

HOUSE BILL REPORT

HB 1752

*As Reported By House Committee on:
State Government*

Title: An act relating to geographic information services and products provided by counties and cities.

Brief Description: Authorizing local governments to recover costs of geographic information required to be disclosed by law.

Sponsor(s): Representatives Jacobsen, Wood, Anderson, Horn and Rasmussen.

Brief History:

Reported by House Committee on:
State Government, March 1, 1991, DPS.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1752 be substituted therefor, and the substitute bill do pass.*
Signed by 7 members: Representatives Anderson, Chair; Pruitt, Vice Chair; Chandler; R. Fisher; Grant; O'Brien; and Sheldon.

Minority Report: *Do not pass.* Signed by 2 members: Representatives McLean, Ranking Minority Member; and Bowman, Assistant Ranking Minority Member.

Staff: Tim Burke (786-7103).

Background: The advent of geographic information systems (GIS) has added a new dimension to the display and manipulation of information found in public records. A GIS operator can tailor the mapping output of the system to the needs of various individuals or businesses, and can produce a number of different kinds of maps and other products.

In recent years, some counties and cities have spent substantial amounts of money to develop geographic information systems. These systems can produce services and products having commercial value. Many, if not all, of these services or products constitute "public records." Under the Public Disclosure Act, a county or city may charge for a public record, but the charge may not be more than the

copying costs. Thus, counties and cities furnishing GIS public records are effectively precluded from charging fees to recover their costs of developing their geographic information systems or from charging fees reflective of the market value of the services or products.

Summary of Substitute Bill: A city or county is authorized to charge a fee when it provides a GIS service or product to a person or entity that will sell the service or product or use it for a commercial purpose. The fee will be prescribed under the city or county's fee schedule or under its contract with the person or entity and will not be limited by the Public Disclosure Act's fee limitation applicable to the copying of public records. A city or county may recover penalties and other amounts when a GIS service or product is sold or used for a commercial purpose without the payment of the required fee.

Persons or entities requesting a GIS service or product that is a public record and that is not to be sold or to be used for a commercial purpose will not have to pay any fee other than the minimal copying fee authorized under the Public Disclosure Act.

Counties and cities are authorized to enter into contracts for the joint development and use of geographic information systems.

Substitute Bill Compared to Original Bill: Unlike the original bill, the substitute bill allows cities and counties to enter into GIS contracts providing such terms and consideration as the parties agree upon. The substitute also authorizes counties and cities to contract for joint development and use of geographic information systems. The substitute clarifies the penalty provisions that apply in instances where the required fee has not been paid and makes technical corrections with respect to the bill's relationship to the Public Disclosure Act. The original bill adds a new chapter to Title 40 RCW; the substitute places the new chapter in Title 39.

Fiscal Note: Available.

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

Testimony For: (original bill): GIS availability helps in utility management and coordination and allows tasks done by one agency to be shared with a number of other agencies. A GIS can produce a number of products beyond the realm of regular government services; however, these extra products should not be produced at the expense of staff and the

taxpayer. The bill would allow cities and counties to formalize licensing agreements and contracts with private parties. Currently someone can come in and copy GIS information at a very low cost, then sell it for substantial profit. If firms want to use this information for profit, they should pay for it. The taxpayer should not subsidize businesses using the information for a profit. These systems allow for greater public access to information because there are new kinds of information that were not available before. Cities and counties will still produce all the records that they produce now.

Testimony Against: (original bill): This may put local governments in competition with the private sector. The bill does not adequately address public access and public disclosure concerns.

Witnesses: Debby Hyde and Robin Trenbeath, Pierce County; Tom Nolan, City of Seattle (all in favor of original bill); and Jerry Sheehan, American Civil Liberties Union (opposed to original bill).