CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 345

Citations Affected: IC 4-23-24.2-5; IC 5-26-1-5; IC 6-3.5; IC 6-8.1-15-13; IC 24-5-22-10; IC 34-30-2-156; IC 35-45-5-4.7; IC 35-51-36-1; IC 36-7-4-405; IC 36-8.

Synopsis: Statewide 911 system. Proposed conference committee report for ESB 345. Requires the Indiana advisory commission on intergovernmental relations to: (1) study the appropriate roles and responsibilities of the state and various political subdivisions in providing 911 and enhanced 911 services in Indiana; and (2) report its findings and recommendations to the legislative council and the budget committee not later than November 1, 2012. Amends the statute concerning deceptive commercial electronic mail to provide that a communications service provider (rather than a telephone company or a commercial mobile radio service (CMRS) provider, as provided under current law) is not subject to a civil lawsuit for a violation of the statute. 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. 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. 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: (1) Administer statewide 911 grants in accordance with state and federal guidelines. (2) Obtain from each PSAP operating statistics and other performance measurements. With respect to the purchase of communications service or equipment by the board, provides that: (1) a contract for such a purchase must be awarded through an invitation for bids or a request for proposals; and (2) the board must enter into a cooperative agreement with the Indiana department of administration for the department to administer such a purchase using the department's purchasing agents. Provides that the board shall be considered a state agency for purposes of the

statute governing the Indiana transparency Internet web site. Establishes the statewide 911 fund (fund). Provides that the fund is considered a trust fund and that no transfers may be made from the fund by the state board of finance or the 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 monthly statewide 911 fee (fee) on each standard user of communications service in Indiana. Provides that the amount of the initial fee is $0.90. Provides that the following users of communications service are exempt from the fee: (1) The federal government or a federal agency. (2) The state or a state agency or instrumentality. (3) A political subdivision or an agency of a political subdivision. (4) A user that accesses communications service solely through a wireless data only service plan. 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. Provides that the fee may not be raised or lowered more than one time in a calendar year. Provides that the fee: (1) may not be raised or lowered more than $0.10 without legislative approval; and (2) may not be raised by $0.10 or less without review by the budget committee. 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 shall require a provider to report to the board, on at least an annual basis, the amount of fees collected from all of the provider's standard customers and remitted to the board. Allows the board to retain in each state fiscal year the lesser of: (A) 10% of the statewide 911 fees deposited in the fund in the previous state fiscal year; or (B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained; to recover the board's administrative expenses and to develop, operate, and maintain a statewide 911 system. Specifies how 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. Provides that if any statewide 911 fees remain in the fund after these ensured distributions, the board shall distribute the fees as follows: (1) 90% of the fees shall be distributed to the counties based upon each county's percentage of the state's population. (2) 10%of the fees shall be distributed equally among the counties. 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 with the approval of the board. Retains those provisions from the repealed statute concerning enhanced wireless emergency telephone service that provide 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. Requires the state board of accounts and the board to submit certain reports concerning the fund and the use of statewide 911 fees by PSAPs to the budget committee for the two calendar years ending: (1) December 31, 2013; and (2) December 31, 2014. Requires the budget committee to review the statewide 911 system for the same two calendar years. Requires the budget committee to submit to the legislative council, not later than June 1, 2015, a report that includes a recommendation as to whether the statewide 911 fee should continue to be assessed and collected after June 30, 2015. Provides that if the budget committee

