



Reprinted
April 9, 1999

ENGROSSED HOUSE BILL No. 1869

DIGEST OF HB 1869 (Updated April 8, 1999 4:04 pm - DI 87)

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 wireless 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, 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.
April 8, 1999, read second time, amended, ordered engrossed.

EH 1869—LS 8030/DI 87+



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Reprinted
April 9, 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
15 CFR 90 et seq.
16 Sec. 5. As used in this article, "system" refers to the Indiana
17 statewide wireless public safety voice and data communications

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1 system. The term does not include the enhanced emergency
2 telephone system under IC 36-8-16.2.

3 Sec. 6. As used in this article, "user agency" means a public
4 safety agency or other entity that enters into an agreement with the
5 commission to use the system.

6 Chapter 2. Integrated Public Safety Commission

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

13 Sec. 2. The commission shall publish its policies within a
14 standardized operations procedures manual.

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

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

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

38 Sec. 4. (a) Seven (7) members of the commission constitute a
39 quorum.

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

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

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- 1 **(1) Planning for voluntary coordination of resources by public**
- 2 **safety agencies.**
- 3 **(2) Developing coordinated, integrated responses to**
- 4 **significant public safety events by those public safety agencies**
- 5 **that choose to take part.**
- 6 **(3) Developing means of sharing information operationally**
- 7 **and technologically to improve public safety.**
- 8 **(4) Contracting with consultants to assist in the planning and**
- 9 **development under this article.**
- 10 **(5) Contracting with others to provide services under this**
- 11 **article.**
- 12 **(6) The powers enumerated in IC 5-26-3-6.**
- 13 **(7) Any other power necessary to accomplish the goals of the**
- 14 **commission.**

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

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

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

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

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

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

39 **Chapter 3. Indiana Statewide Wireless Public Safety Voice and**
 40 **Data Communications System**

41 **Sec. 1. (a) The commission may contract for the establishment**
 42 **of a statewide wireless public safety voice and data**

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1 **communications system.**

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

3 **(1) be efficient;**

4 **(2) provide modern two (2) way voice or data communication**
 5 **to user agencies without a duplication of efforts; and**

6 **(3) allow user agencies with compatible equipment to**
 7 **communicate with one another, resulting in the efficient**
 8 **handling of emergencies and cooperation between agencies.**

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

12 **Sec. 3. (a) The commission is responsible for the supervision of**
 13 **the statewide wireless public safety voice and data communications**
 14 **systems as follows:**

15 **(1) Maintenance of the main wide area transmitter sites and**
 16 **interconnection links of the system.**

17 **(2) Management of the system's Federal Communications**
 18 **Commission licensing.**

19 **(3) Frequency planning for the system.**

20 **(4) Management of the system.**

21 **(b) The Indiana statewide wireless public safety voice and data**
 22 **communications system may use the facilities of commercial mobile**
 23 **radio service providers (as defined in 47 USC 332). If the**
 24 **commission chooses to contract with one or more commercial**
 25 **mobile radio service providers to provide the system, the**
 26 **commission may delegate the responsibilities in subsection (a) to**
 27 **the commercial mobile radio service providers.**

28 **Sec. 4. The commission shall develop criteria for determining**
 29 **whether a public safety agency or other entity may use the system.**
 30 **The commission may not prohibit a public safety agency from**
 31 **using the public safety agency's own public safety voice and data**
 32 **communications system.**

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

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

39 **Sec. 6. (a) In addition to the powers enumerated in IC 5-26-2-5,**
 40 **the commission has the following powers related to the system:**

41 **(1) Ensuring that federal and state communications**
 42 **requirements are followed.**



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1 (2) Providing system planning, including mutual aid planning
2 and compatibility planning with other public safety agency
3 communications systems.

4 (3) Creating a standard user agreement.

5 (4) Providing assistance to local public safety agencies in
6 making equipment purchases.

7 (5) Assessing charges for using the system.

8 (6) Exercising any power necessary to carry out this chapter.

9 (b) The Indiana statewide wireless public safety voice and data
10 communications system may use the facilities of commercial mobile
11 radio service providers (as defined in 47 USC 332). If the
12 commission chooses to contract with one or more commercial
13 mobile radio service providers to provide the system, the
14 commission may delegate the responsibilities in subsection (a) to
15 the commercial mobile radio service providers.

16 Sec. 7. The following subcommittees are created:

17 (1) A user's subcommittee.

18 (2) A technical subcommittee.

19 (3) A finance subcommittee.

20 (4) Any other subcommittee as determined by the commission.

