of an orderly))~~ utilize the depository library system to

permit citizens economical and convenient access to state publications. To this end the state library commission shall make such rules and regulations as may be deemed necessary to carry out the provisions of this chapter.

Sec. 10. Section 3, chapter 233, Laws of 1963 and RCW 40.06.030 are each amended to read as follows:

(1) Every state agency (~~((may upon release))~~) shall promptly deposit (~~((at least three))~~) copies of each of its state publications with the state library (~~((for record and depository purposes. Additional copies,))~~) in quantities as certified (~~((to the agencies))~~) by the state (~~((library and))~~) librarian as required to meet the needs of the depository library system(~~(, shall also be deposited)~~). Upon consent of the issuing state agency such state publications as are printed by the public printer shall be delivered directly to the center.

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

Sec. 11. Section 4, chapter 233, Laws of 1963 and RCW 40.06.040 are each amended to read as follows:

To provide economical public access to state publications, the center (~~((shall))~~) may enter into depository contracts with any (~~((municipal or county))~~) free public library, any state college or state university library, or, if needed, the library of any privately incorporated college or university in this state(~~(, the library of congress and the midwest inter-library center, and other state libraries)~~). The requirements for eligibility to contract as a depository library shall be established by the state library commission upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use. The center may also contract with public, out-of-state libraries for the exchange of state and other publications on a reciprocal basis. Any state publication to be distributed to the public and the legislature shall be mailed at the lowest available postal rate.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 150, Laws of 1941 and RCW 40.04.010;
- (2) Section 2, chapter 150, Laws of 1941 and RCW 40.04.020; and
- (3) Section 43.01.030, chapter 8, Laws of 1965 and RCW 43.01.030.

NEW SECTION. Sec. 13. Sections 1 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 40 RCW.

Passed the Senate June 7, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.