

HOUSE BILL REPORT

ESSB 5597

As Reported By House Committee On:

Government Operations

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

Brief Description: Copying public records.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators C. Anderson, Roach, Smith, Schow, McCaslin, Pelz, Hargrove, Long and Johnson).

Brief History:

Committee Activity:

Government Operations: 3/28/95, 3/31/95 [DPA].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended. Signed by 14 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Minority Report: Do not pass. Signed by 1 member: Representative Sommers.

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 only charge for paper, copying equipment costs, envelopes and postage. Other agencies charge for staff time to locate, copy, post, and refile the material. 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 Amended Bill: Unless it creates an undue burden, 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. If calculating this per page cost is unduly burdensome for an agency, a statutory amount of 15 cents per page is established.

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.

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 establish and publish, or, if applicable, the statutory limit of 15 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.

Amended Bill Compared to Engrossed Substitute Bill: The statutory amount of 20 cents per page was reduced to 15 cents per page.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: No standards exist now. This sets a baseline. There is a wide variation in the costs charged by agencies.

Testimony Against: Some agencies charge by the document rather than by page. Agencies have to white-out confidential information prior to making it public, and should be able to recoup this expense.

Testified: Chuck Sauvage, Common Cause; Jerry Sheehan, American Civil Liberties Union; Mike Doubleday, city of Seattle; and Linda MacKintosh, Secretary of State's Office.