
HOUSE BILL No. 1402

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-3-8.

Synopsis: Fees for access to electronic maps. Provides that if a public agency charges a fee to provide a copy of an electronic map, the public agency may set the fee at any amount the public agency considers appropriate, but not greater than the public agency's direct cost of supplying the electronic map in the form requested by the purchaser. Provides that a public agency may not charge the purchaser of an electronic map any of the public agency's costs for maintaining, upgrading, or enhancing the electronic map.

Effective: July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1402



A BILL FOR AN ACT concerning state and local administration.

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

- 1 SECTION 1. IC 5-14-3-8, AS AMENDED BY P.L.151-1999,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2001]: Sec. 8. (a) For the purposes of this section, "state
- 4 agency" has the meaning set forth in IC 4-13-1-1.
- 5 (b) Except as provided in this section, a public agency may not
- 6 charge any fee under this chapter:
- 7 (1) to inspect a public record; or
- 8 (2) to search for, examine, or review a record to determine
- 9 whether the record may be disclosed.
- 10 (c) The Indiana department of administration shall establish a
- 11 uniform copying fee for the copying of one (1) page of a standard-sized
- 12 document by state agencies. The fee may not exceed the average cost
- 13 of copying records by state agencies or ten cents (\$0.10) per page,
- 14 whichever is greater. A state agency may not collect more than the
- 15 uniform copying fee for providing a copy of a public record. However,
- 16 a state agency shall establish and collect a reasonable fee for copying
- 17 nonstandard-sized documents.
- 18 (d) This subsection applies to a public agency that is not a state



1 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
 2 agency, or the governing body, if there is no fiscal body, shall establish
 3 a fee schedule for the certification, copying, or facsimile machine
 4 transmission of documents. The fee may not exceed the actual cost of
 5 certifying, copying, or facsimile transmission of the document by the
 6 agency and the fee must be uniform throughout the public agency and
 7 uniform to all purchasers. As used in this subsection, "actual cost"
 8 means the cost of paper and the per-page cost for use of copying or
 9 facsimile equipment and does not include labor costs or overhead costs.

10 (e) If:

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

13 (2) the public agency which is in possession of the record has
 14 reasonable access to a machine capable of reproducing the public
 15 record;

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

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

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

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

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

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

42 (1) and (2).

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1 (h) This subsection applies to the fee charged by a public agency for
 2 providing enhanced access to a public record. A public agency may
 3 charge any reasonable fee agreed on in the contract under section 3.5
 4 of this chapter for providing enhanced access to public records.

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

10 (j) ~~Except as provided in subsection (k);~~ A public agency may
 11 charge a fee, uniform to all purchasers, for providing an electronic
 12 map. ~~that is based upon a reasonable percentage of the agency's direct~~
 13 ~~cost of~~ **If a public agency charges a fee under this subsection, the**
 14 **public agency may set the fee at any amount the public agency**
 15 **considers appropriate, but not greater than the public agency's**
 16 **direct cost of supplying the electronic map in the form requested**
 17 **by the purchaser. The public agency may not charge the purchaser**
 18 **any of the public agency's costs for** maintaining, upgrading, **and or**
 19 **enhancing the electronic map. and for the direct cost of supplying the**
 20 **electronic map in the form requested by the purchaser.** If the public
 21 agency is within a political subdivision having a fiscal body, the fee is
 22 subject to the approval of the fiscal body of the political subdivision.

23 (k) ~~The fee charged by a public agency under subsection (j) to cover~~
 24 ~~costs for maintaining, upgrading, and enhancing an electronic map~~
 25 ~~shall be waived by the public agency if the electronic map for which~~
 26 ~~the fee is charged will be used for a noncommercial purpose, including~~
 27 ~~the following:~~

- 28 (1) ~~Public agency program support.~~
- 29 (2) ~~Nonprofit activities.~~
- 30 (3) ~~Journalism.~~
- 31 (4) ~~Academic research.~~

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