

HOUSE BILL REPORT

HB 2465

As Reported By House Committee On:
State Government

Title: An act relating to the costs of copying public records.

Brief Description: Copying public records.

Sponsors: Representatives Anderson, Veloria, L. Thomas, Reams, Conway, Pruitt, Campbell, King, Brough, Fuhrman, Wood, Dyer, J. Kohl and Quall.

Brief History:

Reported by House Committee on:
State Government, January 25, 1994, DPS.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; L. Thomas, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: The state Public Disclosure Act (PDA) prohibits state and local agencies from charging a fee for the inspection of public records. Agencies are authorized to impose a reasonable charge for providing copies of public records, and for use of agency equipment to copy public records, but the charge may not exceed the amount necessary to reimburse the agency for "actual costs incident to such copying."

Confusion exists as to exactly what copying costs agencies may be reimbursed for under the PDA. Some agencies charge for staff time to locate, copy, post, and refile the material. Some agencies charge for paper, xerox costs, envelopes and postage. Many agencies do not provide a breakdown of their costs, nor are they required to do so under the PDA.

Additionally, some agencies charge a first page differential for public records (e.g. \$5.00), with subsequent pages costing much less (e.g. \$.50).

Summary of Substitute Bill: Unless it would be unduly burdensome to do so, state and local agencies are required to produce and make available a statement of the actual per page costs and other costs that it charges for providing photocopies of public records. This statement must contain the factors and manner used to determine the costs, if any.

In determining per page costs, agencies may include the cost of the paper and the per page cost of using agency copying equipment. Agencies may not include the costs of staff salaries and benefits, nor may they include general administrative or overhead charges, unless these costs are directly related to actual photocopying costs. If calculating this per page cost is unduly burdensome for an agency, a statutory amount of 18 cents per page is established.

In determining other costs, agencies may include direct shipping costs, such as the costs of envelopes or other containers, and the postage costs or delivery charges. If calculating these other costs is unduly burdensome for an agency, a statutory amount of the actual postage or delivery charge and the cost of envelopes used to mail the public record to the requestor is established.

Agencies are prohibited from charging more than the actual per page costs that they have established and published, or, if applicable, the statutory limit of 18 cents per page. Agencies are also prohibited from charging fees for locating public documents and making them available for copying.

These provisions do not supersede other statutory provisions specifying fees for copying public records.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that the per page costs and other costs only refer to photocopies of public records. The statutory rate is increased from 10 to 18 cents per page. Language is added clarifying that staff time to copy and mail the public record may be included in an agency's cost. However, staff time to copy and mail the public record may be included in an agency's cost. These provisions do not supersede other statutory provisions specifying fees for copying public records.

Fiscal Note: Requested January 14, 1994.

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

Testimony For: The purpose of this bill is to clarify the language of the initiative. Agencies are not determining actual costs and there is a wide diversity of charges. The PDC receives daily complaints on this issue.

Testimony Against: Local agencies should be able to charge for searching for records.

Witnesses: David Henry, Department of Social and Health Services (pro); Jerry Sheehan, American Civil Liberties Union (pro); Scott Johnson, American Civil Liberties Union (pro); Jim Justin, Association of Washington Cities (con); Mike Doubleday, City of Seattle (con); Ron Wagner, TRW (concerns); Rowland Thompson, Allied Daily Newspaper (pro); and David Clark, Public Disclosure Commission (pro).