
SENATE BILL 6315

State of Washington

64th Legislature

2016 Regular Session

By Senators Roach, Takko, Fain, and Mullet

Read first time 01/14/16. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to local government modernization; amending RCW
2 19.360.020, 19.360.030, 19.360.040, 19.360.050, 19.360.060, and
3 36.32.245; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Local governments must be efficient and
6 prudent stewards of our residents' tax resources. To best serve our
7 communities, certain local government statutes must be amended to
8 reflect technological and organizational change. It is the intent of
9 the legislature to clarify current authorities so that local
10 government can better serve their residents, and it is the intent of
11 the legislature that the following sections allow local government to
12 pursue modern methods of serving their residents while preserving the
13 public's right to access public records, and judiciously using scarce
14 county resources to achieve maximum benefit.

15 **Sec. 2.** RCW 19.360.020 and 2015 c 72 s 2 are each amended to
16 read as follows:

17 (1) Unless specifically provided otherwise by law or agency rule,
18 whenever the use of a written signature is authorized or required by
19 this code with a state or local agency, an electronic signature may
20 be used with the same force and effect as the use of a signature

1 affixed by hand, as long as the electronic signature conforms to the
2 definition in RCW 19.360.030 and the writing conforms to RCW
3 19.360.040.

4 (2) Except as otherwise provided by law, each state or local
5 agency may determine whether, and to what extent, the agency will
6 send and accept electronic records and electronic signatures to and
7 from other persons and otherwise create, generate, communicate,
8 store, process, use, and rely upon electronic records and electronic
9 signatures. Nothing in this act requires a state or local agency to
10 send or accept electronic records or electronic signatures when a
11 writing or signature is required by statute.

12 (3) Except as otherwise provided by law, for governmental affairs
13 and governmental transactions with state agencies, each state agency
14 electing to send and accept shall establish the method that must be
15 used for electronic submissions and electronic signatures. The method
16 and process for electronic submissions and the use of electronic
17 signatures must be established by policy or rule and be consistent
18 with the policies, standards, or guidance established by the chief
19 information officer required in subsection (4) of this section.

20 (4)(a) The chief information officer, in coordination with state
21 agencies, must establish standards, guidelines, or policies for the
22 electronic submittal and receipt of electronic records and electronic
23 signatures for governmental affairs and governmental transactions.
24 The standards, policies, or guidelines must take into account
25 reasonable access by and ability of persons to participate in
26 governmental affairs or governmental transactions and be able to rely
27 on transactions that are conducted electronically with agencies.
28 Through the standards, policies, or guidelines, the chief information
29 officer should encourage and promote consistency and interoperability
30 among state agencies.

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

35 (5) Except as otherwise provided by law, for governmental affairs
36 and governmental transactions with local agencies, each local agency
37 electing to send and accept shall establish the method that must be
38 used for electronic submissions and electronic signatures. The method
39 and process for electronic submissions and the use of electronic
40 signatures must be established by ordinance, resolution, policy, or

1 rule. The local agency shall also establish standards, guidelines, or
2 policies for the electronic submittal and receipt of electronic
3 records and electronic signatures for governmental affairs and
4 governmental transactions. The standards, policies, or guidelines
5 must take into account reasonable access by and ability of persons to
6 participate in governmental affairs or governmental transactions and
7 be able to rely on transactions that are conducted electronically
8 with agencies.

9 **Sec. 3.** RCW 19.360.030 and 2015 c 72 s 3 are each amended to
10 read as follows:

11 (1) Unless specifically provided otherwise by law or rule or
12 unless the context clearly indicates otherwise, whenever the term
13 "signature" is used in this code for governmental affairs and is
14 authorized by state or local agency ordinance, resolution, rule, or
15 policy pursuant to RCW 19.360.020, the term includes an electronic
16 signature as defined in subsection (2) of this section.

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

21 **Sec. 4.** RCW 19.360.040 and 2015 c 72 s 4 are each amended to
22 read as follows:

23 (1) Unless specifically provided otherwise by law or rule or
24 unless the context clearly indicates otherwise, whenever the term
25 "writing" is used in this code for governmental affairs and is
26 authorized by state or local agency ordinance, resolution, rule, or
27 policy pursuant to RCW 19.360.020, the term means a record.

28 (2) "Record," as used in subsection (1) of this section, means
29 information that is inscribed on a tangible medium or that is stored
30 in an electronic or other medium and is retrievable in perceivable
31 form, except as otherwise defined for the purpose of state or local
32 agency record retention, preservation, or disclosure.

33 **Sec. 5.** RCW 19.360.050 and 2015 c 72 s 5 are each amended to
34 read as follows:

35 (1) Unless specifically provided otherwise by law or rule or
36 unless the context clearly indicates otherwise, whenever the term
37 "mail" is used in this code and authorized by state or local agency

1 ordinance, resolution, rule, or policy pursuant to RCW 19.360.020 to
2 transmit a writing with a state or local agency, the term includes
3 the use of mail delivered through an electronic system such as email
4 or secure mail transfer if authorized by the state agency in rule.

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

8 **Sec. 6.** RCW 19.360.060 and 2015 c 72 s 6 are each amended to
9 read as follows:

10 For purposes of RCW 19.360.020 through 19.360.050, "state agency"
11 means any state board, commission, bureau, committee, department,
12 institution, division, or tribunal in the executive branch of state
13 government, including statewide elected offices and institutions of
14 higher education created and supported by the state government.
15 "Local agency" means every county, city, town, municipal corporation,
16 quasi-municipal corporation, special purpose district, or other local
17 public agency.

18 **Sec. 7.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read
19 as follows:

20 (1) No contract for the purchase of materials, equipment, or
21 supplies may be entered into by the county legislative authority or
22 by any elected or appointed officer of the county until after bids
23 have been submitted to the county. Bid specifications shall be in
24 writing and shall be filed with the clerk of the county legislative
25 authority for public inspection. An advertisement shall be published
26 in the official newspaper of the county stating the time and place
27 where bids will be opened, the time after which bids will not be
28 received, the materials, equipment, supplies, or services to be
29 purchased, and that the specifications may be seen at the office of
30 the clerk of the county legislative authority. The advertisement
31 shall be published at least once at least thirteen days prior to the
32 last date upon which bids will be received.

33 (2) The bids shall be in writing and filed with the clerk. The
34 bids shall be opened and read in public at the time and place named
35 in the advertisement. Contracts requiring competitive bidding under
36 this section may be awarded only to the lowest responsible bidder.
37 Immediately after the award is made, the bid quotations shall be

1 recorded and open to public inspection and shall be available by
2 telephone inquiry. Any or all bids may be rejected for good cause.

3 (3) For advertisement and formal sealed bidding to be dispensed
4 with as to purchases between (~~five~~) ten thousand and (~~twenty-~~
5 ~~five~~) fifty thousand dollars, the county legislative authority must
6 use the uniform process to award contracts as provided in RCW
7 39.04.190. Advertisement and formal sealed bidding may be dispensed
8 with as to purchases of less than (~~five~~) ten thousand dollars upon
9 the order of the county legislative authority.

10 (4) This section does not apply to performance-based contracts,
11 as defined in RCW 39.35A.020(4), that are negotiated under chapter
12 39.35A RCW; or contracts and purchases for the printing of election
13 ballots, voting machine labels, and all other election material
14 containing the names of candidates and ballot titles.

15 (5) Nothing in this section shall prohibit the legislative
16 authority of any county from allowing for preferential purchase of
17 products made from recycled materials or products that may be
18 recycled or reused.

19 (6) This section does not apply to contracting for public
20 defender services by a county.

--- END ---