
SENATE BILL No. 345

DIGEST OF INTRODUCED BILL

Citations Affected: 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 36-1-10-2; IC 36-7-4-405; IC 36-8; IC 36-9-13-3.5.

Synopsis: Statewide 911 system. Provides for the expiration on July 1, 2016, of provisions that: (1) establish a public safety communications system and computer facilities district in a county having a consolidated city; and (2) allow certain other counties to establish a public safety communications systems district. Provides for transitional provisions to ensure that all obligations incurred by a district before July 1, 2016, are satisfied according to their terms. Repeals the statutes concerning: (1) the emergency telephone system fee (assessed by counties or municipalities for enhanced 911 service for users of wireline telephone service); (2) enhanced wireless emergency telephone service (and the accompanying fee assessed statewide on users of wireless service to provide for enhanced 911 service); and (3) emergency telephone notification systems. In place of the systems established under these repealed and expired statutes, establishes a statewide 911 system. Establishes the 11 member statewide 911 board (board) to administer the new system. Provides that the treasurer of state serves as the chair of the board. Establishes the statewide 911 fund (fund). Appropriates money in the fund. Provides that the board shall administer the fund. Requires the board to impose a statewide 911 fee (fee) on each standard user of communications service in Indiana. Requires communications service providers to collect the fee as part of the monthly billing process. Requires the board to deposit the fees collected into the fund. Prohibits a state agency or a local governmental unit from imposing any additional fee relating to the provision of 911 service. Specifies the manner in which the board must distribute money from the fund to public safety answering points (PSAPs). Specifies the
(Continued next page)

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

Hershman

January 9, 2012, read first time and referred to Committee on Tax and Fiscal Policy.



permissible uses of funds distributed to a PSAP. Allows a county to establish an emergency notification system. 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. Retains those provisions from the repealed statute concerning enhanced wireless emergency telephone service that provided that after June 30, 2014, a county may not contain more than one PSAP. Specifies that funds remaining in: (1) the wireless emergency telephone system fund; (2) a county wireless emergency telephone system fund; or (3) a county or municipal wireline emergency telephone system fund; on July 1, 2012, are transferred to the statewide 911 fund. Makes conforming amendments.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 345

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

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

- 1 SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system"
- 3 refers to the Indiana statewide wireless public safety voice and data
- 4 communications system. The term does not include the ~~enhanced~~
- 5 ~~emergency telephone statewide 911~~ system under ~~IC 36-8-16-2~~.
- 6 **IC 36-8-16.7.**
- 7 SECTION 2. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011,
- 8 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety"
- 10 refers to the following:
- 11 (1) A police and law enforcement system to preserve public peace
- 12 and order.
- 13 (2) A firefighting and fire prevention system.
- 14 (3) Emergency ambulance services (as defined in
- 15 IC 16-18-2-107).



- 1 (4) Emergency medical services (as defined in IC 16-18-2-110).
 2 (5) Emergency action (as defined in IC 13-11-2-65).
 3 (6) A probation department of a court.
 4 (7) Confinement, supervision, services under a community
 5 corrections program (as defined in IC 35-38-2.6-2), or other
 6 correctional services for a person who has been:
 7 (A) diverted before a final hearing or trial under an agreement
 8 that is between the county prosecuting attorney and the person
 9 or the person's custodian, guardian, or parent and that provides
 10 for confinement, supervision, community corrections services,
 11 or other correctional services instead of a final action
 12 described in clause (B) or (C);
 13 (B) convicted of a crime; or
 14 (C) adjudicated as a delinquent child or a child in need of
 15 services.
 16 (8) A juvenile detention facility under IC 31-31-8.
 17 (9) A juvenile detention center under IC 31-31-9.
 18 (10) A county jail.
 19 (11) A communications system (as defined in IC 36-8-15-3
 20 **(before its expiration on July 1, 2016)**) or **an enhanced**
 21 **emergency telephone the statewide 911 system** (as defined in
 22 ~~IC 36-8-16-2~~; **IC 36-8-16.7-22**).
 23 (12) Medical and health expenses for jail inmates and other
 24 confined persons.
 25 (13) Pension payments for any of the following:
 26 (A) A member of the fire department (as defined in
 27 IC 36-8-1-8) or any other employee of a fire department.
 28 (B) A member of the police department (as defined in
 29 IC 36-8-1-9), a police chief hired under a waiver under
 30 IC 36-8-4-6.5, or any other employee hired by a police
 31 department.
 32 (C) A county sheriff or any other member of the office of the
 33 county sheriff.
 34 (D) Other personnel employed to provide a service described
 35 in this section.
 36 (b) If a county council has imposed a tax rate of at least twenty-five
 37 hundredths of one percent (0.25%) under section 24 of this chapter, a
 38 tax rate of at least twenty-five hundredths of one percent (0.25%) under
 39 section 26 of this chapter, or a total combined tax rate of at least
 40 twenty-five hundredths of one percent (0.25%) under sections 24 and
 41 26 of this chapter, the county council may also adopt an ordinance to
 42 impose an additional tax rate under this section to provide funding for