does not recommend that the statewide 911 fee should continue to be assessed and collected after June 30, 2015, the statewide 911 fee expires July 1, 2015, and may not be collected or assessed after June 30, 2015. 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. **(This conference committee report replaces the language in ESB 345 (as printed February 24, 2012), with the language in EHB 1087 (as printed February 24, 2012) and makes the following changes to EHB 1087 (as printed February 24, 2012): (1) Requires the Indiana advisory commission on intergovernmental relations to: (A) study the appropriate roles and responsibilities of the state and various political subdivisions in providing 911 and enhanced 911 services in Indiana; and (B) report its findings and recommendations to the legislative council and the budget committee not later than November 1, 2012. (2) Amends the statute concerning deceptive commercial electronic mail to provide that a communications service provider (rather than a telephone company or a CMRS provider, as provided under current law) is not subject to a civil lawsuit for a violation of the statute. (3) Removes provisions that provide for: (A) the expiration on July 1, 2016, of provisions that establish a public safety communications system and computer facilities district in Marion County and allow certain other counties to establish a public safety communications systems district; and (B) transitional provisions to ensure that all obligations incurred by a district before July 1, 2016, are satisfied according to their terms. (4) For purposes of the new statute concerning statewide 911 services: (A) amends the definitions of: (i) "communications service"; (ii) "place of primary use"; (iii) "proprietary information"; and (iv) "standard user"; and (B) adds the definition of "exchange access facility" set forth in the statute governing the wireline emergency telephone system fee (before the bill's repeal of that statute on July 1, 2012). (5) Specifies that the CMRS provider represented on the board must be a facilities based CMRS provider. (6) Removes a provision that provides for a governor appointed board member representing a firefighting or fire prevention services agency. (7) Provides that the state fire marshal is a board member. (8) Removes provisions that: (A) require each board member appointed by the governor to name a designee to fill the member's position on the board or act on the member's behalf at a board meeting; and (B) allow board members to vote by proxy. (9) Specifies that a meeting of the board is subject to the open door law. (10) With respect to the purchase of communications service or equipment by the board, provides that: (A) a contract for such a purchase must be awarded through an invitation for bids or a request for proposals; and (B) the board must enter into a cooperative agreement with the Indiana department of administration for the department to administer such a purchase using the department's purchasing agents. (11) Provides that the board shall be considered a state agency for purposes of the statute governing the Indiana transparency Internet web site. (12) Provides that the board shall appoint an executive director of the board and determine the executive director's salary. (EHB 1087 provides that the treasurer of state shall appoint and determine the salary of the executive director.) (13) Removes a requirement that the board's executive director have at least three years executive experience with a 911 system. (14) Provides that the amount of the initial statewide 911 fee is $0.90 (instead of $1.00, as provided in EHB 1087). (15) Provides that a communications service user that accesses communications service solely through a wireless data only service plan is exempt from the fee. (EHB 1087 provides an exemption for only: (A) the federal government or a federal agency; (B) the state or a state agency or instrumentality; and (C) a political subdivision or an agency of a political subdivision.) (16) Provides that the fee may not be raised by $0.10 or less without review by the budget committee. (17) Provides that the board shall require a provider to report to the board, on at least an annual basis, the amount of fees collected from all of the provider's standard customers and remitted to the board. (18) Allows the board to retain in each state fiscal**

year the lesser of: (A) 10% of the statewide 911 fees deposited in the fund in the previous state fiscal year; or (B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained; to recover the board's administrative expenses and to develop, operate, and maintain a statewide 911 system. (EHB 1087 allows the board to use 10% of the fees deposited in the fund for such purposes.) (19) Provides that if any statewide 911 fees remain in the fund after certain ensured distributions to counties, the board shall distribute the fees as follows: (1) 90% of the fees shall be distributed to the counties based upon each county's percentage of the state's population. (2) 10%of the fees shall be distributed equally among the counties. (20) With respect to the provision allowing a PSAP to use a distribution of statewide 911 fees from a county for personnel expenses, specifies that such use may only be to the extent reasonable and necessary for the provision and maintenance of: (A) the statewide 911 system; or (B) a local wireline enhanced emergency telephone system. (21) Removes provisions allowing a PSAP to use statewide 911 fees for: (A) consumer education concerning 911 service; and (B) other expenses approved by the board. (22) With respect to the provision allowing a PSAP to use a distribution of statewide 911 fees from a county for mobile radio equipment used by first responders, specifies that such expenditures must be for radio equipment other than that purchased as a result of the Federal Communications Commission's narrow banding requirements. (23) Requires board approval for a county to establish an emergency notification system. (24) Removes provisions that make it: (A) a Class D felony to place repeated nonemergency 911 calls if the calls result in injury or death due to a delayed response to an emergency 911 call; and (B) a Class D felony to make a false request for assistance or services to a PSAP by placing a 911 call (or a Class C felony if an emergency services provider suffers serious bodily injury in responding to the 911 call). (25) Requires the state board of accounts and the board to submit certain reports concerning the fund and the use of statewide 911 fees by PSAPs to the budget committee for the two calendar years ending: (A) December 31, 2013; and (B) December 31, 2014. (26) Requires the budget committee to review the statewide 911 system for the same two calendar years. (27) Requires the budget committee to submit to the legislative council, not later than June 1, 2015, a report that includes a recommendation as to whether the statewide 911 fee should continue to be assessed and collected after June 30, 2015. (28) Provides that if the budget committee does not recommend that the statewide 911 fee should continue to be assessed and collected after June 30, 2015, the statewide 911 fee expires July 1, 2015, and may not be collected or assessed after June 30, 2015. (29) Makes technical changes.)

