



April 6, 1999

ENGROSSED HOUSE BILL No. 1869

DIGEST OF HB 1869 (Updated March 30, 1999 12:38 pm - DI 71)

Citations Affected: IC 5-26; IC 10-1.

Synopsis: Integrated public safety commission. Establishes the integrated public safety commission to promote the efficient use of local, state, and federal public safety agency resources through improved coordination and cooperation. Allows the integrated public safety commission to contract for the establishment of a statewide public safety voice and data communications system. Establishes the integrated public safety commission fund. Eliminates the public safety trunking system committee. Establishes the state agency public safety committee. Requires a state public safety agency that has or wants to have a voice or data wireless communications network to join the statewide public safety voice and data communications system. Provides that the commission is subject to state procurement laws.

Effective: July 1, 1999.

Cochran, Bauer, Frenz, Ayres

(SENATE SPONSORS — KENLEY, SIPES, LEWIS)

January 26, 1999, read first time and referred to Committee on Ways and Means.
February 18, 1999, amended, reported — Do Pass.
February 24, 1999, read second time, amended, ordered engrossed.
February 25, 1999, engrossed. Read third time, passed. Yeas 93, nays 1.

SENATE ACTION

March 4, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

March 11, 1999, reassigned to Committee on Public Policy.

April 5, 1999, amended, reported favorably — Do Pass.

EH 1869—LS 8030/DI 87+



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April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1869



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 5-26 IS ADDED TO THE INDIANA CODE AS A
- 2 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 1999]:
- 4 **ARTICLE 26. PUBLIC SAFETY COMMUNICATIONS**
- 5 **Chapter 1. Definitions**
- 6 **Sec. 1. As used in this article, "commission" refers to the**
- 7 **integrated public safety commission established under IC 5-26-2-1.**
- 8 **Sec. 2. As used in this article, "fund" refers to the integrated**
- 9 **public safety communications fund established under IC 5-26-4-1.**
- 10 **Sec. 3. As used in this article, "member" refers to a member of**
- 11 **the integrated public safety commission.**
- 12 **Sec. 4. As used in this article, "public safety agency" means a**
- 13 **federal, state, or local governmental entity eligible to hold an**
- 14 **authorization in a public safety radio service as set forth in 47 CFR**
- 15 **90 et. seq.**
- 16 **Sec. 5. As used in this article, "system" refers to the Indiana**
- 17 **statewide public safety voice and data communications system.**

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EH 1869—LS 8030/DI 87+



1 **Sec. 6.** As used in this article, "user agency" means a public
2 safety agency or other entity that uses the system.

3 **Chapter 2. Integrated Public Safety Commission**

4 **Sec. 1.** The integrated public safety commission is established
5 for the purpose of promoting the efficient use of public safety
6 agency resources through improved coordination and cooperation
7 to enhance the safety of Indiana residents. As a first step in
8 accomplishing this goal, the commission shall focus on establishing
9 a statewide voice and data communications system.

10 **Sec. 2.** The commission shall publish its policies within a
11 standardized operations procedures manual.

12 **Sec. 3. (a)** The commission is comprised of twelve (12) members
13 as follows:

- 14 (1) A sheriff appointed by the governor.
15 (2) A chief of police appointed by the governor.
16 (3) A fire chief appointed by the governor.
17 (4) A head of an emergency medical services provider
18 appointed by the governor.
19 (5) A mayor appointed by the governor.
20 (6) A county commissioner appointed by the governor.
21 (7) A representative of campus law enforcement appointed by
22 the governor.
23 (8) A representative of the private sector appointed by the
24 governor.
25 (9) The superintendent of the state police department, who
26 represents the state agency public safety committee.
27 (10) The special agent in charge of the Indiana office of the
28 Federal Bureau of Investigation or designee.
29 (11) An individual appointed by the speaker of the house of
30 representatives.
31 (12) An individual appointed by the president pro tempore of
32 the senate.

33 (b) Not more than four (4) members appointed under subsection
34 (a)(1) through (a)(8) may be members of the same political party.

35 **Sec. 4. (a)** Seven (7) members of the commission constitute a
36 quorum.

37 (b) An affirmative vote of at least seven (7) members of the
38 commission is required for the commission to take action.