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

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

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

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1 shares during that month; multiplied by
 2 (2) A fraction. The numerator of the fraction equals the allocation
 3 amount for the civil taxing unit for the calendar year in which the
 4 month falls. The denominator of the fraction equals the sum of the
 5 allocation amounts of all the civil taxing units of the county for
 6 the calendar year in which the month falls.
 7 (f) The department of local government finance shall provide each
 8 county auditor with the fractional amount of distributive shares that
 9 each civil taxing unit in the auditor's county is entitled to receive
 10 monthly under this section.
 11 (g) Notwithstanding subsection (e), if a civil taxing unit of an
 12 adopting county does not impose a property tax levy that is first due
 13 and payable in a calendar year in which distributive shares are being
 14 distributed under this section, that civil taxing unit is entitled to receive
 15 a part of the revenue to be distributed as distributive shares under this
 16 section within the county. The fractional amount such a civil taxing
 17 unit is entitled to receive each month during that calendar year equals
 18 the product of the following:
 19 (1) The amount to be distributed as distributive shares during that
 20 month; multiplied by
 21 (2) A fraction. The numerator of the fraction equals the budget of
 22 that civil taxing unit for that calendar year. The denominator of
 23 the fraction equals the aggregate budgets of all civil taxing units
 24 of that county for that calendar year.
 25 (h) If for a calendar year a civil taxing unit is allocated a part of a
 26 county's distributive shares by subsection (g), then the formula used in
 27 subsection (e) to determine all other civil taxing units' distributive
 28 shares shall be changed each month for that same year by reducing the
 29 amount to be distributed as distributive shares under subsection (e) by
 30 the amount of distributive shares allocated under subsection (g) for that
 31 same month. The department of local government finance shall make
 32 any adjustments required by this subsection and provide them to the
 33 appropriate county auditors.
 34 (i) Notwithstanding any other law, a county fiscal body may pledge
 35 revenues received under this chapter (other than revenues attributable
 36 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the
 37 payment of bonds or lease rentals to finance a qualified economic
 38 development tax project under IC 36-7-27 in that county or in any other
 39 county if the county fiscal body determines that the project will
 40 promote significant opportunities for the gainful employment or
 41 retention of employment of the county's residents.
 42 SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011,

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1 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety"
3 refers to the following:

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

6 (2) A firefighting and fire prevention system.

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

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

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

11 (6) A probation department of a court.

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

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

21 (B) convicted of a crime; or

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

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

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

26 (10) A county jail.

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

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

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

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

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

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

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

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1 in this section.

2 (b) The county income tax council may adopt an ordinance to
3 impose an additional tax rate under this section to provide funding for
4 public safety if:

5 (1) the county income tax council has imposed a tax rate under
6 section 30 of this chapter, in the case of a county containing a
7 consolidated city; or

8 (2) the county income tax council has imposed a tax rate of at
9 least twenty-five hundredths of one percent (0.25%) under section
10 30 of this chapter, a tax rate of at least twenty-five hundredths of
11 one percent (0.25%) under section 32 of this chapter, or a total
12 combined tax rate of at least twenty-five hundredths of one
13 percent (0.25%) under sections 30 and 32 of this chapter, in the
14 case of a county other than a county containing a consolidated
15 city.

16 (c) A tax rate under this section may not exceed the following:

17 (1) Five-tenths of one percent (0.5%), in the case of a county
18 containing a consolidated city.

19 (2) Twenty-five hundredths of one percent (0.25%), in the case of
20 a county other than a county containing a consolidated city.

21 (d) If a county income tax council adopts an ordinance to impose a
22 tax rate under this section, the county auditor shall send a certified
23 copy of the ordinance to the department and the department of local
24 government finance by certified mail.