Effective: Upon passage; July 1, 2012.

Adopted	Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 345 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-24.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **(a)** The commission shall do the following:

(1) Enhance coordination and cooperation between state and local governments.

(2) Review the effect of any federal or state legislation or any court decisions on local governmental entities.

(3) Act as a forum for consultation among state and local government officials.

(4) Conduct research on intergovernmental issues.

(5) Review studies of intergovernmental issues by universities, research and consulting organizations, and entities.

(6) Issue reports on the commission's activities.

(b) In addition to the duties set forth in subsection (a), the commission shall study the appropriate roles and responsibilities of the state, counties, municipalities, townships, and other political subdivisions in providing 911 and enhanced 911 services in Indiana. In conducting the study required by this subsection, the commission may consult with, or request necessary information or testimony from, local officials, public safety agencies, PSAPs (as defined in IC 36-8-16.7-20), the statewide 911 board established by

IC 36-8-16.7-24, providers (as defined in IC 36-8-16.7-19), and any other appropriate witnesses or experts. Not later than November 1, 2012, the commission shall submit to the legislative council and to the budget committee a report of the commission's findings and recommendations as a result of the study conducted under this subsection. The report to the legislative council and the budget committee under this subsection must be in an electronic format under IC 5-14-6.

SECTION 2. 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.**

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

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

(2) A firefighting and fire prevention system.

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

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

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

(6) A probation department of a court.

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

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

(B) convicted of a crime; or

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

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

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

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3), ~~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).**

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

(13) Pension payments for any of the following:

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

(B) A member of the police department (as defined in

IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

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

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

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

(d) If a county 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 subsection (k) or (l), 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 attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

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

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

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular

year on account of the county's or municipality's receipt of the tax revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).
(4) Emergency medical services (as defined in IC 16-18-2-110).
(5) Emergency action (as defined in IC 13-11-2-65).
(6) A probation department of a court.
(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:
(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);
(B) convicted of a crime; or
(C) adjudicated as a delinquent child or a child in need of services.
(8) A juvenile detention facility under IC 31-31-8.
(9) A juvenile detention center under IC 31-31-9.
(10) A county jail.
(11) A communications system (as defined in IC 36-8-15-3), ~~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).**
(12) Medical and health expenses for jail inmates and other confined persons.
(13) Pension payments for any of the following:
(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.
(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.
(C) A county sheriff or any other member of the office of the county sheriff.
(D) Other personnel employed to provide a service described 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 year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) This chapter does not apply to:

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

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

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

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

(B) is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication service;

(4) any generally applicable business and occupation tax that is imposed by the state, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect to use the sourcing method required in this section; or

(5) the determination of the taxing situs of:

(A) prepaid telephone calling service; or

(B) air-ground radiotelephone service as defined in Section 22.99 of Title 47 of the Code of Federal Regulations as in effect June 1, 1999.