39 **Sec. 5.** The commission's powers include the following:

- 40 (1) Planning for voluntary coordination of resources by public
41 safety agencies.
42 (2) Developing coordinated, integrated responses to



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1 **significant public safety events by those public safety agencies**
 2 **that choose to take part.**

3 **(3) Developing means of sharing information operationally**
 4 **and technologically to improve public safety.**

5 **(4) Contracting with consultants to assist in the planning and**
 6 **development under this article.**

7 **(5) Contracting with others to provide services under this**
 8 **article.**

9 **(6) The powers enumerated in IC 5-26-3-6.**

10 **(7) Any other power necessary to accomplish the goals of the**
 11 **commission.**

12 **Sec. 6. (a) The governor shall select a chair and vice chair of the**
 13 **commission.**

14 **(b) The chair may appoint staff needed to carry out this chapter**
 15 **from the existing staff of participating agencies.**

16 **Sec. 7. Each member of the commission who is not a state**
 17 **employee is entitled to the minimum salary per diem provided by**
 18 **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**
 19 **for traveling expenses as provided under IC 4-13-1-4 and other**
 20 **expenses actually incurred in connection with the member's duties**
 21 **as provided in the state policies and procedures established by the**
 22 **Indiana department of administration and approved by the budget**
 23 **agency.**

24 **Sec. 8. Each member of the commission who is a state employee**
 25 **is entitled to reimbursement for traveling expenses as provided**
 26 **under IC 4-13-1-4 and other expenses actually incurred in**
 27 **connection with the member's duties as provided in the state**
 28 **policies and procedures established by the Indiana department of**
 29 **administration and approved by the budget agency.**

30 **Sec. 9. The legislative members of the commission are entitled**
 31 **to receive the same per diem, mileage, and travel allowances paid**
 32 **to persons who serve as legislative members of interim study**
 33 **committees established by the legislative council.**

34 **Sec. 10. The commission is subject to the procurement**
 35 **procedures under IC 5-22.**

36 **Chapter 3. Indiana Statewide Public Safety Voice and Data**
 37 **Communications System**

38 **Sec. 1. (a) The commission may contract for the establishment**
 39 **of a statewide public safety voice and data communications system.**

40 **(b) The system must:**

41 **(1) be efficient;**

42 **(2) provide modern two (2) way voice or data communication**

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to user agencies without a duplication of efforts; and
(3) allow user agencies with compatible equipment to communicate with one another, resulting in the efficient handling of emergencies and cooperation between agencies.

Sec. 2. If a public safety agency or other entity decides to use the system, the agency or other entity must enter into a user's agreement with the commission.

Sec. 3. The commission is responsible for the supervision of the following:

- (1) Maintenance of the main wide area transmitter sites and interconnection links.
- (2) Management of Federal Communications Commission licensing.
- (3) Frequency planning.
- (4) System management.

Sec. 4. The commission shall develop criteria for determining whether a public safety agency or other entity may use the system.

Sec. 5. (a) Except as provided in subsection (b), a public safety agency or other entity may join the system with the approval of the commission.

(b) A state public safety agency may join the system if the agency is approved by the state agency public safety committee under IC 10-1-10 and the commission.

Sec. 6. In addition to the powers enumerated in IC 5-26-2-5, the commission has the following powers related to the system:

- (1) Ensuring that federal and state communications requirements are followed.
- (2) Providing system planning, including mutual aid planning and compatibility planning with other public safety agency communications systems.
- (3) Creating a standard user agreement.
- (4) Providing assistance to local public safety agencies in making equipment purchases.
- (5) Assessing charges for using the system.
- (6) Exercising any power necessary to carry out this chapter.

Sec. 7. The following subcommittees are created:

- (1) A user's subcommittee.
- (2) A technical subcommittee.
- (3) A finance subcommittee.
- (4) Any other subcommittee as determined by the commission.

Chapter 4. Integrated Public Safety Communications Fund

Sec. 1. (a) The integrated public safety communications fund is

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1 established to be used only to carry out the purposes of this article.
 2 The fund shall be administered by the commission.

3 (b) The fund consists of:

- 4 (1) appropriations from the general assembly;
 5 (2) gifts;
 6 (3) federal grants;
 7 (4) fees and contributions from user agencies that the
 8 commission considers necessary to maintain and operate the
 9 system; and
 10 (5) money from any other source permitted by law.

11 (c) The treasurer of state shall invest the money in the fund not
 12 currently needed to meet the obligations of the fund in the same
 13 manner as other public funds may be invested. Interest that
 14 accrues from these investments shall be deposited in the fund.

15 (d) Money in the fund at the end of a state fiscal year does not
 16 revert to the state general fund.

17 SECTION 2. IC 10-1-10-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 19 chapter, "committee" refers to the **state agency public safety trunking**
 20 **system** committee established under section ~~11~~ **9.1** of this chapter.

