
SENATE BILL 5677

State of Washington

62nd Legislature

2011 Regular Session

By Senator Nelson

Read first time 02/04/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to the immunity of unincorporated area councils and
2 their volunteers from lawsuits under the public records act; amending
3 RCW 42.56.010 and 42.56.010; adding a new section to chapter 42.56 RCW;
4 creating a new section; providing an effective date; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that citizen
8 participation is an essential element of representative government, and
9 that encouraging volunteer efforts to engage citizens' voices in local
10 decision making processes enhances the efficiency and effectiveness of
11 government's role. The legislature further finds that citizen
12 volunteers should be valued as partners in conducting business of
13 government. The legislature, therefore, intends to clarify that the
14 public records act was not intended to be a tool to be misused to
15 discourage volunteerism through lawsuits, threats of lawsuits, or any
16 form of harassment.

17 **Sec. 2.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to read
18 as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1)(a) "Agency" includes all state agencies and all local agencies.
4 "State agency" includes every state office, department, division,
5 bureau, board, commission, or other state agency. "Local agency"
6 includes every county, city, town, municipal corporation, quasi-
7 municipal corporation, or special purpose district, or any office,
8 department, division, bureau, board, commission, or agency thereof, or
9 other local public agency.

10 (b) Unincorporated area councils and their volunteer members are
11 neither state nor local agencies.

12 (2) "Public record" includes any writing containing information
13 relating to the conduct of government or the performance of any
14 governmental or proprietary function prepared, owned, used, or retained
15 by any state or local agency regardless of physical form or
16 characteristics. For the office of the secretary of the senate and the
17 office of the chief clerk of the house of representatives, public
18 records means legislative records as defined in RCW 40.14.100 and also
19 means the following: All budget and financial records; personnel
20 leave, travel, and payroll records; records of legislative sessions;
21 reports submitted to the legislature; and any other record designated
22 a public record by any official action of the senate or the house of
23 representatives.

24 (3) "Writing" means handwriting, typewriting, printing,
25 photostating, photographing, and every other means of recording any
26 form of communication or representation including, but not limited to,
27 letters, words, pictures, sounds, or symbols, or combination thereof,
28 and all papers, maps, magnetic or paper tapes, photographic films and
29 prints, motion picture, film and video recordings, magnetic or punched
30 cards, discs, drums, diskettes, sound recordings, and other documents
31 including existing data compilations from which information may be
32 obtained or translated.

33 **Sec. 3.** RCW 42.56.010 and 2010 c 204 s 1005 are each amended to
34 read as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

1 (1)(a) "Agency" includes all state agencies and all local agencies.
2 "State agency" includes every state office, department, division,
3 bureau, board, commission, or other state agency. "Local agency"
4 includes every county, city, town, municipal corporation, quasi-
5 municipal corporation, or special purpose district, or any office,
6 department, division, bureau, board, commission, or agency thereof, or
7 other local public agency.

8 (b) Unincorporated area councils and their volunteer members are
9 neither state nor local agencies.

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

14 (3) "Public record" includes any writing containing information
15 relating to the conduct of government or the performance of any
16 governmental or proprietary function prepared, owned, used, or retained
17 by any state or local agency regardless of physical form or
18 characteristics. For the office of the secretary of the senate and the
19 office of the chief clerk of the house of representatives, public
20 records means legislative records as defined in RCW 40.14.100 and also
21 means the following: All budget and financial records; personnel
22 leave, travel, and payroll records; records of legislative sessions;
23 reports submitted to the legislature; and any other record designated
24 a public record by any official action of the senate or the house of
25 representatives.

26 (4) "Writing" means handwriting, typewriting, printing,
27 photostating, photographing, and every other means of recording any
28 form of communication or representation including, but not limited to,
29 letters, words, pictures, sounds, or symbols, or combination thereof,
30 and all papers, maps, magnetic or paper tapes, photographic films and
31 prints, motion picture, film and video recordings, magnetic or punched
32 cards, discs, drums, diskettes, sound recordings, and other documents
33 including existing data compilations from which information may be
34 obtained or translated.

35 NEW SECTION. Sec. 4. A new section is added to chapter 42.56 RCW
36 to read as follows:

1 Unincorporated area councils and their volunteer members are immune
2 from lawsuits under this chapter.

3 NEW SECTION. **Sec. 5.** Section 2 of this act expires January 1,
4 2012.

5 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect January
6 1, 2012.

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