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

(1) A person who receives the commercial electronic mail message.

(2) An interactive computer service that handles or retransmits the commercial electronic mail message.

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

(1) an interactive computer service; **or**

~~(2) a telephone company; or~~

~~(3)~~ **(2)** a ~~CMRS~~ **communications service** provider (as defined ~~by IC 36-8-16.5-6);~~ **in IC 8-1-2.6-13);**

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

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

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

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

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

(A) to the plaintiff; or

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

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

(e) A person outside Indiana who:

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

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

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

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).**

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

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

(1) an interactive computer service;

(2) a telephone company;

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

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

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

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

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

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

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

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

(A) to the plaintiff; or

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

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

(e) A person outside Indiana who:

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

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

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

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

IC 36-2-2-13 (Concerning county government).
IC 36-2-6-8 (Concerning county government).
IC 36-2-6-12 (Concerning county government).
IC 36-2-7-18 (Concerning county government).
IC 36-2-8-6 (Concerning county government).
IC 36-2-9-13 (Concerning county government).
IC 36-2-9-14 (Concerning county government).
IC 36-2-9.5-7 (Concerning county government).
IC 36-2-9.5-9 (Concerning county government).
IC 36-2-13-5 (Concerning county government).
IC 36-2-14-10 (Concerning county government).
IC 36-2-14-17 (Concerning county government).
IC 36-2-14-21 (Concerning county government).
IC 36-4-8-13 (Concerning government of cities and towns).
IC 36-7-12-27.5 (Concerning planning and development).
IC 36-7-14-40 (Concerning planning and development).
IC 36-7-15.1-27 (Concerning planning and development).
IC 36-7-30-28 (Concerning planning and development).
IC 36-7-30.5-36 (Concerning planning and development).
IC 36-8-3.5-23 (Concerning public safety).
IC 36-8-10-9 (Concerning public safety).
~~IC 36-8-16-16 (Concerning public safety).~~
~~IC 36-8-16.5-47 (Concerning public safety).~~
~~IC 36-8-16.5-48 (Concerning public safety).~~
~~IC 36-8-16.5-49 (Concerning public safety).~~
IC 36-8-16.7-41 (Concerning public safety).
IC 36-8-16.7-45 (Concerning public safety).
IC 36-8-16.7-46 (Concerning public safety).
IC 36-9-14-7 (Concerning transportation and public works).

IC 36-10-3-39 (Concerning recreation, culture, and community facilities).

IC 36-10-4-5 (Concerning recreation, culture, and community facilities).

IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 10. IC 36-7-4-405 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY – AREA. Each plan commission shall:

(1) make recommendations to the legislative body or bodies concerning:

(A) the adoption of the comprehensive plan and amendments to the comprehensive plan;

(B) the adoption or text amendment of:

(i) an initial zoning ordinance;

(ii) a replacement zoning ordinance; and

(iii) a subdivision control ordinance;

(C) the adoption or amendment of a PUD district ordinance (as defined in section 1503 of this chapter); and

(D) zone map changes; and

(2) render decisions concerning and approve plats, replats, and amendments to plats of subdivisions under the 700 series of this chapter.

(b) Each plan commission:

(1) shall assign street numbers to lots and structures;

(2) shall renumber lots and structures; and

(3) if the plan commission does not have the power under an ordinance adopted under subsection (c) to name or rename streets, may recommend the naming and renaming of streets to the executive.

(c) The executive shall name or rename streets. However, a unit may provide by ordinance that the plan commission rather than the executive shall name or rename streets. Streets shall be named or renamed so that their names are easy to understand and to avoid duplication or conflict with other names. The plan commission may, by rule, prescribe a numbering system for lots and structures.

(d) This subsection applies to a plan commission having jurisdiction in a county with a population of at least four hundred thousand (400,000). The plan commission shall number structures on highways within the plan commission's jurisdiction to conform with the numbers of structures on streets within cities in the county.

