



February 24, 2012

ENGROSSED HOUSE BILL No. 1087

DIGEST OF HB 1087 (Updated February 21, 2012 1:13 pm - DI 58)

Citations Affected: IC 5-26; IC 6-3.5; IC 6-8.1; IC 24-5; IC 34-30; IC 35-45; IC 35-51; IC 36-1; IC 36-7; IC 36-8; IC 36-9; noncode.

Synopsis: Statewide 911 system. Provides for transitional provisions to ensure that all obligations incurred by a district before July 1, 2016, are satisfied according to their terms. Repeals the statutes concerning: (1) the emergency telephone system fee (assessed by counties or municipalities for enhanced 911 service for users of wireline telephone service); (2) enhanced wireless emergency telephone service (and the accompanying fee assessed statewide on users of wireless service to provide for enhanced 911 service); and (3) emergency telephone notification systems. Repeals the provision that provides for the expiration and sunset on July 1, 2013 (if certain conditions are met) of the statute establishing the enhanced prepaid wireless charge. Establishes a statewide 911 system (which does not include a wireline enhanced emergency telephone system funded at the county level before the bill's repeal of the statute governing the wireline enhanced emergency 911 fee on July 1, 2012). Establishes the 13 member statewide 911 board (board) to administer the new system. Provides that the treasurer of state serves as the chair of the board. Provides that the board may do the following in addition to other enumerated powers:
(Continued next page)

Effective: Upon passage; July 1, 2012; July 1, 2016.

Thompson, Soliday

(SENATE SPONSORS — HERSHMAN, ARNOLD, BRODEN)

January 9, 2012, read first time and referred to Committee on Ways and Means.
January 27, 2012, amended, reported — Do Pass.
January 30, 2012, read second time, ordered engrossed. Engrossed.
January 31, 2012, read third time, passed. Yeas 81, nays 14.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Tax and Fiscal Policy.
February 23, 2012, amended, reported favorably — Do Pass.

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(1) Administer statewide 911 grants in accordance with state and federal guidelines. (2) Obtain from each PSAP operating statistics and other performance measurements. Establishes the statewide 911 fund (fund). Provides that the fund is a dedicated fund and that no transfers may be made from the fund by the board of finance or budget agency. Appropriates money in the fund. Provides that the board shall administer the fund. Provides that the treasurer of state may invest money in the fund. Requires the state board of accounts to audit the fund annually. Requires the board to impose a statewide 911 fee (fee) on each standard user of communications service in Indiana. Requires communications service providers to collect the fee as part of the monthly billing process. Requires the board to deposit the fees collected into the fund. Requires the wireless enhanced 911 advisory board to increase the amount of the prepaid wireless charge so that the amount of the charge imposed after June 30, 2012, equals \$0.50. Provides that the monthly statewide 911 fee (fee) may not be raised or lowered: (1) more than one time in a calendar year; or (2) more than \$0.10 by an adjustment without legislative approval. Prohibits a state agency or a local governmental unit from imposing any additional fee relating to the provision of 911 service. Provides that the board may use 15% of the fees deposited in the fund to: (1) recover the board's administrative expenses; and (2) develop, operate, and maintain a statewide 911 system. Specifies the manner in which the board must distribute money from the fund to counties. Provides that in determining a distribution from the fund for a county for any state fiscal year beginning after June 30, 2012, the board shall ensure that the distribution is at least equal to the average annual amount distributed to the county in wireless 911 fees and to all PSAPs in the county in wireline 911 fees during the three state fiscal years ending: (1) June 30, 2009; (2) June 30, 2010; and (3) June 30, 2011; increased by a percentage that does not exceed the percent of increase in the Consumer Price Index during the preceding twelve months. Specifies the permissible uses of funds distributed to a PSAP. Requires each PSAP to annually report to the board all call data and statistics specified by the board. Provides that if the board verifies that an expenditure by a PSAP does not comply with requirements of the statute, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding available to the PSAP or to a unit in which the PSAP is located. Requires a communications service provider to provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. Provides that proprietary information submitted to the board is confidential. Allows a county to establish an emergency notification system. Retains those provisions from the repealed statute concerning enhanced wireless emergency telephone service that provided that after December 31, 2014, a county may not contain more than two PSAPs. Provides that after December 31, 2014, if a county contains more than two PSAPs, the county may not receive a distribution from the fund until the county contains no more than the authorized number of PSAPs. Specifies that funds that remain on June 30, 2012, in the wireless emergency telephone system fund shall be transferred on July 1, 2012, to the statewide 911 fund. Provides that funds that remain on June 30, 2012, in: (1) a county wireless emergency telephone system fund; or (2) a county wireline emergency telephone system fund; shall be transferred on July 1, 2012, by the county treasurer to the new county 911 fund required to be set aside by the county treasurer under the act. Makes conforming amendments.

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February 24, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1087

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system"
3 refers to the Indiana statewide wireless public safety voice and data
4 communications system. The term does not include ~~the~~ **an** enhanced
5 emergency telephone system under IC 36-8-16-2 (**before its repeal on**
6 **July 1, 2012) or the statewide 911 system under IC 36-8-16.7.**

7 SECTION 2. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011,
8 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety"
10 refers to the following:

- 11 (1) A police and law enforcement system to preserve public peace
12 and order.
- 13 (2) A firefighting and fire prevention system.
- 14 (3) Emergency ambulance services (as defined in
15 IC 16-18-2-107).
- 16 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 17 (5) Emergency action (as defined in IC 13-11-2-65).

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- 1 (6) A probation department of a court.
 2 (7) Confinement, supervision, services under a community
 3 corrections program (as defined in IC 35-38-2.6-2), or other
 4 correctional services for a person who has been:
 5 (A) diverted before a final hearing or trial under an agreement
 6 that is between the county prosecuting attorney and the person
 7 or the person's custodian, guardian, or parent and that provides
 8 for confinement, supervision, community corrections services,
 9 or other correctional services instead of a final action
 10 described in clause (B) or (C);
 11 (B) convicted of a crime; or
 12 (C) adjudicated as a delinquent child or a child in need of
 13 services.
 14 (8) A juvenile detention facility under IC 31-31-8.
 15 (9) A juvenile detention center under IC 31-31-9.
 16 (10) A county jail.
 17 (11) A communications system (as defined in IC 36-8-15-3
 18 **(before its expiration on July 1, 2016)**), or an enhanced
 19 emergency telephone system (as defined in IC 36-8-16-2 **(before**
 20 **its repeal on July 1, 2012)**), or the statewide 911 system (as
 21 **defined in IC 36-8-16.7-22)**.
 22 (12) Medical and health expenses for jail inmates and other
 23 confined persons.
 24 (13) Pension payments for any of the following:
 25 (A) A member of the fire department (as defined in
 26 IC 36-8-1-8) or any other employee of a fire department.
 27 (B) A member of the police department (as defined in
 28 IC 36-8-1-9), a police chief hired under a waiver under
 29 IC 36-8-4-6.5, or any other employee hired by a police
 30 department.
 31 (C) A county sheriff or any other member of the office of the
 32 county sheriff.
 33 (D) Other personnel employed to provide a service described
 34 in this section.
 35 (b) If a county council has imposed a tax rate of at least twenty-five
 36 hundredths of one percent (0.25%) under section 24 of this chapter, a
 37 tax rate of at least twenty-five hundredths of one percent (0.25%) under
 38 section 26 of this chapter, or a total combined tax rate of at least
 39 twenty-five hundredths of one percent (0.25%) under sections 24 and
 40 26 of this chapter, the county council may also adopt an ordinance to
 41 impose an additional tax rate under this section to provide funding for
 42 public safety.

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1 (c) A tax rate under this section may not exceed twenty-five
2 hundredths of one percent (0.25%).

3 (d) If a county council adopts an ordinance to impose a tax rate
4 under this section, the county auditor shall send a certified copy of the
5 ordinance to the department and the department of local government
6 finance by certified mail.

7 (e) A tax rate under this section is in addition to any other tax rates
8 imposed under this chapter and does not affect the purposes for which
9 other tax revenue under this chapter may be used.

10 (f) Except as provided in subsection (k) or (l), the county auditor
11 shall distribute the portion of the certified distribution that is
12 attributable to a tax rate under this section to the county and to each
13 municipality in the county that is carrying out or providing at least one
14 (1) of the public safety purposes described in subsection (a). The
15 amount that shall be distributed to the county or municipality is equal
16 to the result of:

17 (1) the portion of the certified distribution that is attributable to a
18 tax rate under this section; multiplied by

19 (2) a fraction equal to:

20 (A) the attributed allocation amount (as defined in
21 IC 6-3.5-1.1-15) of the county or municipality for the calendar
22 year; divided by

23 (B) the sum of the attributed allocation amounts of the county
24 and each municipality in the county that is entitled to a
25 distribution under this section for the calendar year.

26 The county auditor shall make the distributions required by this
27 subsection not more than thirty (30) days after receiving the portion of
28 the certified distribution that is attributable to a tax rate under this
29 section. Tax revenue distributed to a county or municipality under this
30 subsection must be deposited into a separate account or fund and may
31 be appropriated by the county or municipality only for public safety
32 purposes.

33 (g) The department of local government finance may not require a
34 county or municipality receiving tax revenue under this section to
35 reduce the county's or municipality's property tax levy for a particular
36 year on account of the county's or municipality's receipt of the tax
37 revenue.

38 (h) The tax rate under this section and the tax revenue attributable
39 to the tax rate under this section shall not be considered for purposes
40 of computing:

41 (1) the maximum income tax rate that may be imposed in a county
42 under section 2 of this chapter or any other provision of this

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- 1 chapter;
- 2 (2) the maximum permissible property tax levy under
- 3 IC 6-1.1-18.5-3; or
- 4 (3) the credit under IC 6-1.1-20.6.
- 5 (i) The tax rate under this section may be imposed or rescinded at
- 6 the same time and in the same manner that the county may impose or
- 7 increase a tax rate under section 24 of this chapter.
- 8 (j) The department of local government finance and the department
- 9 of state revenue may take any actions necessary to carry out the
- 10 purposes of this section.
- 11 (k) Two (2) or more political subdivisions that are entitled to receive
- 12 a distribution under this section may adopt resolutions providing that
- 13 some part or all of those distributions shall instead be paid to one (1)
- 14 political subdivision in the county to carry out specific public safety
- 15 purposes specified in the resolutions.
- 16 (l) A fire department, volunteer fire department, or emergency
- 17 medical services provider that:
- 18 (1) provides fire protection or emergency medical services within
- 19 the county; and
- 20 (2) is operated by or serves a political subdivision that is not
- 21 otherwise entitled to receive a distribution of tax revenue under
- 22 this section;
- 23 may before July 1 of a year apply to the county council for a
- 24 distribution of tax revenue under this section during the following
- 25 calendar year. The county council shall review an application
- 26 submitted under this subsection and may before September 1 of a year
- 27 adopt a resolution requiring that one (1) or more of the applicants shall
- 28 receive a specified amount of the tax revenue to be distributed under
- 29 this section during the following calendar year. A resolution approved
- 30 under this subsection providing for a distribution to one (1) or more fire
- 31 departments, volunteer fire departments, or emergency medical
- 32 services providers applies only to distributions in the following
- 33 calendar year. Any amount of tax revenue distributed under this
- 34 subsection to a fire department, volunteer fire department, or
- 35 emergency medical services provider shall be distributed before the
- 36 remainder of the tax revenue is distributed under subsection (f).
- 37 SECTION 3. IC 6-3.5-6-18, AS AMENDED BY P.L.135-2011,
- 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2012]: Sec. 18. (a) The revenue a county auditor receives
- 40 under this chapter shall be used to:
- 41 (1) replace the amount, if any, of property tax revenue lost due to
- 42 the allowance of an increased homestead credit within the county;

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- 1 (2) fund the operation of a public communications system and
 2 computer facilities district as provided in an election, if any, made
 3 by the county fiscal body under IC 36-8-15-19(b) **(before its**
 4 **expiration on July 1, 2016)**;
 5 (3) fund the operation of a public transportation corporation as
 6 provided in an election, if any, made by the county fiscal body
 7 under IC 36-9-4-42;
 8 (4) fund the operation of a public library in a county containing a
 9 consolidated city as provided in an election, if any, made by the
 10 county fiscal body under IC 36-3-7-6;
 11 (5) make payments permitted under IC 36-7-14-25.5 or
 12 IC 36-7-15.1-17.5;
 13 (6) make payments permitted under subsection (i);
 14 (7) make distributions of distributive shares to the civil taxing
 15 units of a county; and
 16 (8) make the distributions permitted under sections 27, 28, 29, 30,
 17 31, 32, and 33 of this chapter.
- 18 (b) The county auditor shall retain from the payments of the county's
 19 certified distribution, an amount equal to the revenue lost, if any, due
 20 to the increase of the homestead credit within the county. This money
 21 shall be distributed to the civil taxing units and school corporations of
 22 the county as though they were property tax collections and in such a
 23 manner that no civil taxing unit or school corporation shall suffer a net
 24 revenue loss due to the allowance of an increased homestead credit.
- 25 (c) The county auditor shall retain:
 26 (1) the amount, if any, specified by the county fiscal body for a
 27 particular calendar year under subsection (i), IC 36-3-7-6,
 28 IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b) **(before its**
 29 **expiration on July 1, 2016)**, and IC 36-9-4-42 from the county's
 30 certified distribution for that same calendar year; and
 31 (2) the amount of an additional tax rate imposed under section 27,
 32 28, 29, 30, 31, 32, or 33 of this chapter.
- 33 The county auditor shall distribute amounts retained under this
 34 subsection to the county.
- 35 (d) All certified distribution revenues that are not retained and
 36 distributed under subsections (b) and (c) shall be distributed to the civil
 37 taxing units of the county as distributive shares.
- 38 (e) The amount of distributive shares that each civil taxing unit in
 39 a county is entitled to receive during a month equals the product of the
 40 following:
 41 (1) The amount of revenue that is to be distributed as distributive
 42 shares during that month; multiplied by

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1 (2) A fraction. The numerator of the fraction equals the allocation
2 amount for the civil taxing unit for the calendar year in which the
3 month falls. The denominator of the fraction equals the sum of the
4 allocation amounts of all the civil taxing units of the county for
5 the calendar year in which the month falls.

6 (f) The department of local government finance shall provide each
7 county auditor with the fractional amount of distributive shares that
8 each civil taxing unit in the auditor's county is entitled to receive
9 monthly under this section.

10 (g) Notwithstanding subsection (e), if a civil taxing unit of an
11 adopting county does not impose a property tax levy that is first due
12 and payable in a calendar year in which distributive shares are being
13 distributed under this section, that civil taxing unit is entitled to receive
14 a part of the revenue to be distributed as distributive shares under this
15 section within the county. The fractional amount such a civil taxing
16 unit is entitled to receive each month during that calendar year equals
17 the product of the following:

18 (1) The amount to be distributed as distributive shares during that
19 month; multiplied by

20 (2) A fraction. The numerator of the fraction equals the budget of
21 that civil taxing unit for that calendar year. The denominator of
22 the fraction equals the aggregate budgets of all civil taxing units
23 of that county for that calendar year.

24 (h) If for a calendar year a civil taxing unit is allocated a part of a
25 county's distributive shares by subsection (g), then the formula used in
26 subsection (e) to determine all other civil taxing units' distributive
27 shares shall be changed each month for that same year by reducing the
28 amount to be distributed as distributive shares under subsection (e) by
29 the amount of distributive shares allocated under subsection (g) for that
30 same month. The department of local government finance shall make
31 any adjustments required by this subsection and provide them to the
32 appropriate county auditors.

33 (i) Notwithstanding any other law, a county fiscal body may pledge
34 revenues received under this chapter (other than revenues attributable
35 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the
36 payment of bonds or lease rentals to finance a qualified economic
37 development tax project under IC 36-7-27 in that county or in any other
38 county if the county fiscal body determines that the project will
39 promote significant opportunities for the gainful employment or
40 retention of employment of the county's residents.

41 SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011,
42 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety"
2 refers to the following:

3 (1) A police and law enforcement system to preserve public peace
4 and order.

5 (2) A firefighting and fire prevention system.

6 (3) Emergency ambulance services (as defined in
7 IC 16-18-2-107).

8 (4) Emergency medical services (as defined in IC 16-18-2-110).

9 (5) Emergency action (as defined in IC 13-11-2-65).

10 (6) A probation department of a court.

11 (7) Confinement, supervision, services under a community
12 corrections program (as defined in IC 35-38-2.6-2), or other
13 correctional services for a person who has been:

14 (A) diverted before a final hearing or trial under an agreement
15 that is between the county prosecuting attorney and the person
16 or the person's custodian, guardian, or parent and that provides
17 for confinement, supervision, community corrections services,
18 or other correctional services instead of a final action
19 described in clause (B) or (C);

20 (B) convicted of a crime; or

21 (C) adjudicated as a delinquent child or a child in need of
22 services.

23 (8) A juvenile detention facility under IC 31-31-8.

24 (9) A juvenile detention center under IC 31-31-9.

25 (10) A county jail.

26 (11) A communications system (as defined in IC 36-8-15-3
27 **before its expiration on July 1, 2016**), ~~or~~ an enhanced
28 emergency telephone system (as defined in IC 36-8-16-2 (**before**
29 **its repeal on July 1, 2012**)), or the statewide 911 system (as
30 **defined in IC 36-8-16.7-22**).

31 (12) Medical and health expenses for jail inmates and other
32 confined persons.

33 (13) Pension payments for any of the following:

34 (A) A member of the fire department (as defined in
35 IC 36-8-1-8) or any other employee of a fire department.

36 (B) A member of the police department (as defined in
37 IC 36-8-1-9), a police chief hired under a waiver under
38 IC 36-8-4-6.5, or any other employee hired by a police
39 department.

40 (C) A county sheriff or any other member of the office of the
41 county sheriff.

42 (D) Other personnel employed to provide a service described

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- in this section.
- (b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:
 - (1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or
 - (2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than a county containing a consolidated city.
- (c) A tax rate under this section may not exceed the following:
 - (1) Five-tenths of one percent (0.5%), in the case of a county containing a consolidated city.
 - (2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than a county containing a consolidated city.
- (d) If a county income tax council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.
- (e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.
- (f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:
 - (1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by
 - (2) a fraction equal to:
 - (A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by
 - (B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar

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1 year.
 2 The county auditor shall make the distributions required by this
 3 subsection not more than thirty (30) days after receiving the portion of
 4 the certified distribution that is attributable to a tax rate under this
 5 section. Tax revenue distributed to a county or municipality under this
 6 subsection must be deposited into a separate account or fund and may
 7 be appropriated by the county or municipality only for public safety
 8 purposes.

9 (g) The department of local government finance may not require a
 10 county or municipality receiving tax revenue under this section to
 11 reduce the county's or municipality's property tax levy for a particular
 12 year on account of the county's or municipality's receipt of the tax
 13 revenue.

14 (h) The tax rate under this section and the tax revenue attributable
 15 to the tax rate under this section shall not be considered for purposes
 16 of computing:

17 (1) the maximum income tax rate that may be imposed in a county
 18 under section 8 or 9 of this chapter or any other provision of this
 19 chapter;

20 (2) the maximum permissible property tax levy under
 21 IC 6-1.1-18.5-3; or

22 (3) the credit under IC 6-1.1-20.6.

23 (i) The tax rate under this section may be imposed or rescinded at
 24 the same time and in the same manner that the county may impose or
 25 increase a tax rate under section 30 of this chapter.

26 (j) The department of local government finance and the department
 27 of state revenue may take any actions necessary to carry out the
 28 purposes of this section.

29 (k) Notwithstanding any other provision, in Lake County the county
 30 council (and not the county income tax council) is the entity authorized
 31 to take actions concerning the additional tax rate under this section.

32 (l) Two (2) or more political subdivisions that are entitled to receive
 33 a distribution under this section may adopt resolutions providing that
 34 some part or all of those distributions shall instead be paid to one (1)
 35 political subdivision in the county to carry out specific public safety
 36 purposes specified in the resolutions.

37 (m) A fire department, volunteer fire department, or emergency
 38 medical services provider that:

39 (1) provides fire protection or emergency medical services within
 40 the county; and

41 (2) is operated by or serves a political subdivision that is not
 42 otherwise entitled to receive a distribution of tax revenue under

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1 this section;
 2 may before July 1 of a year apply to the county income tax council for
 3 a distribution of tax revenue under this section during the following
 4 calendar year. The county income tax council shall review an
 5 application submitted under this subsection and may before September
 6 1 of a year adopt a resolution requiring that one (1) or more of the
 7 applicants shall receive a specified amount of the tax revenue to be
 8 distributed under this section during the following calendar year. A
 9 resolution approved under this subsection providing for a distribution
 10 to one (1) or more fire departments, volunteer fire departments, or
 11 emergency services providers applies only to distributions in the
 12 following calendar year. Any amount of tax revenue distributed under
 13 this subsection to a fire department, volunteer fire department, or
 14 emergency medical services provider shall be distributed before the
 15 remainder of the tax revenue is distributed under subsection (f).

16 SECTION 5. IC 6-8.1-15-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Except as
 18 provided by section 20 of this chapter, this chapter applies to:

19 (1) the gross retail tax imposed on mobile telecommunications
 20 service under IC 6-2.5-4-6;

21 (2) the ~~monthly emergency wireless enhanced statewide~~ 911 fee
 22 imposed on ~~mobile telecommunications~~ **communications** service
 23 under ~~IC 36-8-16.5~~; **IC 36-8-16.7**; and

24 (3) any other tax, charge, or fee levied by the state or a taxing
 25 jurisdiction within Indiana as a fixed charge for each customer or
 26 measured by gross amounts charged to customers for mobile
 27 telecommunications service, regardless of whether the tax,
 28 charge, or fee is imposed on the vendor or customer of the service
 29 and regardless of the terminology used to describe the tax, charge,
 30 or fee;

31 on bills for mobile telecommunications service issued to customers
 32 after July 31, 2002.

33 (b) This chapter does not apply to:

34 (1) any tax, charge, or fee levied upon or measured by the net
 35 income, capital stock, net worth, or property value of the provider
 36 of mobile telecommunications service;

37 (2) any tax, charge, or fee that is applied to an equitably
 38 apportioned amount that is not determined on a transactional
 39 basis;

40 (3) any tax, charge, or fee that:

41 (A) represents compensation for a mobile telecommunications
 42 service provider's use of public rights-of-way or other public

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- 1 property; and
- 2 (B) is not levied by the taxing jurisdiction as a fixed charge for
- 3 each customer or measured by gross amounts charged to
- 4 customers for mobile telecommunication service;
- 5 (4) any generally applicable business and occupation tax that is
- 6 imposed by the state, is applied to gross receipts or gross
- 7 proceeds, is the legal liability of the home service provider, and
- 8 that statutorily allows the home service provider to elect to use the
- 9 sourcing method required in this section; or
- 10 (5) the determination of the taxing situs of:
 - 11 (A) prepaid telephone calling service; or
 - 12 (B) air-ground radiotelephone service as defined in Section
 - 13 22.99 of Title 47 of the Code of Federal Regulations as in
 - 14 effect June 1, 1999.

15 SECTION 6. IC 24-5-22-10 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The following
 17 have a right of action against a person who initiates or assists the
 18 transmission of a commercial electronic mail message that violates this
 19 chapter:

- 20 (1) A person who receives the commercial electronic mail
- 21 message.
- 22 (2) An interactive computer service that handles or retransmits
- 23 the commercial electronic mail message.
- 24 (b) This chapter does not provide a right of action against:
 - 25 (1) an interactive computer service;
 - 26 (2) a telephone company; or
 - 27 (3) a CMRS provider (as defined by ~~IC 36-8-16.5-6~~; **in**
 - 28 **IC 36-8-16.7-6**);

29 whose equipment is used to transport, handle, or retransmit a
 30 commercial electronic mail message that violates this chapter.

31 (c) It is a defense to an action under this section if the defendant
 32 shows by a preponderance of the evidence that the violation of this
 33 chapter resulted from a good faith error and occurred notwithstanding
 34 the maintenance of procedures reasonably adopted to avoid violations
 35 of this chapter.

36 (d) If the plaintiff prevails in an action filed under this section, the
 37 plaintiff is entitled to the following:

- 38 (1) An injunction to enjoin future violations of this chapter.
- 39 (2) Compensatory damages equal to any actual damage proven by
- 40 the plaintiff to have resulted from the initiation of the commercial
- 41 electronic mail message. If the plaintiff does not prove actual
- 42 damage, the plaintiff is entitled to presumptive damages of five

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1 hundred dollars (\$500) for each commercial electronic mail
 2 message that violates this chapter and that is sent by the
 3 defendant:

4 (A) to the plaintiff; or

5 (B) through the plaintiff's interactive computer service.

6 (3) The plaintiff's reasonable attorney's fees and other litigation
 7 costs reasonably incurred in connection with the action.

8 (e) A person outside Indiana who:

9 (1) initiates or assists the transmission of a commercial electronic
 10 mail message that violates this chapter; and

11 (2) knows or should know that the commercial electronic mail
 12 message will be received in Indiana;

13 submits to the jurisdiction of Indiana courts for purposes of this
 14 chapter.

15 SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~
 17 **IC 36-8-16.7-43** (Concerning **the statewide 911 board, a PSAP, a**
 18 **political subdivision, a communications service suppliers or**
 19 **telephone companies provider, a member of the board, or the board**
 20 **chair** for loss, death, or injury related to **an enhanced emergency**
 21 **telephone system): 911 service).**

22 SECTION 8. IC 35-45-5-4.7, AS AMENDED BY P.L.27-2006,
 23 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 4.7. (a) An interactive computer service that
 25 handles or retransmits a commercial electronic mail message has a
 26 right of action against a person who initiates or assists the transmission
 27 of the commercial electronic mail message that violates this chapter.

28 (b) This chapter does not provide a right of action against:

29 (1) an interactive computer service;

30 (2) a telephone company;

31 (3) a CMRS provider (as defined in ~~IC 36-8-16.5-6~~);
 32 **IC 36-8-16.7-6**);

33 (4) a cable operator (as defined in 47 U.S.C. 522(5)); or

34 (5) any other entity that primarily provides connectivity to an
 35 operator;

36 if the entity's equipment is used only to transport, handle, or retransmit
 37 information that violates this chapter and is not capable of blocking the
 38 retransmission of information that violates this chapter.

39 (c) It is a defense to an action under this section if the defendant
 40 shows by a preponderance of the evidence that the violation of this
 41 chapter resulted from a good faith error and occurred notwithstanding
 42 the maintenance of procedures reasonably adopted to avoid violating

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1 this chapter.
2 (d) If the plaintiff prevails in an action filed under this section, the
3 plaintiff is entitled to the following:
4 (1) An injunction to enjoin future violations of this chapter.
5 (2) Compensatory damages equal to any actual damage proven by
6 the plaintiff to have resulted from the initiation of the commercial
7 electronic mail message. If the plaintiff does not prove actual
8 damage, the plaintiff is entitled to presumptive damages of five
9 hundred dollars (\$500) for each commercial electronic mail
10 message that violates this chapter and that is sent by the
11 defendant:
12 (A) to the plaintiff; or
13 (B) through the plaintiff's interactive computer service.
14 (3) The plaintiff's reasonable attorney's fees and other litigation
15 costs reasonably incurred in connection with the action.
16 (e) A person outside Indiana who:
17 (1) initiates or assists the transmission of a commercial electronic
18 mail message that violates this chapter; and
19 (2) knows or should know that the commercial electronic mail
20 message will be received in Indiana;
21 submits to the jurisdiction of Indiana courts for purposes of this
22 chapter.
23 SECTION 9. IC 35-51-36-1, AS ADDED BY P.L.70-2011,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
26 IC 36:
27 IC 36-2-2-13 (Concerning county government).
28 IC 36-2-6-8 (Concerning county government).
29 IC 36-2-6-12 (Concerning county government).
30 IC 36-2-7-18 (Concerning county government).
31 IC 36-2-8-6 (Concerning county government).
32 IC 36-2-9-13 (Concerning county government).
33 IC 36-2-9-14 (Concerning county government).
34 IC 36-2-9.5-7 (Concerning county government).
35 IC 36-2-9.5-9 (Concerning county government).
36 IC 36-2-13-5 (Concerning county government).
37 IC 36-2-14-10 (Concerning county government).
38 IC 36-2-14-17 (Concerning county government).
39 IC 36-2-14-21 (Concerning county government).
40 IC 36-4-8-13 (Concerning government of cities and towns).
41 IC 36-7-12-27.5 (Concerning planning and development).
42 IC 36-7-14-40 (Concerning planning and development).

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- 1 IC 36-7-15.1-27 (Concerning planning and development).
- 2 IC 36-7-30-28 (Concerning planning and development).
- 3 IC 36-7-30.5-36 (Concerning planning and development).
- 4 IC 36-8-3.5-23 (Concerning public safety).
- 5 IC 36-8-10-9 (Concerning public safety).
- 6 ~~IC 36-8-16-16 (Concerning public safety).~~
- 7 ~~IC 36-8-16.5-47 (Concerning public safety).~~
- 8 ~~IC 36-8-16.5-48 (Concerning public safety).~~
- 9 ~~IC 36-8-16.5-49 (Concerning public safety).~~
- 10 **IC 36-8-16.7-41 (Concerning public safety).**
- 11 **IC 36-8-16.7-45 (Concerning public safety).**
- 12 **IC 36-8-16.7-46 (Concerning public safety).**
- 13 IC 36-9-14-7 (Concerning transportation and public works).
- 14 IC 36-10-3-39 (Concerning recreation, culture, and community
- 15 facilities).
- 16 IC 36-10-4-5 (Concerning recreation, culture, and community
- 17 facilities).
- 18 IC 36-10-4-40 (Concerning recreation, culture, and community
- 19 facilities).
- 20 SECTION 10. IC 36-1-10-2 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this
- 22 chapter:
- 23 "Leasing agent" means the board or officer of a political subdivision
- 24 or agency with the power to lease structures.
- 25 "Parking facility" refers to a parking facility as defined in IC 36-9-1.
- 26 "Structure" means:
- 27 (1) a building used in connection with the operation of a political
- 28 subdivision; or
- 29 (2) a parking facility.
- 30 The term includes the site, the equipment, and appurtenances to the
- 31 building or parking facility.
- 32 "System" means:
- 33 (1) a computer (as defined in IC 36-8-15-4 **before its expiration**
- 34 **on July 1, 2016);**
- 35 (2) a communications system (as defined in IC 36-8-15-3(1)
- 36 **before its expiration on July 1, 2016);** or
- 37 (3) mobile or remote equipment that is coordinated by or linked
- 38 with a computer or communications system.
- 39 "Transportation project" means a road or highway project jointly
- 40 undertaken by the Indiana department of transportation and any county
- 41 through which a toll road project under IC 8-15-2 passes. A
- 42 transportation project must be located within an area described in

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1 IC 8-15-2-1(a)(3) or IC 8-15-2-1(a)(4).
 2 SECTION 11. IC 36-7-4-405 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY
 4 – AREA. Each plan commission shall:
 5 (1) make recommendations to the legislative body or bodies
 6 concerning:
 7 (A) the adoption of the comprehensive plan and amendments
 8 to the comprehensive plan;
 9 (B) the adoption or text amendment of:
 10 (i) an initial zoning ordinance;
 11 (ii) a replacement zoning ordinance; and
 12 (iii) a subdivision control ordinance;
 13 (C) the adoption or amendment of a PUD district ordinance (as
 14 defined in section 1503 of this chapter); and
 15 (D) zone map changes; and
 16 (2) render decisions concerning and approve plats, replats, and
 17 amendments to plats of subdivisions under the 700 series of this
 18 chapter.
 19 (b) Each plan commission:
 20 (1) shall assign street numbers to lots and structures;
 21 (2) shall renumber lots and structures; and
 22 (3) if the plan commission does not have the power under an
 23 ordinance adopted under subsection (c) to name or rename streets,
 24 may recommend the naming and renaming of streets to the
 25 executive.
 26 (c) The executive shall name or rename streets. However, a unit may
 27 provide by ordinance that the plan commission rather than the
 28 executive shall name or rename streets. Streets shall be named or
 29 renamed so that their names are easy to understand and to avoid
 30 duplication or conflict with other names. The plan commission may, by
 31 rule, prescribe a numbering system for lots and structures.
 32 (d) This subsection applies to a plan commission having jurisdiction
 33 in a county with a population of at least four hundred thousand
 34 (400,000). The plan commission shall number structures on highways
 35 within the plan commission's jurisdiction to conform with the numbers
 36 of structures on streets within cities in the county.
 37 (e) This subsection applies to unincorporated areas subject to the
 38 jurisdiction of no plan commission under this article. The county
 39 executive:
 40 (1) must approve the assignment of street numbers to lots and
 41 structures; and
 42 (2) may number or renumber lots and structures and name or

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1 rename streets.

2 (f) This subsection applies to areas located within a municipality

3 that are subject to the jurisdiction of no plan commission under this

4 article. The executive of the municipality:

5 (1) must approve the assignment of street numbers to lots and

6 structures; and

7 (2) may number or renumber lots and structures and name or

8 rename streets.

9 (g) An executive acting under subsection (e) or (f) shall name or

10 rename streets:

11 (1) so that their names are easy to understand; and

12 (2) to avoid duplication or conflict with other names.

13 (h) If streets are named or renamed or lots and structures are

14 numbered or renumbered under this section, the commission or

15 executive that makes the naming or numbering decision shall notify:

16 (1) the circuit court clerk or board of registration;

17 (2) **the statewide 911 board established by IC 36-8-16.7-24 and**

18 **the administrator of an the enhanced emergency telephone system**

19 **established under IC 36-8-16 (before its repeal on July 1, 2012),**

20 if any;

21 (3) the United States Postal Service; and

22 (4) any person or body that the commission or executive considers

23 appropriate to receive notice;

24 of its action no later than the last day of the month following the month

25 in which the action is taken.

26 (i) Each plan commission shall make decisions concerning

27 development plans and amendments to development plans under the

28 1400 series of this chapter, unless the responsibility to render decisions

29 concerning development plans has been delegated under section

30 1402(c) of this chapter.

31 SECTION 12. IC 36-8-15-0.5 IS ADDED TO THE INDIANA

32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

33 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires July**

34 **1, 2016.**

35 SECTION 13. IC 36-8-15.1 IS ADDED TO THE INDIANA CODE

36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

37 JULY 1, 2016]:

38 **Chapter 15.1. Public Communications Systems; Transitional**

39 **Matters**

40 **Sec. 1. (a) Notwithstanding the expiration of IC 36-8-15 on July**

41 **1, 2016:**

42 (1) **a public safety communications systems and computer**

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1 facilities district created by IC 36-8-15-7(a) (before its
 2 expiration on July 1, 2016); and
 3 (2) a public safety communications systems district created
 4 under IC 36-8-15-7(b) (before its expiration on July 1, 2016);
 5 remain in existence until such time as all bonds, loans, lease
 6 payments, or other obligations that were issued, obtained, or
 7 incurred by the district before July 1, 2016, are satisfied according
 8 to their terms.

9 (b) Notwithstanding the expiration of IC 36-8-15-14 on July 1,
 10 2016, all taxable property located within:
 11 (1) a public safety communications systems and computer
 12 facilities district created by IC 36-8-15-7(a) (before its
 13 expiration on July 1, 2016); and
 14 (2) a public safety communications systems district created
 15 under IC 36-8-15-7(b) (before its expiration on July 1, 2016);
 16 remains subject to a special benefit tax as provided for by
 17 IC 36-8-15-14 (before its expiration on July 1, 2016) until such time
 18 as revenue from the tax is no longer needed by the district to satisfy
 19 any obligations that were issued, obtained, or incurred by the
 20 district before July 1, 2016, to pay the costs of a project, as
 21 described in IC 36-8-15-14 (before its expiration on July 1, 2016).

22 (c) Notwithstanding the expiration of IC 36-8-15-18 on July 1,
 23 2016, all property located within a public safety communications
 24 systems and computer facilities district in a county having a
 25 consolidated city remains subject to a special tax as provided for
 26 by IC 36-8-15-18 (before its expiration on July 1, 2016) until such
 27 time as revenue from the special tax is no longer needed by the
 28 district to satisfy any bonds that were issued by the district before
 29 July 1, 2016.

30 (d) Notwithstanding the expiration of IC 36-8-15-19 on July 1,
 31 2016, all property located within a public safety communications
 32 systems district in a county described in IC 36-8-15-19(a) remains
 33 subject to an ad valorem property tax as provided for by
 34 IC 36-8-15-19(a) (before its expiration on July 1, 2016) until such
 35 time as revenue from the tax is no longer needed by the district to
 36 satisfy any obligations that were issued, obtained, or incurred by
 37 the district before July 1, 2016, to fund the operation of the district,
 38 as described in IC 36-8-15-19(a) (before its expiration on July 1,
 39 2016).

40 (e) After June 30, 2016, a public safety communications systems
 41 and computer facilities district created by IC 36-8-15-7 (before its
 42 expiration on July 1, 2016) may not pledge revenue from any bonds

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1 issued or taxes levied under IC 36-8-15 (before its expiration on
2 July 1, 2016) before July 1, 2016.

