



January 28, 2012

# HOUSE BILL No. 1087

DIGEST OF HB 1087 (Updated January 26, 2012 11:09 am - DI 92)

**Citations Affected:** IC 4-22; IC 5-26; IC 6-3.5; IC 6-8.1; IC 24-5; IC 34-30; IC 35-45; IC 35-51; IC 36-7; IC 36-8; noncode.

**Synopsis:** Statewide 911 system. Reorganizes the administration and funding of 911 services into a statewide 911 system. Replaces the wireless enhanced 911 advisory board with a statewide 911 board that will have additional representatives from state and local government. Provides that the treasurer of state is the chairperson of the board. Requires the board to impose a fee of \$0.75 per month on each communications service user who pays retrospectively for the service and has a billing address in Indiana. Establishes the statewide 911 fund for the deposit of fees. Requires the board to distribute money in amounts determined by the board to each public safety answering point. Requires the board to consider amounts received from existing landline and wireless fees in 2011-2012. Provides that the statewide system expires July 1, 2017. Continuously appropriates money in the fund for the purposes of the fund. Repeals the emergency telephone system fee, the wireless emergency enhanced 911 fee, and the emergency telephone notification system.

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

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## Thompson

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January 9, 2012, read first time and referred to Committee on Ways and Means.  
January 27, 2012, amended, reported — Do Pass.

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HB 1087—LS 6395/DI 92+



January 28, 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.

## 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 4-22-2-37.1, AS AMENDED BY P.L.229-2011,  
2 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking  
4 action resulting in any of the following rules:  
5 (1) An order adopted by the commissioner of the Indiana  
6 department of transportation under IC 9-20-1-3(d) or  
7 IC 9-21-4-7(a) and designated by the commissioner as an  
8 emergency rule.  
9 (2) An action taken by the director of the department of natural  
10 resources under IC 14-22-2-6(d) or IC 14-22-6-13.  
11 (3) An emergency temporary standard adopted by the  
12 occupational safety standards commission under  
13 IC 22-8-1.1-16.1.  
14 (4) An emergency rule adopted by the solid waste management  
15 board under IC 13-22-2-3 and classifying a waste as hazardous.  
16 (5) A rule, other than a rule described in subdivision (6), adopted  
17 by the department of financial institutions under IC 24-4.5-6-107

HB 1087—LS 6395/DI 92+



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- 1 and declared necessary to meet an emergency.  
 2 (6) A rule required under IC 24-4.5-1-106 that is adopted by the  
 3 department of financial institutions and declared necessary to  
 4 meet an emergency under IC 24-4.5-6-107.  
 5 (7) A rule adopted by the Indiana utility regulatory commission to  
 6 address an emergency under IC 8-1-2-113.  
 7 (8) An emergency rule adopted by the state lottery commission  
 8 under IC 4-30-3-9.  
 9 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the  
 10 executive board of the state department of health declares is  
 11 necessary to meet an emergency.  
 12 (10) An emergency rule adopted by the Indiana finance authority  
 13 under IC 8-21-12.  
 14 (11) An emergency rule adopted by the insurance commissioner  
 15 under IC 27-1-23-7 or IC 27-1-12.1.  
 16 (12) An emergency rule adopted by the Indiana horse racing  
 17 commission under IC 4-31-3-9.  
 18 (13) An emergency rule adopted by the air pollution control  
 19 board, the solid waste management board, or the water pollution  
 20 control board under IC 13-15-4-10(4) or to comply with a  
 21 deadline required by or other date provided by federal law,  
 22 provided:  
 23 (A) the variance procedures are included in the rules; and  
 24 (B) permits or licenses granted during the period the  
 25 emergency rule is in effect are reviewed after the emergency  
 26 rule expires.  
 27 (14) An emergency rule adopted by the Indiana election  
 28 commission under IC 3-6-4.1-14.  
 29 (15) An emergency rule adopted by the department of natural  
 30 resources under IC 14-10-2-5.  
 31 (16) An emergency rule adopted by the Indiana gaming  
 32 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,  
 33 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.  
 34 (17) An emergency rule adopted by the alcohol and tobacco  
 35 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
 36 IC 7.1-3-20-24.4.  
 37 (18) An emergency rule adopted by the department of financial  
 38 institutions under IC 28-15-11.  
 39 (19) An emergency rule adopted by the office of the secretary of  
 40 family and social services under IC 12-8-1-12.  
 41 (20) An emergency rule adopted by the office of the children's  
 42 health insurance program under IC 12-17.6-2-11.

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- 1 (21) An emergency rule adopted by the office of Medicaid policy  
2 and planning under IC 12-15-41-15.
- 3 (22) An emergency rule adopted by the Indiana state board of  
4 animal health under IC 15-17-10-9.
- 5 (23) An emergency rule adopted by the board of directors of the  
6 Indiana education savings authority under IC 21-9-4-7.
- 7 (24) An emergency rule adopted by the Indiana board of tax  
8 review under IC 6-1.1-4-34 (repealed).
- 9 (25) An emergency rule adopted by the department of local  
10 government finance under IC 6-1.1-4-33 (repealed).
- 11 (26) An emergency rule adopted by the boiler and pressure vessel  
12 rules board under IC 22-13-2-8(c).
- 13 (27) An emergency rule adopted by the Indiana board of tax  
14 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule  
15 adopted by the department of local government finance under  
16 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 17 (28) An emergency rule adopted by the board of the Indiana  
18 economic development corporation under IC 5-28-5-8.
- 19 (29) A rule adopted by the department of financial institutions  
20 under IC 34-55-10-2.5.
- 21 (30) A rule adopted by the Indiana finance authority:  
22 (A) under IC 8-15.5-7 approving user fees (as defined in  
23 IC 8-15.5-2-10) provided for in a public-private agreement  
24 under IC 8-15.5;  
25 (B) under IC 8-15-2-17.2(a)(10):  
26 (i) establishing enforcement procedures; and  
27 (ii) making assessments for failure to pay required tolls;  
28 (C) under IC 8-15-2-14(a)(3) authorizing the use of and  
29 establishing procedures for the implementation of the  
30 collection of user fees by electronic or other nonmanual  
31 means; or  
32 (D) to make other changes to existing rules related to a toll  
33 road project to accommodate the provisions of a public-private  
34 agreement under IC 8-15.5.
- 35 (31) An emergency rule adopted by the board of the Indiana  
36 health informatics corporation under IC 5-31-5-8.
- 37 (32) An emergency rule adopted by the department of child  
38 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or  
39 IC 31-27-4-3.
- 40 (33) An emergency rule adopted by the Indiana real estate  
41 commission under IC 25-34.1-2-5(15).
- 42 (34) A rule adopted by the department of financial institutions

