

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

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To amend, on a temporary basis, the District of Columbia Administrative Procedure Act to bring the District's documents administrative cost assessment into closer conformity with the federal administrative cost schedule as set forth in 5 USC § 552(4).

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Documents Administrative Cost Assessment Temporary Amendment Act of 2004".

Sec. 2. Section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532), is amended as follows:

Note,  
§ 2-532

(a) Subsection (b) is amended as follows:

(1) The first sentence is amended to read as follows:

"A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records."

(2) Strike the last sentence.

(b) New subsections (b-1), (b-2), and (b-3) are added to read as follows:

"(b-1) Any fee schedules adopted by the Mayor, agency, or public body shall provide that:

"(1) Fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use; and

"(2) Only the direct costs of search, duplication, or review may be recovered.

"(b-2) Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs shall not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section.

"(b-3) No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has determined that the fee will exceed \$250."

Sec. 3. Fiscal impact statement.

This legislation does not have a negative fiscal impact.

Sec. 4. Applicability.

This act shall apply to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date.

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia