

# SENATE BILL REPORT

## ESSB 5597

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As Passed Senate, March 13, 1995

**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:** Law & Justice: 2/23/95, 2/27/95 [DPS, DNP].

Passed Senate, 3/13/95, 46-2; amended on reconsideration; passed Senate, 3/13/95, 40-8.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

**Minority Report:** Do not pass.

Signed by Senator Haugen.

**Staff:** Martin Lovinger (786-7443)

**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, equipment 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 of 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.

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 20 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 establish and publish, or, if applicable, the statutory limit of 20 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.

**Fiscal Note:** Requested on February 14, 1995.

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

**Testimony For:** This bill addresses the large disparity in charges by different governmental agencies for copying public documents. This bill will also eliminate the exorbitant charges by some agencies for copying public documents in their safekeeping.

**Testimony Against:** None.

**Testified:** Jerry Sheehan, ACLU (pro); Meta Heller, Olympia (pro); Don Whiting, Secretary of State's Office (pro).

**House Amendment(s):** The statutory per page charge is reduced from 20 cents to 15 cents.

The provisions of this bill do not supersede statutory provisions specifying fees for copying public records other than the provisions in the chapter on public disclosure.