

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7172

BILL NUMBER: SB 374

NOTE PREPARED: May 12, 2011

BILL AMENDED: Apr 5, 2011

SUBJECT: Land Surveyors.

FIRST AUTHOR: Sen. Boots

FIRST SPONSOR: Rep. Steuerwald

BILL STATUS: Enrolled

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill allows a licensed land surveyor and any personnel under the supervision of a land surveyor to enter any land, water, or property within Indiana, except for: (1) land owned or controlled by the Department of Homeland Security or a public utility; or (2) a building, dwelling, or structure on the land or property; to conduct a survey. The bill requires, to the extent practicable, a land surveyor or any personnel under the supervision of a land surveyor to present written identification to the occupant of the land, water, or property before a land surveyor or any personnel under the supervision of a land surveyor enters the land, water, or property. The bill makes a land surveyor and any personnel under the supervision of a land surveyor liable for damage caused by the entry.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* The bill could increase the number of lawsuits filed by landowners for compensation if a land surveyor damages landowners' property upon entry. If court fees are collected, revenue to the state General Fund may increase, but would likely be small.

Background Court Fees- A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be

collected at the discretion of the judge and depending upon the particular type of case.

Surveyors- The Federal Bureau of Labor Statistics estimates about 920 surveyors are employed in Indiana.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial, city and town courts, counties.

Information Sources: U.S. Department of Labor, Bureau of Labor Statistics: *May 2009 State Occupational Employment and Wage Estimates.*

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