

HOUSE BILL REPORT

SB 5787

As Reported by House Committee On:
State Government & Tribal Relations

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

Brief Description: Concerning hours of availability for inspection and copying of public records.

Sponsors: Senators Walsh, Hunt and Saldaña.

Brief History:

Committee Activity:

State Government & Tribal Relations: 3/28/19, 4/3/19 [DP].

Brief Summary of Bill

- Authorizes a city, town, and special purpose district that customarily maintains office hours for less than 30 hours per week to not maintain a greater number of office hours for the purpose of meeting the requirement under the Public Records Act to make records available for a minimum of 30 hours per week.
- Provides that a city, town, and special purpose district that customarily maintains office hours for less than 30 hours per week must respond to a public records request within five days of: (1) the date of the city, town, or special purpose district's next regularly scheduled meeting; or (2) 30 days from the date the request is made, whichever is earliest.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Desiree Omli (786-7105).

Background:

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.

Under the Public Records Act (PRA), all state and local agencies must make all public records available for public inspection and copying, unless a specific exemption in the PRA or another statute applies. Agency facilities must be available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Public records shall be available for inspection and copying during the customary office hours of the agency for a minimum of 30 hours per week, except weeks that include state legal holidays, unless the person making the request and the agency agree on a different time. Customary business hours must be posted on the agency or office's website and made known by other means designed to provide the public with notice.

Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of the PRA. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

No official format is required for making a records request; however, agencies may recommend that requestors submit requests using an agency-provided form or webpage.

Within five business days of receiving a public record request an agency must:

- provide the record;
- provide an Internet address and link on the agency's website to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the Internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;
- acknowledge that the agency received the request and provide a reasonable estimate of the time the agency will require to respond to the request;
- acknowledge that the agency received the request and ask the requester to provide clarification for a request that is unclear, and provide, to the extent possible, a reasonable estimate of the time the agency will require to respond to the request if it is not clarified; or
- deny the public records request, accompanied by a written statement of the specific reasons for the denial.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

Summary of Bill:

A city, town, and special purpose district (qualifying local government) that customarily maintains office hours for less than 30 hours per week is not required to maintain a greater number of office hours to meet the minimum requirement under the PRA to make records available for at least 30 hours per week. However, such qualifying local governments must post at its headquarters and on its website, if it maintains one, directions on how to contact

the local government personnel to inspect or copy public records. A qualifying local government must designate a member of the governing board as the public records officer responsible for meeting the requirements of the PRA if it does not have personnel.

At the qualifying local government's next regularly scheduled meeting after a PRA request is made, that qualifying local government must include any unanswered PRA requests in the business of the meeting and respond to the request promptly, in accordance with the established time requirements under the PRA.

For the purpose of meeting such time requirements for a qualifying local government, a public records request is considered "received", and therefore the qualifying local government must respond within five business days of: (1) the date of the qualifying local government's next regularly scheduled meeting; or (2) 30 days from the date the request is made, whichever is earliest. A public records request is considered "made" when: (1) the personnel of the qualifying local government actually knows that the request is being made; or (2) proof that delivery of a certified letter with return receipt requested, was attempted.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a common sense bill that has been around before and passed unanimously in the Senate. There are 100 irrigation districts, many of which are small. The largest 35 irrigation districts serve 2,000 acres or larger. Many of the larger districts have enough staff to keep an office open year round, however, the smaller districts are seasonal and are only open when they are delivering irrigation services. The policy in this bill would also be relevant for other small special purpose districts, such as fire districts and some ports.

(Opposed) There is no problem with the bill as it pertains to very small organizations, which should not be burdened with onerous compliance with the PRA. However, the definitions in the bill do not guarantee that this will not be used by larger organizations. To fall under the purview of this bill, an organization only has to be open less than 30 hours per week. Larger cities could cut their hours down to meet this criteria. This bill should include clear language to only apply to small organizations.

Persons Testifying: (In support) Senator Walsh, prime sponsor; and Mike Schwisow, Washington State Water Resources Association.

(Opposed) Arthur West.

Persons Signed In To Testify But Not Testifying: None.