3 **Sec. 2. Not later than November 1 of each year:**

4 (1) a public safety communications systems and computer
5 facilities district created by IC 36-8-15-7 (before its expiration
6 on July 1, 2016); and

7 (2) each public safety communications systems district created
8 under IC 36-8-15-7(b) (before its expiration on July 1, 2016);
9 shall report in an electronic format under IC 5-14-6 to the general
10 assembly whether and to what extent all bonds, loans, lease
11 payments, or other obligations that were issued, obtained, or
12 incurred by the district before July 1, 2016, are satisfied according
13 to their terms. If the general assembly determines, based on all
14 reports submitted under this subsection, that all bonds, loans, lease
15 payments, or other obligations that were issued, obtained, or
16 incurred by all districts before July 1, 2016, are satisfied according
17 to their terms, the general assembly may introduce legislation
18 during a subsequent legislative session to amend this chapter to
19 provide for the expiration or repeal of this chapter.

20 SECTION 14. IC 36-8-16 IS REPEALED [EFFECTIVE JULY 1,
21 2012]. (Emergency Telephone System Fee).

22 SECTION 15. IC 36-8-16.5 IS REPEALED [EFFECTIVE JULY 1,
23 2012]. (Enhanced Wireless Emergency Telephone Service).

24 SECTION 16. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010,
25 SECTION 151, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "board"
27 refers to the ~~wireless enhanced statewide~~ 911 advisory board
28 established by ~~IC 36-8-16.5-18~~: **IC 36-8-16.7-24**.

29 SECTION 17. IC 36-8-16.6-5, AS ADDED BY P.L.113-2010,
30 SECTION 151, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "fund"
32 refers to the ~~wireless emergency telephone system statewide~~ 911 fund
33 established by ~~IC 36-8-16.5-21(a)~~: **IC 36-8-16.7-29**.

34 SECTION 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010,
35 SECTION 151, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of~~
37 ~~this chapter~~, The board shall impose an enhanced prepaid wireless
38 charge on each retail transaction that occurs after June 30, 2010. The
39 amount of the initial charge imposed under this ~~subsection~~ **section** may
40 not exceed one-half (1/2) of the monthly wireless emergency enhanced
41 911 fee assessed under IC 36-8-16.5-25.5 (**before its repeal on July**
42 **1, 2012**). **The board shall increase the amount of the charge**

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1 **imposed under this section so that the amount of the charge**
2 **imposed after June 30, 2012, under this section equals fifty cents**
3 **(\$0.50).**

4 (b) Subject to legislative approval, **after the increase described in**
5 **subsection (a) and after June 30, 2012,** the board may increase the
6 enhanced prepaid wireless charge to ensure adequate revenue for the
7 board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~
8 ~~and IC 36-8-16.5.~~ **IC 36-8-16.7.**

9 (c) A consumer that is the federal government or an agency of the
10 federal government is exempt from the enhanced prepaid wireless
11 charge imposed under this section.

12 SECTION 19. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010,
13 SECTION 151, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The department shall deposit
15 all remitted enhanced prepaid wireless charges in the fund.

16 (b) The board shall administer money deposited in the fund under
17 this section in the same manner as ~~wireless emergency enhanced it~~
18 ~~administers statewide~~ 911 fees assessed under ~~IC 36-8-16.5-25.5.~~
19 **IC 36-8-16.7-32.**

20 SECTION 20. IC 36-8-16.6-20, AS ADDED BY P.L.113-2010,
21 SECTION 151, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) An additional fee relating to
23 the provision of ~~wireless~~ 911 service with respect to prepaid wireless
24 telecommunications service may not be levied by a state agency or
25 local unit of government.

26 (b) The enhanced prepaid wireless charge imposed by section 12 of
27 this chapter is not considered an additional charge relating to the
28 provision of ~~wireless~~ 911 service for purposes of ~~IC 36-8-16.5-29.~~
29 **IC 36-8-16.7-32(d).**

30 SECTION 21. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE
31 UPON PASSAGE]. ~~Sec. 22: (a) Not later than January 1, 2011, the~~
32 ~~department shall determine the total amount of fees collected and~~
33 ~~remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period~~
34 ~~beginning July 1, 2008, and ending June 30, 2010) for the period~~
35 ~~beginning July 1, 2008, and ending June 30, 2010. The board shall~~
36 ~~provide all information necessary for the department to perform its~~
37 ~~duties under this subsection.~~

38 (b) ~~Not later than January 1, 2013, the department shall determine~~
39 ~~the total amount of fees collected and remitted under this chapter for~~
40 ~~the period beginning July 1, 2010, and ending June 30, 2012.~~

41 (c) ~~If the amount determined under subsection (b) is less than the~~
42 ~~amount determined under subsection (a) by more than five percent~~

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(5%); this chapter expires and sunsets July 1, 2013:

SECTION 22. IC 36-8-16.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16.7. Statewide 911 Services

Sec. 1. As used in this chapter, "affiliate" has the meaning set forth in IC 23-1-43-1. The term includes a parent company or a subsidiary.

Sec. 2. As used in this chapter, "automatic location information" means information that is transmitted while enhanced 911 service is provided and that permits emergency service providers to identify the geographic location of the calling party.

Sec. 3. As used in this chapter, "automatic number identification" has the meaning set forth in 47 CFR 20.3.

Sec. 4. As used in this chapter, "board" refers to the statewide 911 board established by section 24 of this chapter.

Sec. 5. As used in this chapter, "CMRS" refers to commercial mobile radio service (as defined in 47 CFR 20.3).

Sec. 6. As used in this chapter, "CMRS provider" means a person that offers CMRS to users in Indiana.

Sec. 7. (a) As used in this chapter, "communications service" means any service that:

- (1) uses telephone numbers or IP addresses or their functional equivalents or successors;
- (2) is capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the 911 system, regardless of the device, transmission medium, or technology employed;
- (3) provides or enables real time or interactive communications; and
- (4) is available to a prepaid user or a standard user.

(b) The term includes the following:

- (1) Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting a 911 communication to a PSAP.
- (2) A multiline telephone system.
- (3) CMRS.
- (4) Interconnected VOIP service and voice over power lines.
- (5) Integrated telecommunications service (as defined in 47 CFR 400.2).

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1 **Sec. 8. (a) As used in this chapter, except as provided in**
 2 **subsection (b), "customer" means:**

3 **(1) the person or entity that contracts with a provider for**
 4 **communications service; or**

5 **(2) if the end user of communications service is not the**
 6 **contracting party, the end user of the communications service.**

7 **However, subdivision (2) applies only for the purpose of**
 8 **determining the place of primary use.**

9 **(b) The term does not include:**

10 **(1) a reseller of communications service; or**

11 **(2) a provider other than the customer's provider that has an**
 12 **arrangement with the customer's provider to serve the**
 13 **customer outside the licensed service area of the customer's**
 14 **provider.**

15 **Sec. 9. (a) As used in this chapter, "enhanced 911 service"**
 16 **means a communications service that uses the three (3) digit**
 17 **number 911 to send:**

18 **(1) automatic number identification or its functional**
 19 **equivalent or successor; and**

20 **(2) automatic location information or its functional equivalent**
 21 **or successor;**

22 **for reporting police, fire, medical, or other emergency situations.**

23 **(b) The term includes both Phase I and Phase II enhanced 911**
 24 **services, as described in 47 CFR 20.18.**

25 **Sec. 10. As used in this chapter, "executive director" refers to**
 26 **the executive director of the board.**

27 **Sec. 11. (a) As used in this chapter, "FCC order" refers to the**
 28 **order of the Federal Communications Commission, FCC Docket**
 29 **No. 94-102, adopted June 12, 1996, with an effective date of**
 30 **October 1, 1996.**

31 **(b) The term includes any rules, regulations, and consent**
 32 **decrees adopted by the Federal Communications Commission to**
 33 **implement the order described in subsection (a).**

34 **Sec. 12. As used in this chapter, "fund" refers to the statewide**
 35 **911 fund established by section 29 of this chapter.**

36 **Sec. 13. As used in this chapter, "interconnected VOIP service"**
 37 **has the meaning set forth in 47 CFR 9.3.**

38 **Sec. 14. As used in this chapter, "local exchange carrier" has the**
 39 **meaning set forth in 47 U.S.C. 153.**

40 **Sec. 15. As used in this chapter, "multiline telephone system"**
 41 **means a voice communications service system that includes the**
 42 **following:**

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- 1 (1) Common control units.
- 2 (2) Telephone sets.
- 3 (3) Control hardware and software.
- 4 (4) Adjunct systems.
- 5 The term includes network and premises based systems as
- 6 classified by FCC Part 68 (47 CFR part 68) Requirements.
- 7 Sec. 16. As used in this chapter, "place of primary use" means
- 8 the street address representative of where a customer's use of
- 9 communications service primarily occurs, which must be:
- 10 (1) the residential street address or the primary business
- 11 street address of the customer; and
- 12 (2) within the licensed service area of the customer's provider.
- 13 Sec. 17. As used in this chapter, "prepaid user" has the meaning
- 14 set forth in IC 36-8-16.6-6.
- 15 Sec. 18. As used in this chapter, "proprietary information"
- 16 includes the following:
- 17 (1) Customer lists and related information.
- 18 (2) Technology descriptions, technical information, or trade
- 19 secrets (as defined in IC 24-2-3-2).
- 20 (3) Information that:
- 21 (A) concerns the actual or developmental costs of 911
- 22 systems; and
- 23 (B) is developed, produced, or received internally by a
- 24 provider or by a provider's employees, directors, officers,
- 25 or agents.
- 26 Sec. 19. (a) As used in this chapter, "provider" means a person
- 27 or entity, or an affiliate of a person or an entity, that:
- 28 (1) offers communications service to users in Indiana; and
- 29 (2) provides, or is required by the Federal Communications
- 30 Commission to provide, a user with direct access to a PSAP
- 31 through the placement of a 911 communication.
- 32 (b) The term includes the following:
- 33 (1) Facilities based and nonfacilities based resellers of
- 34 communications service.
- 35 (2) Any other provider of communications service through
- 36 wireline or wireless means, regardless of whether the provider
- 37 is subject to regulation by the Indiana utility regulatory
- 38 commission.
- 39 Sec. 20. As used in this chapter, "PSAP" refers to a public safety
- 40 answering point:
- 41 (1) that operates on a twenty-four (24) hour basis; and
- 42 (2) whose primary function is to receive incoming requests for

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- 1 emergency assistance and relay those requests to an
 2 appropriate responding public safety agency.
- 3 **Sec. 21.** As used in this chapter, "standard user" or "user"
 4 refers to a communications service user who pays retrospectively
 5 for the service and has an Indiana billing address for the service.
- 6 **Sec. 22.** (a) As used in this chapter, "statewide 911 system"
 7 means a communications system that uses the three (3) digit
 8 number 911 to send:
- 9 (1) automatic number identification or its functional
 10 equivalent or successor; and
 11 (2) automatic location information or its functional equivalent
 12 or successor;
 13 for reporting police, fire, medical, or other emergency situations.
- 14 (b) The term includes the following:
- 15 (1) A wireless 911 emergency telephone system funded under
 16 IC 36-8-16.5 (before its repeal on July 1, 2012).
 17 (2) An emergency notification system.
- 18 (c) The term does not include a wireline enhanced emergency
 19 telephone system funded under IC 36-8-16 (before its repeal on
 20 July 1, 2012).
- 21 **Sec. 23.** As used in this chapter, "VOIP provider" means a
 22 provider that offers interconnected VOIP service to users in
 23 Indiana.
- 24 **Sec. 24.** (a) The statewide 911 board is established to develop,
 25 implement, and oversee the statewide 911 system. The board is a
 26 body corporate and politic, and though it is separate from the state,
 27 the exercise by the board of its powers constitutes an essential
 28 governmental function.
- 29 (b) The following recommendations must be made to the
 30 governor concerning the membership of the board:
- 31 (1) The executive committees of:
- 32 (A) the Indiana chapter of the National Emergency
 33 Number Association (NENA); and
 34 (B) the Indiana chapter of the Association of Public Safety
 35 Communication Officials International (APCO);
 36 shall jointly recommend three (3) individuals, at least one (1)
 37 of whom must have budget experience at the local level.
- 38 (2) The CMRS providers authorized to provide CMRS in
 39 Indiana shall jointly recommend one (1) individual.
- 40 (3) The Indiana Association of County Commissioners shall
 41 recommend one (1) individual who is a county commissioner
 42 in Indiana.