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

28 (f) Except as provided in subsections (l) and (m), the county auditor
29 shall distribute the portion of the certified distribution that is
30 attributable to a tax rate under this section to the county and to each
31 municipality in the county that is carrying out or providing at least one
32 (1) of the public safety purposes described in subsection (a). The
33 amount that shall be distributed to the county or municipality is equal
34 to the result of:

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

37 (2) a fraction equal to:

38 (A) the total property taxes being collected in the county by
39 the county or municipality for the calendar year; divided by

40 (B) the sum of the total property taxes being collected in the
41 county by the county and each municipality in the county that
42 is entitled to a distribution under this section for the calendar

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (b) This chapter does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

4 (A) to the plaintiff; or

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

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

8 (e) A person outside Indiana who:

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

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

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

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

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

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

29 (1) an interactive computer service;

30 (2) a telephone company;

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

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

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

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

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

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

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

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

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1 rename streets.

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

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

4 article. The executive of the municipality:

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

6 structures; and

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

8 rename streets.

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

10 rename streets:

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

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

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

14 numbered or renumbered under this section, the commission or

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

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

17 (2) the ~~administrator of the enhanced emergency telephone~~

18 ~~system established under IC 36-8-16, if any; statewide 911 board~~

19 **established by IC 36-8-16.7-24;**

20 (3) the United States Postal Service; and

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

22 appropriate to receive notice;

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

24 in which the action is taken.

25 (i) Each plan commission shall make decisions concerning

26 development plans and amendments to development plans under the

27 1400 series of this chapter, unless the responsibility to render decisions

28 concerning development plans has been delegated under section

29 1402(c) of this chapter.

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

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

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

33 **1, 2016.**

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

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

36 JULY 1, 2016]:

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

38 **Matters**

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

40 **1, 2016:**

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

42 **facilities district created by IC 36-8-15-7(a) (before its**

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

8 (b) Notwithstanding the expiration of IC 36-8-15-14 on July 1,
9 2016, all taxable property located within:

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

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

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

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

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

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July 1, 2016) before July 1, 2016.

Sec. 2. Not later than November 1 of each year, each public safety communications systems and computer facilities district or a public safety communications systems district created by IC 36-8-15-7 (before its expiration on July 1, 2016) shall report in an electronic format under IC 5-14-6 to the general assembly whether and to what extent all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by the district before July 1, 2016, are satisfied according to their terms. If the general assembly determines, based on all reports submitted under this subsection, that all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by all districts before July 1, 2016, are satisfied according to their terms, the general assembly may introduce legislation during a subsequent legislative session to amend this chapter to provide for the expiration or repeal of this chapter.

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

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

SECTION 16. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 17. IC 36-8-16.6-5, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Subject to section 22 of this chapter, the board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this subsection may not exceed one-half (1/2) of the monthly ~~wireless emergency enhanced statewide~~ 911 fee assessed under ~~IC 36-8-16.5-25.5~~. **IC 36-8-16.7-32.**

(b) Subject to legislative approval, 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.**

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

4 SECTION 19. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010,
5 SECTION 151, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The department shall
7 deposit all remitted enhanced prepaid wireless charges in the fund.

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

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

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

21 SECTION 21. IC 36-8-16.6-22, AS ADDED BY P.L.113-2010,
22 SECTION 151, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Not later than January
24 1, 2011, the department shall determine the total amount of fees
25 collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in
26 the period beginning July 1, 2008, and ending June 30, 2010, **and**
27 **before its repeal on July 1, 2012**) for the period beginning July 1,
28 2008, and ending June 30, 2010. The board shall provide all
29 information necessary for the department to perform its duties under
30 this subsection.

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

34 (c) If the amount determined under subsection (b) is less than the
35 amount determined under subsection (a) by more than five percent
36 (5%), this chapter expires and sunsets July 1, 2013.

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

40 **Chapter 16.7. Statewide 911 Services**

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

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subsidiary.

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

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

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

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

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

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

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

(b) The term includes the following:

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

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, but this subdivision applies only for the purpose of determining the place of primary use.

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1 (b) The term does not include:

- 2 (1) a reseller of communications service; or
 3 (2) a provider other than the customer's provider that has an
 4 arrangement with the customer's provider to serve the
 5 customer outside the licensed service area of the customer's
 6 provider.

