
**State Government & Tribal Affairs
Committee**

HB 1300

Brief Description: Regarding the recovery of the costs of production and copying of public records.

Sponsors: Representatives Moeller, Armstrong, Takko, Nealey, Haigh, Hunt, Angel, Fitzgibbon and Darneille.

Brief Summary of Bill

- Authorizes a public agency to charge a person making a public records request for personnel costs incurred in responding to such request if the response requires the agency to expend more than five person hours in a calendar month.
- Prohibits an agency from charging personnel costs to the person requesting the records if the person authorizes the agency to complete the records request at a rate not exceeding five person hours per month.

Hearing Date: 1/31/11

Staff: Thamas Osborn (786-7129).

Background:

The Public Records Act (PRA) requires that 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 public 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. Additional time may be required to respond

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to a request where the agency needs to notify third parties or agencies affected by the request or to determine whether any of the information requested is exempt. In effect, the law treats a failure to properly respond as denial. A denial of a public records request must be accompanied by a written statement of the specific reasons for denial.

A person making a public records request cannot be charged fees for the inspection of records or for an agency's efforts to locate records or making them available for copying. A reasonable charge may be charged by public agencies for the cost of providing copies and for the use of agency equipment for the copying of public records. Such charges may not exceed those necessary to reimburse the agency for the actual costs directly incident to such copying. An agency may not charge a per page cost greater than the actual per page cost as established and published by the agency.

Summary of Bill:

If a public agency expends more than five person hours in calendar month in order to produce public records in response to a request, the requester may be required to pay the agency for the personnel costs incurred during that month in order to complete search and copying tasks. A requester can avoid such costs by authorizing the agency to complete the records request at a rate of not more than five hours per month.

The personnel costs charged to the requester may not exceed the actual salary and benefit costs for the personnel required to perform the search, review, and copying tasks. Such costs shall not include the cost of attorney review or for the preparation of the exemption log. The requester must pay the costs before the records are disclosed. The public agency may require payment of up to a 10 percent deposit in advance of the records search.

Appropriation: None.

Fiscal Note: Requested.

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