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- 1 **(4) The Indiana Sheriff's Association shall recommend one (1)**
- 2 **individual who is a county sheriff in Indiana.**
- 3 **(5) The Indiana Telecommunications Association shall**
- 4 **recommend two (2) individuals as follows:**
- 5 **(A) One (1) individual representing a local exchange**
- 6 **carrier that serves less than fifty thousand (50,000) local**
- 7 **exchange access lines in Indiana.**
- 8 **(B) One (1) individual representing a local exchange**
- 9 **carrier that serves at least fifty thousand (50,000) local**
- 10 **exchange access lines in Indiana.**
- 11 **(6) The Indiana Cable Telecommunications Association shall**
- 12 **recommend one (1) individual representing a VOIP provider.**
- 13 **(7) The Indiana Association of Cities and Towns shall**
- 14 **recommend one (1) individual representing municipalities.**
- 15 **(c) The board consists of the following thirteen (13) members:**
- 16 **(1) The treasurer of state or the treasurer's designee. The**
- 17 **treasurer of state or the treasurer's designee is chairperson of**
- 18 **the board for a term concurrent with the treasurer of state's**
- 19 **term of office. However, the treasurer of state's designee**
- 20 **serves at the pleasure of the treasurer of state.**
- 21 **(2) Three (3) members for a term of three (3) years who are**
- 22 **appointed by the governor after considering the**
- 23 **recommendations submitted under subsection (b)(1) by the**
- 24 **executive committees of NENA and APCO. At least one (1)**
- 25 **member appointed under this subdivision must have budget**
- 26 **experience at the local level.**
- 27 **(3) One (1) CMRS member who is appointed by the governor**
- 28 **after considering the recommendation submitted under**
- 29 **subsection (b)(2) by the CMRS providers authorized to**
- 30 **provide CMRS in Indiana. A member appointed under this**
- 31 **subdivision may not be affiliated with the same business entity**
- 32 **as a member appointed under subdivision (6), (7), or (8).**
- 33 **(4) One (1) county commissioner member appointed by the**
- 34 **governor after considering the recommendation submitted**
- 35 **under subsection (b)(3) by the Indiana Association of County**
- 36 **Commissioners.**
- 37 **(5) One (1) county sheriff member appointed by the governor**
- 38 **after considering the recommendation submitted under**
- 39 **subsection (b)(4) by the Indiana Sheriffs' Association.**
- 40 **(6) One (1) local exchange carrier member that serves less**
- 41 **than fifty thousand (50,000) local exchange access lines in**
- 42 **Indiana appointed by the governor after considering the**

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1 recommendation of the Indiana Telecommunications
 2 Association under subsection (b)(5)(A). A member appointed
 3 under this subdivision may not be affiliated with the same
 4 business entity as a member appointed under subdivision (3),
 5 (7), or (8).

6 (7) One (1) local exchange carrier member that serves at least
 7 fifty thousand (50,000) local exchange access lines in Indiana
 8 appointed by the governor after considering the
 9 recommendation of the Indiana Telecommunications
 10 Association under subsection (b)(5)(B). A member appointed
 11 under this subdivision may not be affiliated with the same
 12 business entity as a member appointed under subdivision (3),
 13 (6), or (8).

14 (8) One (1) VOIP provider who is appointed by the governor
 15 after considering the recommendation of the Indiana Cable
 16 Telecommunications Association under subsection (b)(6). A
 17 member appointed under this subdivision may not be
 18 affiliated with the same business entity as a member
 19 appointed under subdivision (3), (6), or (7).

20 (9) One (1) member who represents municipalities and is
 21 appointed by the governor after considering the
 22 recommendation of the Indiana Association of Cities and
 23 Towns submitted under subsection (b)(7).

24 (10) One (1) member who represents a department or agency
 25 providing firefighting or fire prevention services in Indiana.

26 (11) The superintendent of the state police department or the
 27 superintendent's designee.

28 (c) The board consists of the following thirteen (13) members:

29 (1) The treasurer of state or the treasurer's designee. The
 30 treasurer of state or the treasurer's designee is chairperson of
 31 the board for a term concurrent with the treasurer of state's
 32 term of office. However, the treasurer of state's designee
 33 serves at the pleasure of the treasurer of state.

34 (2) One (1) member for a term of three (3) years who is

35 (d) This subsection applies to a member appointed by the
 36 governor under subsection (c)(2) through (c)(10). The governor
 37 shall ensure that the terms of the initial members appointed by the
 38 governor are staggered so that the terms of not more than five (5)
 39 members expire in a single calendar year. After the initial
 40 appointments, subsequent appointments shall be for three (3) year
 41 terms. A vacancy on the board shall be filled for the vacating
 42 member's unexpired term in the same manner as the original

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1 appointment, and a member of the board is eligible for
 2 reappointment. In making an appointment under subsection (c)(2)
 3 through (c)(10), the governor shall take into account the various
 4 geographical areas of Indiana, including rural and urban areas. A
 5 member appointed by the governor serves at the pleasure of the
 6 governor.

7 (e) This subsection applies to a member appointed under
 8 subsection (c)(2) through (c)(10). A member shall submit the name
 9 of a designee to the board. The board shall maintain a list of
 10 approved designees. A member may appoint a listed designee to fill
 11 the member's position under subsection (c) or to act on behalf of
 12 the member at a meeting of the board. The designee serves at the
 13 pleasure of the appointing member.

14 (f) A member or a designee must be a resident of Indiana.

15 (g) A member or a designee may vote by proxy.

16 Sec. 25. A majority of the members of the board constitutes a
 17 quorum for purposes of taking action.

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

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

32 Sec. 27. The board may do the following to implement this
 33 chapter:

- 34 (1) Sue and be sued.
 35 (2) Adopt and alter an official seal.
 36 (3) Adopt and enforce bylaws and rules for:
 37 (A) the conduct of board business; and
 38 (B) the use of board services and facilities.
 39 (4) Acquire, hold, use, and otherwise dispose of the board's
 40 income, revenues, funds, and money.
 41 (5) Enter into contracts, including contracts:
 42 (A) for professional services;



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- 1 **(B) for purchase of supplies or services; and**
- 2 **(C) to acquire office space.**
- 3 **(6) Hire staff.**
- 4 **(7) Adopt rules under IC 4-22-2 to implement this chapter.**
- 5 **(8) Develop, maintain, and update a statewide 911 plan.**
- 6 **(9) Administer the statewide 911 fund established by section**
- 7 **29 of this chapter.**
- 8 **(10) Administer and distribute the statewide 911 fee in**
- 9 **accordance with section 37 of this chapter.**
- 10 **(11) Administer statewide 911 grants in accordance with state**
- 11 **and federal guidelines.**
- 12 **(12) Obtain from each PSAP operating statistics and other**
- 13 **performance measurements, including call statistics by**
- 14 **category and emergency medical dispatching (EMD)**
- 15 **certifications.**
- 16 **(13) Take other necessary or convenient actions to implement**
- 17 **this chapter that are not inconsistent with Indiana law.**
- 18 **Sec. 28. (a) The treasurer of state shall appoint an executive**
- 19 **director of the board to do the following:**
- 20 **(1) Administer, manage, and direct employees of the board.**
- 21 **(2) Approve salaries and allowable expenses for board**
- 22 **members, employees, and consultants.**
- 23 **(3) Attend board meetings and record all proceedings of the**
- 24 **board. However, the executive director is not considered a**
- 25 **member of the board for any purpose, including voting or**
- 26 **establishing a quorum.**
- 27 **(4) Maintain books, documents, and papers filed with the**
- 28 **board, including minutes.**
- 29 **(5) Perform other duties as directed by the board.**
- 30 **(b) The treasurer of state shall determine the salary and other**
- 31 **compensation of the executive director.**
- 32 **(c) An executive director appointed under subsection (a) must**
- 33 **have at least three (3) years executive experience with a 911**
- 34 **system.**
- 35 **Sec. 29. (a) The statewide 911 fund is established for the**
- 36 **purposes of creating and maintaining a uniform statewide 911**
- 37 **system. The board shall administer the fund. The expenses of**
- 38 **administering the fund must be paid from money in the fund.**
- 39 **(b) The fund consists of the following:**
- 40 **(1) The statewide 911 fee assessed on users under section 32**
- 41 **of this chapter.**
- 42 **(2) Appropriations made by the general assembly.**

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- 1 **(3) Grants and gifts intended for deposit in the fund.**
- 2 **(4) Interest, premiums, gains, or other earnings on the fund.**
- 3 **(5) Enhanced prepaid wireless charges collected and remitted**
- 4 **under IC 36-8-16.6-12.**
- 5 **(6) Money from any other source that is deposited in or**
- 6 **transferred to the fund.**
- 7 **(c) The treasurer of state may invest money in the fund in the**
- 8 **same manner as other funds of the state may be invested under**
- 9 **IC 5-13.**
- 10 **(d) The fund is considered a trust fund for purposes of**
- 11 **IC 4-9.1-1-7. Money in the fund:**
- 12 **(1) does not revert at the end of any state fiscal year but**
- 13 **remains available for the purposes of the fund in subsequent**
- 14 **state fiscal years, notwithstanding IC 4-13-2-19 or any other**
- 15 **law; and**
- 16 **(2) is not subject to transfer to any other fund or to transfer,**
- 17 **assignment, or reassignment for any other use or purpose by:**
- 18 **(A) the state board of finance notwithstanding IC 4-9.1-1-7,**
- 19 **IC 4-13-2-23, or any other law; or**
- 20 **(B) the budget agency or any other state agency**
- 21 **notwithstanding IC 4-12-1-12 or any other law.**
- 22 **(e) Money in the fund is continuously appropriated for the**
- 23 **purposes of the fund.**
- 24 **Sec. 30. (a) The state board of accounts shall audit the fund on**
- 25 **an annual basis to determine whether the fund is being managed**
- 26 **in accordance with this chapter.**
- 27 **(b) Each year, the board shall review 911 service in Indiana,**
- 28 **including the collection, disbursement, and use of the statewide 911**
- 29 **fee assessed under section 32 of this chapter. The purpose of the**
- 30 **review is to ensure that the statewide 911 fee:**
- 31 **(1) does not exceed the amount reasonably necessary to**
- 32 **provide adequate and efficient 911 service; and**
- 33 **(2) is used only for the purposes set forth in this chapter.**
- 34 **Sec. 31. The board may retain an independent, third party**
- 35 **accounting firm or fiscal agent for purposes of processing checks**
- 36 **and distributing funds as directed by the board and as allowed by**
- 37 **this chapter. The board shall pay for these services as an**
- 38 **administrative cost of the board.**
- 39 **Sec. 32. (a) Except as provided in subsections (c) and (e), and**
- 40 **subject to subsection (b), the board shall assess a monthly statewide**
- 41 **911 fee on each user that is a customer having a place of primary**
- 42 **use (as determined in the manner provided by IC 6-8.1-15) in**

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Indiana at a rate that:

- (1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and**
- (2) provides for proper development, operation, and maintenance of a statewide 911 system.**

The amount of the initial fee assessed under this subsection is one dollar (\$1).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

- (1) The fee may not be raised or lowered more than one (1) time in a calendar year.**
- (2) The fee may not be raised or lowered more than ten cents (\$0.10) by an adjustment without legislative approval.**

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the wireless emergency enhanced 911 fee if the user is any of the following:

- (1) The federal government or an agency of the federal government.**
- (2) The state or an agency or instrumentality of the state.**
- (3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.**

Sec. 33. (a) As part of the provider's normal monthly billing process, a provider:

- (1) shall collect the fee from each standard user that is a customer having a place of primary use in Indiana, as determined in the manner provided by IC 6-8.1-15; and**
- (2) may list the fee as a separate line item on each bill.**

If a provider receives a partial payment for a monthly bill from a standard user, the provider shall apply the payment against the amount the standard user owes to the provider before applying the payment against the fee. A provider may not prorate the monthly 911 fee collected from a user.

(b) Subject to subsection (c), a provider shall remit statewide 911 fees collected under this section to the board at the time and in

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1 the manner prescribed by the board. The board shall deposit all
2 remitted statewide 911 fees in the fund.

3 (c) A provider may deduct and retain an amount not to exceed
4 one percent (1%) of statewide 911 fees that the provider collects
5 from users to reimburse the direct costs incurred by the provider
6 in collecting and remitting statewide 911 fees.

7 Sec. 34. The statewide 911 fee is the liability of the user and not
8 of a provider. However, a provider is liable to remit to the board
9 all statewide 911 fees that the provider collects from users.

10 Sec. 35. The amount of a statewide 911 fee that is collected by a
11 provider from a user, whether separately stated on an invoice,
12 receipt, or other document, may not be included in the base for
13 measuring any tax, surcharge, or other charge that is imposed by
14 the state, a political subdivision, or other government agency.