7 Sec. 9. (a) As used in this chapter, "enhanced 911 service"
 8 means a communications service that uses the three digit number
 9 911 to send automatic number identification and automatic
 10 location information for reporting police, fire, medical, or other
 11 emergency situations.

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

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

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

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

23 Sec. 12. As used in this chapter, "fund" refers to the statewide
 24 911 fund established by section 29 of this chapter.

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

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

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

- 32 (1) Common control units.
 33 (2) Telephone sets.
 34 (3) Control hardware and software.
 35 (4) Adjunct systems.

36 The term includes network and premises based systems as
 37 classified by FCC Part 68 Requirements.

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

- 41 (1) the residential street address or the primary business
 42 street address of the customer; and

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- 1 (2) within the licensed service area of the customer's provider.
- 2 **Sec. 17.** As used in this chapter, "prepaid user" has the meaning
- 3 set forth in IC 36-8-16.6-6.
- 4 **Sec. 18.** As used in this chapter, "proprietary information"
- 5 includes the following:
- 6 (1) Customer lists and related information.
- 7 (2) Technology descriptions, technical information, or trade
- 8 secrets (as defined in IC 24-2-3-2).
- 9 (3) Information that:
- 10 (A) concerns the actual or developmental costs of 911
- 11 systems; and
- 12 (B) is developed, produced, or received internally by a
- 13 provider or by a provider's employees, directors, officers,
- 14 or agents.
- 15 **Sec. 19. (a)** As used in this chapter, "provider" means a person
- 16 or entity, or an affiliate of a person or an entity that:
- 17 (1) offers communications service to users in Indiana; and
- 18 (2) provides, or is required by the Federal Communications
- 19 Commission to provide, a user with direct access to a PSAP
- 20 through the placement of a 911 communication.
- 21 **(b)** The term includes the following:
- 22 (1) Facilities based and nonfacilities based resellers of
- 23 communications service.
- 24 (2) Any other provider of communications service through
- 25 wireline or wireless means, regardless of whether the provider
- 26 is subject to regulation by the Indiana utility regulatory
- 27 commission.
- 28 **Sec. 20.** As used in this chapter, "PSAP" refers to a public safety
- 29 answering point:
- 30 (1) that operates on a twenty-four (24) hour basis; and
- 31 (2) whose primary function is to receive incoming requests for
- 32 emergency assistance and relay those requests to an
- 33 appropriate responding public safety agency.
- 34 **Sec. 21.** As used in this chapter, "standard user" or "user"
- 35 refers to a communications service user who pays retrospectively
- 36 for the service and has an Indiana billing address for the service.
- 37 **Sec. 22. (a)** As used in this chapter, "statewide 911 system"
- 38 means a communications system that uses the three (3) digit
- 39 number 911 to send automatic number identification and
- 40 automatic location information for reporting police, fire, medical,
- 41 or other emergency situations.
- 42 **(b)** The term includes the following:

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

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

5 (3) An emergency notification system.

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

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

14 (b) The following recommendations must be made to the
15 governor concerning the membership of the board:

16 (1) The executive committees of:

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

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

21 shall jointly recommend three (3) individuals.

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

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

26 (4) The Indiana Sheriff's Association shall recommend one (1)
27 individual.

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

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

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

36 (6) The Indiana Cable Telecommunications Association shall
37 recommend one (1) individual.

38 (c) The board consists of the following eleven (11) members:

39 (1) The treasurer of state or the treasurer's designee. The
40 treasurer of state or the treasurer's designee is chairperson of
41 the board for a term concurrent with the treasurer of state's
42 term of office. However, the treasurer of state's designee

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

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1 **(9) The superintendent of the state police department or the**
 2 **superintendent's designee.**

3 **(d) This subsection applies to a member appointed by the**
 4 **governor under subsection (c)(2) through (c)(8). The governor shall**
 5 **ensure that the terms of the initial members appointed by the**
 6 **governor are staggered so that the terms of not more than four (4)**
 7 **members expire in a single calendar year. After the initial**
 8 **appointments, subsequent appointments shall be for three (3) year**
 9 **terms. A vacancy on the board shall be filled for the vacating**
 10 **member's unexpired term in the same manner as the original**
 11 **appointment, and a member of the board is eligible for**
 12 **reappointment. In making an appointment under subsection (c)(2)**
 13 **through (c)(8), the governor shall take into account the various**
 14 **geographical areas of Indiana, including rural and urban areas. A**
 15 **member appointed by the governor serves at the pleasure of the**
 16 **governor.**

