

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-23-7.3-2, AS ADDED BY P.L.198-2007,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 2. As used in this chapter, "electronic map" has
6 the meaning set forth in ~~IC 5-14-3-2(d)~~: **IC 5-14-3-2.**
7 SECTION 2. IC 5-14-3-2, AS AMENDED BY P.L.51-2008,
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2013]: Sec. 2. (a) The definitions set forth in this section apply
10 throughout this chapter.
11 **(b) "Computer processing time" means the amount of time a**
12 **computer takes to process a command or script to extract or copy**
13 **electronically stored data that is the subject of a public records**
14 **request.**
15 ~~(b)~~ **(c)** "Copy" includes transcribing by handwriting, photocopying,
16 xerography, duplicating machine, duplicating electronically stored data
17 onto a disk, tape, drum, or any other medium of electronic data storage,
18 and reproducing by any other means.
19 ~~(c)~~ **(d)** "Direct cost" means one hundred five percent (105%) of the

1 sum of the cost of:

- 2 (1) the initial development of a program, if any;
 3 (2) the labor required to retrieve electronically stored data; and
 4 (3) any medium used for electronic output;
 5 for providing a duplicate of electronically stored data onto a disk, tape,
 6 drum, or other medium of electronic data retrieval under section 8(g)
 7 of this chapter, or for reprogramming a computer system under section
 8 6(c) of this chapter.

9 ~~(d)~~ (e) "Electronic map" means copyrighted data provided by a
 10 public agency from an electronic geographic information system.

11 ~~(e)~~ (f) "Enhanced access" means the inspection of a public record by
 12 a person other than a governmental entity and that:

- 13 (1) is by means of an electronic device other than an electronic
 14 device provided by a public agency in the office of the public
 15 agency; or
 16 (2) requires the compilation or creation of a list or report that does
 17 not result in the permanent electronic storage of the information.

18 ~~(f)~~ (g) "Facsimile machine" means a machine that electronically
 19 transmits exact images through connection with a telephone network.

20 ~~(g)~~ (h) "Inspect" includes the right to do the following:

- 21 (1) Manually transcribe and make notes, abstracts, or memoranda.
 22 (2) In the case of tape recordings or other aural public records, to
 23 listen and manually transcribe or duplicate, or make notes,
 24 abstracts, or other memoranda from them.
 25 (3) In the case of public records available:

- 26 (A) by enhanced access under section 3.5 of this chapter; or
 27 (B) to a governmental entity under section 3(c)(2) of this
 28 chapter;

29 to examine and copy the public records by use of an electronic
 30 device.

- 31 (4) In the case of electronically stored data, to manually transcribe
 32 and make notes, abstracts, or memoranda or to duplicate the data
 33 onto a disk, tape, drum, or any other medium of electronic
 34 storage.

35 ~~(h)~~ (i) "Investigatory record" means information compiled in the
 36 course of the investigation of a crime.

37 ~~(i)~~ (j) "Offender" means a person confined in a penal institution as
 38 the result of the conviction for a crime.

- 1 ~~(j)~~ **(k)** "Patient" has the meaning set out in IC 16-18-2-272(d).
- 2 ~~(k)~~ **(l)** "Person" means an individual, a corporation, a limited
3 liability company, a partnership, an unincorporated association, or a
4 governmental entity.
- 5 ~~(l)~~ **(m)** "Provider" has the meaning set out in IC 16-18-2-295(b) and
6 includes employees of the state department of health or local boards of
7 health who create patient records at the request of another provider or
8 who are social workers and create records concerning the family
9 background of children who may need assistance.
- 10 ~~(m)~~ **(n)** "Public agency", except as provided in section 2.1 of this
11 chapter, means the following:
- 12 (1) Any board, commission, department, division, bureau,
13 committee, agency, office, instrumentality, or authority, by
14 whatever name designated, exercising any part of the executive,
15 administrative, judicial, or legislative power of the state.
- 16 (2) Any:
- 17 (A) county, township, school corporation, city, or town, or any
18 board, commission, department, division, bureau, committee,
19 office, instrumentality, or authority of any county, township,
20 school corporation, city, or town;
- 21 (B) political subdivision (as defined by IC 36-1-2-13); or
- 22 (C) other entity, or any office thereof, by whatever name
23 designated, exercising in a limited geographical area the
24 executive, administrative, judicial, or legislative power of the
25 state or a delegated local governmental power.
- 26 (3) Any entity or office that is subject to:
- 27 (A) budget review by either the department of local
28 government finance or the governing body of a county, city,
29 town, township, or school corporation; or
- 30 (B) an audit by the state board of accounts that is required by
31 statute, rule, or regulation.
- 32 (4) Any building corporation of a political subdivision that issues
33 bonds for the purpose of constructing public facilities.
- 34 (5) Any advisory commission, committee, or body created by
35 statute, ordinance, or executive order to advise the governing
36 body of a public agency, except medical staffs or the committees
37 of any such staff.
- 38 (6) Any law enforcement agency, which means an agency or a

