

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1594**

Chapter 303, Laws of 2017

65th Legislature  
2017 Regular Session

PUBLIC RECORDS--REQUESTS--ARCHIVING--GRANTS--STUDY

EFFECTIVE DATE: 7/23/2017

Passed by the House April 17, 2017  
Yeas 80 Nays 18

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 10, 2017  
Yeas 40 Nays 7

CYRUS HABIB

**President of the Senate**

Approved May 16, 2017 10:39 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1594** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 16, 2017

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1594

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AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

**State of Washington**                      **65th Legislature**                      **2017 Regular Session**

**By** House Appropriations (originally sponsored by Representatives McBride, Nealey, Springer, Clibborn, Hayes, Gregerson, Peterson, Koster, Griffey, Klippert, Kilduff, Muri, Senn, Goodman, Haler, Robinson, Sells, Steele, Fitzgibbon, Fey, Kraft, Bergquist, Smith, Tharinger, Stanford, Kloba, Jinkins, Hargrove, Slatter, and Kagi)

READ FIRST TIME 02/24/17.

1            AN ACT Relating to improving public records administration;  
2 amending RCW 42.56.010, 42.56.152, 42.56.520, 42.56.570, 40.14.024,  
3 and 36.22.175; adding a new section to chapter 40.14 RCW; creating  
4 new sections; and providing expiration dates.

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

6            **Sec. 1.** RCW 42.56.010 and 2010 c 204 s 1005 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 every state office, department, division,  
12 bureau, board, commission, or other state agency. "Local agency"  
13 includes every county, city, town, municipal corporation, quasi-  
14 municipal corporation, or special purpose district, or any office,  
15 department, division, bureau, board, commission, or agency thereof,  
16 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.

1 (3) "Public record" includes any writing containing information  
2 relating to the conduct of government or the performance of any  
3 governmental or proprietary function prepared, owned, used, or  
4 retained by any state or local agency regardless of physical form or  
5 characteristics. For the office of the secretary of the senate and  
6 the office of the chief clerk of the house of representatives, public  
7 records means legislative records as defined in RCW 40.14.100 and  
8 also means the following: All budget and financial records; personnel  
9 leave, travel, and payroll records; records of legislative sessions;  
10 reports submitted to the legislature; and any other record designated  
11 a public record by any official action of the senate or the house of  
12 representatives. This definition does not include records that are  
13 not otherwise required to be retained by the agency and are held by  
14 volunteers who:

15 (a) Do not serve in an administrative capacity;

16 (b) Have not been appointed by the agency to an agency board,  
17 commission, or internship; and

18 (c) Do not have a supervisory role or delegated agency authority.

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

28 **Sec. 2.** RCW 42.56.152 and 2014 c 66 s 4 are each amended to read  
29 as follows:

30 (1) Public records officers designated under RCW 42.56.580 and  
31 records officers designated under RCW 40.14.040 must complete a  
32 training course regarding the provisions of this chapter, and also  
33 chapter 40.14 RCW for records retention.

34 (2) Public records officers must:

35 (a) Complete training no later than ninety days after assuming  
36 responsibilities as a public records officer or records manager; and

37 (b) Complete refresher training at intervals of no more than four  
38 years as long as they maintain the designation.

1 (3) Training must be consistent with the attorney general's model  
2 rules for compliance with the public records act.

3 (4) Training may be completed remotely with technology including  
4 but not limited to internet-based training.

5 (5) Training must address particular issues related to the  
6 retention, production, and disclosure of electronic documents,  
7 including updating and improving technology information services.

8 **Sec. 3.** RCW 42.56.520 and 2010 c 69 s 2 are each amended to read  
9 as follows:

10 (1) Responses to requests for public records shall be made  
11 promptly by agencies, the office of the secretary of the senate, and  
12 the office of the chief clerk of the house of representatives. Within  
13 five business days of receiving a public record request, an agency,  
14 the office of the secretary of the senate, or the office of the chief  
15 clerk of the house of representatives must respond (~~by either~~) in  
16 one of the ways provided in this subsection (1):

17 (a) Providing the record;

18 ~~((+2))~~ (b) Providing an internet address and link on the  
19 agency's web site to the specific records requested, except that if  
20 the requester notifies the agency that he or she cannot access the  
21 records through the internet, then the agency must provide copies of  
22 the record or allow the requester to view copies using an agency  
23 computer;