(e) This subsection applies to unincorporated areas subject to the jurisdiction of no plan commission under this article. The county executive:

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

(2) may number or renumber lots and structures and name or rename streets.

(f) This subsection applies to areas located within a municipality that are subject to the jurisdiction of no plan commission under this

article. The executive of the municipality:

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

(2) may number or renumber lots and structures and name or rename streets.

(g) An executive acting under subsection (e) or (f) shall name or rename streets:

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

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

(h) If streets are named or renamed or lots and structures are numbered or renumbered under this section, the commission or executive that makes the naming or numbering decision shall notify:

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

(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;

(3) the United States Postal Service; and

(4) any person or body that the commission or executive considers appropriate to receive notice;

of its action no later than the last day of the month following the month in which the action is taken.

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

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

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

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

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

SECTION 15. 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.

SECTION 16. IC 36-8-16.6-13, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The enhanced prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, a seller is liable to remit to the ~~board~~ **department** all enhanced prepaid wireless charges that the seller collects from consumers under section 12 of this chapter, including all charges that the seller is considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

SECTION 17. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The department shall deposit all remitted enhanced prepaid wireless charges in the fund.

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

SECTION 18. IC 36-8-16.6-20, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) An additional fee relating to the provision of ~~wireless~~ 911 service with respect to prepaid wireless telecommunications service may not be levied by a state agency or local unit of government.

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

SECTION 19. 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.~~

~~(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.~~

SECTION 20. 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) allows access to, or a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;

(3) provides or enables real time or interactive communications, other than machine to machine 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).

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

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

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

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

(b) The term does not include:

(1) a reseller of communications service; or

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

Sec. 9. (a) As used in this chapter, "enhanced 911 service" means a communications service that uses the three (3) digit 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.

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

Sec. 10. As used in this chapter, "exchange access facility" means the access from a particular service user's premises to a telephone system.

(b) The term includes:

(1) an access line;

(2) a private branch exchange (PBX) trunk; and

(3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier. In the case of a service user receiving interconnected VoIP service, the term refers to the Internet protocol compatible customer premises equipment that enables the service user to access the interconnected VoIP service.

(c) The term does not include:

(1) a service supplier owned and operated telephone pay station line;

(2) a wide area telecommunications service (WATS) line;

(3) a foreign exchange (FX) line; or

(4) an incoming only line.

Sec. 11. As used in this chapter, "executive director" refers to the executive director of the board.

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

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

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

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

(1) Common control units.
(2) Telephone sets.
(3) Control hardware and software.
(4) Adjunct systems.

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

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

(1) the residential street address or the primary business street address of the customer or, in the case of a subscriber of interconnected VOIP service, the subscriber's registered location (as defined in 47 CFR 9.3);
(2) within the licensed service area of the customer's provider; and
(3) in the case of:
(A) mobile communications service, determined in the manner provided in IC 6-8.1-15; and
(B) nonmobile communications service, determined in the manner provided in IC 6-2.5-12.

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

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

(1) Customer lists and related information, including information subject to protection under 47 U.S.C. 222.
(2) Technology descriptions, technical information, or trade 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:

(1) a communications service user who pays retrospectively for the service and has an Indiana billing address for the service; and

(2) in the case of a nonmobile communications service user, an exchange access facility used in Indiana.

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:

(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.

(b) The term includes the following:

(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).

Sec. 23. As used in this chapter, "VOIP provider" means a provider that offers interconnected VOIP service to users in 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 concerning the membership of the board:

(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 facilities based 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 in Indiana.

(4) The Indiana Sheriffs' 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) facilities based CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the facilities based 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) member who represents a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana and who is 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) member who represents a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana and who is 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) member who represents a VOIP provider and 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) The state fire marshal or the state fire marshal's designee.

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

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

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

(f) A member may not vote by proxy.

Sec. 25. A majority of the members of the board constitutes a quorum for the purposes of taking action. A meeting of the board is subject to IC 5-14-1.5.