1 department of any level of government that engages in the
 2 investigation, apprehension, arrest, or prosecution of alleged
 3 criminal offenders, such as the state police department, the police
 4 or sheriff's department of a political subdivision, prosecuting
 5 attorneys, members of the excise police division of the alcohol
 6 and tobacco commission, conservation officers of the department
 7 of natural resources, gaming agents of the Indiana gaming
 8 commission, gaming control officers of the Indiana gaming
 9 commission, and the security division of the state lottery
 10 commission.

11 (7) Any license branch staffed by employees of the bureau of
 12 motor vehicles commission under IC 9-16.

13 (8) The state lottery commission established by IC 4-30-3-1,
 14 including any department, division, or office of the commission.

15 (9) The Indiana gaming commission established under IC 4-33,
 16 including any department, division, or office of the commission.

17 (10) The Indiana horse racing commission established by IC 4-31,
 18 including any department, division, or office of the commission.

19 ~~(n)~~ **(o)** "Public record" means any writing, paper, report, study, map,
 20 photograph, book, card, tape recording, or other material that is
 21 created, received, retained, maintained, or filed by or with a public
 22 agency and which is generated on paper, paper substitutes,
 23 photographic media, chemically based media, magnetic or machine
 24 readable media, electronically stored data, or any other material,
 25 regardless of form or characteristics.

26 ~~(o)~~ **(p)** "Standard-sized documents" includes all documents that can
 27 be mechanically reproduced (without mechanical reduction) on paper
 28 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 29 and one-half (8 1/2) inches by fourteen (14) inches.

30 ~~(p)~~ **(q)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

31 ~~(q)~~ **(r)** "Work product of an attorney" means information compiled
 32 by an attorney in reasonable anticipation of litigation. The term
 33 includes the attorney's:

34 (1) notes and statements taken during interviews of prospective
 35 witnesses; and

36 (2) legal research or records, correspondence, reports, or
 37 memoranda to the extent that each contains the attorney's
 38 opinions, theories, or conclusions.

1 This definition does not restrict the application of any exception under
2 section 4 of this chapter."

3 Page 5, line 25, after "for" insert "**search and**".

4 Page 6, line 42, delete "run" and insert "**processing**".

5 Page 7, line 1, delete "an hour." and insert "**one (1) hour. If a fee is**
6 **charged by a public agency under subsection (g), (h), (i), or (j) for**
7 **a public record, the public agency may not charge a fee for**
8 **searching for the record under this subsection.**".

9 Page 7, after line 1, begin a new paragraph and insert:

10 "SECTION 5. IC 36-2-11-10 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **(a)** The recorder
12 may record sheets conforming in size, color, weight, and texture to the
13 pages of the appropriate official record book in which similar
14 instruments are recorded, if:

15 (1) the complete text of a printed instrument comprising ten (10)
16 or more printed pages has been accurately and legibly printed on
17 the sheets;

18 (2) the original instrument is filed for record in his office at the
19 same time; and

20 (3) he is satisfied that the complete text of the original instrument
21 has been accurately and legibly printed on the sheets.

22 After the recorder has numbered the sheets and securely fastened them
23 into the official record book at the proper place according to the date
24 and time of the filing of the instrument for record, the instruments are
25 considered to have been properly recorded.

26 **(b) The recorder shall reject for filing or recording any**
27 **document containing blood or other bodily fluids.**"

28 Renumber all SECTIONS consecutively.

(Reference is to HB 1175 as printed February 1, 2013.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Hershman

Chairperson