

SENATE BILL REPORT

SB 5250

As of January 21, 2009

Title: An act relating to increasing the maximum per page copying charge under the public records act.

Brief Description: Increasing the maximum per page copying charge under the public records act.

Sponsors: Senator Fairley.

Brief History:

Committee Activity: Government Operations & Elections: 1/20/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Edward Redmond (786-7471)

Background: The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless the record, or information on the record, is specifically exempt from disclosure. A public record is any writing containing information relating to the conduct of government or the performance of any government or proprietary function prepared, owned, used, or retained by any state or local agency. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

The PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Agencies may charge reasonable fees for providing copies of public records in accordance with actual per page costs or other costs that are established and published by the agency. Currently, if an agency does not calculate the actual per page cost or other costs it charges for providing photocopies of public records, the maximum per page cost it may charge is set at 15 cents.

Summary of Bill: The maximum per page cost an agency can charge is increased from 15 cents to 25 cents.

Appropriation: None.

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.

Fiscal Note: Requested on January 19, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Fifteen cents does not cover the cost of copying. Agencies are authorized to include the labor of the person standing at the machine when calculating actual cost. There is no limit to the number of documents a person can request under the PRA. If an agency is undercharging the cost of these copies, it adds up quickly. Cities use the default number instead of attempting to calculate actual cost because calculating actual cost takes a lot of time and effort.

CON: Current law allows for actual costs to be recouped. If copies are costing more than 15 cents, the actual cost can be recovered. However, agencies should not be paying 15 cents for copying because the cost of copying is cheaper today. The default charge should instead be reduced from 15 cents to 10 or 5 cents. Agencies should then be encouraged to calculate and charge the actual costs.

Persons Testifying: PRO: Ramsey Ramerman, attorney; Dan Steele, Washington State School Directors' Association; Victoria Lincoln, Association of Washington Cities.

CON: Greg Overstreet, attorney; Toby Nixon, Washington Coalition for Open Government; David, citizen; Arthur West, citizen; Rowland Thompson, Allied Daily Newspapers.