24 ~~((+3))~~ (c) Acknowledging that the agency, the office of the  
25 secretary of the senate, or the office of the chief clerk of the  
26 house of representatives has received the request and providing a  
27 reasonable estimate of the time the agency, the office of the  
28 secretary of the senate, or the office of the chief clerk of the  
29 house of representatives will require to respond to the request;

30 (d) Acknowledging that the agency, the office of the secretary of  
31 the senate, or the office of the chief clerk of the house of  
32 representatives has received the request and asking the requestor to  
33 provide clarification for a request that is unclear, and providing,  
34 to the greatest extent possible, a reasonable estimate of the time  
35 the agency, the office of the secretary of the senate, or the office  
36 of the chief clerk of the house of representatives will require to  
37 respond to the request if it is not clarified; or

38 ~~((+4))~~ (e) Denying the public record request.

1       (2) Additional time required to respond to a request may be based  
2 upon the need to clarify the intent of the request, to locate and  
3 assemble the information requested, to notify third persons or  
4 agencies affected by the request, or to determine whether any of the  
5 information requested is exempt and that a denial should be made as  
6 to all or part of the request.

7       (3)(a) In acknowledging receipt of a public record request that  
8 is unclear, an agency, the office of the secretary of the senate, or  
9 the office of the chief clerk of the house of representatives may ask  
10 the requestor to clarify what information the requestor is seeking.

11       (b) If the requestor fails to respond to an agency request to  
12 clarify the request, and the entire request is unclear, the agency,  
13 the office of the secretary of the senate, or the office of the chief  
14 clerk of the house of representatives need not respond to it.  
15 Otherwise, the agency must respond, pursuant to this section, to  
16 those portions of the request that are clear.

17       (4) Denials of requests must be accompanied by a written  
18 statement of the specific reasons therefor. Agencies, the office of  
19 the secretary of the senate, and the office of the chief clerk of the  
20 house of representatives shall establish mechanisms for the most  
21 prompt possible review of decisions denying inspection, and such  
22 review shall be deemed completed at the end of the second business  
23 day following the denial of inspection and shall constitute final  
24 agency action or final action by the office of the secretary of the  
25 senate or the office of the chief clerk of the house of  
26 representatives for the purposes of judicial review.

27       **Sec. 4.** RCW 42.56.570 and 2007 c 197 s 8 are each amended to  
28 read as follows:

29       (1) The attorney general's office shall publish, and update when  
30 appropriate, a pamphlet, written in plain language, explaining this  
31 chapter.

32       (2) The attorney general, by February 1, 2006, shall adopt by  
33 rule ((~~an~~)) advisory model rules for state and local agencies, as  
34 defined in RCW 42.56.010, addressing the following subjects:

35       (a) Providing fullest assistance to requestors;

36       (b) Fulfilling large requests in the most efficient manner;

37       (c) Fulfilling requests for electronic records; and

38       (d) Any other issues pertaining to public disclosure as  
39 determined by the attorney general.

1 (3) The attorney general, in his or her discretion, may from time  
2 to time revise the model rule.

3 (4) Local agencies should consult the advisory model rules when  
4 establishing local ordinances for compliance with the requirements  
5 and responsibilities of this chapter.

6 (5) Until June 30, 2020, the attorney general must establish a  
7 consultation program to provide information for developing best  
8 practices for local agencies requesting assistance in compliance with  
9 this chapter including, but not limited to: Responding to records  
10 requests, seeking additional public and private resources for  
11 developing and updating technology information services, and  
12 mitigating liability and costs of compliance. The attorney general  
13 may develop the program in conjunction with the advisory model rule  
14 and may collaborate with the chief information officer, the state  
15 archivist, and other relevant agencies and organizations in  
16 developing and managing the program. The program in this subsection  
17 ceases to exist June 30, 2020.

18 (6) Until June 30, 2020, the state archivist must offer and  
19 provide consultation and training services for local agencies on  
20 improving record retention practices.

