

HOUSE BILL REPORT

SB 6059

As Reported by House Committee On:
Government Operations & Elections

Title: An act relating to charges for scanning public records.

Brief Description: Concerning charges for scanning public records.

Sponsors: Senators Brown, Chase, Rivers, Becker, Braun and Bailey.

Brief History:

Committee Activity:

Government Operations & Elections: 2/25/14, 2/26/14 [DP].

Brief Summary of Bill

- Specifies that agencies may not charge a fee for locating public documents and making them available for scanning.
- Allows agencies to impose a reasonable charge for the use of agency equipment for scanning.
- Requires agency charges for scanned copies to be in accordance with the actual per page cost or other costs established and published by the agency, not to exceed 15 cents per page.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Taylor, Ranking Minority Member; Young, Assistant Ranking Minority Member; Carlyle, Christian, Kretz, Manweller, Orwall, Robinson and Van De Wege.

Staff: Amanda Ondrick (786-7296) and Jasmine Vasavada (786-7301).

Background:

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain

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statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

An agency must allow the public to use its facilities for copying public records unless to do so would unreasonably disrupt the operation of the agency. Agencies may not charge a fee for locating public documents and making them available for copying. However, an agency may impose a reasonable charge for providing copies of public records and for the use of agency equipment. Charges for photocopying may not exceed the actual per page cost published by the agency. If the agency has not published a per-page cost for copying, the cost may not exceed 15 cents per page. An agency may require a deposit of 10 percent or less of the estimated cost of providing copies and may charge a person per installment. An agency may cease fulfilling a request if an installment is not claimed or received.

Summary of Bill:

The same provisions that apply to an agency, the office of the Secretary of the Senate, and the office of the Chief Clerk of the House of Representatives for copying public records also apply to scanning public records. An agency may not charge a fee for locating public documents and making them available for scanning. An agency may impose a reasonable charge for the use of agency equipment for scanning public records and the charges for scanning must not to exceed the amount necessary to reimburse the agency. Charges for scanned copies must be in accordance with the actual per page cost or other costs established and published by the agency, not to exceed 15 cents per page for scanning public records.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is request legislation from the county commissioner from the first district, Jerome Delvin, who does a lot of scanning and finds that making copies is becoming an antiquated process. The commissioner requested that the word "scanning" be included in the statute so that the commissioner could charge a fee for those services.

There are cases where people have been told that due to policy, they had to use the agencies equipment to scan public records. This bill clarifies that people will not be charged a fee if they bring in a portable scanning device and scan the records with their own equipment.

This is an issue of turning paper records into electronic records. If records are already in electronic form, you would not see scanning charges but if the records are in paper and the requester wants the records in electronic form, they have to be scanned. This mirrors charges for paper to paper charges.

(Opposed) None.

Persons Testifying: Senator Brown, prime sponsor; Bill Will, Washington Newspaper Publishers Association; and Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: None.