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# SENATE BILL No. 367

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8.

**Synopsis:** PSAP fees. Provides that a municipality or county otherwise prohibited from increasing its enhanced emergency telephone system fee until the unit's public service answering point (PSAP) is consolidated under an interlocal agreement containing certain provisions may increase its enhanced emergency telephone system fee after showing substantial progress toward consolidation by adopting an interlocal agreement that does not yet contain all the required provisions. Requires the unit to amend the interlocal agreement to include the remaining required provisions before January 1, 2016. Reduces the unit's enhanced emergency telephone system fee by the amount of the increase if the interlocal agreement is not amended as required before January 1, 2016. Provides that a PSAP may use money received from the wireless emergency enhanced 911 fee for a use permitted for an enhanced emergency telephone system fee.

**Effective:** July 1, 2012.

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**Mrvan**

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January 9, 2012, read first time and referred to Committee on Utilities & Technology.

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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. 367



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-8-16-7.5, AS ADDED BY P.L.137-2008,  
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]: Sec. 7.5. (a) This section applies to a unit that imposes  
4 an enhanced emergency telephone system fee under section 5 of this  
5 chapter on March 15, 2008.  
6 (b) During the period beginning March 15, 2008, and ending on the  
7 date on which:  
8 (1) the unit, if the unit is a county; or  
9 (2) the county in which the unit is located, if the unit is a  
10 municipality;  
11 complies with IC 36-8-16.5-51(c) **or shows substantial progress**  
12 **toward complying with IC 36-8-16.5-51(c) by adopting an**  
13 **interlocal agreement that does not yet contain all the information**  
14 **required by IC 36-8-16.5-51(g)**, the unit may not adopt an ordinance  
15 under section 7 of this chapter to increase the amount of the enhanced  
16 emergency telephone system fee imposed by the unit under section 5  
17 of this chapter.



1 (c) Upon:

- 2 (1) **achieving** compliance with IC 36-8-16.5-51(c); **or**  
 3 (2) **showing substantial progress toward complying with**  
 4 **IC 36-8-16.5-51(c) by adopting an interlocal agreement that**  
 5 **does not yet contain all the information required by**  
 6 **IC 36-8-16.5-51(g);**

7 the unit that, under the terms of the interlocal agreement required by  
 8 IC 36-8-16.5-51(e), has the authority to impose a fee under this chapter  
 9 may adopt an ordinance under section 7 of this chapter to increase the  
 10 amount of the enhanced emergency telephone system fee as necessary  
 11 to sufficiently fund any PSAP authorized under IC 36-8-16.5-51(c),  
 12 subject to the limits set forth in section 6 of this chapter.

13 (d) **A unit that adopts an ordinance under section 7 of this**  
 14 **chapter after showing substantial progress toward complying with**  
 15 **IC 36-8-16.5-51(c) must amend the interlocal agreement described**  
 16 **in subsection (c)(2) to include the remaining information required**  
 17 **by IC 36-8-16.5-51(g) before January 1, 2016. If the interlocal**  
 18 **agreement described in subsection (c)(2) is not amended as**  
 19 **required by this subsection before January 1, 2016, the enhanced**  
 20 **emergency telephone system fee imposed by the unit is reduced on**  
 21 **January 1, 2016, to the amount imposed by the unit in the calendar**  
 22 **month immediately preceding the calendar month in which the unit**  
 23 **adopted an ordinance to increase the fee as permitted by**  
 24 **subsection (c).**

25 SECTION 2. IC 36-8-16.5-41, AS AMENDED BY P.L.137-2008,  
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2012]: Sec. 41. (a) A PSAP shall use its distribution made  
 28 under section 39 of this chapter for the lease, purchase, or maintenance  
 29 of wireless enhanced emergency telephone equipment, including:

- 30 (1) necessary computer hardware, software, and data base  
 31 equipment;  
 32 (2) personnel expense and training;  
 33 (3) the provision of wireless enhanced emergency service; **or**  
 34 (4) educating consumers about the operations, limitations, role,  
 35 and responsible use of enhanced 911 service; **or**  
 36 (5) **a use for which enhanced emergency telephone system fees**  
 37 **may be used under IC 36-8-16-14.**

38 (b) If:

- 39 (1) the board receives a written complaint alleging that a PSAP  
 40 has used money received under this chapter in a manner that is  
 41 inconsistent with this chapter; and  
 42 (2) a majority of the board votes to conduct an audit of the PSAP;

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1 the board may contract with a third party auditor to audit the PSAP to  
 2 determine whether the PSAP has used money received under this  
 3 chapter in a manner consistent with this chapter.  
 4 (c) The state board of accounts shall audit the expenditures of  
 5 wireless emergency enhanced 911 fees made during each of the  
 6 following calendar years by each PSAP that received distributions  
 7 under section 39 of this chapter during the following calendar years:  
 8 (1) The calendar year ending December 31, 2005.  
 9 (2) The calendar year ending December 31, 2006.  
 10 (3) The calendar year ending December 31, 2007.  
 11 Not later than November 1, 2008, the state board of accounts shall  
 12 report to the regulatory flexibility committee established by  
 13 IC 8-1-2.6-4 on the audits conducted under this subsection.  
 14 (d) The state board of accounts annually shall audit the expenditures  
 15 of wireless emergency enhanced 911 fees made during the immediately  
 16 preceding calendar year by each PSAP that received distributions under  
 17 section 39 of this chapter during the immediately preceding calendar  
 18 year. The state board of accounts shall conduct the first audits required  
 19 by this subsection with respect to expenditures of wireless emergency  
 20 enhanced 911 fees made during the calendar year ending December 31,  
 21 2008.  
 22 (e) In conducting the audits required under subsections (c) and (d),  
 23 the state board of accounts shall determine whether the expenditures  
 24 made by each PSAP are in compliance with subsection (a).

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