21 **Sec. 5.** RCW 40.14.024 and 2008 c 328 s 6005 are each amended to  
22 read as follows:

23 The local government archives account is created in the state  
24 treasury. All receipts collected by the county auditors under RCW  
25 40.14.027 and 36.22.175 for local government services, such as  
26 providing records (~~scheduling~~) schedule compliance, security  
27 microfilm inspection and storage, archival preservation, cataloging,  
28 and indexing for local government records and digital data and access  
29 to those records and data through the regional branch archives of the  
30 division of archives and records management, must be deposited into  
31 the account, and expenditures from the account may be used only for  
32 these purposes. (~~During the 2007-2009 biennium, the legislature may~~  
33 ~~transfer from the local government archives account to the Washington~~  
34 ~~state heritage center account such amounts as reflect the excess fund~~  
35 ~~balance in the account.)) Any amounts deposited in the account in  
36 accordance with RCW 36.22.175(4) may only be expended for the  
37 purposes authorized under that provision as follows: No more than  
38 fifty percent of funding may be used for the attorney general's~~

1 consultation program and the state archivist's training services, and  
2 the remainder is to be used for the competitive grant program.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 40.14  
4 RCW to read as follows:

5 (1) The division of archives and records management in the office  
6 of the secretary of state must establish and administer a competitive  
7 grant program for local agencies to improve technology information  
8 systems for public record retention, management, and disclosure, and  
9 any related training. The division of archives and records management  
10 may use up to six percent of amounts appropriated for the program for  
11 administration of the grant program. The program in this subsection  
12 ceases to exist June 30, 2020.

13 (2) Any local agency may apply to the grant program. The division  
14 of archives and records management in the office of the secretary of  
15 state must award grants annually. The division of archives and  
16 records management must consult with the chief information officer to  
17 develop the criteria for grant recipient selection with a preference  
18 given to small local governmental agencies based on the applicant  
19 agency's need and ability to improve its information technology  
20 systems for public record retention, management, and disclosure. The  
21 division of archives and records management may award grants for  
22 specific hardware, software, equipment, technology services  
23 management and training needs, indexing for local records and digital  
24 data, and other resources for improving information technology  
25 systems. To the extent possible, information technology systems,  
26 processes, training, and other resources for improving information  
27 technology systems for records retention and distribution may be  
28 replicated and shared with other governmental entities. Grants are  
29 provided for one-time investments and are not an ongoing source of  
30 revenue for operation or management costs. A grantee may not supplant  
31 local funding with grant funding provided by the office of the  
32 secretary of state. The program in this subsection ceases to exist  
33 June 30, 2020.

34 (3) The joint legislative audit and review committee must conduct  
35 a review of the attorney general's consultation program and the state  
36 archivist's training services created under section 4, chapter . . . ,  
37 Laws of 2017 (section 4 of this act), and the local government  
38 competitive grant program created under this section. The review must  
39 include:

1 (a)(i) Information on the number of local governments served, the  
2 types of consultation and training provided, and the implementation  
3 of any practices adopted from the attorney general's consultation  
4 program and the state archivist's training services; and

5 (ii) The effectiveness of the consultation program and the  
6 training services in providing assistance for local governments; and

7 (b)(i) Information on the number of local governments that  
8 applied for and participated in the competitive grant program under  
9 this section, the amount of funding awarded through the grant  
10 program, and how such funding was used; and

11 (ii) The effectiveness of the grant program in improving local  
12 government technology information systems for public records  
13 retention, management, disclosure, and training.

14 (4) Each agency shall maintain a log of public records requests  
15 submitted to and processed by the agency, which shall include but not  
16 be limited to the following information for each request: The  
17 identity of the requestor if provided by the requestor, the date the  
18 request was received, the text of the original request, a description  
19 of the records produced in response to the request, a description of  
20 the records redacted or withheld and the reasons therefor, and the  
21 date of the final disposition of the request. The log must be  
22 retained by the agency in accordance with the relevant record  
23 retention schedule established under this chapter, and shall be a  
24 public record subject to disclosure under chapter 42.56 RCW.