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

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

Sec. 27. (a) The board may do the following to implement this chapter:

(1) Sue and be sued.

(2) Adopt and alter an official seal.
(3) Adopt and enforce bylaws and rules for:
(A) the conduct of board business; and
(B) the use of board services and facilities.
(4) Subject to subsection (c), acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.
(5) Subject to subsections (b) and (c), enter into contracts, including contracts:
(A) for professional services;
(B) for purchase of supplies or services; and
(C) to acquire office space.
(6) Subject to subsection (c), hire staff.
(7) Adopt rules under IC 4-22-2 to implement this chapter.
(8) Develop, maintain, and update a statewide 911 plan.
(9) Subject to subsection (c), 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) Subject to subsection (c), 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.

(b) A contract for the purchase of communications service or equipment by the board must be awarded through an invitation for bids or a request for proposals as described in IC 5-22. The board shall enter into a cooperative agreement with the Indiana department of administration for the department to administer the board's purchases under this chapter using the department's purchasing agents.

(c) The board shall be considered a state agency for purposes of IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to the Indiana transparency Internet web site in accordance with IC 5-14-3.5-2:
(1) Expenditures by the board, including expenditures for contracts, grants, and leases.
(2) The balance of the statewide 911 fund established by section 29 of this chapter.
(3) A listing of the board's real and personal property that has a value of more than twenty thousand dollars ($20,000).

The board shall cooperate with and provide information to the auditor of state as required by IC 5-14-3.5-8.

Sec. 28. (a) The board shall appoint an executive director of the board to do the following:
(1) Administer, manage, and direct employees of the board.
(2) Approve salaries and allowable expenses for board members, employees, and consultants.
(3) Attend board meetings and record all proceedings of the

board. However, the executive director is not considered a member of the board for any purpose, including voting or establishing a quorum.

(4) Maintain books, documents, and papers filed with the board, including minutes.

(5) Perform other duties as directed by the board.

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

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

(b) The fund consists of the following:

(1) The statewide 911 fee assessed on users under section 32 of this chapter.

(2) Appropriations made by the general assembly.

(3) Grants and gifts intended for deposit in the fund.

(4) Interest, premiums, gains, or other earnings on the fund.

(5) Enhanced prepaid wireless charges collected and remitted under IC 36-8-16.6-12.

(6) Money from any other source that is deposited in or transferred to the fund.

(c) The treasurer of state may invest money in the fund in the same manner as other funds of the state may be invested under IC 5-13.

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

(e) Money in the fund is continuously appropriated for the purposes of the fund.

Sec. 30. (a) The state board of accounts shall audit the fund on an annual basis to determine whether the fund is being managed in accordance with this chapter. For each of the two (2) state fiscal years ending:

(A) June 30, 2013; and

(B) June 30, 2014;

the state board of accounts shall submit, not later than November 1 of each year during which the particular state fiscal year ends, a report of the audit required by this subsection to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

(b) On an annual basis, and in conjunction with the board's review under section 38(d) of this chapter of the state board of accounts' annual audit of PSAPs, the board shall review 911 service in Indiana, including the collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. The purpose of the review is to ensure that the statewide 911 fee:

(1) does not exceed the amount reasonably necessary to provide adequate and efficient 911 service; and

(2) is used only for the purposes set forth in this chapter.

(c) For each of the two (2) calendar years ending:

(A) December 31, 2013; and

(B) December 31, 2014;

the board shall submit, not later than March 1 of the year immediately following the particular calendar year, a summary report of the board's findings under the review required by subsection (b) to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

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

Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use 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 the proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is ninety cents ($0.90).

(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:

(A) may not be raised by an amount that is less than or equal to ten cents ($0.10) without review by the budget committee; and

(B) may not be raised or lowered by an amount that is more than ten cents ($0.10) 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 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.

(4) A user that accesses communications service solely through a wireless data only service plan.

