

---

---

# HOUSE BILL No. 1210

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-17-22; IC 6-3.5; IC 36-8.

**Synopsis:** PSAP funding. Authorizes counties (other than Marion County) to adopt an additional local option income tax rate under the county adjusted gross income tax or the county option income tax laws, without first adopting additional tax rates for property tax relief if the revenue is used to fund the operations of the public safety answering points (PSAPs) in the county. Requires a political subdivision that operates a PSAP receiving the income tax revenue to reduce its property tax levy for funding a PSAP by the estimated amount of local option income taxes that the PSAP will receive in the ensuing calendar year. Provides that the additional rate is subject to the maximum rate of 0.25% that current law imposes on additional rates for public safety. Changes the permitted uses of revenue used to fund PSAPs. Adds two members to the wireless enhanced 911 advisory board. Increases the wireless emergency enhanced 911 fee from \$0.50 to \$1.25. Increases a provider's collection allowance proportionately. Increases the enhanced prepaid wireless charge from \$0.25 to \$1.25. Removes the wireless enhanced 911 advisory board's discretion to adjust the fees. Repeals the conditional expiration of the enhanced prepaid wireless charge.

**Effective:** July 1, 2012.

---

---

## Steuerwald, Thompson

---

---

January 9, 2012, read first time and referred to Committee on Ways and Means.

---

---

C  
o  
p  
y



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.

C  
o  
p  
y

# HOUSE BILL No. 1210



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

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

1 SECTION 1. IC 6-1.1-17-22 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2012]: **Sec. 22. (a) This section applies only to a political**  
4 **subdivision that operates a PSAP that receives local option income**  
5 **taxes under IC 6-3.5-1.1-25(n) or IC 6-3.5-6-31(o).**

6 (b) As used in this section, "PSAP" has the meaning set forth in  
7 IC 36-8-16.5-13.

8 (c) The department of local government finance shall require a  
9 political subdivision to reduce its property tax levy to pay for the  
10 operations of the PSAP in an ensuing calendar year by an amount  
11 equal to the estimated amount of local option income taxes that the  
12 PSAP will receive under IC 6-3.5-1.1-25(n) or IC 6-3.5-6-31(o) in  
13 the ensuing calendar year.

14 SECTION 2. IC 6-3.5-0.8-1, AS ADDED BY P.L.220-2011,  
15 SECTION 145, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2012]: Sec. 1. Notwithstanding any provision  
17 in IC 6-3.5-1.1 (including the August 1 deadlines applicable under



1 IC 6-3.5-1.1-24(a), IC 6-3.5-1.1-24(b), ~~IC 6-3.5-1.1-25(i)~~;  
 2 **IC 6-3.5-1.1-25(j)**, and IC 6-3.5-1.1-26(e)), a county council may in  
 3 2009 adopt an additional county adjusted gross income tax rate under  
 4 IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 at any time before  
 5 November 1, 2009.

6 SECTION 3. IC 6-3.5-1.1-9, AS AMENDED BY P.L.229-2011,  
 7 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2012]: Sec. 9. (a) Revenue derived from the imposition of the  
 9 county adjusted gross income tax shall, in the manner prescribed by  
 10 this section, be distributed to the county that imposed it. The amount  
 11 to be distributed to a county during an ensuing calendar year equals the  
 12 amount of county adjusted gross income tax revenue that the budget  
 13 agency determines has been:

- 14 (1) received from that county for a taxable year ending before the
- 15 calendar year in which the determination is made; and
- 16 (2) reported on an annual return or amended return processed by
- 17 the department in the state fiscal year ending before July 1 of the
- 18 calendar year in which the determination is made;

19 as adjusted for refunds of county adjusted gross income tax made in the  
 20 state fiscal year.

