SENATE BILL REPORT
SHB 1418

As Reported by Senate Committee On:
Governmental Operations, March 18, 2013

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

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

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Hunt, Buys, Manweller and Warnick).

Brief History: Passed House: 3/04/13, 98-0.
   Committee Activity: Governmental Operations: 3/18/13 [DP].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.
   Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Braun, Conway and Fraser.

Staff: Samuel Brown (786-7470)

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. Cities, towns, and special purpose districts are also subject to PRA requirements. PRA provisions requiring disclosure must be interpreted liberally while PRA exemptions are interpreted narrowly to favor disclosure. PRA requires that agencies make public records available for inspection and copying at least 30 hours per week, during the customary office hours of the agency.

An agency must respond to a public records request within five business days. The agency may respond in one of four ways, depending on the circumstances and any applicable exemptions:
   • by providing the record or records;
   • by providing a link on the agency's web site to the specific records requested, or providing copies or agency computer access if the requestor cannot access the records online;
   • by denying the request; or

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.

- by acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will need to respond to the request.

Failure to respond in a timely fashion to a public records request or denial of a public records request where no exemption applies may subject the agency to penalties, including costs, attorney's fees, and a statutory monetary penalty, if the requestor prevails at trial against the agency.

Summary of Bill: Cities, towns, and special purpose districts not maintaining office hours of at least 30 hours per week must post at the agency headquarters location and website – if the agency maintains one – directions on how to contact agency personnel to complete a public records request.

An agency not maintaining office hours of at least 30 hours per week is considered to have received a public records request by the next scheduled meeting after agency personnel are contacted with the request. The agency must respond promptly to the request within five business days of that meeting. Agency personnel is considered to be contacted with the request when agency personnel actually knows that a request to inspect or copy public records was made or upon proof that delivery of a properly addressed certified letter was attempted, with a return receipt requested.

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: PRO: This has bipartisan support and is a good way to help smaller entities. Some smaller special purpose districts only have one or two employees and a part-time bookkeeper, so they are not open all that often. We want people to be able to get records, but it is not cost effective for little agencies to need to stay open.

Persons Testifying: PRO: Representative Hunt, prime sponsor; Mike Schwisow, WA State Water Resources Assn.