15 Sec. 36. A provider is not required to take legal action to enforce
16 the collection of the 911 fee for which a user is billed. However, the
17 board may initiate a collection action. A court finding for the
18 board in the action may award reasonable costs and attorney fees
19 associated with the collection action.

20 Sec. 37. (a) Subject to subsection (b), the board shall administer
21 the fund in the following manner:

22 (1) The board may use fifteen percent (15%) of the statewide
23 911 fees deposited in the fund to recover the board's expenses
24 in administering this chapter and to develop, operate, and
25 maintain a statewide 911 system. However, the board may
26 increase or decrease this percentage to allow for full recovery
27 of administration expenses.

28 (2) The board shall distribute the remainder of the statewide
29 911 fees deposited in the fund to counties in an amount
30 determined by the board. However, in determining a
31 distribution under this subdivision, the board shall ensure
32 that the distribution to a county with respect to any state
33 fiscal year beginning after June 30, 2012, is at least equal to
34 the average annual amount distributed to all PSAPs in the
35 county under IC 36-8-16 (before its repeal on July 1, 2012)
36 and to the county under IC 36-8-16.5 (before its repeal on
37 July 1, 2012) during the three (3) state fiscal years ending:

38 (A) June 30, 2009;

39 (B) June 30, 2010; and

40 (C) June 30, 2011;

41 increased by a percentage that does not exceed the percent of
42 increase in the United States Department of Labor Consumer Price

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1 Index during the twelve (12) months preceding the state fiscal year
2 for which the distribution is made.

3 (b) The board may not distribute money in the fund in a manner
4 that impairs the ability of the board to fulfill its management and
5 administrative obligations under this chapter.

6 Sec. 38. (a) A PSAP may use a distribution from a county under
7 this chapter only for the following:

8 (1) The lease, purchase, or maintenance of communications
9 service equipment.

10 (2) Necessary system hardware and software and data base
11 equipment.

12 (3) Personnel expenses, including wages, benefits, training,
13 and continuing education.

14 (4) Consumer education concerning 911 service.

15 (5) Operational costs, including costs associated with:

16 (A) utilities;

17 (B) maintenance;

18 (C) equipment designed to provide backup power or
19 system redundancy, including generators; and

20 (D) call logging equipment.

21 (6) An emergency notification system under section 40 of this
22 chapter.

23 (7) Connectivity to the Indiana data communications system
24 (IDACS).

25 (8) Rates associated with communications service providers'
26 enhanced emergency communications system network
27 services.

28 (9) Mobile radio equipment used by first responders.

29 (10) Up to fifty percent (50%) of the costs associated with the
30 narrow banding or replacement of equipment as a result of
31 the narrow banding requirements specified by the Federal
32 Communications Commission.

33 (11) Other expenses approved by the board.

34 (b) A PSAP may not use a distribution from a county under this
35 chapter for the following:

36 (1) Construction, purchase, renovation, or furnishing of PSAP
37 buildings.

38 (2) Vehicles.

39 (c) Not later than January 31 of each year, each PSAP shall
40 submit to the board a report of the following:

41 (1) All expenditures made during the immediately preceding
42 calendar year from distributions under this chapter.

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1 (2) Call data and statistics for the immediately preceding
2 calendar year, as specified by the board and collected in
3 accordance with any reporting method established or
4 required by the board.

5 (d) Beginning July 1, 2013, the state board of accounts annually
6 shall audit the expenditures of distributions under this chapter
7 made during the immediately preceding calendar year by each
8 PSAP that receives distributions under this chapter. In conducting
9 an audit under this subsection, the state board of accounts shall
10 determine, in conjunction with the board, whether the
11 expenditures made by each PSAP are in compliance with
12 subsections (a) and (b). The board shall review and further audit
13 any ineligible expenditure identified by the state board of accounts
14 under this subsection or through any other report. If the board
15 verifies that the expenditure did not comply with this section, the
16 board shall ensure that the fund is reimbursed in the dollar amount
17 of the noncomplying expenditure from any source of funding, other
18 than a fund described in subsection (e), that is available to the
19 PSAP or to a unit in which the PSAP is located.

20 (e) A distribution under section 37(a)(2) of this chapter must be
21 deposited by the treasurer of the county in a separate fund set
22 aside for the purposes allowed by subsections (a) and (b). The fund
23 must be known as the _____ (insert name of county) 911 fund.
24 The county treasurer may invest money in the fund in the same
25 manner that other money of the county may be invested, but
26 income earned from the investment must be deposited in the fund
27 set aside under this subsection.

28 Sec. 39. (a) In cooperation with the board, a provider shall
29 designate a person to coordinate with and provide all relevant
30 information to the board to assist the board in carrying out its
31 duties under this chapter.

32 (b) A provider shall provide the automatic number
33 identification and any other information, including updates,
34 required by the board to the county, the municipality, an
35 authorized agent of a county or municipality, or the board or the
36 board's authorized agent for purposes of establishing and
37 maintaining a 911 system data base. The board may use
38 confidential information received under this subsection solely for
39 the purpose of providing statewide 911 service.

40 Sec. 40. (a) As used in this section, "emergency notification
41 system" means an enhanced 911 system capability that provides
42 communications service users within the territory served by a

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1 PSAP with a warning, delivered through a device or medium by
 2 which users receive communications service from a provider, of an
 3 emergency situation through a computerized warning system that
 4 uses 911 data base information and technology.

5 (b) A county may establish an emergency notification system. A
 6 PSAP in the county may use funds distributed to it under this
 7 chapter to establish and operate an emergency notification system
 8 under this section.

9 (c) A provider shall provide to a PSAP the necessary user data
 10 to enable the PSAP to implement an emergency notification system
 11 under this section. The provision of data under this subsection is
 12 subject to section 41 of this chapter. In providing data under this
 13 subsection, the provider shall provide the following information for
 14 each service user in the PSAP's service territory:

15 (1) The service address of the user.

16 (2) The class of service provided to the user.

17 (3) A designation of listed, unlisted, or nonpublished with
 18 respect to any telephone number (or other functionally
 19 equivalent identification number) associated with the user's
 20 service or account.

21 The provider shall provide this data to the PSAP on a quarterly
 22 basis. The provider may charge a reasonable fee to the PSAP for
 23 the administrative costs of providing the data

24 Sec. 41. (a) A provider shall, upon request, provide to a PSAP
 25 the necessary user data to enable the PSAP to implement and
 26 operate a 911 system. User data provided to a PSAP for the
 27 purpose of implementing or updating a 911 system may be used
 28 only to identify:

29 (1) a user;

30 (2) a user's place of primary use (as determined in the manner
 31 provided by IC 6-8.1-15); or

32 (3) the information described in both subdivisions (1) and (2);

33 and may not be used or disclosed by the PSAP, or its agents or
 34 employees, for any other purpose unless the data is used or
 35 disclosed under a court order. A person who recklessly, knowingly,
 36 or intentionally violates this subsection commits a Class A
 37 misdemeanor.

38 (b) After May 31, 1988, a contract entered into between a
 39 provider and a user who has an unlisted or nonpublished telephone
 40 number (or other functionally equivalent identification number)
 41 may not include a provision that prohibits the provider from
 42 providing the user's telephone number (or other functionally

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1 equivalent identification number) to a PSAP for inclusion in a 911
 2 system data base. A provider (other than a provider who, before
 3 June 1, 1988, has contracted to not divulge a subscriber's unlisted
 4 or nonpublished telephone number (or other functionally
 5 equivalent identification number)) shall provide a requesting PSAP
 6 with the name, telephone number (or other functionally equivalent
 7 identification number), and place of primary use (as determined in
 8 the manner provided by IC 6-8.1-15) for each user of the provider.
 9 A PSAP may not release a telephone number (or other functionally
 10 equivalent identification number) required to be provided under
 11 this subsection to any person except as provided in subsection (a).

12 (c) A provider may amend or terminate a contract with a user
 13 if:

- 14 (1) the contract contains a provision that prohibits the
 15 provider from providing the user's telephone number (or
 16 other functionally equivalent identification number) to a
 17 PSAP for inclusion in a 911 system data base;
- 18 (2) the exclusion of the telephone number (or other
 19 functionally equivalent identification number) from the data
 20 base would negate the purpose of this chapter; and
- 21 (3) the user is notified of the proposed amendment or
 22 termination of a contract at least one hundred eighty (180)
 23 days before the provider takes action.

24 Sec. 42. (a) All proprietary information submitted to the board
 25 or the treasurer of state is confidential. Notwithstanding any other
 26 law, proprietary information submitted under this chapter is not
 27 subject to subpoena, and proprietary information submitted under
 28 this chapter may not be released to a person other than to the
 29 submitting provider without the permission of the submitting
 30 provider.

31 (b) General information collected by the board or the treasurer
 32 of state may be released or published only in aggregate amounts
 33 that do not identify or allow identification of numbers of users or
 34 revenues attributable to an individual provider.

35 Sec. 43. Notwithstanding any other law:

- 36 (1) the board;
- 37 (2) a PSAP;
- 38 (3) a political subdivision;
- 39 (4) a provider;
- 40 (5) an employee, director, officer, or agent of a PSAP, a
 41 political subdivision, or a provider; or
- 42 (6) an employee or member of the board, the board chair, the



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- 1 executive director, or an employee, agent, or representative of
 2 the board chair;
 3 is not liable for damages in a civil action or subject to criminal
 4 prosecution resulting from death, injury, or loss to persons or
 5 property incurred by any person in connection with establishing,
 6 developing, implementing, maintaining, operating, and providing
 7 911 service, except in the case of willful or wanton misconduct.
- 8 Sec. 44. A person may not use 911 service except to make
 9 emergency calls that may result in the dispatch of the appropriate
 10 response for fire suppression and rescue, emergency medical or
 11 ambulance services, hazardous material, disaster or major
 12 emergency occurrences, and law enforcement activities.
- 13 Sec. 45. (a) This section does not apply to a person that connects
 14 to a 911 network using automatic crash notification technology
 15 subject to an established protocol.
- 16 (b) A person may not connect to a 911 network an automatic
 17 alarm, automatic dialer, or other automated alerting device that:
 18 (1) causes the number 911 to be automatically dialed; or
 19 (2) provides through a prerecorded message information
 20 regarding obtaining 911 emergency service.
- 21 (c) A person who knowingly or intentionally violates this section
 22 commits a Class A misdemeanor.
- 23 Sec. 46. (a) A person who knowingly or intentionally places a
 24 911 call:
 25 (1) for a purpose other than obtaining public safety assistance
 26 or emergency services; or
 27 (2) to avoid communications service charges or fees;
 28 commits a Class A misdemeanor.
- 29 (b) A person who places repeated nonemergency 911 calls
 30 commits a Class D felony if the repeated nonemergency 911 calls
 31 result in a delayed response to an emergency 911 call that results
 32 in injury or death.
- 33 (c) A person who makes a false request for public safety
 34 assistance or emergency services to a PSAP through placement of
 35 a 911 call commits a Class D felony. The offense is a Class C felony
 36 if an emergency services provider suffers serious bodily injury in
 37 responding to the 911 call.
- 38 Sec. 47. (a) For purposes of this section, a PSAP includes a
 39 public safety communications system operated and maintained
 40 under IC 36-8-15 (before its expiration on July 1, 2016).
- 41 (b) As used in this section, "PSAP operator" means:
 42 (1) a political subdivision; or

