
Government Operations & Elections Committee

HB 1418

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

Sponsors: Representatives Hunt, Buys, Manweller and Warnick.

Brief Summary of Bill

- Requires cities, towns, and special purpose districts that do not maintain office hours for a minimum of thirty hours per week to post directions on how to contact the agency personnel and to respond to requests to inspect or copy records at the next regularly scheduled agency meeting.

Hearing Date: 2/12/13

Staff: Jasmine Vasavada (786-7301).

Background:

Public Records Act.

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

The PRA requires agencies to make public records available for inspection and copying for a minimum of thirty hours per week, during the customary office hours of the agency. Cities, towns, and special purpose districts are also subject to PRA disclosure requirements. However, some cities, towns, and special purpose districts do not have customary office hours of thirty hours or more per week.

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 PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Failure to timely respond, or denial of the request where no exemption is applicable, may subject the agency to penalties. For practical purposes, the law treats a failure to properly respond as denial. A denial of a public records request must be accompanied by a written statement of the specific reasons for denial.

Summary of Bill:

Cities, towns, and special purpose districts that do not maintain office hours for a minimum of thirty hours per week must post, at the physical agency headquarters or on the website, directions on how to contact the agency personnel to request to inspect or copy records.

Where a city, town, or special purpose district does not maintain customary business hours of thirty or more per week, the agency must still respond to a public records request within the timeline established by the PRA. However, in such circumstances, the date of the agency's next regularly scheduled meeting after agency personnel have been contacted is deemed the date of receipt of the request.

The agency must include and respond promptly to the request to inspect or copy public records in the business conducted at its next regularly scheduled meeting subsequent to contact of agency personnel.

An agency personnel is "contacted" for the purposes of the response timeline when personnel actually know that a request to inspect or copy a record is being made, or when the attempted contact can be proven through proof of attempted delivery of a properly addressed certified letter, return receipt requested, whether the agency accepts the letter or not.

Appropriation: None.

Fiscal Note: Not requested.

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