25 (5) To improve best practices for dissemination of public  
26 records, each agency with actual staff and legal costs associated  
27 with fulfilling public records requests of at least one hundred  
28 thousand dollars during the prior fiscal year must, and each agency  
29 with such estimated costs of less than one hundred thousand dollars  
30 during the prior fiscal year may, report to the joint legislative  
31 audit and review committee by July 1st of each subsequent year the  
32 following metrics, measured over the preceding year:

33 (a) An identification of leading practices and processes for  
34 records management and retention, including technological upgrades,  
35 and what percentage of those leading practices and processes were  
36 implemented by the agency;

37 (b) The average length of time taken to acknowledge receipt of a  
38 public records request;

39 (c) The proportion of requests where the agency provided the  
40 requested records within five days of receipt of the request compared



1 to the proportion of requests where the agency provided an estimate  
2 of an anticipated response time beyond five days of receipt of the  
3 request;

4 (d) A comparison of the agency's average initial estimate  
5 provided for full disclosure of responsive records with the actual  
6 time when all responsive records were fully disclosed, including  
7 whether the agency sent subsequent estimates of an anticipated  
8 response time;

9 (e) The number of requests where the agency formally sought  
10 additional clarification from the requestor;

11 (f) The number of requests denied and the most common reasons for  
12 denying requests;

13 (g) The number of requests abandoned by requestors;

14 (h) To the extent the information is known by the agency,  
15 requests by type of requestor, including individuals, law firms,  
16 organizations, insurers, governments, incarcerated persons, the  
17 media, anonymous requestors, current or former employees, and others;

18 (i) Which portion of requests were fulfilled electronically  
19 compared to requests fulfilled by physical records;

20 (j) The number of requests where the agency was required to scan  
21 physical records electronically to fulfill disclosure;

22 (k) The estimated agency staff time spent on each individual  
23 request;

24 (l) The estimated costs incurred by the agency in fulfilling  
25 records requests, including costs for staff compensation and legal  
26 review, and a measure of the average cost per request;

27 (m) The number of claims filed alleging a violation of chapter  
28 42.56 RCW or other public records statutes in the past year involving  
29 the agency, categorized by type and exemption at issue, if  
30 applicable;

31 (n) The costs incurred by the agency litigating claims alleging a  
32 violation of chapter 42.56 RCW or other public records statutes in  
33 the past year, including any penalties imposed on the agency;

34 (o) The costs incurred by the agency with managing and retaining  
35 records, including staff compensation and purchases of equipment,  
36 hardware, software, and services to manage and retain public records  
37 or otherwise assist in the fulfillment of public records requests;

38 (p) Expenses recovered by the agency from requestors for  
39 fulfilling public records requests, including any customized service  
40 charges; and

1 (q) Measures of requestor satisfaction with agency responses,  
2 communication, and processes relating to the fulfillment of public  
3 records requests.

4 (6) The joint legislative audit and review committee must consult  
5 with state and local agencies to develop a reporting method and  
6 clearly define standardized metrics in accordance with this section.

7 (7) By December 1, 2019, the joint legislative audit and review  
8 committee must report to the legislature on its findings from the  
9 review, including recommendations on whether the competitive grant  
10 program, the attorney general's consultation program, and the state  
11 archivist's training services should continue or be allowed to  
12 expire.

13 **Sec. 7.** RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each  
14 amended to read as follows:

15 (1)(a) In addition to any other charge authorized by law, the  
16 county auditor shall charge a surcharge of one dollar per instrument  
17 for each document recorded. Revenue generated through this surcharge  
18 shall be transmitted monthly to the state treasurer for deposit in  
19 the local government archives account under RCW 40.14.024. These  
20 funds shall be used solely for providing records (~~scheduling~~)  
21 schedule compliance, security microfilm inspection and storage,  
22 archival preservation, cataloging, and indexing for local government  
23 records and digital data and access to those records and data through  
24 the regional branch archives of the division of archives and records  
25 management.

26 (b) The division of archives and records management within the  
27 office of the secretary of state shall provide records management  
28 training for local governments and shall establish a competitive  
29 grant program to solicit and prioritize project proposals from local  
30 governments for potential funding to be paid for by funds from the  
31 auditor surcharge and tax warrant surcharge revenues. Application for  
32 specific projects may be made by local government agencies only. The  
33 state archivist in consultation with the advisory committee  
34 established under RCW 40.14.027 shall adopt rules governing project  
35 eligibility, evaluation, awarding of grants, and other criteria  
36 including requirements for records management training for grant  
37 recipients.