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- 1 under IC 24-4.4-1-101 and determined necessary to meet an  
 2 emergency.
- 3 (35) An emergency rule adopted by the state board of pharmacy  
 4 regarding returning unused medication under IC 25-26-23.
- 5 (36) An emergency rule adopted by the department of local  
 6 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 7 (37) An emergency rule adopted by the office of the secretary of  
 8 family and social services or the office of Medicaid policy and  
 9 planning concerning the following:
- 10 (A) Federal Medicaid waiver program provisions.
- 11 (B) Federal programs administered by the office of the  
 12 secretary.
- 13 **(38) An emergency rule adopted by the statewide 911 board**  
 14 **under IC 36-8-16.7-37.**
- 15 (b) The following do not apply to rules described in subsection (a):
- 16 (1) Sections 24 through 36 of this chapter.
- 17 (2) IC 13-14-9.
- 18 (c) After a rule described in subsection (a) has been adopted by the  
 19 agency, the agency shall submit the rule to the publisher for the  
 20 assignment of a document control number. The agency shall submit the  
 21 rule in the form required by section 20 of this chapter and with the  
 22 documents required by section 21 of this chapter. The publisher shall  
 23 determine the format of the rule and other documents to be submitted  
 24 under this subsection.
- 25 (d) After the document control number has been assigned, the  
 26 agency shall submit the rule to the publisher for filing. The agency  
 27 shall submit the rule in the form required by section 20 of this chapter  
 28 and with the documents required by section 21 of this chapter. The  
 29 publisher shall determine the format of the rule and other documents  
 30 to be submitted under this subsection.
- 31 (e) Subject to section 39 of this chapter, the publisher shall:
- 32 (1) accept the rule for filing; and
- 33 (2) electronically record the date and time that the rule is  
 34 accepted.
- 35 (f) A rule described in subsection (a) takes effect on the latest of the  
 36 following dates:
- 37 (1) The effective date of the statute delegating authority to the  
 38 agency to adopt the rule.
- 39 (2) The date and time that the rule is accepted for filing under  
 40 subsection (e).
- 41 (3) The effective date stated by the adopting agency in the rule.
- 42 (4) The date of compliance with every requirement established by

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1 law as a prerequisite to the adoption or effectiveness of the rule.  
 2 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
 3 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in  
 4 subsections (j), (k), and (l), a rule adopted under this section expires  
 5 not later than ninety (90) days after the rule is accepted for filing under  
 6 subsection (e). Except for a rule adopted under subsection (a)(13),  
 7 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting  
 8 another rule under this section, but only for one (1) extension period.  
 9 The extension period for a rule adopted under subsection (a)(28) may  
 10 not exceed the period for which the original rule was in effect. A rule  
 11 adopted under subsection (a)(13) may be extended for two (2)  
 12 extension periods. Subject to subsection (j), a rule adopted under  
 13 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited  
 14 number of extension periods. Except for a rule adopted under  
 15 subsection (a)(13), for a rule adopted under this section to be effective  
 16 after one (1) extension period, the rule must be adopted under:

- 17 (1) sections 24 through 36 of this chapter; or  
 18 (2) IC 13-14-9;  
 19 as applicable.  
 20 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),  
 21 (a)(21), (a)(29), ~~or (a)(37)~~, **or (a)(38)** expires on the earlier of the  
 22 following dates:  
 23 (1) The expiration date stated by the adopting agency in the rule.  
 24 (2) The date that the rule is amended or repealed by a later rule  
 25 adopted under sections 24 through 36 of this chapter or this  
 26 section.  
 27 (i) This section may not be used to readopt a rule under IC 4-22-2.5.  
 28 (j) A rule described in subsection (a)(24) or (a)(25) expires not later  
 29 than January 1, 2006.

30 (k) A rule described in subsection (a)(28) expires on the expiration  
 31 date stated by the board of the Indiana economic development  
 32 corporation in the rule.

33 (l) A rule described in subsection (a)(30) expires on the expiration  
 34 date stated by the Indiana finance authority in the rule.

35 (m) A rule described in subsection (a)(5) or (a)(6) expires on the  
 36 date the department is next required to issue a rule under the statute  
 37 authorizing or requiring the rule.

38 SECTION 2. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system"  
 40 refers to the Indiana statewide wireless public safety voice and data  
 41 communications system. The term does not include the ~~enhanced~~  
 42 **emergency telephone statewide 911 system developed and**



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1 **maintained** under ~~IC 36-8-16-2~~. **IC 36-8-16.7.**

2 SECTION 3. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011,  
3 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety"  
5 refers to the following:

6 (1) A police and law enforcement system to preserve public peace  
7 and order.

8 (2) A firefighting and fire prevention system.

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

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

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

13 (6) A probation department of a court.

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

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

23 (B) convicted of a crime; or

24 (C) adjudicated as a delinquent child or a child in need of  
25 services.

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

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

28 (10) A county jail.

29 (11) A communications system (as defined in IC 36-8-15-3) or ~~an~~  
30 **enhanced emergency telephone the statewide 911** system (as  
31 defined in ~~IC 36-8-16-2~~). **IC 36-8-16.7-22).**

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

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

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

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

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

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- 1 (D) Other personnel employed to provide a service described  
2 in this section.
- 3 (b) If a county council has imposed a tax rate of at least twenty-five  
4 hundredths of one percent (0.25%) under section 24 of this chapter, a  
5 tax rate of at least twenty-five hundredths of one percent (0.25%) under  
6 section 26 of this chapter, or a total combined tax rate of at least  
7 twenty-five hundredths of one percent (0.25%) under sections 24 and  
8 26 of this chapter, the county council may also adopt an ordinance to  
9 impose an additional tax rate under this section to provide funding for  
10 public safety.
- 11 (c) A tax rate under this section may not exceed twenty-five  
12 hundredths of one percent (0.25%).
- 13 (d) If a county council adopts an ordinance to impose a tax rate  
14 under this section, the county auditor shall send a certified copy of the  
15 ordinance to the department and the department of local government  
16 finance by certified mail.
- 17 (e) A tax rate under this section is in addition to any other tax rates  
18 imposed under this chapter and does not affect the purposes for which  
19 other tax revenue under this chapter may be used.
- 20 (f) Except as provided in subsection (k) or (l), the county auditor  
21 shall distribute the portion of the certified distribution that is  
22 attributable to a tax rate under this section to the county and to each  
23 municipality in the county that is carrying out or providing at least one  
24 (1) of the public safety purposes described in subsection (a). The  
25 amount that shall be distributed to the county or municipality is equal  
26 to the result of:
- 27 (1) the portion of the certified distribution that is attributable to a  
28 tax rate under this section; multiplied by
- 29 (2) a fraction equal to:
- 30 (A) the attributed allocation amount (as defined in  
31 IC 6-3.5-1.1-15) of the county or municipality for the calendar  
32 year; divided by
- 33 (B) the sum of the attributed allocation amounts of the county  
34 and each municipality in the county that is entitled to a  
35 distribution under this section for the calendar year.
- 36 The county auditor shall make the distributions required by this  
37 subsection not more than thirty (30) days after receiving the portion of  
38 the certified distribution that is attributable to a tax rate under this  
39 section. Tax revenue distributed to a county or municipality under this  
40 subsection must be deposited into a separate account or fund and may  
41 be appropriated by the county or municipality only for public safety  
42 purposes.

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1 (g) The department of local government finance may not require a  
 2 county or municipality receiving tax revenue under this section to  
 3 reduce the county's or municipality's property tax levy for a particular  
 4 year on account of the county's or municipality's receipt of the tax  
 5 revenue.

6 (h) The tax rate under this section and the tax revenue attributable  
 7 to the tax rate under this section shall not be considered for purposes  
 8 of computing:

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

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

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

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

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

21 (k) Two (2) or more political subdivisions that are entitled to receive  
 22 a distribution under this section may adopt resolutions providing that  
 23 some part or all of those distributions shall instead be paid to one (1)  
 24 political subdivision in the county to carry out specific public safety  
 25 purposes specified in the resolutions.

26 (l) A fire department, volunteer fire department, or emergency  
 27 medical services provider that:

28 (1) provides fire protection or emergency medical services within  
 29 the county; and

30 (2) is operated by or serves a political subdivision that is not  
 31 otherwise entitled to receive a distribution of tax revenue under  
 32 this section;

33 may before July 1 of a year apply to the county council for a  
 34 distribution of tax revenue under this section during the following  
 35 calendar year. The county council shall review an application  
 36 submitted under this subsection and may before September 1 of a year  
 37 adopt a resolution requiring that one (1) or more of the applicants shall  
 38 receive a specified amount of the tax revenue to be distributed under  
 39 this section during the following calendar year. A resolution approved  
 40 under this subsection providing for a distribution to one (1) or more fire  
 41 departments, volunteer fire departments, or emergency medical  
 42 services providers applies only to distributions in the following



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1 calendar year. Any amount of tax revenue distributed under this  
 2 subsection to a fire department, volunteer fire department, or  
 3 emergency medical services provider shall be distributed before the  
 4 remainder of the tax revenue is distributed under subsection (f).