17 **(e) This subsection applies to a member appointed under**
 18 **subsection (c)(2) through (c)(8). A member shall submit the name**
 19 **of a designee to the board. The board shall maintain a list of**
 20 **approved designees. A member may appoint a listed designee to fill**
 21 **the member's position under subsection (c) or to act on behalf of**
 22 **the member at a meeting of the board. The designee serves at the**
 23 **pleasure of the appointing member.**

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

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

26 **Sec. 25. A majority of the members of the board constitutes a**
 27 **quorum for purposes of taking action.**

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

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

42 **Sec. 27. The board may do the following to implement this**



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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) Acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.**
- (5) Enter into contracts, including contracts:**
 - (A) for professional services;**
 - (B) for purchase of supplies or services; and**
 - (C) to acquire office space.**
- (6) Hire staff.**
- (7) Adopt rules under IC 4-22-2 to implement this chapter.**
- (8) Develop, maintain, and update a statewide 911 plan.**
- (9) Administer the statewide 911 fund established by section 29 of this chapter.**
- (10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.**
- (11) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.**

Sec. 28. (a) The treasurer of state 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.**

The treasurer of state shall determine the salary and other compensation of the executive director.

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

Sec. 29. (a) The statewide 911 fund is established for the purpose 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.

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1 (b) The fund consists of the following:

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

4 (2) Appropriations made by the general assembly.

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

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

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

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

11 (c) The board may invest money in the fund in the same manner
12 as other funds of the state may be invested under IC 5-13. In
13 addition, the board may invest money in the fund in any of the
14 following:

15 (1) Corporate bonds, notes, and debentures, subject to the
16 following conditions:

17 (A) Maximum participation in any issue is limited to seven
18 percent (7%) of the total issue.

19 (B) The board shall establish minimum quality rating
20 standards and maximum purchase amount standards for
21 corporate issues.

22 (2) Investments maturing in one (1) year or less, subject to the
23 following conditions:

24 (A) The investments must be:

25 (i) Prime-1 commercial paper; and

26 (ii) Banker's acceptance approved by banks' trust
27 investment committees.

28 (B) The maximum amount invested may not exceed fifty
29 percent (50%) of the fund.

30 (d) Whenever the quality, maturity, and yield of an investment
31 in an Indiana corporation or in a corporation that does business in
32 Indiana are equal to or better than similar investments in other
33 corporations, preference shall be given to an investment in the
34 Indiana corporation or in the corporation that does business in
35 Indiana.

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

38 (f) Money in the fund is continuously appropriated for the
39 purposes of the fund.

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

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

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

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

13 Sec. 32. (a) Except as provided in subsections (c) and (e), the
 14 board shall assess a monthly statewide 911 fee on each user that is
 15 a customer having a place of primary use (as defined in section 16
 16 of this chapter, and as determined in the manner provided by
 17 IC 6-8.1-15) in Indiana at a rate that:

- 18 (1) ensures full recovery of the amount needed for the board
 19 to make distributions to PSAPs consistent with this chapter;
 20 and
 21 (2) provides for proper development, operation, and
 22 maintenance of a statewide 911 system.

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

25 (b) Subject to legislative approval, the board may adjust the
 26 statewide 911 fee to ensure adequate revenue for the board to
 27 fulfill the board's duties and obligations under this chapter.

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

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

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

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

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

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process, a provider:

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

(2) may list the fee as a separate line item on each bill.

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

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

(d) This subsection applies only if IC 36-8-16.6 expires and sunsets under the conditions set forth in IC 36-8-16.6-22. A provider shall collect and remit to the board under subsection (b) fees from the provider's prepaid users in a total amount equal to the fee amount multiplied by the number of active prepaid user accounts on the last day of each calendar month.

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. The board shall administer the fund in the following manner:

(1) The board may use two percent (2%) of the statewide 911 fees deposited in the fund to recover the board's expenses in administering this chapter. However, the board may increase

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or decrease this percentage to allow for full recovery of administration expenses.

(2) The board shall distribute the remainder of the statewide 911 fees deposited in the fund to each PSAP in an amount determined by the board. In determining a distribution under this subdivision, the board shall consider the following:

(A) For a distribution during the state fiscal year beginning July 1, 2012, the amount of 911 fee revenue the PSAP received during the state fiscal year ending June 30, 2012.