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; 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 the manner prescribed by the board. However, the board shall require a provider to report to the board, no less frequently than on an annual basis, the amount of fees collected from all of the provider's customers described in subsection (a)(1) and remitted to the board under this section. The board may require a provider to submit a report required under this subsection at the same time that the provider remits fees to the board under this section. The board shall deposit all remitted statewide 911 fees in the fund.

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

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

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

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

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

(1) In each state fiscal year, the board may retain the lesser

of:

(A) ten percent (10%) of the statewide 911 fees deposited in the fund in the previous state fiscal year; or

(B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained;

to pay the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. The board may decrease the amount of fees retained by the board under this subdivision.

(2) After retaining the amount set forth in subdivision (1), the board shall distribute to the counties, in a manner determined by the board, the remainder of the statewide 911 fees in the fund. However, with respect to any state fiscal year beginning after June 30, 2012, the board shall first ensure a distribution to each county in an amount that is 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.

(3) If any statewide 911 fees remain in the fund after the distributions ensured under subdivision (2), the board shall distribute the fees as follows:

(A) Ninety percent (90%) of the fees shall be distributed to the counties based upon each county's percentage of the state's population.

(B) Ten percent (10%) of the fees shall be distributed equally among the counties.

(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, only to the extent reasonable and necessary for the provision and maintenance of:

(A) the statewide 911 system; or

(B) a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).

(4) Operational costs, including costs associated with:
(A) utilities;
(B) maintenance;
(C) equipment designed to provide backup power or system redundancy, including generators; and
(D) call logging equipment.
(5) An emergency notification system that is approved by the board under section 40 of this chapter.
(6) Connectivity to the Indiana data and communications system (IDACS).
(7) Rates associated with communications service providers' enhanced emergency communications system network services.
(8) Mobile radio equipment used by first responders, other than radio equipment purchased under subdivision (9) as a result of the narrow banding requirements specified by the Federal Communications Commission.
(9) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of radios or other equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.

(b) A PSAP may not use a distribution from a county under this chapter for the following:
(1) The 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 in 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 than a fund described in subsection (f), that is available to the PSAP or to a unit in which the PSAP is located.

(e) For each of the two (2) calendar years ending:
(A) December 31, 2013; and

(B) December 31, 2014;

the state board of accounts shall submit, not later than March 1 of the year immediately following the particular calendar year, a summary report of the audits required by subsection (d) for the particular calendar year to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

(f) 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.

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

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

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) With approval of the board, a county may establish an emergency notification system. If the board approves the establishment of an emergency notification system in a county, 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 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; 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.

(b) After May 31, 1988, a contract entered into between a provider and a user who has an unlisted or nonpublished telephone number (or other functionally equivalent identification number) may not include a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base. A provider (other than a provider who, before June 1, 1988, has contracted to not divulge a subscriber's unlisted or nonpublished telephone number (or other functionally equivalent identification number)) shall provide a requesting PSAP with the name, telephone number (or other functionally equivalent identification number), and place of primary use for each user of the provider. A PSAP may not release a telephone number (or other functionally equivalent identification number) required to be provided under this subsection to any person except as provided in subsection (a).

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

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

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

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

Sec. 42. (a) All proprietary information submitted to the board or the treasurer of state, or to the budget committee under section 48 of this chapter, is confidential. Notwithstanding any other law, proprietary information submitted under this chapter is not subject to subpoena, and proprietary information submitted under this chapter may not be released to a person other than to the

submitting provider without the permission of the submitting provider.

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

Sec. 43. Notwithstanding any other law:

(1) the board;

(2) a PSAP;

(3) a political subdivision;

(4) a provider;

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

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

is not liable for damages in a civil action or subject to criminal prosecution resulting from death, injury, or loss to persons or property incurred by any person in connection with establishing, developing, implementing, maintaining, operating, and providing 911 service, except in the case of willful or wanton misconduct.

Sec. 44. A person may not use 911 service except to make emergency calls that may result in the dispatch of the appropriate response for fire suppression and rescue, emergency medical or ambulance services, hazardous material, disaster or major emergency occurrences, and law enforcement activities.