5 SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011,  
 6 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety"  
 8 refers to the following:

9 (1) A police and law enforcement system to preserve public peace  
 10 and order.

11 (2) A firefighting and fire prevention system.

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

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

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

16 (6) A probation department of a court.

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

20 (A) diverted before a final hearing or trial under an agreement  
 21 that is between the county prosecuting attorney and the person  
 22 or the person's custodian, guardian, or parent and that provides  
 23 for confinement, supervision, community corrections services,  
 24 or other correctional services instead of a final action  
 25 described in clause (B) or (C);

26 (B) convicted of a crime; or

27 (C) adjudicated as a delinquent child or a child in need of  
 28 services.

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

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

31 (10) A county jail.

32 (11) A communications system (as defined in IC 36-8-15-3) or an  
 33 enhanced emergency telephone the statewide 911 system (as  
 34 defined in ~~IC 36-8-16-2~~. **IC 36-8-16.7-22**).

35 (12) Medical and health expenses for jail inmates and other  
 36 confined persons.

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

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

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

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- 1 department.
- 2 (C) A county sheriff or any other member of the office of the
- 3 county sheriff.
- 4 (D) Other personnel employed to provide a service described
- 5 in this section.
- 6 (b) The county income tax council may adopt an ordinance to
- 7 impose an additional tax rate under this section to provide funding for
- 8 public safety if:
- 9 (1) the county income tax council has imposed a tax rate under
- 10 section 30 of this chapter, in the case of a county containing a
- 11 consolidated city; or
- 12 (2) the county income tax council has imposed a tax rate of at
- 13 least twenty-five hundredths of one percent (0.25%) under section
- 14 30 of this chapter, a tax rate of at least twenty-five hundredths of
- 15 one percent (0.25%) under section 32 of this chapter, or a total
- 16 combined tax rate of at least twenty-five hundredths of one
- 17 percent (0.25%) under sections 30 and 32 of this chapter, in the
- 18 case of a county other than a county containing a consolidated
- 19 city.
- 20 (c) A tax rate under this section may not exceed the following:
- 21 (1) Five-tenths of one percent (0.5%), in the case of a county
- 22 containing a consolidated city.
- 23 (2) Twenty-five hundredths of one percent (0.25%), in the case of
- 24 a county other than a county containing a consolidated city.
- 25 (d) If a county income tax council adopts an ordinance to impose a
- 26 tax rate under this section, the county auditor shall send a certified
- 27 copy of the ordinance to the department and the department of local
- 28 government finance by certified mail.
- 29 (e) A tax rate under this section is in addition to any other tax rates
- 30 imposed under this chapter and does not affect the purposes for which
- 31 other tax revenue under this chapter may be used.
- 32 (f) Except as provided in subsections (l) and (m), the county auditor
- 33 shall distribute the portion of the certified distribution that is
- 34 attributable to a tax rate under this section to the county and to each
- 35 municipality in the county that is carrying out or providing at least one
- 36 (1) of the public safety purposes described in subsection (a). The
- 37 amount that shall be distributed to the county or municipality is equal
- 38 to the result of:
- 39 (1) the portion of the certified distribution that is attributable to a
- 40 tax rate under this section; multiplied by
- 41 (2) a fraction equal to:
- 42 (A) the total property taxes being collected in the county by

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1 the county or municipality for the calendar year; divided by  
2 (B) the sum of the total property taxes being collected in the  
3 county by the county and each municipality in the county that  
4 is entitled to a distribution under this section for the calendar  
5 year.

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

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

18 (h) The tax rate under this section and the tax revenue attributable  
19 to the tax rate under this section shall not be considered for purposes  
20 of computing:

- 21 (1) the maximum income tax rate that may be imposed in a county
- 22 under section 8 or 9 of this chapter or any other provision of this
- 23 chapter;
- 24 (2) the maximum permissible property tax levy under
- 25 IC 6-1.1-18.5-3; or
- 26 (3) the credit under IC 6-1.1-20.6.

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

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

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

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

41 (m) A fire department, volunteer fire department, or emergency  
42 medical services provider that:

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1 (1) provides fire protection or emergency medical services within  
 2 the county; and  
 3 (2) is operated by or serves a political subdivision that is not  
 4 otherwise entitled to receive a distribution of tax revenue under  
 5 this section;  
 6 may before July 1 of a year apply to the county income tax council for  
 7 a distribution of tax revenue under this section during the following  
 8 calendar year. The county income tax council shall review an  
 9 application submitted under this subsection and may before September  
 10 1 of a year adopt a resolution requiring that one (1) or more of the  
 11 applicants shall receive a specified amount of the tax revenue to be  
 12 distributed under this section during the following calendar year. A  
 13 resolution approved under this subsection providing for a distribution  
 14 to one (1) or more fire departments, volunteer fire departments, or  
 15 emergency services providers applies only to distributions in the  
 16 following calendar year. Any amount of tax revenue distributed under  
 17 this subsection to a fire department, volunteer fire department, or  
 18 emergency medical services provider shall be distributed before the  
 19 remainder of the tax revenue is distributed under subsection (f).

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

- 23 (1) the gross retail tax imposed on mobile telecommunications  
 24 service under IC 6-2.5-4-6;
- 25 (2) the ~~monthly emergency wireless enhanced statewide~~ 911 fee  
 26 imposed on ~~mobile telecommunications~~ **communications** service  
 27 under ~~IC 36-8-16.5; IC 36-8-16.7~~; and
- 28 (3) any other tax, charge, or fee levied by the state or a taxing  
 29 jurisdiction within Indiana as a fixed charge for each customer or  
 30 measured by gross amounts charged to customers for mobile  
 31 telecommunications service, regardless of whether the tax,  
 32 charge, or fee is imposed on the vendor or customer of the service  
 33 and regardless of the terminology used to describe the tax, charge,  
 34 or fee;

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

- 37 (b) This chapter does not apply to:
  - 38 (1) any tax, charge, or fee levied upon or measured by the net  
 39 income, capital stock, net worth, or property value of the provider  
 40 of mobile telecommunications service;
  - 41 (2) any tax, charge, or fee that is applied to an equitably  
 42 apportioned amount that is not determined on a transactional

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- 1 basis;
- 2 (3) any tax, charge, or fee that:
- 3 (A) represents compensation for a mobile telecommunications
- 4 service provider's use of public rights-of-way or other public
- 5 property; and
- 6 (B) is not levied by the taxing jurisdiction as a fixed charge for
- 7 each customer or measured by gross amounts charged to
- 8 customers for mobile telecommunication service;
- 9 (4) any generally applicable business and occupation tax that is
- 10 imposed by the state, is applied to gross receipts or gross
- 11 proceeds, is the legal liability of the home service provider, and
- 12 that statutorily allows the home service provider to elect to use the
- 13 sourcing method required in this section; or
- 14 (5) the determination of the taxing situs of:
- 15 (A) prepaid telephone calling service; or
- 16 (B) air-ground radiotelephone service as defined in Section
- 17 22.99 of Title 47 of the Code of Federal Regulations as in
- 18 effect June 1, 1999.

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

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

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

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

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

- 42 (1) An injunction to enjoin future violations of this chapter.