21 (b) Before August 2 of each calendar year, the budget agency shall  
 22 certify to the county auditor of each adopting county the amount  
 23 determined under subsection (a) plus the amount of interest in the  
 24 county's account that has accrued and has not been included in a  
 25 certification made in a preceding year. The amount certified is the  
 26 county's "certified distribution" for the immediately succeeding  
 27 calendar year. The amount certified shall be adjusted under subsections  
 28 (c), (d), (e), (f), (g), and (h). The budget agency shall provide the  
 29 county council with an informative summary of the calculations used  
 30 to determine the certified distribution. The summary of calculations  
 31 must include:

- 32 (1) the amount reported on individual income tax returns
- 33 processed by the department during the previous fiscal year;
- 34 (2) adjustments for over distributions in prior years;
- 35 (3) adjustments for clerical or mathematical errors in prior years;
- 36 (4) adjustments for tax rate changes; and
- 37 (5) the amount of excess account balances to be distributed under
- 38 IC 6-3.5-1.1-21.1.

39 The budget agency shall also certify information concerning the part of  
 40 the certified distribution that is attributable to a tax rate under section  
 41 24, 25, or 26 of this chapter. This information must be certified to the  
 42 county auditor, the department, and the department of local government

C  
O  
P  
Y



1 finance not later than September 1 of each calendar year. The part of  
2 the certified distribution that is attributable to a tax rate under section  
3 24, 25, or 26 of this chapter may be used only as specified in those  
4 provisions.

5 (c) The budget agency shall certify an amount less than the amount  
6 determined under subsection (b) if the budget agency determines that  
7 the reduced distribution is necessary to offset overpayments made in a  
8 calendar year before the calendar year of the distribution. The budget  
9 agency may reduce the amount of the certified distribution over several  
10 calendar years so that any overpayments are offset over several years  
11 rather than in one (1) lump sum.

12 (d) The budget agency shall adjust the certified distribution of a  
13 county to correct for any clerical or mathematical errors made in any  
14 previous certification under this section. The budget agency may  
15 reduce the amount of the certified distribution over several calendar  
16 years so that any adjustment under this subsection is offset over several  
17 years rather than in one (1) lump sum.

18 (e) The budget agency shall adjust the certified distribution of a  
19 county to provide the county with the distribution required under  
20 section 10(b) of this chapter.

21 (f) This subsection applies to a county that initially imposes,  
22 increases, decreases, or rescinds a tax or tax rate under this chapter  
23 before November 1 in the same calendar year in which the budget  
24 agency makes a certification under this section. The budget agency  
25 shall adjust the certified distribution of a county to provide for a  
26 distribution in the immediately following calendar year and in each  
27 calendar year thereafter. The budget agency shall provide for a full  
28 transition to certification of distributions as provided in subsection  
29 (a)(1) through (a)(2) in the manner provided in subsection (c). If the  
30 county imposes, increases, decreases, or rescinds a tax or tax rate under  
31 this chapter after the date for which a certification under subsection (b)  
32 is based, the budget agency shall adjust the certified distribution of the  
33 county after August 1 of the calendar year. The adjustment shall reflect  
34 any other adjustment required under subsections (c), (d), (e), (g), and  
35 (h). The adjusted certification shall be treated as the county's "certified  
36 distribution" for the immediately succeeding calendar year. The budget  
37 agency shall certify the adjusted certified distribution to the county  
38 auditor for the county and provide the county council with an  
39 informative summary of the calculations that revises the informative  
40 summary provided in subsection (b) and reflects the changes made in  
41 the adjustment.

42 (g) The budget agency shall adjust the certified distribution of a

C  
O  
P  
Y

1 county to provide the county with the distribution required under  
 2 section 3.3 of this chapter beginning not later than the tenth month after  
 3 the month in which additional revenue from the tax authorized under  
 4 section 3.3 of this chapter is initially collected.

5 (h) This subsection applies in the year in which a county initially  
 6 imposes a tax rate under section 24 of this chapter. Notwithstanding  
 7 any other provision, the budget agency shall adjust the part of the  
 8 county's certified distribution that is attributable to the tax rate under  
 9 section 24 of this chapter to provide for a distribution in the  
 10 immediately following calendar year equal to the result of:

11 (1) the sum of the amounts determined under STEP ONE through  
 12 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county  
 13 initially imposes a tax rate under section 24 of this chapter;  
 14 multiplied by

15 (2) two (2).

