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HOUSE BILL 3031

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Fagan and Alexander

Read first time 01/20/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the cost of public records requests; amending  
2 RCW 42.56.120; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that some individuals  
5 use the public records act in such a way that it burdens the government  
6 entity without providing a balancing benefit to the people of  
7 Washington. The act was not put in place so that individuals could use  
8 it to monopolize employees' time to the detriment of other citizens.  
9 The intent of this act is to create balance between those that desire  
10 public information and the competing obligations of government  
11 employees.

12 **Sec. 2.** RCW 42.56.120 and 2005 c 483 s 2 are each amended to read  
13 as follows:

14 (1) No fee shall be charged for the inspection of public records.  
15 No fee shall be charged for locating public documents and making them  
16 available for copying. A reasonable charge may be imposed for  
17 providing copies of public records and for the use by any person of  
18 agency equipment or equipment of the office of the secretary of the

1 senate or the office of the chief clerk of the house of representatives  
2 to copy public records, which charges shall not exceed the amount  
3 necessary to reimburse the agency, the office of the secretary of the  
4 senate, or the office of the chief clerk of the house of  
5 representatives for its actual costs directly incident to such copying.  
6 Agency charges for photocopies shall be imposed in accordance with the  
7 actual per page cost or other costs established and published by the  
8 agency. ~~((In no event may an agency))~~ Except as provided in subsection  
9 (2) of this section, an agency may not charge a per page cost greater  
10 than the actual per page cost as established and published by the  
11 agency. To the extent the agency has not determined the actual per  
12 page cost for photocopies of public records, the agency may not charge  
13 in excess of fifteen cents per page. An agency may require a deposit  
14 in an amount not to exceed ten percent of the estimated cost of  
15 providing copies for a request. If an agency makes a request available  
16 on a partial or installment basis, the agency may charge for each part  
17 of the request as it is provided. If an installment of a records  
18 request is not claimed or reviewed, the agency is not obligated to  
19 fulfill the balance of the request.

20 (2) If the production of records for one requester in a calendar  
21 month exceeds five person-hours, the public agency may require the  
22 requester to pay the personnel costs for the request during the month  
23 to complete the search and copying tasks. The personnel costs may not  
24 exceed the actual salary and benefit costs for the personnel required  
25 to perform the search and copying tasks. The requester shall pay the  
26 fee before the records are disclosed, and the public agency may require  
27 payment in advance of the search.

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