Sec. 45. (a) This section does not apply to a person that connects to a 911 network using automatic crash notification technology subject to an established protocol.

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

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

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

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

Sec. 46. A person who knowingly or intentionally places a 911 call:

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

(2) to avoid communications service charges or fees;

commits a Class A misdemeanor.

Sec. 47. (a) For purposes of this section, a PSAP includes a public safety communications system operated and maintained under IC 36-8-15.

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

(1) a political subdivision; or

(2) an agency;

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

(c) Subject to subsection (d), after December 31, 2014, a county

may not contain more than two (2) PSAPs. However, a county may contain one (1) or more PSAPs in addition to the number of PSAPs authorized by this section, as long as any additional PSAPs are operated:

(1) by a state educational institution;

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

(3) in a county having a consolidated city, by an excluded city (as defined in IC 36-3-1-7).

(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

(3) 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 will serve:

(A) the county; and

(B) any areas contiguous to the county, if additional parties described in subsection (f) participate in the interlocal

agreement;

after December 31, 2014.

(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP or PSAPs in:

(A) receiving incoming 911 calls; and

(B) dispatching appropriate public safety agencies to respond to the calls;

after December 31, 2014.

(4) Any other matters that the participating PSAP operators or parties described in subsection (f), if any, determine are necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(h) This section may not be construed to require a county to contain a PSAP.

(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).

Sec. 48. (a) The budget committee shall review the statewide 911 system governed by this chapter for the two (2) calendar years ending:

(1) December 31, 2013; and

(2) December 31, 2014.

(b) In conducting the review required by this section, the budget committee may examine the following:

(1) Whether the fund is being administered by the board in accordance with this chapter. In performing a review under this subdivision, the budget committee may consider the audit reports submitted to the budget committee by the state board of accounts under section 30(a) of this chapter.

(2) The collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. In performing a review under this subdivision, the budget committee may:

(A) examine whether the statewide 911 fee:

(i) is being assessed in an amount that is reasonably necessary to provide adequate and efficient 911 service; and

(ii) is being used only for the purposes set forth in this chapter; and

(B) consider:

(i) the reports submitted to the budget committee by the board under section 30(c) of this chapter; and

(ii) the audit reports submitted to the budget committee by the state board of accounts under section 38(e) of this chapter.

(3) The report submitted to the budget committee by the Indiana advisory commission on intergovernmental relations under IC 4-23-24.2-5(b).

(4) Any other data, reports, or information the budget committee determines is necessary to review the statewide 911

system governed by this chapter.

(c) Subject to section 42 of this chapter, the board, the state board of accounts, political subdivisions, providers, and PSAPs shall provide to the budget committee all relevant data, reports, and information requested by the budget committee to assist the budget committee in carrying out its duties under this section.

(d) After conducting the review required by this section, the budget committee shall, not later than June 1, 2015, report its findings to the legislative council. The budget committee's findings under this subsection:

(1) must include a recommendation as to whether the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015; and

(2) if the budget committee recommends under subdivision (1) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, may include recommendations for the introduction in the general assembly of any legislation that the budget committee determines is necessary to ensure that the statewide 911 system governed by this chapter is managed in a fair and fiscally prudent manner.

A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(e) If the budget committee does not recommend in its report under subsection (d) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, the statewide 911 fee assessed under section 32 of this chapter expires July 1, 2015, and may not be assessed or collected after June 30, 2015.

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

SECTION 22. [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 23. [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(f), as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 24. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in an emergency telephone system fund 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(f), as added by this act.

(b) This SECTION expires January 1, 2013.

SECTION 25. **An emergency is declared for this act.**

(Reference is to ESB 345 as printed February 24, 2012.)

Conference Committee Report
on
Engrossed Senate Bill 345

Signed by:

Senator Hershman Chairperson	Representative Thompson
Senator Tallian	Representative Pelath
Senate Conferees	**House Conferees**