38 (2) The advisory committee established under RCW 40.14.027 shall  
39 review grant proposals and establish a prioritized list of projects

1 to be considered for funding by January 1st of each even-numbered  
2 year, beginning in 2002. The evaluation of proposals and development  
3 of the prioritized list must be developed through open public  
4 meetings. Funding for projects shall be granted according to the  
5 ranking of each application on the prioritized list and projects will  
6 be funded only to the extent that funds are available. A grant award  
7 may have an effective date other than the date the project is placed  
8 on the prioritized list.

9 (3)(a) In addition to any other surcharge authorized by law, the  
10 county auditor shall charge a surcharge of one dollar per instrument  
11 for every document recorded after January 1, 2002. Revenue generated  
12 through this surcharge shall be transmitted to the state treasurer  
13 monthly for deposit in the local government archives account under  
14 RCW 40.14.024 to be used exclusively for: (i) The construction and  
15 improvement of a specialized regional facility located in eastern  
16 Washington designed to serve the archives, records management, and  
17 digital data management needs of local government; and (ii) payment  
18 of the certificate of participation issued for the Washington state  
19 heritage center to the extent there is an excess fund balance in the  
20 account and fees generated under RCW 36.18.010 and 43.07.128 are  
21 insufficient to meet debt service payments on the certificate of  
22 participation.

23 (b) To the extent the facilities are used for the storage and  
24 retrieval of state agency records and digital data, that portion of  
25 the construction of such facilities used for state government records  
26 and data shall be supported by other charges and fees paid by state  
27 agencies and shall not be supported by the surcharge authorized in  
28 this subsection, except that to the extent there is an excess fund  
29 balance in the account and fees generated under RCW 36.18.010 and  
30 43.07.128 are insufficient to meet debt service payments for the  
31 Washington state heritage center, the local government archives  
32 account under RCW 40.14.024 may be used for the Washington state  
33 heritage center.

34 (c) At such time that all debt service from construction of the  
35 specialized regional archive facility located in eastern Washington  
36 has been paid, fifty percent of the surcharge authorized by this  
37 subsection shall be reverted to the centennial document preservation  
38 and modernization account as prescribed in RCW 36.22.170 and fifty  
39 percent of the surcharge authorized by this section shall be reverted  
40 to the state treasurer for deposit in the public records efficiency,

1 preservation, and access account to serve the archives, records  
2 management, and digital data management needs of local government,  
3 except that the state treasurer shall not revert funds to the  
4 centennial document preservation and modernization account and to the  
5 public records efficiency, preservation, and access account if fees  
6 generated under RCW 36.18.010 and 43.07.128 are insufficient to meet  
7 debt service payments on the Washington state heritage center.

8 (4) In addition to any other surcharge authorized by law, the  
9 county auditor shall charge a surcharge of one dollar per instrument  
10 for every document recorded. Revenue generated through this surcharge  
11 shall be transmitted to the state treasurer monthly for deposit in  
12 the local government archives account under RCW 40.14.024 to be used  
13 exclusively for the competitive grant program in section 6 of this  
14 act, and for the attorney general's consultation program and state  
15 archivist's training services authorized in RCW 42.56.570.

16 NEW SECTION. Sec. 8. (1) Subject to the availability of amounts  
17 appropriated for this specific purpose, the division of archives and  
18 records management in the office of the secretary of state must  
19 conduct a study to assess the feasibility of implementing a statewide  
20 open records portal through which a user can request and receive a  
21 response through a single internet web site relating to public  
22 records information.

23 (2) The division of archives and records management must hire a  
24 consultant to conduct the study.

25 (3) At a minimum, the report must include:

26 (a) The feasibility of Washington creating a central site from  
27 which a user can submit a records request and receive a timely  
28 response to such request;

29 (b) An examination of the experience in other states, including  
30 but not limited to the state of Utah, that have implemented an  
31 electronic open records portal;

32 (c) Whether the open records portals in other states serve as  
33 central repositories and archives for the purpose of all public  
34 records on behalf of local and state agencies;

35 (d) Whether other states' open records portals track and provide  
36 a timeline where each request is being responded to in the process;

37 (e) The cost of creating the open records portal in other states  
38 and the amount of funds local and state agencies or any other

1 entities contributed to the start-up and ongoing costs to operate the  
2 open records portal;

3 (f) The length of time it took for other states to develop an  
4 open records portal from its initial start-up to its current full  
5 operation;

6 (g) The length of time it would take for Washington to develop  
7 and implement an open records portal from start-up to full operation  
8 that is similar to the portals located in other states;

