

January 15, 1998

SENATE BILL No. 67

DIGEST OF SB 67 (Updated January 13, 1998 3:31 pm - DI 71)

Citations Affected: IC 5-14-3; IC 5-15-5.1-5.

Synopsis: Fees for legislative documents. Requires an agency within the legislative branch of state government to charge the fee for providing a legislative service (including providing a copy of, or enhanced access to, a public record) under policies established by the legislative council. Authorizes the legislative council to establish revolving accounts for deposit of money received for providing legislative services and from which money may be used to support the provision of legislative services. Appropriates money in a revolving account established by the legislative council for the purposes for which the revolving account is established.

Effective: July 1, 1998.

Wyss, Lewis

January 6, 1998, read first time and referred to Committee on Public Policy.
January 14, 1998, amended, reported favorably — Do Pass.

SB 67—LS 6075/DI 75+



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January 15, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 67



A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-5-1.1-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 12. (a) This section applies only to a public
4 agency in the legislative department of state government.**
5 **(b) The definitions in IC 5-14-3-2 apply throughout this section.**
6 **(c) As used in this section, "legislative services" includes the
7 following:**
8 **(1) Providing a copy of a public record in the possession of a
9 public agency in the legislative department of state
10 government.**
11 **(2) Providing enhanced access to a public record in the
12 possession of a public agency in the legislative department of
13 state government.**
14 **(3) Any other service:**
15 **(A) as defined by the legislative council; and**
16 **(B) provided by a public agency in the legislative
17 department of state government.**

SB 67—LS 6075/DI 75+



1 (d) A public agency shall charge the fee for providing a
 2 legislative service under policies established by the legislative
 3 council.

4 (e) The legislative council may establish by resolution revolving
 5 accounts:

6 (1) for deposit of money received for providing legislative
 7 services; and

8 (2) from which money may be used to support the provision
 9 of legislative services;

10 as provided in the legislative council resolution. The auditor of
 11 state shall keep appropriate entries in the auditor of state's records
 12 to provide for proper accounting of the money in a revolving
 13 account established under this subsection. The balance of a
 14 revolving account established under this subsection does not revert
 15 to the fund in which the account is established at the end of a state
 16 fiscal year unless reversion is provided in the legislative council
 17 resolution.

18 (f) Money in a revolving account established under subsection
 19 (e) is appropriated for the purposes for which the revolving
 20 account is established.

21 SECTION 2. IC 5-14-3-8, AS AMENDED BY P.L.78-1995,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 1998]: Sec. 8. (a) For the purposes of this section, "state
 24 agency" has the meaning set forth in IC 4-13-1-1.

25 (b) Except as provided in this section, a public agency may not
 26 charge any fee under this chapter:

27 (1) to inspect a public record; or

28 (2) to search for, examine, or review a record to determine
 29 whether the record may be disclosed.

30 (c) The Indiana department of administration shall establish a
 31 uniform copying fee for the copying of one (1) page of a standard-sized
 32 document by state agencies. The fee may not exceed the average cost
 33 of copying records by state agencies or ten cents (\$0.10) per page,
 34 whichever is greater. A state agency may not collect more than the
 35 uniform copying fee for providing a copy of a public record. However,
 36 a state agency shall establish and collect a reasonable fee for copying
 37 nonstandard-sized documents.

38 (d) This subsection applies to a:

39 (1) public agency that is not a state agency; or

40 (2) public agency in the legislative department of state
 41 government.

42 The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the

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1 governing body, if there is no fiscal body, shall establish a fee schedule
 2 for the certification, copying, or facsimile machine transmission of
 3 documents. The fee may not exceed the actual cost of certifying,
 4 copying, or facsimile transmission of the document by the agency and
 5 the fee must be uniform throughout the public agency and uniform to
 6 all purchasers.

7 (e) If:

8 (1) a person is entitled to a copy of a public record under this
 9 chapter; and

10 (2) the public agency which is in possession of the record has
 11 reasonable access to a machine capable of reproducing the public
 12 record;

13 the public agency must provide at least one (1) copy of the public
 14 record to the person. However, if a public agency does not have
 15 reasonable access to a machine capable of reproducing the record or if
 16 the person cannot reproduce the record by use of enhanced access
 17 under section 3.5 of this chapter, the person is only entitled to inspect
 18 and manually transcribe the record. A public agency may require that
 19 the payment for copying costs be made in advance.

20 (f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public
 21 agency shall collect any certification, copying, facsimile machine
 22 transmission, or search fee that is specified by statute or is ordered by
 23 a court.

24 (g) Except as provided by subsection (h) **or (I)**, for providing a
 25 duplicate of a computer tape, computer disc, microfilm, or similar or
 26 analogous record system containing information owned by the public
 27 agency or entrusted to it, a public agency may charge a fee, uniform to
 28 all purchasers, that does not exceed the sum of the following:

29 (1) The agency's direct cost of supplying the information in that
 30 form.

31 (2) The standard cost for selling the same information to the
 32 public in the form of a publication if the agency has published the
 33 information and made the publication available for sale.

34 ~~(3) In the case of the legislative services agency, a reasonable~~
 35 ~~percentage of the agency's direct cost of maintaining the system~~
 36 ~~in which the information is stored. However, the amount charged~~
 37 ~~by the legislative services agency under this subdivision may not~~
 38 ~~exceed the sum of the amounts it may charge under subdivisions~~
 39 ~~(1) and (2).~~

40 (h) This subsection applies to the fee charged by a public agency for
 41 providing enhanced access to a public record. A public agency may
 42 charge any reasonable fee agreed on in the contract under section 3.5

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1 of this chapter for providing enhanced access to public records.

2 (i) This subsection applies to the fee charged by a public agency for
3 permitting a governmental entity to inspect public records by means of
4 an electronic device. A public agency may charge any reasonable fee
5 for the inspection of public records under this subsection or the public
6 agency may waive any fee for the inspection.

7 (j) Except as provided in subsection (k) **or (l)**, a public agency may
8 charge a fee, uniform to all purchasers, for providing an electronic map
9 that is based upon a reasonable percentage of the agency's direct cost
10 of maintaining, upgrading, and enhancing the electronic map and for
11 the direct cost of supplying the electronic map in the form requested by
12 the purchaser. If the public agency is within a political subdivision
13 having a fiscal body, the fee is subject to the approval of the fiscal body
14 of the political subdivision.

15 (k) The fee charged by a public agency under subsection (j) to cover
16 costs for maintaining, upgrading, and enhancing an electronic map
17 shall be waived by the public agency if the electronic map for which
18 the fee is charged will be used for a noncommercial purpose, including
19 the following:

- 20 (1) Public agency program support.
21 (2) Nonprofit activities.
22 (3) Journalism.
23 (4) Academic research.

24 **(l) Notwithstanding any other provision of this section, a public**
25 **agency within the legislative department of state government shall**
26 **charge any fee established under IC 2-5-1.1-12.**

27 SECTION 3. An emergency is declared for this act.

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