

# FINAL BILL REPORT

## ESHB 1667

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C 372 L 19  
Synopsis as Enacted

**Brief Description:** Concerning public records request administration.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Springer, Walsh, Appleton, Peterson, Smith and Griffey).

**House Committee on State Government & Tribal Relations**  
**House Committee on Appropriations**  
**Senate Committee on State Government, Tribal Relations & Elections**  
**Senate Committee on Ways & Means**

### **Background:**

#### Management of Public Records.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions under the PRA or as otherwise provided in law.

The Division of Archives and Records Management (State Archives) is a division within the Office of the Secretary of State and ensures the proper management and safeguarding of state public records. The State Archivist administers the State Archives and manages the retention, cataloging, and preservation of the public records inventory.

#### Public Records Programs Established.

In 2017 the State Archives established and administered a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. Any local agency may apply to the grant program, and the State Archives must award grants annually. Grants awarded under this program are one-time investments. The State Archives is required to offer consultation and training services for local agencies on improving record retention practices.

Also in 2017, the Attorney General (AG) established a consultation program to assist local governments with best practices for managing records requests, updating technology, and mitigating costs and liability.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The grant program, the AG's consultation program, and the requirement that State Archives offer and provide consultation and training services for local agencies on improving retention practices are scheduled to end on June 30, 2020.

Funding for Public Records Programs.

The State Archives is authorized to use up to 6 percent of amounts appropriated for the program to administer of the grant program. An additional \$1 surcharge is assessed on documents recorded with the county auditor and deposited into the Local Archives Account. The additional surcharge revenue must be used exclusively for the State Archives' local agency competitive grant program, the AG's consultation program, and the State Archives' records retention training services. No more than 50 percent of the revenue may be used for the competitive grant program; the remainder is to be used for the AG's consultation program and the State Archive's training services, combined.

This funding structure for the additional \$1 surcharge is set to expire on June 30, 2020.

Joint Legislative Audit and Review Committee Evaluation.

Any agency with at least \$100,000 in annual staff and legal costs during the prior fiscal year that is associated with fulfilling public records requests must report to the Joint Legislative Audit and Review Committee (JLARC) by July 1 of each subsequent year on certain metrics from the preceding year. Agencies with less than \$100,000 in estimated costs may report these metrics voluntarily. The JLARC must develop a reporting method and standardized metrics for the reporting requirements. The metrics reported include, for example:

- the leading practices and processes for records management and retention, and what percentage of such practices were implemented by the agency;
- the average length of time taken to acknowledge receipt of a public records request, and the estimated agency staff time spent on a request;
- the proportion of records provided within five days of the request and the proportion of requests estimated beyond five days;
- the agency's initial estimate for providing records as compared with the actual time in providing such records;
- the number of requests denied; and
- measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.

The JLARC issued a report in January 2019 regarding the metrics and its findings.

By December 1, 2019, the JLARC must also report to the Legislature on its recommendations on whether the competitive grant program, the AG's consultation program, and the State Archivist's training services should continue or be allowed to expire.

**Summary:**

Public Records Programs Established.

The June 30, 2020, expiration date is removed for the grant program, the AG's consultation program, and the requirement that State Archives offer and provide consultation and training services for local agencies on improving retention practices.

Funding for Public Records Programs.

The \$1 surcharge funding structure is made permanent.

Joint Legislative Audit and Review Committee Evaluation.

Agencies are no longer required to report to the JLARC on the following metrics:

- the leading practices and processes for records management and retention, and what percentage of such practices were implemented by the agency;
- the average length of time taken to acknowledge receipt of a public records request, and the estimated agency staff time spent on a request;
- the proportion of records provided within five days of the request and the proportion of requests estimated beyond five days;
- the agency's initial estimate for providing records as compared with the actual time in providing such records; and
- measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.

In addition to the other metrics enumerated in law, agencies required to report metrics to the JLARC must also report on the following:

- the number of requests where the agency provided the requested records within five days of receipt, and number of requests where the agency provided an estimated time for responding beyond five days after receipt, rather than a comparison of the proportion of these metrics;
- the average and median number of days from receipt of request to the date the request is closed; and
- the number of requests denied in full or in part.

**Votes on Final Passage:**

House	96	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 28, 2019  
June 30, 2020 (Section 3)