9 (h) The length of time it would take for Washington to develop  
10 and implement an open records portal from start-up to full operation  
11 that would include: (i) The portal collecting, archiving, and holding  
12 all public records from local and state governmental agencies in  
13 Washington; (ii) the portal being capable of allowing users to submit  
14 a public records request through a central site; and (iii) the  
15 records portal operating as a central site for answering and  
16 providing requested public records to a user;

17 (i) The estimated cost to develop and implement an open records  
18 portal that is: (i) Similar to the open records portals located in  
19 other states referenced and reviewed in (g) of this subsection; and  
20 (ii) a full open records portal pursuant to (h) of this subsection.  
21 In both instances, the costs must include costs associated with local  
22 and state governmental agencies in Washington participating in the  
23 portal and any needed supporting infrastructure, staffing, and  
24 training requirements;

25 (j) How much is charged and how fees are collected from a user  
26 requesting a public record through other states' open records  
27 portals;

28 (k) The feasibility of whether an open records portal created in  
29 Washington would be able to track all public records requests, when  
30 such requests for public records are made through the open records  
31 portal, and provide a timeline where each request is being responded  
32 to in the process;

33 (l) The feasibility of whether an open records portal created in  
34 Washington would be able to directly respond to answering a user's  
35 public records request and, if not, the feasibility of the portal  
36 tracking when a local or state agency responds to such a request and  
37 providing a timeline where each request is being responded to in the  
38 process;

39 (m) The feasibility of creating an open records portal in  
40 Washington that notifies a requestor that the request has been

1 received and either immediately provides the requestor with a copy of  
2 the requested record, notifies the requestor that the record is not  
3 available, or notifies the requestor that because of the  
4 extraordinary request the record will be available on a date certain;

5 (n) The feasibility of creating an open records portal through  
6 which a requestor can make a request and receive a response through a  
7 single internet web site relating to public records information, and  
8 the feasibility of agencies managing internet web sites to make  
9 public access easier and reduce the number of requests related to the  
10 same topic through best practices by offering to post different  
11 categories of requested records on the web site in a manner that is  
12 responsive to records requests; and

13 (o) The allocation of liability between the agency operating an  
14 open records portal and any agency that provides records through the  
15 portal or accepts requests for public records through the portal in  
16 the event of litigation regarding denial of access to records or  
17 unreasonable estimate of time to produce records in response to a  
18 request.

19 (4) A report must be completed with findings and recommendations  
20 on the experience of the electronic open records portal created in  
21 other states and the feasibility of creating a central statewide open  
22 records portal in Washington, as well as recommendations and best  
23 management practices for agencies to post records that are responsive  
24 to records requests on an agency internet web site and take into  
25 consideration various categories of records and agency capacities in  
26 order to provide broader public access to records of public interest  
27 and to reduce the number of requests relating to the same topic. The  
28 report must be submitted to the governor, the appropriate committees  
29 of the legislature, and members of the stakeholder group in section 9  
30 of this act, by September 1, 2018.

31 (5) This section expires December 31, 2018.

32 NEW SECTION. **Sec. 9.** (1) The division of archives and records  
33 management in the office of the secretary of state must convene a  
34 stakeholder group by September 1, 2017, to develop the initial scope  
35 and direction of the study in section 8 of this act.

36 (2) The stakeholder group must include seven members as provided  
37 in this subsection.

1 (a) The majority leader and the minority leader of the senate  
2 shall appoint one member from each of the two largest caucuses of the  
3 senate.

4 (b) The majority leader and the minority leader of the house of  
5 representatives shall appoint one member from each of the two largest  
6 caucuses of the house of representatives.

7 (c) The president of the senate and the speaker of the house of  
8 representatives, in consultation with the division of archives and  
9 records management, jointly shall appoint the remaining three  
10 members. The remaining three members must be representatives of the  
11 community who have experience in the retention and disclosure of  
12 public records.

13 (3) This section expires September 30, 2018.

14 NEW SECTION. **Sec. 10.** Section 7 of this act expires June 30,  
15 2020.

Passed by the House April 17, 2017.  
Passed by the Senate April 10, 2017.  
Approved by the Governor May 16, 2017.  
Filed in Office of Secretary of State May 16, 2017.

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