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1 (2) Compensatory damages equal to any actual damage proven by  
2 the plaintiff to have resulted from the initiation of the commercial  
3 electronic mail message. If the plaintiff does not prove actual  
4 damage, the plaintiff is entitled to presumptive damages of five  
5 hundred dollars (\$500) for each commercial electronic mail  
6 message that violates this chapter and that is sent by the  
7 defendant:

- 8 (A) to the plaintiff; or  
9 (B) through the plaintiff's interactive computer service.  
10 (3) The plaintiff's reasonable attorney's fees and other litigation  
11 costs reasonably incurred in connection with the action.

- 12 (e) A person outside Indiana who:  
13 (1) initiates or assists the transmission of a commercial electronic  
14 mail message that violates this chapter; and  
15 (2) knows or should know that the commercial electronic mail  
16 message will be received in Indiana;

17 submits to the jurisdiction of Indiana courts for purposes of this  
18 chapter.

19 SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~  
21 **IC 36-8-16.7-42** (Concerning ~~service suppliers or telephone companies~~  
22 **the governmental entities, businesses, institutions, and individuals**  
23 **involved in the statewide 911 system** for loss, death, or injury related  
24 to an ~~enhanced emergency telephone~~ **the statewide 911 system**).

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

- 31 (b) This chapter does not provide a right of action against:  
32 (1) an interactive computer service;  
33 (2) a telephone company;  
34 (3) a CMRS provider (as defined in ~~IC 36-8-16.5-6~~;  
35 **IC 36-8-16.7-6**);  
36 (4) a cable operator (as defined in 47 U.S.C. 522(5)); or  
37 (5) any other entity that primarily provides connectivity to an  
38 operator;

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

- 42 (c) It is a defense to an action under this section if the defendant

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1 shows by a preponderance of the evidence that the violation of this  
2 chapter resulted from a good faith error and occurred notwithstanding  
3 the maintenance of procedures reasonably adopted to avoid violating  
4 this chapter.

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

- 7 (1) An injunction to enjoin future violations of this chapter.
- 8 (2) Compensatory damages equal to any actual damage proven by  
9 the plaintiff to have resulted from the initiation of the commercial  
10 electronic mail message. If the plaintiff does not prove actual  
11 damage, the plaintiff is entitled to presumptive damages of five  
12 hundred dollars (\$500) for each commercial electronic mail  
13 message that violates this chapter and that is sent by the  
14 defendant:

  - 15 (A) to the plaintiff; or
  - 16 (B) through the plaintiff's interactive computer service.

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

19 (e) A person outside Indiana who:

- 20 (1) initiates or assists the transmission of a commercial electronic  
21 mail message that violates this chapter; and
- 22 (2) knows or should know that the commercial electronic mail  
23 message will be received in Indiana;

24 submits to the jurisdiction of Indiana courts for purposes of this  
25 chapter.

26 SECTION 9. IC 35-51-36-1, AS ADDED BY P.L.70-2011,  
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 36:

- 29 IC 36-2-2-13 (Concerning county government).
- 30 IC 36-2-6-8 (Concerning county government).
- 31 IC 36-2-6-12 (Concerning county government).
- 32 IC 36-2-7-18 (Concerning county government).
- 33 IC 36-2-8-6 (Concerning county government).
- 34 IC 36-2-9-13 (Concerning county government).
- 35 IC 36-2-9-14 (Concerning county government).
- 36 IC 36-2-9.5-7 (Concerning county government).
- 37 IC 36-2-9.5-9 (Concerning county government).
- 38 IC 36-2-13-5 (Concerning county government).
- 39 IC 36-2-14-10 (Concerning county government).
- 40 IC 36-2-14-17 (Concerning county government).
- 41 IC 36-2-14-21 (Concerning county government).
- 42 IC 36-4-8-13 (Concerning government of cities and towns).

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- 1 IC 36-7-12-27.5 (Concerning planning and development).
- 2 IC 36-7-14-40 (Concerning planning and development).
- 3 IC 36-7-15.1-27 (Concerning planning and development).
- 4 IC 36-7-30-28 (Concerning planning and development).
- 5 IC 36-7-30.5-36 (Concerning planning and development).
- 6 IC 36-8-3.5-23 (Concerning public safety).
- 7 IC 36-8-10-9 (Concerning public safety).
- 8 ~~IC 36-8-16-16 (Concerning public safety);~~
- 9 ~~IC 36-8-16.5-47 (Concerning public safety);~~
- 10 ~~IC 36-8-16.5-48 (Concerning public safety);~~
- 11 ~~IC 36-8-16.5-49 (Concerning public safety);~~
- 12 **IC 36-8-16.7-40 (Concerning public safety).**
- 13 **IC 36-8-16.7-43 (Concerning public safety).**
- 14 **IC 36-8-16.7-44 (Concerning public safety).**
- 15 **IC 36-8-16.7-45 (Concerning public safety).**
- 16 IC 36-9-14-7 (Concerning transportation and public works).
- 17 IC 36-10-3-39 (Concerning recreation, culture, and community
- 18 facilities).
- 19 IC 36-10-4-5 (Concerning recreation, culture, and community
- 20 facilities).
- 21 IC 36-10-4-40 (Concerning recreation, culture, and community
- 22 facilities).
- 23 SECTION 10. IC 36-7-4-405 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY
- 25 – AREA. Each plan commission shall:
- 26 (1) make recommendations to the legislative body or bodies
- 27 concerning:
- 28 (A) the adoption of the comprehensive plan and amendments
- 29 to the comprehensive plan;
- 30 (B) the adoption or text amendment of:
- 31 (i) an initial zoning ordinance;
- 32 (ii) a replacement zoning ordinance; and
- 33 (iii) a subdivision control ordinance;
- 34 (C) the adoption or amendment of a PUD district ordinance (as
- 35 defined in section 1503 of this chapter); and
- 36 (D) zone map changes; and
- 37 (2) render decisions concerning and approve plats, replats, and
- 38 amendments to plats of subdivisions under the 700 series of this
- 39 chapter.
- 40 (b) Each plan commission:
- 41 (1) shall assign street numbers to lots and structures;
- 42 (2) shall renumber lots and structures; and

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- 1 (3) if the plan commission does not have the power under an
- 2 ordinance adopted under subsection (c) to name or rename streets,
- 3 may recommend the naming and renaming of streets to the
- 4 executive.
- 5 (c) The executive shall name or rename streets. However, a unit may
- 6 provide by ordinance that the plan commission rather than the
- 7 executive shall name or rename streets. Streets shall be named or
- 8 renamed so that their names are easy to understand and to avoid
- 9 duplication or conflict with other names. The plan commission may, by
- 10 rule, prescribe a numbering system for lots and structures.
- 11 (d) This subsection applies to a plan commission having jurisdiction
- 12 in a county with a population of at least four hundred thousand
- 13 (400,000). The plan commission shall number structures on highways
- 14 within the plan commission's jurisdiction to conform with the numbers
- 15 of structures on streets within cities in the county.
- 16 (e) This subsection applies to unincorporated areas subject to the
- 17 jurisdiction of no plan commission under this article. The county
- 18 executive:
- 19 (1) must approve the assignment of street numbers to lots and
- 20 structures; and
- 21 (2) may number or renumber lots and structures and name or
- 22 rename streets.
- 23 (f) This subsection applies to areas located within a municipality
- 24 that are subject to the jurisdiction of no plan commission under this
- 25 article. The executive of the municipality:
- 26 (1) must approve the assignment of street numbers to lots and
- 27 structures; and
- 28 (2) may number or renumber lots and structures and name or
- 29 rename streets.
- 30 (g) An executive acting under subsection (e) or (f) shall name or
- 31 rename streets:
- 32 (1) so that their names are easy to understand; and
- 33 (2) to avoid duplication or conflict with other names.
- 34 (h) If streets are named or renamed or lots and structures are
- 35 numbered or renumbered under this section, the commission or
- 36 executive that makes the naming or numbering decision shall notify:
- 37 (1) the circuit court clerk or board of registration;
- 38 (2) the ~~administrator of the enhanced emergency telephone~~
- 39 ~~system established under IC 36-8-16 if any;~~ **statewide 911 board**
- 40 **established by IC 36-8-16.7-24;**
- 41 (3) the United States Postal Service; and
- 42 (4) any person or body that the commission or executive considers

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1 appropriate to receive notice;  
2 of its action no later than the last day of the month following the month  
3 in which the action is taken.

