



**Testimony on House Bill 6876 (an act concerning the copying of public records by using a hand held scanner)**

Submitted by Scott Shepard, Policy Director

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Good afternoon. My name is Scott Shepard. I am the Policy & Research Director for the Yankee Institute for Public Policy, Connecticut's free-market think tank. I submit this note in reference to **House Bill 6876**.

There are two considerations at work in **House Bill 6876**. The first is that government should be as transparent as possible, and therefore that citizens should have access to, and the ability to copy and disseminate, any records of government in whatever reasonable way they might wish. The second is that the best way to finance government is through user fees that accurately reflect the actual cost of government's provision of a legitimate state function to that user.

The first of these principles calls not only for citizens to be able to scan documents, but requires that any charge for the scanning be no higher than the actual cost to the government of providing or allowing the scanning. The second principle allows those actual costs to be recovered, but no more. These principles working together in this context certainly do not permit general costs of government to be displaced onto this transparency- and oversight-enhancing activity.

It is not clear that – it is in fact facially doubtful that – handheld scanning of public documents by a citizen with a privately owned machine of any sort creates any costs at all for the government *specific to the scanning itself*. Until and unless the state can demonstrate that the process of scanning by a citizen using the citizen's own machine – and not ancillary activities like providing libraries or supplying records for review, for which the state does not in other circumstances charge – has a unique and distinct cost to the state, there should be no charge for the scanning regardless of how many pages are scanned.