21 SECTION 3. IC 10-1-10-5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. As used in this
 23 chapter, "state public safety agency" means a state ~~or local~~
 24 ~~governmental~~ entity eligible to hold an authorization in a public safety
 25 radio service as set forth in 47 CFR 90 et seq.

26 SECTION 4. IC 10-1-10-7.5 IS ADDED TO THE INDIANA CODE
 27 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 1999]: **Sec. 7.5. As used in this chapter, "system" refers to the**
 29 **Indiana statewide public safety voice and data communications**
 30 **system under IC 5-26-3.**

31 SECTION 5. IC 10-1-10-8 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. As used in this
 33 chapter, "user agency" means a **state** public safety agency that uses the
 34 system.

35 SECTION 6. IC 10-1-10-9.1 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 1999]: **Sec. 9.1. The state agency public safety committee is**
 38 **established.**

39 SECTION 7. IC 10-1-10-9.5 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 1999]: **Sec. 9.5. A state public safety agency that has or wants to**
 42 **have a voice or data wireless communications network must join**



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1 **the system when technically and economically feasible.**

2 SECTION 8. IC 10-1-10-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The
4 communications division is responsible for the following **with regard**
5 **to state public safety agencies and state owned assets** unless
6 otherwise directed by the superintendent:

- 7 (1) Maintenance of the main wide area transmitter sites and
8 interconnecting links.
9 (2) Management of FCC licensing.
10 (3) Frequency planning.
11 (4) Appropriate radio program software.
12 (5) Code plugs.
13 (6) System keys.
14 (7) Assignment and control of individual identification numbers
15 and talkgroup numbers.

16 (b) ~~The communications division shall keep statistical information~~
17 ~~and control reports for use by the committee and the superintendent~~
18 ~~that are available from at least one (1) system manager terminal.~~

19 SECTION 9. IC 10-1-10-15 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The committee
21 shall develop criteria for determining whether a **state** public safety
22 agency may use the system.

23 SECTION 10. IC 10-1-10-16 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) The committee
25 consists of ~~twelve (12)~~ **ten (10)** members appointed by the
26 superintendent. Each of the following user agencies shall be
27 represented by **one** (1) committee member:

- 28 (1) State police department.
29 (2) Indiana department of transportation.
30 (3) State emergency management agency.
31 (4) Department of natural resources.
32 (5) Alcoholic beverage commission.
33 (6) Department of state revenue.
34 (7) Indiana department of environmental management.
35 (8) Military department of the state of Indiana.
36 (9) Department of correction.
37 (10) Department of administration.

38 (11) ~~A county public safety agency that uses the system.~~

39 (12) ~~A city public safety agency that uses the system.~~

40 (b) A director of an agency described in subsection (a)(2) through
41 (a)(10) shall recommend a person to the superintendent to serve as a
42 committee member.



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- 1 (c) The superintendent shall fill any vacancies on the committee.
 2 (d) A committee member serves until the earlier of the following:
 3 (1) The member is removed by the superintendent.
 4 (2) The date the member ceases to be employed by the agency the
 5 member represents on the committee.
 6 SECTION 11. IC 10-1-10-17 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) ~~Seven (7)~~ **Six**
 8 **(6)** members of the committee constitute a quorum.
 9 (b) An affirmative vote of at least ~~seven (7)~~ **six (6)** members of the
 10 committee is required for the committee to take action.
 11 SECTION 12. IC 10-1-10-19 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. The committee's
 13 powers include the following:
 14 (1) ~~Creating sanctions and recommending to the superintendent~~
 15 ~~the imposition of sanctions for violations by user agencies.~~
 16 **Ensuring that federal and state communications requirements**
 17 **are followed.**
 18 (2) Providing system planning, including mutual aid planning and
 19 compatibility planning ~~with local public safety agency~~
 20 ~~communications systems.~~ **in coordination with the integrated**
 21 **public safety commission established under IC 5-26-2-1.**
 22 (3) **Subject to IC 5-26-3-5,** determining whether a state public
 23 safety agency may become a system user.
 24 (4) ~~Creating a standard user agreement.~~
 25 (5) Providing assistance to local public safety agencies in making
 26 equipment purchases.
 27 (6) **(5)** Exercising any power necessary to carry out this chapter.
 28 SECTION 13. THE FOLLOWING ARE REPEALED [EFFECTIVE
 29 JULY 1, 1999]: IC 10-1-10-7; IC 10-1-10-9; IC 10-1-10-11;
 30 IC 10-1-10-13; IC 10-1-10-14; IC 10-1-10-23.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1869, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, delete "shall" and insert "**may**".

