

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1594

65th Legislature
2017 Regular Session

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

Speaker of the House of Representatives

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

President of the Senate

Approved

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.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1594

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 rulesg 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.

--- END ---