

# HOUSE BILL No. 1503

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Fees for electronic map data. Removes a provision that requires a public agency to waive a fee for providing an electronic map if the electronic map will be used for a noncommercial purpose.

**Effective:** July 1, 2001.

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**Ayres, Stevenson, Aguilera,  
Goeglein**

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

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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. 1503



A BILL FOR AN ACT to amend the Indiana Code 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.



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

11 (e) If:

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

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

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

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

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

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

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

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

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1 (1) and (2).

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

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

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

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

- 24 ~~(1) Public agency program support.~~  
25 ~~(2) Nonprofit activities.~~  
26 ~~(3) Journalism.~~  
27 ~~(4) Academic research.~~

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