4 (i) Each plan commission shall make decisions concerning  
5 development plans and amendments to development plans under the  
6 1400 series of this chapter, unless the responsibility to render decisions  
7 concerning development plans has been delegated under section  
8 1402(c) of this chapter.

9 SECTION 11. IC 36-8-16 IS REPEALED [EFFECTIVE JULY 1,  
10 2012]. (Emergency Telephone System Fee).

11 SECTION 12. IC 36-8-16.5 IS REPEALED [EFFECTIVE JULY 1,  
12 2012]. (Enhanced Wireless Emergency Telephone Service).

13 SECTION 13. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010,  
14 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "board"  
16 refers to the ~~wireless enhanced statewide~~ 911 advisory board  
17 established by ~~IC 36-8-16.5-18~~. **IC 36-8-16.7-24.**

18 SECTION 14. IC 36-8-16.6-5, AS ADDED BY P.L.113-2010,  
19 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "fund"  
21 refers to the ~~wireless emergency telephone system statewide~~ 911 fund  
22 established by ~~IC 36-8-16.5-21(a)~~. **IC 36-8-16.7-29.**

23 SECTION 15. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010,  
24 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Subject to section 22 of this  
26 chapter, the board shall impose an enhanced prepaid wireless charge  
27 on each retail transaction that occurs after June 30, 2010. The amount  
28 of the ~~initial~~ charge imposed under this subsection ~~may not exceed~~  
29 ~~one-half (1/2) of is equal to~~ the monthly ~~wireless emergency enhanced~~  
30 **statewide** 911 fee assessed under ~~IC 36-8-16.5-25.5~~. **IC 36-8-16.7-32.**

31 (b) ~~Subject to legislative approval,~~ The board may ~~increase~~ **adjust**  
32 the enhanced prepaid wireless charge to ~~ensure adequate revenue for~~  
33 ~~the board to fulfill its duties and obligations under this chapter~~  
34 ~~IC 36-8-16, and IC 36-8-16.5.~~ **for inflation under IC 36-8-16.7-32.**

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

38 SECTION 16. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010,  
39 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The department shall deposit  
41 all remitted enhanced prepaid wireless charges in the fund.

42 (b) The board shall administer money deposited in the fund under

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1 this section in the same manner as ~~wireless emergency enhanced it~~  
2 **administers statewide** 911 fees assessed under ~~IC 36-8-16.5-25.5:~~  
3 **IC 36-8-16.7-32.**

4 SECTION 17. IC 36-8-16.6-20, AS ADDED BY P.L.113-2010,  
5 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) An additional fee relating to  
7 the provision of ~~wireless~~ 911 service with respect to prepaid wireless  
8 telecommunications service may not be levied by a state agency or  
9 local unit of government.

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

14 SECTION 18. IC 36-8-16.6-22, AS ADDED BY P.L.113-2010,  
15 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) ~~Not later than January 1,~~  
17 ~~2011,~~ the department shall determine the total amount of fees collected  
18 ~~and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period~~  
19 ~~beginning July 1, 2008; and ending June 30, 2010) for the period~~  
20 ~~beginning July 1, 2008; and ending June 30, 2010.~~ The board shall  
21 provide all information necessary for the department to perform its  
22 duties under this subsection.

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

26 (c) If the amount determined under subsection (b) is less than the  
27 amount determined under subsection (a) by more than five percent  
28 (5%); This chapter expires and sunsets July 1, 2013: **2017.**

29 SECTION 19. IC 36-8-16.7 IS ADDED TO THE INDIANA CODE  
30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2012]:

32 **Chapter 16.7. Statewide 911 Services**

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

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

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

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1           **Sec. 4. As used in this chapter, "board" refers to the statewide**  
2 **911 board established by section 24 of this chapter.**

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

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

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

9                   **(1) uses telephone numbers or IP addresses or their functional**  
10 **equivalents or successors;**

11                   **(2) is capable of accessing, connecting with, or interfacing**  
12 **with a 911 system by dialing, initializing, or otherwise**  
13 **activating the 911 system, regardless of the device,**  
14 **transmission medium, or technology employed;**

15                   **(3) provides or enables real time or interactive**  
16 **communications; and**

17                   **(4) is available to a prepaid user or a standard user.**

18           **(b) The term includes the following:**

19                   **(1) Internet protocol enabled services and applications that**  
20 **are provided through wireline, cable, wireless, or satellite**  
21 **facilities, or any other facility or platform that is capable of**  
22 **connecting a 911 communication to a PSAP.**

23                   **(2) A multiline telephone system.**

24                   **(3) CMRS.**

25                   **(4) Interconnected VOIP service and voice over power lines.**

26                   **(5) Integrated telecommunications service (as defined in 47**  
27 **CFR 400.2).**

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

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

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

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

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

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

38                   **(2) a provider other than the customer's provider that has an**  
39 **arrangement with the customer's provider to serve the**  
40 **customer outside the licensed service area of the customer's**  
41 **provider.**

42           **Sec. 9. (a) As used in this chapter, "enhanced 911 service"**

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1 means a communications service that uses the three (3) digit  
 2 number 911 to send automatic number identification and  
 3 automatic location information for reporting police, fire, medical,  
 4 or other emergency situations.

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

7 Sec. 10. As used in this chapter, "executive director" refers to  
 8 the executive director of the board.

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

13 (b) The term includes any rules, regulations, and consent  
 14 decrees adopted by the Federal Communications Commission to  
 15 implement the order described in subsection (a).

16 Sec. 12. As used in this chapter, "fund" refers to the statewide  
 17 911 fund established by section 29 of this chapter.

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

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

22 Sec. 15. As used in this chapter, "multiline telephone system"  
 23 means a voice communications service system that includes the  
 24 following:

- 25 (1) Common control units.
- 26 (2) Telephone sets.
- 27 (3) Control hardware and software.
- 28 (4) Adjunct systems.

29 The term includes network and premises based systems as  
 30 classified by FCC Part 68 (47 CFR part 68) Requirements.

31 Sec. 16. As used in this chapter, "place of primary use" means  
 32 the street address representative of where a customer's use of  
 33 communications service primarily occurs, which must be:

- 34 (1) the residential street address or the primary business  
 35 street address of the customer; and
- 36 (2) within the licensed service area of the customer's provider.

37 Sec. 17. As used in this chapter, "prepaid user" has the meaning  
 38 set forth in IC 36-8-16.6-6.

39 Sec. 18. As used in this chapter, "proprietary information"  
 40 includes the following:

- 41 (1) Customer lists and related information.
- 42 (2) Technology descriptions, technical information, or trade



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secrets (as defined in IC 24-2-3-2).

(3) Information that:

(A) concerns the actual or developmental costs of 911 systems; and

(B) is developed, produced, or received internally by a provider or by a provider's employees, directors, officers, or agents.

Sec. 19. (a) As used in this chapter, "provider" means a person or entity, or an affiliate of a person or an entity, that:

- (1) offers communications service to users in Indiana; and
- (2) provides, or is required by the Federal Communications Commission to provide, a user with direct access to a PSAP through the placement of a 911 communication.

(b) The term includes the following:

- (1) Facilities based and nonfacilities based resellers of communications service.
- (2) Any other provider of communications service through wireline or wireless means, regardless of whether the provider is subject to regulation by the Indiana utility regulatory commission.