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- 1 **(2) an agency;**
- 2 **that operates a PSAP. The term does not include any entity**
- 3 **described in subsection (c)(1) through (c)(3).**
- 4 **(c) Subject to subsection (d), after December 31, 2014, a county**
- 5 **may not contain more than two (2) PSAPs. However, a county may**
- 6 **contain one (1) or more PSAPs in addition to the number of PSAPs**
- 7 **authorized by this section, as long as any additional PSAPs are**
- 8 **operated:**
 - 9 **(1) by a state educational institution;**
 - 10 **(2) by an airport authority established for a county having a**
 - 11 **consolidated city; or**
 - 12 **(3) in a county having a consolidated city, by an excluded city**
 - 13 **(as defined in IC 36-3-1-7).**
- 14 **(d) If, on March 15, 2008, a county does not contain more than**
- 15 **one (1) PSAP, not including any PSAP operated by an entity**
- 16 **described in subsection (c)(1) through (c)(3), an additional PSAP**
- 17 **may not be established and operated in the county on or after**
- 18 **March 15, 2008, unless the additional PSAP is established and**
- 19 **operated by:**
 - 20 **(1) a state educational institution;**
 - 21 **(2) in the case of a county having a consolidated city, an**
 - 22 **airport authority established for the county; or**
 - 23 **(3) the municipality having the largest population in the**
 - 24 **county or an agency of that municipality.**
- 25 **(e) Before January 1, 2015, each PSAP operator in a county that**
- 26 **contains more than the number of PSAPs authorized by subsection**
- 27 **(c) shall enter into an interlocal agreement under IC 36-1-7 with**
- 28 **every other PSAP operator in the county to ensure that the county**
- 29 **does not contain more than the number of PSAPs authorized by**
- 30 **subsection (c) after December 31, 2014.**
- 31 **(f) An interlocal agreement required under subsection (e) may**
- 32 **include as parties, in addition to the PSAP operators required to**
- 33 **enter into the interlocal agreement under subsection (e), any of the**
- 34 **following that seek to be served by a county's authorized PSAPs**
- 35 **after December 31, 2014:**
 - 36 **(1) Other counties contiguous to the county.**
 - 37 **(2) Other political subdivisions in a county contiguous to the**
 - 38 **county.**
 - 39 **(3) Other PSAP operators in a county contiguous to the**
 - 40 **county.**
- 41 **(g) An interlocal agreement required under subsection (e) must**
- 42 **provide for the following:**

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- 1 **(1) A plan for the:**
 2 **(A) consolidation;**
 3 **(B) reorganization; or**
 4 **(C) elimination;**
 5 **of one (1) or more of the county's PSAPs, as necessary to**
 6 **ensure that the county does not contain more than the number**
 7 **of PSAPs authorized by subsection (c) after December 31,**
 8 **2014.**
- 9 **(2) A plan for funding and staffing the PSAP or PSAPs that**
 10 **will serve:**
 11 **(A) the county; and**
 12 **(B) any areas contiguous to the county, if additional parties**
 13 **described in subsection (f) participate in the interlocal**
 14 **agreement;**
 15 **after December 31, 2014.**
- 16 **(3) Subject to any applicable state or federal requirements,**
 17 **protocol to be followed by the county's PSAP or PSAPs in:**
 18 **(A) receiving incoming 911 calls; and**
 19 **(B) dispatching appropriate public safety agencies to**
 20 **respond to the calls;**
 21 **after December 31, 2014.**
- 22 **(4) Any other matters that the participating PSAP operators**
 23 **or parties described in subsection (f), if any, determine are**
 24 **necessary to ensure that the county does not contain more**
 25 **than the number of PSAPs authorized by subsection (c) after**
 26 **December 31, 2014.**
- 27 **(h) This section may not be construed to require a county to**
 28 **contain a PSAP.**
- 29 **(i) After December 31, 2014, if a county contains more than the**
 30 **number of PSAPs authorized by subsection (c), the county may not**
 31 **receive a distribution under section 37 of this chapter until the**
 32 **county complies with subsection (c).**
- 33 SECTION 23. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1,
 34 2012]. (Emergency Telephone Notification System).
- 35 SECTION 24. IC 36-9-13-3.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this
 37 chapter, "system" means any of the following:
- 38 **(1) A computer (as defined in IC 36-8-15-4 before its expiration**
 39 **on July 1, 2016).**
- 40 **(2) A communications system (as defined in IC 36-8-15-3(1)**
 41 **before its expiration on July 1, 2016).**
- 42 **(3) Mobile or remote equipment that is coordinated by or linked**

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1 with a computer or communication system.
 2 (4) Upon the request of:
 3 (A) the fiscal body of an eligible entity having a fiscal body;
 4 or
 5 (B) the governing body of an eligible entity not having a fiscal
 6 body;
 7 security services provided by human or nonhuman means.
 8 SECTION 25. [EFFECTIVE UPON PASSAGE] (a) **The funds that**
 9 **remain on June 30, 2012, in the wireless emergency telephone**
 10 **system fund established by IC 36-8-16.5-21 (before its repeal by**
 11 **this act on July 1, 2012) shall be transferred on July 1, 2012, to the**
 12 **statewide 911 fund established by IC 36-8-16.7-29, as added by this**
 13 **act.**
 14 (b) **This SECTION expires January 1, 2013.**
 15 SECTION 26. [EFFECTIVE UPON PASSAGE] (a) **The funds that**
 16 **remain on June 30, 2012, in a county's wireless emergency**
 17 **telephone system fund established by IC 36-8-16.5-43 (before its**
 18 **repeal by this act on July 1, 2012) shall be transferred on July 1,**
 19 **2012, by the county treasurer to the county's 911 fund required to**
 20 **be set aside by the county treasurer under IC 36-8-16.7-38(e), as**
 21 **added by this act.**
 22 (b) **This SECTION expires January 1, 2013.**
 23 SECTION 27. [EFFECTIVE UPON PASSAGE] (a) **The funds that**
 24 **remain on June 30, 2012, in an emergency telephone system fund**
 25 **established by a county under IC 36-8-16-13 (before its repeal by**
 26 **this act on July 1, 2012) shall be transferred on July 1, 2012, by the**
 27 **county treasurer to the county's 911 fund required to be set aside**
 28 **by the county treasurer under IC 36-8-16.7-38(e), as added by this**
 29 **act.**
 30 (b) **This SECTION expires January 1, 2013.**
 31 SECTION 28. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1087, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1087 as introduced.)

ESPICH, Chair

Committee Vote: yeas 19, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1087, 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:

Replace the effective date in SECTION 9 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include ~~the~~ **an enhanced emergency telephone system under IC 36-8-16-2 (before its repeal on July 1, 2012) or the statewide 911 system under IC 36-8-16.7.**"

Page 6, delete lines 29 through 31 and insert:

"(11) A communications system (as defined in IC 36-8-15-3 **(before its expiration on July 1, 2016)**), ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)**), **or the statewide 911 system (as**

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defined in IC 36-8-16.7-22)."

Page 9, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 6-3.5-6-18, AS AMENDED BY P.L.135-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b) **(before its expiration on July 1, 2016)**;
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) fund the operation of a public library in a county containing a consolidated city as provided in an election, if any, made by the county fiscal body under IC 36-3-7-6;
- (5) make payments permitted under IC 36-7-14-25.5 or IC 36-7-15.1-17.5;
- (6) make payments permitted under subsection (i);
- (7) make distributions of distributive shares to the civil taxing units of a county; and
- (8) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-3-7-6, IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b) **(before its expiration on July 1, 2016)**, and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and
- (2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

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(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable

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to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents."

Page 9, delete lines 32 through 34, begin a new line block indented and insert:

"(11) A communications system (as defined in IC 36-8-15-3 **before its expiration on July 1, 2016**), or an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)**), or the statewide 911 system (as defined in IC 36-8-16.7-22)."

Page 14, delete lines 19 through 24, begin a new paragraph and insert:

"SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~ **IC 36-8-16.7-43** (Concerning the statewide 911 board, a PSAP, a political subdivision, a communications service suppliers or telephone companies provider, a member of the board, or the board chair for loss, death, or injury related to an enhanced emergency telephone system): **911 service**)."

Page 16, line 12, delete "IC 36-8-16.7-40" and insert "**IC 36-8-16.7-41**".

Page 16, line 13, delete "IC 36-8-16.7-43" and insert "**IC 36-8-16.7-45**".

Page 16, line 14, delete "IC 36-8-16.7-44" and insert "**IC 36-8-16.7-46**".

Page 16, delete line 15.

Page 16, between lines 22 and 23, begin a new paragraph and insert:
"SECTION 10. IC 36-1-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter:

"Leasing agent" means the board or officer of a political subdivision or agency with the power to lease structures.

"Parking facility" refers to a parking facility as defined in IC 36-9-1.

"Structure" means:

- (1) a building used in connection with the operation of a political subdivision; or
- (2) a parking facility.

The term includes the site, the equipment, and appurtenances to the building or parking facility.



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"System" means:

- (1) a computer (as defined in IC 36-8-15-4 **before its expiration on July 1, 2016**);
- (2) a communications system (as defined in IC 36-8-15-3(1) **before its expiration on July 1, 2016**); or
- (3) mobile or remote equipment that is coordinated by or linked with a computer or communications system.

"Transportation project" means a road or highway project jointly undertaken by the Indiana department of transportation and any county through which a toll road project under IC 8-15-2 passes. A transportation project must be located within an area described in IC 8-15-2-1(a)(3) or IC 8-15-2-1(a)(4)."

Page 17, delete lines 38 through 40, begin a new line block indented and insert:

"(2) the statewide 911 board established by IC 36-8-16.7-24 and the administrator of an the enhanced emergency telephone system established under IC 36-8-16 (before its repeal on July 1, 2012), if any;"

Page 18, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 12. IC 36-8-15-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. This chapter expires July 1, 2016.

SECTION 13. IC 36-8-15.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15.1. Public Communications Systems; Transitional Matters

Sec. 1. (a) Notwithstanding the expiration of IC 36-8-15 on July 1, 2016:

- (1) a public safety communications systems and computer facilities district created by IC 36-8-15-7(a) (before its expiration on July 1, 2016); and
 - (2) a public safety communications systems district created under IC 36-8-15-7(b) (before its expiration on July 1, 2016);
- remain in existence until such time as all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by the district before July 1, 2016, are satisfied according to their terms.

(b) Notwithstanding the expiration of IC 36-8-15-14 on July 1, 2016, all taxable property located within:

- (1) a public safety communications systems and computer



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facilities district created by IC 36-8-15-7(a) (before its expiration on July 1, 2016); and

(2) a public safety communications systems district created under IC 36-8-15-7(b) (before its expiration on July 1, 2016); remains subject to a special benefit tax as provided for by IC 36-8-15-14 (before its expiration on July 1, 2016) until such time as revenue from the tax is no longer needed by the district to satisfy any obligations that were issued, obtained, or incurred by the district before July 1, 2016, to pay the costs of a project, as described in IC 36-8-15-14 (before its expiration on July 1, 2016).

(c) Notwithstanding the expiration of IC 36-8-15-18 on July 1, 2016, all property located within a public safety communications systems and computer facilities district in a county having a consolidated city remains subject to a special tax as provided for by IC 36-8-15-18 (before its expiration on July 1, 2016) until such time as revenue from the special tax is no longer needed by the district to satisfy any bonds that were issued by the district before July 1, 2016.

(d) Notwithstanding the expiration of IC 36-8-15-19 on July 1, 2016, all property located within a public safety communications systems district in a county described in IC 36-8-15-19(a) remains subject to an ad valorem property tax as provided for by IC 36-8-15-19(a) (before its expiration on July 1, 2016) until such time as revenue from the tax is no longer needed by the district to satisfy any obligations that were issued, obtained, or incurred by the district before July 1, 2016, to fund the operation of the district, as described in IC 36-8-15-19(a) (before its expiration on July 1, 2016).

(e) After June 30, 2016, a public safety communications systems and computer facilities district created by IC 36-8-15-7 (before its expiration on July 1, 2016) may not pledge revenue from any bonds issued or taxes levied under IC 36-8-15 (before its expiration on July 1, 2016) before July 1, 2016.

Sec. 2. Not later than November 1 of each year:

(1) a public safety communications systems and computer facilities district created by IC 36-8-15-7 (before its expiration on July 1, 2016); and

(2) each public safety communications systems district created under IC 36-8-15-7(b) (before its expiration on July 1, 2016); shall report in an electronic format under IC 5-14-6 to the general assembly whether and to what extent all bonds, loans, lease payments, or other obligations that were issued, obtained, or

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incurred by the district before July 1, 2016, are satisfied according to their terms. If the general assembly determines, based on all reports submitted under this subsection, that all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by all districts before July 1, 2016, are satisfied according to their terms, the general assembly may introduce legislation during a subsequent legislative session to amend this chapter to provide for the expiration or repeal of this chapter."

Page 18, delete lines 23 through 37, begin a new paragraph and insert:

"SECTION 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of this chapter,~~ The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this ~~subsection~~ **section** may not exceed one-half (1/2) of the monthly wireless emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 **(before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents (\$0.50).**

(b) Subject to legislative approval, **after the increase described in subsection (a) and after June 30, 2012,** the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~ and ~~IC 36-8-16.5.~~ **IC 36-8-16.7.**

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section."

Page 19, line 13, delete "IC 36-8-16.7-32(b)." and insert "**IC 36-8-16.7-32(d).**"

Page 19, delete lines 14 through 28, begin a new paragraph and insert:

"SECTION 21. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 22. (a) ~~Not later than January 1, 2011,~~ the department shall determine the total amount of fees collected and remitted under ~~IC 36-8-16.5-30.5~~ **(b)(2)** ~~(as effective in the period beginning July 1, 2008, and ending June 30, 2010)~~ for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection:

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(b) Not later than January 1, 2013, the department shall determine the total amount of fees collected and remitted under this chapter for the period beginning July 1, 2010, and ending June 30, 2012.

