

HOUSE BILL REPORT

HB 2582

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to responses to public records requests.

Brief Description: Allowing agencies to direct requesters to their web site for public records.

Sponsors: Representatives Hurst, Armstrong, Haigh, Moeller, Chase, Kelley, Carlyle and Hudgins.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/22/10, 1/26/10 [DPS].

Brief Summary of Substitute Bill

- Allows public agencies to respond to a public records request by providing an Internet address providing the location of the requested records.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Taylor.

Staff: Pam Madson (786-7111).

Background:

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

State law encourages agencies to plan for and implement processes for making information available electronically to ease the access to public records.

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.

An agency, the Office of the Secretary of the Senate, or the Office of the Chief Clerk of the House of Representatives are required to respond to a public records request within five business days of its receipt by the public agency. The agency must either provide the record, acknowledge that the request has been received and provide a reasonable time estimate for a response, or deny the request.

Summary of Substitute Bill:

An additional response option is provided for use by public agencies that receive a public records request. The agency may provide an Internet address for the requestor to access the records requested. If the requestor lets the agency know that he or she cannot access the records through the Internet, the agency must provide copies or allow the requestor to view the documents through an agency computer.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that when responding to a public records request, an agency may provide a link to the specific record on the Internet.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill provides a way to help governments comply with public records requests and hopefully stay away from litigation. It is intended to make things easier. The suggestion came from smaller jurisdictions. It is not the intent to take away the right of people to see what they have a right to see. The bill should be clear that the Internet response is to a specific document. It is very much in the spirit of the original legislation. If government has information on a website, it can be given to the requester if the requester has the ability to receive it.

(Opposed) None.

Persons Testifying: Representative Hurst, prime sponsor; and Brian Enslow, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.