(B) For a distribution during a state fiscal year beginning after June 30, 2013, the costs incurred by the PSAP related to 911 services provided by the PSAP during the immediately preceding state fiscal year.

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 under section 37(2) of this chapter only for the following:

- (1) The lease, purchase, or maintenance of communications service equipment.
- (2) Necessary system hardware and software and data base equipment.
- (3) Personnel expenses, including wages, benefits, training, and continuing education.
- (4) Consumer education concerning 911 service.
- (5) Operational costs, including costs associated with:
 - (A) utilities;
 - (B) maintenance;
 - (C) equipment designed to provide backup power or system redundancy, including generators; and
 - (D) call logging equipment.
- (6) An emergency notification system under section 40 of this chapter.
- (7) Connectivity to the Indiana data communications system (IDACS).
- (8) Other expenses approved by the board.

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

- (1) Construction, purchase, renovation, or furnishing of PSAP buildings.
- (2) Vehicles.

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(3) Mobile radio equipment.

(4) Portable communications equipment.

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

(d) Beginning July 1, 2013, the state board of accounts annually shall audit the expenditures of distributions under section 37(2) of this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under section 37(2) of 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).

(e) A distribution under section 37(2) of this chapter must be deposited by the treasurer of the county in which the PSAP is located 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) A county may establish an emergency notification system. A

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1 PSAP in the county may use funds distributed to it under section
 2 37(2) of this chapter to establish and operate an emergency
 3 notification system under this section.

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

10 (1) The service address of the user.

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

12 (3) A designation of listed, unlisted, or nonpublished with
 13 respect to any telephone number (or other functionally
 14 equivalent identification number) associated with the user's
 15 service or account.

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

19 Sec. 41. (a) A provider shall, upon request, provide to a PSAP
 20 the necessary user data to enable the PSAP to implement and
 21 operate a 911 system. User data provided to a PSAP for the
 22 purpose of implementing or updating a 911 system may be used
 23 only to identify:

24 (1) a user;

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

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

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

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

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

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

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

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

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

19 **Sec. 42. (a) All proprietary information submitted to the board**
 20 **or the treasurer of state is confidential. Notwithstanding any other**
 21 **law, proprietary information submitted under this chapter is not**
 22 **subject to subpoena, and proprietary information submitted under**
 23 **this chapter may not be released to a person other than to the**
 24 **submitting provider without the permission of the submitting**
 25 **provider.**

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

30 **Sec. 43. Notwithstanding any other law, the board, a PSAP, a**
 31 **political subdivision, a provider, or an employee, director, officer,**
 32 **or agent of a PSAP, a political subdivision, or a provider, or a**
 33 **member of the board or the board chair or the executive director,**
 34 **or an employee, agent, or representative of the board chair is not**
 35 **liable for damages in a civil action or subject to criminal**
 36 **prosecution resulting from death, injury, or loss to persons or**
 37 **property incurred by any person in connection with establishing,**
 38 **developing, implementing, maintaining, operating, and providing**
 39 **911 service, except in the case of willful or wanton misconduct.**

40 **Sec. 44. A person may not use 911 service except to make**
 41 **emergency calls that may result in the dispatch of the appropriate**
 42 **response for fire suppression and rescue, emergency medical or**

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1 ambulance services, hazardous material, disaster or major
2 emergency occurrences, and law enforcement activities.

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

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

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

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

11 **(c)** A person who knowing or intentionally violates this section
12 commits a Class A misdemeanor.

13 **Sec. 46. (a)** A person who knowingly or intentionally places a
14 911 call:

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

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

18 commits a Class A misdemeanor.

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

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

28 **Sec. 47. (a)** For purposes of this section, a PSAP includes a
29 public safety communications system operated and maintained
30 under IC 36-8-15 (before its expiration on July 1, 2016).

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

32 (1) a political subdivision; or

33 (2) an agency;

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

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

41 (1) by a state educational institution;

42 (2) by an airport authority established for a county having a

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1 consolidated city; or

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

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

10 (1) a state educational institution;

11 (2) in the case of a county having a consolidated city, an
12 airport authority established for the county; or

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

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

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

26 (1) Other counties contiguous to the county.

27 (2) Other political subdivisions in a county contiguous to the
28 county.

29 (3) Other PSAP operators in a county contiguous to the
30 county.