Sec. 20. As used in this chapter, "PSAP" refers to a public safety answering point:

- (1) that operates on a twenty-four (24) hour basis; and
- (2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

Sec. 21. As used in this chapter, "standard user" or "user" refers to a communications service user who pays retrospectively for the service and has an Indiana billing address for the service.

Sec. 22. (a) As used in this chapter, "statewide 911 system" means a communications system that uses the three (3) digit number 911 to send automatic number identification and automatic location information or their functional equivalents or successors for reporting police, fire, medical, or other emergency situations.

(b) The term includes the following:

- (1) A wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).
- (2) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).

Sec. 23. As used in this chapter, "VOIP provider" means a provider that offers interconnected VOIP service to users in

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**Indiana.**

**Sec. 24. (a) The statewide 911 board is established to develop, implement, and oversee the statewide 911 system. The board is a body corporate and politic, and though it is separate from the state, the exercise by the board of its powers constitutes an essential governmental function.**

**(b) The following recommendations must be made to the governor for the purposes of subsection (c):**

**(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 Communications Officials International (APCO);**

**shall jointly recommend one (1) individual.**

**(2) The CMRS providers authorized to provide CMRS in Indiana shall jointly recommend two (2) individuals.**

**(3) The Indiana Association of County Commissioners shall recommend one (1) individual.**

**(4) The Indiana Sheriffs' Association shall recommend one (1) individual.**

**(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.**

**(7) The Association of Indiana Counties shall recommend one (1) individual who is a member of a county council.**

**(8) The Indiana Association of Cities and Towns shall recommend one (1) individual who represents a municipality that operates a PSAP.**

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

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appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. A member appointed under this subdivision must have budget experience at the local level.

(3) Two (2) CMRS members who are appointed by the governor after considering the recommendations 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) or (7).

(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) 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 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) or (7).

(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) or (6).

(9) One (1) member appointed by the governor after considering the recommendation submitted under subsection (b)(7) by the Association of Indiana Counties.

(10) One (1) member appointed by the governor after

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1 considering the recommendation submitted under subsection  
2 (b)(8) by the Indiana Association of Cities and Towns.

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

5 (12) The state fire marshal or the state fire marshal's  
6 designee.

7 (d) This subsection applies to a member appointed by the  
8 governor under subsection (c)(2) through (c)(10). The governor  
9 shall ensure that the terms of the initial members appointed by the  
10 governor are staggered so that the terms of not more than five (5)  
11 members expire in a single calendar year. After the initial  
12 appointments, subsequent appointments shall be for three (3) year  
13 terms. A vacancy on the board shall be filled for the vacating  
14 member's unexpired term in the same manner as the original  
15 appointment, and a member of the board is eligible for  
16 reappointment. In making an appointment under subsection (c)(2)  
17 through (c)(10), the governor shall take into account the various  
18 geographical areas of Indiana, including rural and urban areas. A  
19 member appointed by the governor serves at the pleasure of the  
20 governor.

21 (e) A member or a designee must be a resident of Indiana.

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

24 Sec. 26. (a) Each member of the board who is not a state  
25 employee is not entitled to receive the minimum salary per diem  
26 provided by IC 4-10-11-2.1(b). The member is, however, entitled to  
27 reimbursement for traveling 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 policies and  
30 procedures established by the Indiana department of  
31 administration and approved by the budget agency.

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

38 Sec. 27. The board may do the following to implement this  
39 chapter:

40 (1) Sue and be sued.

41 (2) Adopt and alter an official seal.

42 (3) Adopt and enforce bylaws and rules for:

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- 1 (A) the conduct of board business; and
- 2 (B) the use of board services and facilities.
- 3 (4) Enter into contracts, including contracts:
- 4 (A) for professional services;
- 5 (B) for purchase of supplies or services; and
- 6 (C) to acquire office space.
- 7 (5) Hire staff.
- 8 (6) Adopt rules under IC 4-22-2 to implement this chapter.
- 9 (7) Develop, maintain, and update a statewide 911 plan.
- 10 (8) Administer the statewide 911 fund established by section
- 11 29 of this chapter.
- 12 (9) Administer and distribute the statewide 911 fee in
- 13 accordance with section 37 of this chapter.
- 14 (10) Take other necessary or convenient actions to implement
- 15 this chapter that are not inconsistent with Indiana law.
- 16 (11) Obtain from each PSAP operating statistics and other
- 17 performance measurements, including call statistics by
- 18 category and emergency medical dispatch certifications.
- 19 (12) Adopt an annual budget governing the board's activities
- 20 under this chapter.

21 **Sec. 28. (a) The board shall appoint an executive director of the**  
 22 **board to do the following:**

- 23 (1) Administer, manage, and direct employees of the board.
- 24 (2) Approve the salaries of the employees of the board.
- 25 (3) Attend board meetings and record all proceedings of the
- 26 board. However, the executive director is not considered a
- 27 member of the board for any purpose, including voting or
- 28 establishing a quorum.
- 29 (4) Maintain books, documents, and papers filed with the
- 30 board, including minutes.
- 31 (5) Perform other duties as directed by the board.

32 (b) The board shall determine the salary and other  
 33 compensation of the executive director.

34 (c) An executive director appointed under subsection (a) must  
 35 have at least three (3) years executive experience with a 911  
 36 system.

37 **Sec. 29. (a) The statewide 911 fund is established for the**  
 38 **purposes of creating and maintaining a uniform statewide 911**  
 39 **system. The board shall administer the fund. The expenses of**  
 40 **administering the fund must be paid from money in the fund.**

41 (b) The fund consists of the following:

- 42 (1) The statewide 911 fee assessed on users under section 32

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- 1 of this chapter.
- 2 (2) Appropriations made by the general assembly.
- 3 (3) Grants and gifts intended for deposit in the fund.
- 4 (4) Interest, premiums, gains, or other earnings on the fund.
- 5 (5) Enhanced prepaid wireless charges collected and remitted
- 6 under IC 36-8-16.6-12.
- 7 (6) Money from any other source that is deposited in or
- 8 transferred to the fund.
- 9 (c) The board may invest money in the fund in the same manner
- 10 as other funds of the state may be invested under IC 5-13. In
- 11 addition, the board may invest money in the fund in any of the
- 12 following:
- 13 (1) Corporate bonds, notes, and debentures, subject to the
- 14 following conditions:
- 15 (A) Maximum participation in any issue is limited to seven
- 16 percent (7%) of the total issue.
- 17 (B) The board shall establish minimum quality rating
- 18 standards and maximum purchase amount standards for
- 19 corporate issues.
- 20 (2) Investments maturing in one (1) year or less, subject to the
- 21 following conditions:
- 22 (A) The investments must be:
- 23 (i) prime-1 commercial paper; and
- 24 (ii) banker's acceptance approved by banks' trust
- 25 investment committees.
- 26 (B) The maximum amount invested may not exceed fifty
- 27 percent (50%) of the fund.
- 28 (d) Whenever the quality, maturity, and yield of an investment
- 29 in an Indiana corporation or in a corporation that does business in
- 30 Indiana are equal to or better than similar investments in other
- 31 corporations, preference shall be given to an investment in the
- 32 Indiana corporation or in the corporation that does business in
- 33 Indiana.
- 34 (e) Money in the fund at the end of a state fiscal year does not
- 35 revert to the state general fund. However, the balance of the fund
- 36 may not exceed two million five hundred thousand dollars
- 37 (\$2,500,000) at the end of a state fiscal year. The board shall
- 38 distribute to the PSAPs the amount of any excess balance before
- 39 September 15 of the following state fiscal year. The distributions
- 40 required by this subsection must be made in accordance with the
- 41 distribution formula established under section 37 of this chapter.
- 42 Any distributions made under this subsection are in addition to the

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1 distributions required by section 37 of this chapter. Money  
 2 received under this subsection must be used in accordance with  
 3 section 38 of this chapter.