21 Chapter 4. Integrated Public Safety Communications Fund

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

25 (b) The fund consists of:

26 (1) appropriations from the general assembly;

27 (2) gifts;

28 (3) federal grants;

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

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

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

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

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

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

6 SECTION 4. IC 10-1-10-7.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 1999]: **Sec. 7.5. As used in this chapter, "system" refers to the**
 9 **Indiana statewide wireless public safety voice and data**
 10 **communications system under IC 5-26-3.**

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

15 SECTION 6. IC 10-1-10-9.1 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 1999]: **Sec. 9.1. The state agency public safety committee is**
 18 **established.**

19 SECTION 7. IC 10-1-10-9.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 1999]: **Sec. 9.5. A state public safety agency that has or wants to**
 22 **have a voice or data wireless communications network must join**
 23 **the system when technically and economically feasible.**

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

- 29 (1) Maintenance of the main wide area transmitter sites and
- 30 interconnecting links.
- 31 (2) Management of FCC licensing.
- 32 (3) Frequency planning.
- 33 (4) Appropriate radio program software.
- 34 (5) Code plugs.
- 35 (6) System keys.
- 36 (7) Assignment and control of individual identification numbers
- 37 and talkgroup numbers.

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

41 SECTION 9. IC 10-1-10-15 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The committee

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1 shall develop criteria for determining whether a **state** public safety
2 agency may use the system.

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

- 8 (1) State police department.
- 9 (2) Indiana department of transportation.
- 10 (3) State emergency management agency.
- 11 (4) Department of natural resources.
- 12 (5) Alcoholic beverage commission.
- 13 (6) Department of state revenue.
- 14 (7) Indiana department of environmental management.
- 15 (8) Military department of the state of Indiana.
- 16 (9) Department of correction.
- 17 (10) Department of administration.

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

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

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

23 (c) The superintendent shall fill any vacancies on the committee.

24 (d) A committee member serves until the earlier of the following:

- 25 (1) The member is removed by the superintendent.
- 26 (2) The date the member ceases to be employed by the agency the
27 member represents on the committee.

28 SECTION 11. IC 10-1-10-17 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) ~~Seven~~ ~~(7)~~ **Six**
30 **(6)** members of the committee constitute a quorum.

31 (b) An affirmative vote of at least ~~seven~~ ~~(7)~~ **six (6)** members of the
32 committee is required for the committee to take action.

33 SECTION 12. IC 10-1-10-19 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. The committee's
35 powers include the following:

36 (1) ~~Creating sanctions and recommending to the superintendent~~
37 ~~the imposition of sanctions for violations by user agencies.~~
38 **Ensuring that federal and state communications requirements**
39 **are followed.**

40 (2) Providing system planning, including mutual aid planning and
41 compatibility planning ~~with local public safety agency~~
42 ~~communications systems.~~ **in coordination with the integrated**

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1 **public safety commission established under IC 5-26-2-1.**
 2 (3) **Subject to IC 5-26-3-5**, determining whether a state public
 3 safety agency may become a system user.
 4 (4) ~~Creating a standard user agreement.~~
 5 ~~(5) Providing assistance to local public safety agencies in making~~
 6 ~~equipment purchases.~~
 7 ~~(6) (5) Exercising any power necessary to carry out this chapter.~~
 8 SECTION 13. THE FOLLOWING ARE REPEALED [EFFECTIVE
 9 JULY 1, 1999]: IC 10-1-10-7; IC 10-1-10-9; IC 10-1-10-11;
 10 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 co-sponsor 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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SENATE MOTION

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

Page 1, line 15, after "et" delete ".".

Page 1, line 17, after "statewide" insert "**wireless**".

Page 1, line 17, after "system." insert "**The term does not include the enhanced emergency telephone system under IC 36-8-16-2.**".

Page 2, line 2, delete "uses" and insert "**enters into an agreement with the commission to use**".

Page 2, line 9, after "statewide" insert "**wireless**".

Page 3, line 36, after "Statewide" insert "**Wireless**".

Page 3, line 39, after "statewide" insert "**wireless**".

Page 4, line 8, after "3." insert "**(a)**".

Page 4, line 9, delete "following:" and insert "**statewide wireless public safety voice and data communications system as follows:**".

Page 4, line 11, after "links" insert "**of the system**".

Page 4, line 12, after "of" insert "**the system's**".

Page 4, line 14, after "planning" insert "**for the system**".

Page 4, line 15, delete "System management." and insert "**Management of the system.**"

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"(b) The Indiana statewide wireless public safety voice and data communications system may use the facilities of commercial mobile radio service providers (as defined in 47 USC 332). If the commission chooses to contract with one or more commercial mobile radio service providers to provide the system, the commission may delegate the responsibilities in subsection (a) to the commercial mobile radio service providers."

Page 4, line 17, after "system." insert "**The commission may not prohibit a public safety agency from using the public safety agency's own public safety voice and data communications system.**".

Page 4, line 24, after "6." insert "**(a)**".

Page 4, between lines 35 and 36, begin a new paragraph and insert:

"(b) The Indiana statewide wireless public safety voice and data communications system may use the facilities of commercial mobile radio service providers (as defined in 47 USC 332). If the commission chooses to contract with one or more commercial mobile radio service providers to provide the system, the commission may delegate the responsibilities in subsection (a) to the commercial mobile radio service providers."



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Page 5, line 29, after "statewide" insert "**wireless**".
(Reference is to HB 1869 as printed April 6, 1999.)

KENLEY

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