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

33 (1) A plan for the:

34 (A) consolidation;

35 (B) reorganization; or

36 (C) elimination;

37 of one (1) or more of the county's PSAPs, as necessary to
38 ensure that the county does not contain more than the number
39 of PSAPs authorized by subsection (c) after December 31,
40 2014.

41 (2) A plan for funding and staffing the PSAP or PSAPs that
42 will serve:

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- 1 (A) the county; and
- 2 (B) any areas contiguous to the county, if additional parties
- 3 described in subsection (f) participate in the interlocal
- 4 agreement;
- 5 after December 31, 2014.
- 6 (3) Subject to any applicable state or federal requirements,
- 7 protocol to be followed by the county's PSAP or PSAPs in:
- 8 (A) receiving incoming 911 calls; and
- 9 (B) dispatching appropriate public safety agencies to
- 10 respond to the calls;
- 11 after December 31, 2014.
- 12 (4) Any other matters that the participating PSAP operators
- 13 or parties described in subsection (f), if any, determine are
- 14 necessary to ensure that the county does not contain more
- 15 than the number of PSAPs authorized by subsection (c) after
- 16 December 31, 2014.

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

19 SECTION 23. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1,
 20 2012]. (Emergency Telephone Notification System).

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

- 24 (1) A computer (as defined in IC 36-8-15-4) **(before its**
- 25 **expiration on July 1, 2016).**
- 26 (2) A communications system (as defined in IC 36-8-15-3(1))
- 27 **(before its expiration on July 1, 2016).**
- 28 (3) Mobile or remote equipment that is coordinated by or linked
- 29 with a computer or communication system.
- 30 (4) Upon the request of:
- 31 (A) the fiscal body of an eligible entity having a fiscal body;
- 32 or
- 33 (B) the governing body of an eligible entity not having a fiscal
- 34 body;
- 35 security services provided by human or nonhuman means.

36 SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) The funds that**
 37 **remain in the wireless emergency telephone system fund**
 38 **established by IC 36-8-16.5-21 (before its repeal by this act on July**
 39 **1, 2012) on July 1, 2012, shall be transferred to the statewide 911**
 40 **fund established by IC 36-8-16.7-29, as added by this act.**

41 **(b) This SECTION expires January 1, 2013.**

42 SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) The funds that**

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1 remain in a county's wireless emergency telephone system fund
2 established by IC 36-8-16.5-43 (before its repeal by this act on July
3 1, 2012) on July 1, 2012, shall be transferred to the statewide 911
4 fund established by IC 36-8-16.7-29, as added by this act. Any
5 funds transferred under this SECTION shall be used as follows:

6 (1) To pay any obligations owed to any bondholders, third
7 parties, or creditors under IC 36-8-16.5 (before its repeal by
8 this act on July 1, 2012).

9 (2) To the extent any funds remain after meeting the
10 obligations described in subdivision (1), for the purposes set
11 forth in IC 36-8-16.7-38, as added by this act.

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

13 SECTION 27. [EFFECTIVE UPON PASSAGE] (a) The funds that
14 remain in an emergency telephone system fund established by a
15 county under IC 36-8-16-13 (before its repeal by this act on July 1,
16 2012) on July 1, 2012, shall be transferred to the statewide 911
17 fund established under IC 36-8-16.7-29, as added by this act. Any
18 funds transferred under this subsection shall be used as follows:

19 (1) To pay any obligations owed to any bondholders, third
20 parties, or creditors under IC 36-8-16 (before its repeal by
21 this act on July 1, 2012).

22 (2) To the extent any funds remain after meeting the
23 obligations described in subdivision (1), for the purposes set
24 forth in IC 36-8-16.7-38, as added by this act.

25 (b) The funds that remain in an emergency telephone system
26 fund established by a municipality under IC 36-8-16-13 (before its
27 repeal by this act on July 1, 2012) on July 1, 2012, shall be
28 transferred to the statewide 911 fund established under
29 IC 36-8-16.7-29, as added by this act. Any funds transferred under
30 this subsection shall be used as follows:

31 (1) To pay any obligations owed by the municipality to any
32 bondholders, third parties, or creditors under IC 36-8-16
33 (before its repeal by this act on July 1, 2012).

34 (2) To the extent any funds remain after meeting the
35 obligations described in subdivision (1), for the purposes set
36 forth in IC 36-8-16.7-38, as added by this act.

37 (c) This SECTION expires January 1, 2013.

38 SECTION 28. An emergency is declared for this act.

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