4 (f) Money in the fund is continuously appropriated for the  
 5 purposes of the fund.

6 Sec. 30. (a) The board shall select a third party to audit the fund  
 7 on an annual basis to determine whether the fund is being managed  
 8 in accordance with this chapter.

9 (b) Each year, the board shall review 911 service in Indiana,  
 10 including the collection, disbursement, and use of the statewide 911  
 11 fee assessed under section 32 of this chapter. The purpose of the  
 12 review is to ensure that the statewide 911 fee:

- 13 (1) does not exceed the amount reasonably necessary to  
 14 provide adequate and efficient 911 service; and  
 15 (2) is used only for the purposes set forth in this chapter.

16 Sec. 31. The board may retain an independent, third party  
 17 accounting firm or fiscal agent for purposes of processing checks  
 18 and distributing funds as directed by the board and as allowed by  
 19 this chapter. The board shall pay for these services as an  
 20 administrative cost of the board.

21 Sec. 32. (a) Except as provided in subsection (c), the board shall  
 22 assess a monthly statewide 911 fee of seventy-five cents (\$0.75) on  
 23 each user that is a customer having a place of primary use (as  
 24 defined in section 16 of this chapter, and as determined in the  
 25 manner provided by IC 6-8.1-15) in Indiana.

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

31 (c) A user is exempt from the statewide 911 fee if the user is any  
 32 of the following:

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

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

- 40 (1) shall collect the fee from each standard user that is a  
 41 customer having a place of primary use in Indiana, as  
 42 determined in the manner provided by IC 6-8.1-15; and

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- 1           (2) may list the fee as a separate line item on each bill.  
 2           If a provider receives a partial payment for a monthly bill from a  
 3           standard user, the provider shall apply the payment against the  
 4           amount the standard user owes to the provider before applying the  
 5           payment against the fee. A provider may not prorate the monthly  
 6           statewide 911 fee collected from a user.
- 7           (b) Subject to subsection (c), a provider shall remit statewide  
 8           911 fees collected under this section to the board at the time and in  
 9           the manner prescribed by the board. The board shall deposit all  
 10          remitted statewide 911 fees in the fund.
- 11          (c) A provider may deduct and retain an amount not to exceed  
 12          one percent (1%) of statewide 911 fees that the provider collects  
 13          from users to reimburse the direct costs incurred by the provider  
 14          in collecting and remitting statewide 911 fees.
- 15          Sec. 34. The statewide 911 fee is the liability of the user and not  
 16          of a provider. However, a provider is liable to remit to the board  
 17          all statewide 911 fees that the provider collects from users.
- 18          Sec. 35. The amount of a statewide 911 fee that is collected by a  
 19          provider from a user, whether separately stated on an invoice,  
 20          receipt, or other document, may not be included in the base for  
 21          measuring any tax, surcharge, or other charge that is imposed by  
 22          the state, a political subdivision, or other government agency.
- 23          Sec. 36. A provider is not required to take legal action to enforce  
 24          the collection of the 911 fee for which a user is billed. However, the  
 25          board may initiate a collection action. A court finding for the  
 26          board in the action may award reasonable costs and attorney's fees  
 27          associated with the collection action.
- 28          Sec. 37. (a) The board shall administer the fund in the following  
 29          manner:
- 30                (1) The board may retain in each state fiscal year the lesser of:  
 31                    (A) seven percent (7%) of the statewide 911 fees deposited  
 32                    in the fund in that state fiscal year; or  
 33                    (B) five million six hundred thousand dollars (\$5,600,000);  
 34                    to pay the board's expenses in administering this chapter and  
 35                    to develop, operate, and maintain a statewide 911 system. The  
 36                    board may decrease the amount of fees retained by the board.
- 37                (2) The board shall distribute the remainder of the statewide  
 38                    911 fees deposited in the fund to each PSAP in accordance  
 39                    with a distribution formula established under subsection (b).  
 40                (3) In determining distribution amounts for the state fiscal  
 41                    year beginning July 1, 2012, the board shall consider the  
 42                    amount of 911 fee revenue received by each PSAP during the

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1 state fiscal year ending June 30, 2012.

2 (b) After review by the budget committee, the board shall adopt  
3 an emergency rule before September 15, 2012, to establish a  
4 distribution formula. The formula must be included in a later rule  
5 adopted by the board under IC 4-22-2-24 through IC 4-22-2-36.

6 (c) The board shall publish the formula established under this  
7 section on the board's Internet web site.

8 (d) The board shall annually reexamine the distribution formula  
9 to ensure that revenue is equitably distributed among the PSAPs  
10 operated in Indiana.

11 Sec. 38. (a) A PSAP may use a distribution under section  
12 37(a)(2) of this chapter only for the following:

13 (1) The lease, purchase, or maintenance of enhanced  
14 emergency telecommunications equipment, including  
15 necessary computer hardware, software, and data base  
16 provisioning.

17 (2) The rates associated with the service suppliers' enhanced  
18 emergency telecommunications system network services.

19 (3) Personnel expenses, including wages, benefits, training,  
20 and continuing education.

21 (4) Operational costs, including costs associated with:

22 (A) utilities;

23 (B) maintenance;

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

26 (D) call logging equipment.

27 (5) Connectivity to the Indiana data communications system  
28 (IDACS).

29 (b) A PSAP may not use a distribution under section 37(a)(2) of  
30 this chapter for the following:

31 (1) Vehicles.

32 (2) Mobile radio equipment.

33 (3) Portable communications equipment, not directly  
34 connected to the statewide 911 system.

35 (c) Not later than January 31 of each year, each PSAP shall  
36 submit to the board a report of all expenditures made during the  
37 immediately preceding calendar year from distributions under  
38 sections 29(e) and 37(a)(2) of this chapter.

39 (d) Beginning July 1, 2013, the state board of accounts annually  
40 shall audit the expenditures of distributions under sections 29(e)  
41 and 37(a)(2) of this chapter made during the immediately  
42 preceding calendar year by each PSAP that receives distributions

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1 under sections 29(e) and 37(a)(2) of this chapter. In conducting an  
 2 audit under this subsection, the state board of accounts shall  
 3 determine, in conjunction with the board, whether the  
 4 expenditures made by each PSAP are in compliance with  
 5 subsections (a) and (b).

6 **Sec. 39. (a)** In cooperation with the board, a provider shall  
 7 designate a person to coordinate with and provide all relevant  
 8 information to the board to assist the board in carrying out its  
 9 duties under this chapter.

10 (b) A provider shall provide the automatic number  
 11 identification and any other information, including updates,  
 12 required by the board to the county, the municipality, an  
 13 authorized agent of a county or municipality, or the board or the  
 14 board's authorized agent for purposes of establishing and  
 15 maintaining a 911 system data base. The board may use  
 16 confidential information received under this subsection solely for  
 17 the purpose of providing statewide 911 service.

18 **Sec. 40. (a)** A provider shall, upon request, provide to a PSAP  
 19 the necessary user data to enable the PSAP to implement and  
 20 operate a 911 system. User data provided to a PSAP for the  
 21 purpose of implementing or updating a 911 system:

22 (1) may be used only to identify:

23 (A) a user;

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

26 (C) the information described in both subdivisions (1) and  
 27 (2); and

28 (2) may not be used or disclosed by the PSAP, or its agents or  
 29 employees, for any other purpose unless the data is used or  
 30 disclosed under a court order.