Page 3, line 12, delete "an executive director and other".

Page 3, line 13, after "chapter" insert "**from the existing staff of participating agencies**".

Page 3, between lines 31 and 32, begin a new paragraph and insert: "**Sec. 10. The commission is subject to the procurement procedures under IC 5-22.**".

and when so amended that said bill do pass.

(Reference is to HB 1869 as introduced.)

BAUER, Chair

Committee Vote: yeas 24, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1869 be amended to read as follows:

Page 2, line 10, strike "twelve (12)" and insert "**fourteen (14)**".

Page 2, line 12, after "sheriff" insert "**of a county with a population greater than fifty thousand 50,000**".

Page 2, between lines 12 and 13, and insert "**(2) A sheriff of a county with a population less than fifty thousand 50,000 appointed by the governor.**"

Page 2, line 13, strike "(2)" and insert "**(3)**".

Page 2, line 13, after "police" insert "**of a first or second class city**".

Page 2, between lines 13 and 14, begin a new line inserting "**(4) A chief of police of a third class city or town marshal appointed by the governor.**"

Page 2, line 14, strike "(3)" and insert "**(5)**".

Page 2, line 15, strike "(4)" and insert "**(6)**".

Page 2, line 17, strike "(5)" and insert "**(7)**".

Page 2, line 18, strike "(6)" and insert "**(8)**".

Page 2, line 19, strike "(7)" and insert "**(9)**".

Page 2, line 21, strike "(8)" and insert "**(10)**".

Page 2, line 23, strike "(9)" and insert "**(11)**".

Page 2, line 25, strike "(10)" and insert "**(12)**".

Page 2, line 27, strike "(11)" and insert "**(13)**".

Page 2, line 29, strike "(12)" and insert "**(14)**".

(Reference is to HB 1869 as printed February 19, 1999.)

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SENATE MOTION

Mr. President: I move that Senate Bill 1869, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Public Policy.

GARTON

SENATE MOTION

Mr. President: I move that Senator Sipes be removed as sponsor and Senator Kenley be substituted therefor; that Senator Lewis be removed as second sponsor and Senator Sipes be substituted therefor; and that Senator Lewis be added as cosponsor of House Bill 1869.

SIPES

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred House Bill No. 1869, 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:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"Sec. 2. As used in this article, "fund" refers to the integrated public safety communications fund established under IC 5-26-4-1."

Page 1, line 8, delete "2." and insert "3."

Page 1, line 10, delete "3." and insert "4."

Page 1, line 13, delete "C.F.R. 90 et." and insert "CFR 90 et".

Page 1, line 14, delete "4." and insert "5."

Page 1, line 16, delete "5." and insert "6."

Page 2, line 10, delete "fourteen (14)" and insert "**twelve (12)**".

Page 2, line 12, delete "of a county with a population greater than fifty" and insert "**appointed by the governor.**".

Page 2, delete lines 13 through 15.

Page 2, line 16, delete "(3)" and insert "**(2)**".

Page 2, line 16, delete "of a first or second class city appointed by" and insert "**appointed by the governor.**".

Page 2, delete lines 17 through 19.

Page 2, line 20, delete "(5)" and insert "**(3)**".

Page 2, line 21, delete "(6)" and insert "**(4)**".

Page 2, line 23, delete "(7)" and insert "**(5)**".

Page 2, line 24, delete "(8)" and insert "**(6)**".

Page 2, line 25, delete "(9)" and insert "**(7)**".

Page 2, line 27, delete "(10)" and insert "**(8)**".

Page 2, line 29, delete "(11)" and insert "**(9)**".

Page 2, line 31, delete "(12)" and insert "**(10)**".

Page 2, line 33, delete "(13) A member of the house of representatives" and insert "**(11) An individual**".

Page 2, line 35, delete "(14) A member of the senate" and insert "**(12) An individual**".

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"Chapter 4. Integrated Public Safety Communications Fund

Sec. 1. (a) The integrated public safety communications fund is established to be used only to carry out the purposes of this article. The fund shall be administered by the commission.

(b) The fund consists of:

- (1) appropriations from the general assembly;**
- (2) gifts;**
- (3) federal grants;**



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(4) fees and contributions from user agencies that the commission considers necessary to maintain and operate the system; and

(5) money from any other source permitted by law.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 7, line 15, delete "1999:" and insert "1999]:".

and when so amended that said bill do pass.

(Reference is to HB 1869 as reprinted February 25, 1999.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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