

SENATE BILL REPORT

SHB 2465

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1994

Brief Description: Copying public records.

SPONSORS: House Committee on State Government (originally sponsored by Representatives Anderson, Veloria, L. Thomas, Reams, Conway, Pruitt, Campbell, King, Brough, Fuhrman, Wood, Dyer, J. Kohl and Quall)

HOUSE COMMITTEE ON STATE GOVERNMENT

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Niemi, Quigley, Roach and Schow.

Staff: Marty Lovinger (786-7443)

Hearing Dates: February 25, 1994

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:

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.

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.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill is clarifying legislation that addresses the huge disparity in charges by different governmental agencies for copying public documents.

TESTIMONY AGAINST: None

TESTIFIED: Representative Cal Anderson, original prime sponsor; Linda Mackintosh, Office of Secretary of State; Jerry Sheehan, American Civil Liberties Union (pro)