

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 8, 2000

LB 628

was looking at the Standing Committee report, and it indicates that the fee for photocopies is a reasonably calculated actual cost. And my question to you is, is that still the standard that we are adopting with the committee amendments, and your thoughts on how that reasonably calculated actual cost is legitimately defined? Some ideas to what the source of a reasonably calculated actual cost could be.

SENATOR BRASHEAR: Senator Landis, with the adoption of the Coordsen amendment, that is the standard, reasonably calculated. You know and the members of the body know that reasonableness is a term of art in the law, so that it means that someone will have to, excluding salaries, someone will have to have a reason for the underlying charge. And the way that reasonableness would take into account the outside world, the marketplace, it would take into account the cost of paper, the cost of the electronics that make the copy, and you'd have to be able to justify that. And the way most of us handle it in the outside world, when we are under that kind of a guise, is to make certain we hold it down and that it corresponds with that which the world generally regards as reasonable. And that's why it's a...I think it's a good standard.

SENATOR LANDIS: For just the sake of continuing that for a thought, in other words, it's one thing if we're looking at about a Kinko's rate, it's another if we have a phoney-baloney, bogus \$2 a page Xeroxing charge that clearly has a gatekeeping, we want to make this as painful as possible kind of a function.

SENATOR BRASHEAR: I think you've put your thumb exactly on it. If somebody wants, if somebody is at all out of line,...

SENATOR LANDIS: Right.

SENATOR BRASHEAR: ...then they better be prepared to demonstrate to the...to the standard of a court test the reasonableness of what they're doing.

SENATOR LANDIS: Okay. I will tell you that I don't want to get so deeply involved with how the number is constructed that we throw away something as simple as, gosh, how much would it cost if you went to Kinko's? Which seems to me to be a pretty darn