

SENATE BILL REPORT

SB 5294

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 15, 2011

Title: An act relating to hours of availability for inspection and copying of public records.

Brief Description: Regarding hours of availability of special purpose districts for inspection and copying of public records.

Sponsors: Senators Swecker, Schoesler, Holmquist Newbry, Delvin and Honeyford.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/07/11, 2/15/11 [DPS, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5294 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton and Chase.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Sharon Swanson (786-7447)

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.

Agencies must make public records available for at least 30 hours per week unless the agency and the requestor agree on a different time. Agencies and offices must post customary business hours on their websites and otherwise make their business hours known to the public.

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.

Some special purpose districts customarily do not maintain regular office hours of 30 hours per week.

Summary of Bill: Those cities, towns, and special purpose districts that customarily do not maintain office hours for a minimum of 30 hours per week are not required to do so. They must post on the agency headquarters or on their website directions on how to contact the agency to inspect or copy public records.

Contacting agency personnel must include actual notice and certified mail, whether accepted or not.

The agency must respond to the public records request at its next regularly scheduled meeting. The time limits of the statute begin to run from the date of the agency's next regularly scheduled meeting.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Cities and towns that do not maintain office hours for a minimum of 30 hours per week are also included in the provisions of the bill.

Contacting agency personnel must include actual notice and certified mail, whether accepted or not.

The agency must respond to the public records request at its next regularly scheduled meeting. The time limits of the statute begin to run from the date of the agency's next regularly scheduled meeting.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This is a practical solution to the situation of special purpose districts that are not manned on a full-time basis. As an example, one irrigation district serves 500 acres but has no employees, with farmers operating the system themselves. In another case, an irrigation district has one part-time employee who is a bookkeeper at 15 hours per week. There are fire protection districts that are just a building where the fire trucks are parked with all volunteer fire fighters and no people manning the building. Small towns and cities are often in the same position. The town of Bow has a population of 86.

CON: This bill needs more work. A water district refused to accept a certified letter: this is also a circumstance that is met by the public. It should be more clear how the directors may be contacted, and they should have to make reasonable arrangements.

OTHER: The bill is too open-ended. A timely response should be required.

Persons Testifying: PRO: Senator Swecker, prime sponsor; Joe Daniels, Washington Association of Sewer/Water Districts; Ramsey Ramerman, Olympia, WA; Mike Schwisow, Washington State Water Resources Association.

CON: Arthur West, citizen.

OTHER: Rowland Thompson, Allied Dailey Newspapers.