(c) If the amount determined under subsection (b) is less than the amount determined under subsection (a) by more than five percent (5%), this chapter expires and sunsets July 1, 2013."

Page 21, delete lines 2 through 4 and insert "**number 911 to send:**

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations."

Page 22, delete lines 32 through 35 and insert "**number 911 to send:**

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations."

Page 22, delete lines 37 through 40, begin a new line block indented and insert:

"(1) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).

(2) An emergency notification system.

(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012)."

Page 23, line 8, delete "for the purposes of subsection (c):" and insert "**concerning the membership of the board:**"

Page 23, delete lines 9 through 35, begin a new line block indented and insert:

"(1) The executive committees of:

(A) the Indiana chapter of the National Emergency Number Association (NENA); and

(B) the Indiana chapter of the Association of Public Safety Communication Officials International (APCO);

shall jointly recommend three (3) individuals, at least one (1) of whom must have budget experience at the local level.

(2) The CMRS providers authorized to provide CMRS in Indiana shall jointly recommend one (1) individual.

(3) The Indiana Association of County Commissioners shall recommend one (1) individual who is a county commissioner

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in Indiana.

(4) The Indiana Sheriff's Association shall recommend one (1) individual who is a county sheriff in Indiana.

(5) The Indiana Telecommunications Association shall recommend two (2) individuals as follows:

(A) One (1) individual representing a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.

(B) One (1) individual representing a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana.

(6) The Indiana Cable Telecommunications Association shall recommend one (1) individual representing a VOIP provider.

(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.

(c) The board consists of the following thirteen (13) members:

(1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.

(2) Three (3) members for a term of three (3) years who are appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. At least one (1) member appointed under this subdivision must have budget experience at the local level.

(3) One (1) CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6), (7), or (8).

(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.

(5) One (1) county sheriff member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.

(6) One (1) local exchange carrier member that serves less than fifty thousand (50,000) local exchange access lines in

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Indiana appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (7), or (8).

(7) One (1) local exchange carrier member that serves at least fifty thousand (50,000) local exchange access lines in Indiana appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(B). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (8).

(8) One (1) VOIP provider who is appointed by the governor after considering the recommendation of the Indiana Cable Telecommunications Association under subsection (b)(6). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (7).

(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under subsection (b)(7).

(10) One (1) member who represents a department or agency providing firefighting or fire prevention services in Indiana.

(11) The superintendent of the state police department or the superintendent's designee."

Delete page 24.

Page 25, delete lines 1 through 6.

Page 25, between lines 20 and 21, begin a new paragraph and insert:

"(e) This subsection applies to a member appointed under subsection (c)(2) through (c)(10). A member shall submit the name of a designee to the board. The board shall maintain a list of approved designees. A member may appoint a listed designee to fill the member's position under subsection (c) or to act on behalf of the member at a meeting of the board. The designee serves at the pleasure of the appointing member."

Page 25, line 21, delete "(e)" and insert "(f)".

Page 25, between lines 21 and 22, begin a new paragraph and insert:

"(g) A member or a designee may vote by proxy."

Page 26, delete lines 3 through 20, begin a new line block indented

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and insert:

"(4) Acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.

(5) Enter into contracts, including contracts:

(A) for professional services;

(B) for purchase of supplies or services; and

(C) to acquire office space.

(6) Hire staff.

(7) Adopt rules under IC 4-22-2 to implement this chapter.

(8) Develop, maintain, and update a statewide 911 plan.

(9) Administer the statewide 911 fund established by section 29 of this chapter.

(10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.

(11) Administer statewide 911 grants in accordance with state and federal guidelines.

(12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.

(13) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law."

Page 26, line 21, delete "board" and insert "treasurer of state".

Page 26, delete line 24, begin a new line block indented and insert:

"(2) Approve salaries and allowable expenses for board members, employees, and consultants."

Page 26, line 32, delete "board" and insert "treasurer of state".

Page 27, line 9, delete "board" and insert "treasurer of state".

Page 27, line 10, delete "In".

Page 27, delete lines 11 through 42, begin a new paragraph and insert:

"(d) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:

(1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and

(2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(B) the budget agency or any other state agency



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notwithstanding IC 4-12-1-12 or any other law."

Page 28, delete lines 1 through 3.

Page 28, line 4, delete "(f)" and insert "(e)".

Page 28, line 6, delete "board shall select a third party to" and insert **"state board of accounts shall"**.

Page 28, delete lines 21 through 37, begin a new paragraph and insert:

"Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b), the board shall assess a monthly statewide 911 fee on each user that is a customer having a place of primary use (as determined in the manner provided by IC 6-8.1-15) in Indiana at a rate that:

- (1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and**
- (2) provides for proper development, operation, and maintenance of a statewide 911 system.**

The amount of the initial fee assessed under this subsection is one dollar (\$1).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

- (1) The fee may not be raised or lowered more than one (1) time in a calendar year.**
- (2) The fee may not be raised or lowered more than ten cents (\$0.10) by an adjustment without legislative approval.**

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the wireless emergency enhanced 911 fee if the user is any of the following:

- (1) The federal government or an agency of the federal government.**
- (2) The state or an agency or instrumentality of the state.**
- (3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision."**

Page 29, line 6, delete "statewide".

Page 29, line 26, delete "attorney's" and insert **"attorney"**.

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Page 29, delete lines 28 through 42, begin a new paragraph and insert:

"Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:

(1) The board may use fifteen percent (15%) of the statewide 911 fees deposited in the fund to recover the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. However, the board may increase or decrease this percentage to allow for full recovery of administration expenses.

(2) The board shall distribute the remainder of the statewide 911 fees deposited in the fund to counties in an amount determined by the board. However, in determining a distribution under this subdivision, the board shall ensure that the distribution to a county with respect to any state fiscal year beginning after June 30, 2012, is at least equal to the average annual amount distributed to all PSAPs in the county under IC 36-8-16 (before its repeal on July 1, 2012) and to the county under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:

- (A) June 30, 2009;**
- (B) June 30, 2010; and**
- (C) June 30, 2011;**

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made.

(b) The board may not distribute money in the fund in a manner that impairs the ability of the board to fulfill its management and administrative obligations under this chapter.

Sec. 38. (a) A PSAP may use a distribution from a county under this chapter only for the following:

- (1) The lease, purchase, or maintenance of communications service equipment.**
- (2) Necessary system hardware and software and data base equipment.**
- (3) Personnel expenses, including wages, benefits, training, and continuing education.**
- (4) Consumer education concerning 911 service.**
- (5) Operational costs, including costs associated with:**
 - (A) utilities;**
 - (B) maintenance;**



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- (C) equipment designed to provide backup power or system redundancy, including generators; and
 (D) call logging equipment.
- (6) An emergency notification system under section 40 of this chapter.
- (7) Connectivity to the Indiana data communications system (IDACS).
- (8) Rates associated with communications service providers' enhanced emergency communications system network services.
- (9) Mobile radio equipment used by first responders.
- (10) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.
- (11) Other expenses approved by the board.
- (b) A PSAP may not use a distribution from a county under this chapter for the following:
- (1) Construction, purchase, renovation, or furnishing of PSAP buildings.
 - (2) Vehicles.
- (c) Not later than January 31 of each year, each PSAP shall submit to the board a report of the following:
- (1) All expenditures made during the immediately preceding calendar year from distributions under this chapter.
 - (2) Call data and statistics for the immediately preceding calendar year, as specified by the board and collected in accordance with any reporting method established or required by the board.
- (d) Beginning July 1, 2013, the state board of accounts annually shall audit the expenditures of distributions under this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b). The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other

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than a fund described in subsection (e), that is available to the PSAP or to a unit in which the PSAP is located.

(e) A distribution under section 37(a)(2) of this chapter must be deposited by the treasurer of the county in a separate fund set aside for the purposes allowed by subsections (a) and (b). The fund must be known as the _____ (insert name of county) 911 fund. The county treasurer may invest money in the fund in the same manner that other money of the county may be invested, but income earned from the investment must be deposited in the fund set aside under this subsection."

Delete page 30.

Page 31, delete lines 1 through 5.

Page 31, delete lines 18 through 32, begin a new paragraph and insert:

"Sec. 40. (a) As used in this section, "emergency notification system" means an enhanced 911 system capability that provides communications service users within the territory served by a PSAP with a warning, delivered through a device or medium by which users receive communications service from a provider, of an emergency situation through a computerized warning system that uses 911 data base information and technology.

(b) A county may establish an emergency notification system. A PSAP in the county may use funds distributed to it under this chapter to establish and operate an emergency notification system under this section.

(c) A provider shall provide to a PSAP the necessary user data to enable the PSAP to implement an emergency notification system under this section. The provision of data under this subsection is subject to section 41 of this chapter. In providing data under this subsection, the provider shall provide the following information for each service user in the PSAP's service territory:

- (1) The service address of the user.
- (2) The class of service provided to the user.
- (3) A designation of listed, unlisted, or nonpublished with respect to any telephone number (or other functionally equivalent identification number) associated with the user's service or account.

The provider shall provide this data to the PSAP on a quarterly basis. The provider may charge a reasonable fee to the PSAP for the administrative costs of providing the data

Sec. 41. (a) A provider shall, upon request, provide to a PSAP the necessary user data to enable the PSAP to implement and



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operate a 911 system. User data provided to a PSAP for the purpose of implementing or updating a 911 system may be used only to identify:

- (1) a user;
- (2) a user's place of primary use (as determined in the manner provided by IC 6-8.1-15); or
- (3) the information described in both subdivisions (1) and (2);

and may not be used or disclosed by the PSAP, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor."

Page 32, line 19, delete "41." and insert "42."

Page 32, line 30, delete "42." and insert "43."

Page 33, line 3, delete "43. (a)" and insert "44."

Page 33, delete lines 8 through 9.

Page 33, line 10, delete "44." and insert "45."

Page 33, line 20, delete "45." and insert "46. (a)".

Page 33, between lines 25 and 26, begin a new paragraph and insert:

"(b) A person who places repeated nonemergency 911 calls commits a Class D felony if the repeated nonemergency 911 calls result in a delayed response to an emergency 911 call that results in injury or death.

(c) A person who makes a false request for public safety assistance or emergency services to a PSAP through placement of a 911 call commits a Class D felony. The offense is a Class C felony if an emergency services provider suffers serious bodily injury in responding to the 911 call."

Page 33, line 26, delete "46." and insert "47."

Page 33, line 28, after "IC 36-8-15" insert **"(before its expiration on July 1, 2016)".**

Page 34, delete lines 2 through 15, begin a new paragraph and insert:

"(d) If, on March 15, 2008, a county does not contain more than one (1) PSAP, not including any PSAP operated by an entity described in subsection (c)(1) through (c)(3), an additional PSAP may not be established and operated in the county on or after March 15, 2008, unless the additional PSAP is established and operated by:

- (1) a state educational institution;**
- (2) in the case of a county having a consolidated city, an airport authority established for the county; or**



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(3) the municipality having the largest population in the county or an agency of that municipality."

Page 35, delete lines 20 through 31, begin a new paragraph and insert:

"(i) After December 31, 2014, if a county contains more than the number of PSAPs authorized by subsection (c), the county may not receive a distribution under section 37 of this chapter until the county complies with subsection (c)."

Page 35, delete lines 34 through 39, begin a new paragraph and insert:

"SECTION 24. IC 36-9-13-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this chapter, "system" means any of the following:

- (1) A computer (as defined in IC 36-8-15-4 **before its expiration on July 1, 2016**).
- (2) A communications system (as defined in IC 36-8-15-3(1) **before its expiration on July 1, 2016**).
- (3) Mobile or remote equipment that is coordinated by or linked with a computer or communication system.
- (4) Upon the request of:
 - (A) the fiscal body of an eligible entity having a fiscal body; or
 - (B) the governing body of an eligible entity not having a fiscal body;

security services provided by human or nonhuman means.

SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in the wireless emergency telephone system fund established by IC 36-8-16.5-21 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, to the statewide 911 fund established by IC 36-8-16.7-29, as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in a county's wireless emergency telephone system fund established by IC 36-8-16.5-43 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(e), as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in an emergency telephone system fund**

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established by a county under IC 36-8-16-13 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(e), as added by this act.

(b) This SECTION expires January 1, 2013."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1087 as printed January 28, 2012.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 2.

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