31 A person who recklessly, knowingly, or intentionally violates this  
 32 subsection commits a Class A misdemeanor.

33 (b) After May 31, 1988, a contract entered into between a  
 34 provider and a user who has an unlisted or nonpublished telephone  
 35 number (or other functionally equivalent identification number)  
 36 may not include a provision that prohibits the provider from  
 37 providing the user's telephone number (or other functionally  
 38 equivalent identification number) to a PSAP for inclusion in a 911  
 39 system data base. A provider (other than a provider who, before  
 40 June 1, 1988, has contracted to not divulge a subscriber's unlisted  
 41 or nonpublished telephone number (or other functionally  
 42 equivalent identification number)) shall provide a requesting PSAP



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1 with the name, telephone number (or other functionally equivalent  
 2 identification number), and place of primary use (as determined in  
 3 the manner provided by IC 6-8.1-15) for each user of the provider.  
 4 A PSAP may not release a telephone number (or other functionally  
 5 equivalent identification number) required to be provided under  
 6 this subsection to any person except as provided in subsection (a).

7 (c) A provider may amend or terminate a contract with a user  
 8 if:

9 (1) the contract contains a provision that prohibits the  
 10 provider from providing the user's telephone number (or  
 11 other functionally equivalent identification number) to a  
 12 PSAP for inclusion in a 911 system data base;

13 (2) the exclusion of the telephone number (or other  
 14 functionally equivalent identification number) from the data  
 15 base would negate the purpose of this chapter; and

16 (3) the user is notified of the proposed amendment or  
 17 termination of a contract at least one hundred eighty (180)  
 18 days before the provider takes action.

19 **Sec. 41. (a) All proprietary information submitted to the board  
 20 or the treasurer of state is confidential. Notwithstanding any other  
 21 law, proprietary information submitted under this chapter is not  
 22 subject to subpoena, and proprietary information submitted under  
 23 this chapter may not be released to a person other than to the  
 24 submitting provider without the permission of the submitting  
 25 provider.**

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

30 **Sec. 42. Notwithstanding any other law:**

31 (1) the board;

32 (2) a PSAP;

33 (3) a political subdivision;

34 (4) a provider;

35 (5) an employee, director, officer, or agent of a PSAP, a  
 36 political subdivision, or a provider; or

37 (6) an employee or member of the board, the board chair, the  
 38 executive director, or an employee, agent, or representative of  
 39 the board chair;

40 is not liable for damages in a civil action or subject to criminal  
 41 prosecution resulting from death, injury, or loss to persons or  
 42 property incurred by any person in connection with establishing,

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1 developing, implementing, maintaining, operating, and providing  
2 911 service, except in the case of willful or wanton misconduct.

3 Sec. 43. (a) A person may not use 911 service except to make  
4 emergency calls that may result in the dispatch of the appropriate  
5 response for fire suppression and rescue, emergency medical or  
6 ambulance services, hazardous material, disaster or major  
7 emergency occurrences, and law enforcement activities.

8 (b) A person who knowingly or intentionally violates this section  
9 commits a Class A misdemeanor.

10 Sec. 44. (a) This section does not apply to a person that connects  
11 to a 911 network using automatic crash notification technology  
12 subject to an established protocol.

13 (b) A person may not connect to a 911 network an automatic  
14 alarm, automatic dialer, or other automated alerting device that:

15 (1) causes the number 911 to be automatically dialed; or

16 (2) provides through a prerecorded message information  
17 regarding obtaining 911 emergency service.

18 (c) A person who knowingly or intentionally violates this section  
19 commits a Class A misdemeanor.

20 Sec. 45. A person who knowingly or intentionally places a 911  
21 call:

22 (1) for a purpose other than obtaining public safety assistance  
23 or emergency services; or

24 (2) to avoid communications service charges or fees;

25 commits a Class A misdemeanor.

26 Sec. 46. (a) For purposes of this section, a PSAP includes a  
27 public safety communications system operated and maintained  
28 under IC 36-8-15.

29 (b) As used in this section, "PSAP operator" means:

30 (1) a political subdivision; or

31 (2) an agency;

32 that operates a PSAP. The term does not include any entity  
33 described in subsection (c)(1) through (c)(3).

34 (c) Subject to subsection (d), after December 31, 2014, a county  
35 may not contain more than two (2) PSAPs. However, a county may  
36 contain one (1) or more PSAPs in addition to the number of PSAPs  
37 authorized by this section, as long as any additional PSAPs are  
38 operated:

39 (1) by a state educational institution;

40 (2) by an airport authority established for a county having a  
41 consolidated city; or

42 (3) in a county having a consolidated city, by an excluded city

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- (as defined in IC 36-3-1-7).
- (d) This subsection applies to a county that:
  - (1) on March 15, 2008, contained fewer than two (2) PSAPs, not including a PSAP operated by an entity described in subsection (c)(1) through (c)(3); and
  - (2) has not had an additional PSAP established within the county by the municipality having the largest population in the county or an agency of that municipality since March 15, 2008.

An additional PSAP may not be established and operated in the county unless the additional PSAP is established and operated by a state educational institution, an airport authority established for the county in a county containing a consolidated city, or the municipality having the largest population in the county or an agency of that municipality.

(e) Before January 1, 2015, each PSAP operator in a county that contains more than the number of PSAPs authorized by subsection (c) shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(f) An interlocal agreement required under subsection (e) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (e), any of the following that seek to be served by a county's authorized PSAPs after December 31, 2014:

- (1) Other counties contiguous to the county.
- (2) Other political subdivisions in a county contiguous to the county.
- (3) Other PSAP operators in a county contiguous to the county.

(g) An interlocal agreement required under subsection (e) must provide for the following:

- (1) A plan for the:
  - (A) consolidation;
  - (B) reorganization; or
  - (C) elimination;
 of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.
- (2) A plan for funding and staffing the PSAP or PSAPs that

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1 will serve:  
 2 (A) the county; and  
 3 (B) any areas contiguous to the county, if additional parties  
 4 described in subsection (f) participate in the interlocal  
 5 agreement;  
 6 after December 31, 2014.  
 7 (3) Subject to any applicable state or federal requirements,  
 8 protocol to be followed by the county's PSAP or PSAPs in:  
 9 (A) receiving incoming 911 calls; and  
 10 (B) dispatching appropriate public safety agencies to  
 11 respond to the calls;  
 12 after December 31, 2014.  
 13 (4) Any other matters that the participating PSAP operators  
 14 or parties described in subsection (f), if any, determine are  
 15 necessary to ensure that the county does not contain more  
 16 than the number of PSAPs authorized by subsection (c) after  
 17 December 31, 2014.  
 18 (h) This section may not be construed to require a county to  
 19 contain a PSAP.  
 20 Sec. 47. Before August 1, 2013, and each year thereafter, the  
 21 board shall annually report to the budget committee on the  
 22 following:  
 23 (1) The expenses incurred by the board in carrying out its  
 24 duties under this chapter.  
 25 (2) The total amount of fees deposited in the fund during the  
 26 most recent state fiscal year.  
 27 (3) The total amount of fees distributed to PSAPs during the  
 28 most recent state fiscal year.  
 29 (4) The board's annual analysis of the distribution formula  
 30 established under section 37 of this chapter.  
 31 Sec. 48. This chapter expires July 1, 2017.  
 32 SECTION 20. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1,  
 33 2012]. (Emergency Telephone Notification System).  
 34 SECTION 21. [EFFECTIVE UPON PASSAGE] (a) The funds that  
 35 remain in the wireless emergency telephone system fund  
 36 established by IC 36-8-16.5-21 (before its repeal by this act on July  
 37 1, 2012) on July 1, 2012, shall be transferred to the statewide 911  
 38 fund established by IC 36-8-16.7-29, as added by this act.  
 39 (b) This SECTION expires January 1, 2013.  
 40 SECTION 22. An emergency is declared for this act.

COPY



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.

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