

HOUSE BILL No. 1081

DIGEST OF INTRODUCED BILL

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

Synopsis: County treasurer fees. Provides that the fee approved by a county fiscal body to be charged by a county treasurer for providing a receipt of a property tax payment made to the county treasurer may not exceed the greater of: (1) \$1; or (2) the actual cost to the county treasurer of copying the document.

Effective: July 1, 2024.

Criswell

January 8, 2024, read first time and referred to Committee on Local Government.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1081

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.287-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: 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 for the following:
7 (1) To inspect a public record.
8 (2) This subdivision applies only to a school corporation and a
9 charter school. This subdivision does not apply to a request for a
10 search by an exclusive representative (as defined in
11 IC 20-29-2-9). To search for a record that is in an electronic
12 format, if the search does not exceed five (5) hours.
13 (3) Subject to subdivision (2), to search for, examine, or review
14 a record to determine whether the record may be disclosed.
15 (4) To provide an electronic copy of a public record by electronic
16 mail. However, a public agency may charge a fee for a public
17 record transmitted by electronic mail if the fee for the public



1 record is authorized under:

2 (A) subsection (f) or (j);

3 (B) section 6(c) of this chapter; or

4 (C) IC 36-2-7-10 or IC 36-2-7-10.1 concerning records of the
5 county recorder.

6 (c) The Indiana department of administration shall establish a
7 uniform copying fee for the copying of one (1) page of a standard-sized
8 document by state agencies. The fee may not exceed the average cost
9 of copying records by state agencies or ten cents (\$0.10) per page,
10 whichever is greater. A state agency may not collect more than the
11 uniform copying fee for providing a copy of a public record. However,
12 a state agency shall establish and collect a reasonable fee for copying
13 nonstandard-sized documents.

14 (d) This subsection applies to a public agency that is not a state
15 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
16 agency, or the governing body, if there is no fiscal body, shall establish
17 a fee schedule for the certification or copying of documents. The fee for
18 certification of documents may not exceed five dollars (\$5) per
19 document. The fee for copying documents may not exceed the greater
20 of:

21 (1) **either:**

22 **(A) for a copy of a receipt of a property tax payment made**
23 **to a county treasurer, one dollar (\$1); or**

24 **(B) for documents not described in clause (A), ten cents**
25 **(\$0.10) per page for copies that are not color copies or**
26 **twenty-five cents (\$0.25) per page for color copies; or**

27 (2) the actual cost to the agency of copying the document.

28 As used in this subsection, "actual cost" means the cost of paper and
29 the per-page cost for use of copying or facsimile equipment and does
30 not include labor costs or overhead costs. A fee established under this
31 subsection must be uniform throughout the public agency and uniform
32 to all purchasers.

33 (e) If:

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

36 (2) the public agency which is in possession of the record has
37 reasonable access to a machine capable of reproducing the public
38 record;

39 the public agency must provide at least one (1) copy of the public
40 record to the person. However, if a public agency does not have
41 reasonable access to a machine capable of reproducing the record or if
42 the person cannot reproduce the record by use of enhanced access



1 under section 3.5 of this chapter, the person is only entitled to inspect
2 and manually transcribe the record. A public agency may require that
3 the payment for search and copying costs be made in advance.

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

8 (g) Except as provided by subsection (h), for providing a duplicate
9 of a computer tape, computer disc, microfilm, law enforcement
10 recording, or similar or analogous record system containing
11 information owned by the public agency or entrusted to it, a public
12 agency may charge a fee, uniform to all purchasers, that does not
13 exceed the sum of the following:

14 (1) The agency's direct cost of supplying the information in that
15 form. However, the fee for a copy of a law enforcement recording
16 may not exceed one hundred fifty dollars (\$150).

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

20 (3) In the case of the legislative services agency, a reasonable
21 percentage of the agency's direct cost of maintaining the system
22 in which the information is stored. However, the amount charged
23 by the legislative services agency under this subdivision may not
24 exceed the sum of the amounts it may charge under subdivisions
25 (1) and (2).

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

30 (i) This subsection applies to the fee charged by a public agency for
31 permitting a governmental entity to inspect public records by means of
32 an electronic device. A public agency may charge any reasonable fee
33 for the inspection of public records under this subsection, or the public
34 agency may waive any fee for the inspection.

35 (j) Except as provided in subsection (k), a public agency may charge
36 a fee, uniform to all purchasers, for providing an electronic map that is
37 based upon a reasonable percentage of the agency's direct cost of
38 maintaining, upgrading, and enhancing the electronic map and for the
39 direct cost of supplying the electronic map in the form requested by the
40 purchaser. If the public agency is within a political subdivision having
41 a fiscal body, the fee is subject to the approval of the fiscal body of the
42 political subdivision.



1 (k) The fee charged by a public agency under subsection (j) to cover
 2 costs for maintaining, upgrading, and enhancing an electronic map may
 3 be waived by the public agency if the electronic map for which the fee
 4 is charged will be used for a noncommercial purpose, including the
 5 following:

- 6 (1) Public agency program support.
- 7 (2) Nonprofit activities.
- 8 (3) Journalism.
- 9 (4) Academic research.

10 (l) This subsection does not apply to a state agency. A fee collected
 11 under subsection (g) for the copying of a law enforcement recording
 12 may be:

- 13 (1) retained by the public agency; and
- 14 (2) used without appropriation for one (1) or more of the
 15 following purposes:
 - 16 (A) To purchase cameras and other equipment for use in
 17 connection with the agency's law enforcement recording
 18 program.
 - 19 (B) For training concerning law enforcement recording.
 - 20 (C) To defray the expenses of storing, producing, and copying
 21 law enforcement recordings.

22 Money from a fee described in this subsection does not revert to the
 23 local general fund at the end of a fiscal year.

24 (m) This subsection applies to a school corporation and a charter
 25 school. For purposes of this subsection, "computer processing time"
 26 means the amount of time a computer takes to process a command or
 27 script to extract or copy electronically stored data that is the subject of
 28 a public records request. A school corporation or charter school may
 29 not charge a fee for the first five (5) hours required to search for
 30 records that are in an electronic format. A school corporation or charter
 31 school may charge a search fee for any time spent searching for records
 32 that are in an electronic format that exceeds five (5) hours. If the school
 33 corporation or charter school charges a search fee, the school
 34 corporation or charter school shall charge an hourly fee that does not
 35 exceed the lesser of:

- 36 (1) the hourly rate of the person making the search; or
- 37 (2) twenty dollars (\$20) per hour.

38 A school corporation or charter school charging an hourly fee under
 39 this subsection for searching for records that are in an electronic format
 40 may charge only for time that the person making the search actually
 41 spends in searching for the records that are in an electronic format. A
 42 school corporation or charter school may not charge for computer



1 processing time and may not establish a minimum fee for searching for
2 records that are in an electronic format. A school corporation or charter
3 school shall make a good faith effort to complete a search for records
4 that are in an electronic format that is within a reasonable time in order
5 to minimize the amount of a search fee. The fee must be prorated to
6 reflect any search time of less than one (1) hour.