16 (i) The budget agency shall before May 1 of every odd-numbered  
 17 year publish an estimate of the statewide total amount of certified  
 18 distributions to be made under this chapter during the following two (2)  
 19 calendar years.

20 (j) The budget agency shall before May 1 of every even-numbered  
 21 year publish an estimate of the statewide total amount of certified  
 22 distributions to be made under this chapter during the following  
 23 calendar year.

24 (k) The estimates under subsections (i) and (j) must specify the  
 25 amount of the estimated certified distributions that are attributable to  
 26 the additional rate authorized under section 24 of this chapter, ~~the an~~  
 27 additional rate authorized under section 25 of this chapter, the  
 28 additional rate authorized under section 26 of this chapter, and any  
 29 other additional rates authorized under this chapter.

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

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

36 (2) A firefighting and fire prevention system.

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

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

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

41 (6) A probation department of a court.

42 (7) Confinement, supervision, services under a community

C  
o  
p  
y



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

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

9 (B) convicted of a crime; or

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

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

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

14 (10) A county jail.

15 (11) A communications system (as defined in IC 36-8-15-3) or an  
16 enhanced emergency telephone system (as defined in  
17 IC 36-8-16-2).

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

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

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

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

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

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

31 (b) **Subject to subsection (c)**, if a county council has imposed a tax  
32 rate of at least twenty-five hundredths of one percent (0.25%) under  
33 section 24 of this chapter, a tax rate of at least twenty-five hundredths  
34 of one percent (0.25%) under section 26 of this chapter, or a total  
35 combined tax rate of at least twenty-five hundredths of one percent  
36 (0.25%) under sections 24 and 26 of this chapter, the county council  
37 may also adopt an ordinance to impose an additional tax rate under this  
38 section to provide funding for public safety.

39 (c) **The imposition of a tax rate under section 24 or 26 of this**  
40 **chapter, or a combination of tax rates under sections 24 and 26 of**  
41 **this chapter, is not required for imposing a tax rate under this**  
42 **section if the part of the certified distribution attributable to the**

C  
O  
P  
Y



1 **tax rate is expended only for a purpose permitted by IC 36-8-16-14**  
 2 **or IC 36-8-16.5-41.**

3 ~~(c)~~ **A tax rate under this section (d) The sum of the tax rates**  
 4 **imposed under subsections (b) and (c)** may not exceed twenty-five  
 5 hundredths of one percent (0.25%).

6 ~~(d)~~ **(e)** If a county council adopts an ordinance to impose a tax rate  
 7 under this section, the county auditor shall send a certified copy of the  
 8 ordinance to the department and the department of local government  
 9 finance by certified mail.

10 ~~(e)~~ **(f)** A tax rate under this section is in addition to any other tax  
 11 rates imposed under this chapter and does not affect the purposes for  
 12 which other tax revenue under this chapter may be used.

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

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

22 (2) a fraction equal to:

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

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

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

36 ~~(g)~~ **(h) Except as provided in IC 6-1.1-17-22**, the department of  
 37 local government finance may not require a county or municipality  
 38 receiving tax revenue under this section to reduce the county's or  
 39 municipality's property tax levy for a particular year on account of the  
 40 county's or municipality's receipt of the tax revenue.

41 ~~(h)~~ **(i) Except as provided in IC 6-1.1-17-22**, a tax rate under  
 42 this section and the tax revenue attributable to the tax rate under this

C  
O  
P  
Y



1 section shall not be considered for purposes of computing:

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

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

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

8 ~~(j)~~ **(j)** A tax rate under this section may be imposed or rescinded  
9 at the same time and in the same manner that the county may impose  
10 or increase a tax rate under section 24 of this chapter.

11 ~~(k)~~ **(k)** The department of local government finance and the  
12 department of state revenue may take any actions necessary to carry out  
13 the purposes of this section.

