
State Government & Tribal Affairs
Committee

HB 3031

Brief Description: Regarding costs of public records requests.

Sponsors: Representatives Fagan and Alexander.

Brief Summary of Bill

- Allows agencies to require payment of personnel costs by a requestor of a public record for requests that exceed five person-hours in a calendar month to complete.

Hearing Date: 1/26/10

Staff: Pam Madson (786-7111).

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 they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

A person requesting a public record may not be charged by an agency for inspection of the record, nor may a fee be imposed on the requestor for locating the record and making it available for copying. An agency may charge a reasonable fee for actually providing a copy, or for the use by the requestor of agency equipment in making a copy. The charge must be the actual per-page direct cost incurred for copying. If an agency chooses not to calculate the per-page cost, it may charge up to \$.15 per page.

For a large request, the agency may require a deposit not to exceed 10 percent of the estimated cost for providing copies. A request may be made available in installments, with each

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installment paid for when delivered. If an installment is not claimed, the agency is not obligated to fulfill the remainder of the request.

Summary of Bill:

An agency may require a requester to pay personnel costs for requests that require more than five person-hours in a calendar month to produce. Costs include time for searching and copying. Costs are limited to actual salary and benefit costs for the personnel required to produce the records. These costs must be paid before the records are released and the agency may require payment before a search for the records begins.

Appropriation: None.

Fiscal Note: Not requested.

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