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## State Government Committee

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### HB 2290

**Brief Description:** Limiting out-of-state requests for public records.

**Sponsors:** Representatives MacEwen, Caldier, Zeiger, Haler, Muri, Buys, Magendanz, Van De Wege and Griffey.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Limits requests for public records under the Public Records Act to requests from in-state persons, businesses, and members of the news media.</li></ul>
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**Hearing Date:** 1/26/16

**Staff:** Dawn Eychaner (786-7135).

**Background:**

*Public Records Act*

A citizen's initiative enacted in 1972 established public disclosure laws in Washington. Under the Public Records Act (PRA), state and local agencies must make most records available to members of the public upon request.

Agencies must respond to records requests within five business days by either 1) providing the records or links to the records, 2) denying the request, or 3) providing an estimated timeframe within which the requested records will be made available. Estimates for additional time must be based on either a need to clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies impacted by the request, or to determine whether any of the information requested is exempt from public disclosure.

A requestor who has been denied access to a record, or who believes the agency has not made a reasonable estimate of the time needed to respond to the request, may request judicial review. If the requestor prevails against the agency in court, the court must award the requestor all costs, including attorneys' fees, incurred in connection with the legal action. In addition, the court may

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award the requestor up to \$100 for each day his or her request to inspect or copy the requested record was denied.

*Who May Request Records*

Any person may request public records under Washington's PRA. Agencies may not distinguish among persons requesting records and may not require information as to the purpose of the request.

All 50 states have public records laws permitting access to public records. Several states, including Arkansas, New Jersey, Tennessee, and Virginia, require the requestor of records to be a state resident.

**Summary of Bill:**

A person may request records under the PRA if he or she resides in Washington, represents a business licensed and physically located in the state, or represents the news media. "News media" includes newspapers, magazines, radio and television networks, and online news websites, among others.

Agencies are authorized additional time to ask for evidence of the requestor's place of residence, physical business location, or the name and broadcast and circulation area of the news media represented. If the requestor fails to provide such evidence, the agency need not respond to the request.

**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.