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

19 ~~(m)~~ **(m)** A fire department, volunteer fire department, or emergency  
20 medical services provider that:

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

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

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

40 **(n) This subsection applies to a county that imposes a tax rate**  
41 **under subsection (c). The county auditor shall distribute the part**  
42 **of the certified distribution that is attributable to the tax rate to**

C  
O  
P  
Y



1 each public safety answering point located in the county in  
 2 amounts determined by the county council. The county auditor  
 3 shall make the distributions required by this subsection not more  
 4 than thirty (30) days after receiving the part of the certified  
 5 distribution that is attributable to the tax rate imposed under  
 6 subsection (c). Tax revenue distributed to a public safety answering  
 7 point under this subsection must be deposited into a separate  
 8 account or fund and may be expended only for a purpose permitted  
 9 by IC 36-8-16-14 or IC 36-8-16.5-41.

10 (o) A distribution under subsection (n) to a public service  
 11 answering point operated by a civil taxing unit shall be treated as  
 12 a part of the civil taxing unit's property tax levy for that year for  
 13 purposes of fixing the budget of the civil taxing unit and for  
 14 determining the distribution of taxes that are distributed on the  
 15 basis of property tax levies.

16 SECTION 5. IC 6-3.5-6-17, AS AMENDED BY P.L.229-2011,  
 17 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2012]: Sec. 17. (a) Revenue derived from the imposition of  
 19 the county option income tax shall, in the manner prescribed by this  
 20 section, be distributed to the county that imposed it. The amount that  
 21 is to be distributed to a county during an ensuing calendar year equals  
 22 the amount of county option income tax revenue that the budget agency  
 23 determines has been:

24 (1) received from that county for a taxable year ending in a  
 25 calendar year preceding the calendar year in which the  
 26 determination is made; and

27 (2) reported on an annual return or amended return processed by  
 28 the department in the state fiscal year ending before July 1 of the  
 29 calendar year in which the determination is made;

30 as adjusted (as determined after review of the recommendation of the  
 31 budget agency) for refunds of county option income tax made in the  
 32 state fiscal year.

33 (b) Before August 2 of each calendar year, the budget agency shall  
 34 certify to the county auditor of each adopting county the amount  
 35 determined under subsection (a) plus the amount of interest in the  
 36 county's account that has accrued and has not been included in a  
 37 certification made in a preceding year. The amount certified is the  
 38 county's "certified distribution" for the immediately succeeding  
 39 calendar year. The amount certified shall be adjusted, as necessary,  
 40 under subsections (c), (d), (e), and (f). The budget agency shall provide  
 41 the county council with an informative summary of the calculations  
 42 used to determine the certified distribution. The summary of

C  
O  
P  
Y



- 1 calculations must include:
- 2 (1) the amount reported on individual income tax returns
- 3 processed by the department during the previous fiscal year;
- 4 (2) adjustments for over distributions in prior years;
- 5 (3) adjustments for clerical or mathematical errors in prior years;
- 6 (4) adjustments for tax rate changes; and
- 7 (5) the amount of excess account balances to be distributed under
- 8 IC 6-3.5-6-17.3.

9 The budget agency shall also certify information concerning the part of

10 the certified distribution that is attributable to a tax rate under section

11 30, 31, or 32 of this chapter. This information must be certified to the

12 county auditor and to the department of local government finance not

13 later than September 1 of each calendar year. The part of the certified

14 distribution that is attributable to a tax rate under section 30, 31, or 32

15 of this chapter may be used only as specified in those provisions.

16 (c) The budget agency shall certify an amount less than the amount

17 determined under subsection (b) if the budget agency determines that

18 the reduced distribution is necessary to offset overpayments made in a

19 calendar year before the calendar year of the distribution. The budget

20 agency may reduce the amount of the certified distribution over several

21 calendar years so that any overpayments are offset over several years

22 rather than in one (1) lump sum.

23 (d) The budget agency shall adjust the certified distribution of a

24 county to correct for any clerical or mathematical errors made in any

25 previous certification under this section. The budget agency may

26 reduce the amount of the certified distribution over several calendar

27 years so that any adjustment under this subsection is offset over several

28 years rather than in one (1) lump sum.

