

SENATE BILL REPORT

SB 5436

As Reported By Senate Committee On:
Government Operations & Elections, January 30, 2007

Title: An act relating to the statute of limitations for actions under the public records act.

Brief Description: Regarding the statute of limitations under the public records act.

Sponsors: Senators Pflug, Swecker and Kauffman; by request of Attorney General.

Brief History:

Committee Activity: Government Operations & Elections: 1/29/07, 1/30/07 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: A response to a request to inspect or copy a public record must be made promptly by an agency. Within five business days of receiving a public record request, an agency must respond by either providing the record, acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request, or deny the request.

Upon the motion of any person having been denied an opportunity to inspect or copy a public record, or who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond, the superior court in the county in which a record is maintained may require the agency to show cause why it has refused to allow inspection or copying of the record or show that the estimate it provided is reasonable.

The motion of a person seeking to challenge an agency decision on a request to inspect or copy a public record must be filed within one year of the agency's claim of exemption.

Summary of Bill: The one year statute of limitations applies from the date an agency is required to respond to a request or any other violation of the public records act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: PRO: There has been an issue of tolling in the past. It was not clear from the current statute that the statute of limitations begins when an agency should respond rather than simply beginning when there is an actual response. This bill makes it very clear and should alleviate any confusion.

Persons Testifying: PRO: Senator Cheryl Pflug, prime sponsor; Greg Overstreet, Office of the Attorney General; Rowland Thompson, Allied Daily Newspapers.