29 (e) This subsection applies to a county that imposes, increases,

30 decreases, or rescinds a tax or tax rate under this chapter before

31 November 1 in the same calendar year in which the budget agency

32 makes a certification under this section. The budget agency shall adjust

33 the certified distribution of a county to provide for a distribution in the

34 immediately following calendar year and in each calendar year

35 thereafter. The budget agency shall provide for a full transition to

36 certification of distributions as provided in subsection (a)(1) through

37 (a)(2) in the manner provided in subsection (c). If the county imposes,

38 increases, decreases, or rescinds a tax or tax rate under this chapter

39 after the date for which a certification under subsection (b) is based, the

40 budget agency shall adjust the certified distribution of the county after

41 August 1 of the calendar year. The adjustment shall reflect any other

42 adjustment required under subsections (c), (d), and (f). The adjusted

C  
O  
P  
Y



1 certification shall be treated as the county's "certified distribution" for  
2 the immediately succeeding calendar year. The budget agency shall  
3 certify the adjusted certified distribution to the county auditor for the  
4 county and provide the county council with an informative summary of  
5 the calculations that revises the informative summary provided in  
6 subsection (b) and reflects the changes made in the adjustment.

7 (f) This subsection applies in the year a county initially imposes a  
8 tax rate under section 30 of this chapter. Notwithstanding any other  
9 provision, the budget agency shall adjust the part of the county's  
10 certified distribution that is attributable to the tax rate under section 30  
11 of this chapter to provide for a distribution in the immediately  
12 following calendar year equal to the result of:

13 (1) the sum of the amounts determined under STEP ONE through  
14 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county  
15 initially imposes a tax rate under section 30 of this chapter;  
16 multiplied by

17 (2) the following:

18 (A) In a county containing a consolidated city, one and  
19 five-tenths (1.5).

20 (B) In a county other than a county containing a consolidated  
21 city, two (2).

22 (g) One-twelfth (1/12) of each adopting county's certified  
23 distribution for a calendar year shall be distributed from its account  
24 established under section 16 of this chapter to the appropriate county  
25 treasurer on the first day of each month of that calendar year.

26 (h) Upon receipt, each monthly payment of a county's certified  
27 distribution shall be allocated among, distributed to, and used by the  
28 civil taxing units of the county as provided in sections 18 and 19 of this  
29 chapter.

30 (i) All distributions from an account established under section 16 of  
31 this chapter shall be made by warrants issued by the auditor of state to  
32 the treasurer of state ordering the appropriate payments.

33 (j) The budget agency shall before May 1 of every odd-numbered  
34 year publish an estimate of the statewide total amount of certified  
35 distributions to be made under this chapter during the following two (2)  
36 calendar years.

37 (k) The budget agency shall before May 1 of every even-numbered  
38 year publish an estimate of the statewide total amount of certified  
39 distributions to be made under this chapter during the following  
40 calendar year.

41 (l) The estimates under subsections (j) and (k) must specify the  
42 amount of the estimated certified distributions that are attributable to

C  
o  
p  
y



1 the additional rate authorized under section 30 of this chapter, ~~the an~~  
2 additional rate authorized under section 31 of this chapter, the  
3 additional rate authorized under section 32 of this chapter, and any  
4 other additional rates authorized under this chapter.

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

- 9 (1) A police and law enforcement system to preserve public peace  
10 and order.
- 11 (2) A firefighting and fire prevention system.
- 12 (3) Emergency ambulance services (as defined in  
13 IC 16-18-2-107).
- 14 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 15 (5) Emergency action (as defined in IC 13-11-2-65).
- 16 (6) A probation department of a court.
- 17 (7) Confinement, supervision, services under a community  
18 corrections program (as defined in IC 35-38-2.6-2), or other  
19 correctional services for a person who has been:
  - 20 (A) diverted before a final hearing or trial under an agreement  
21 that is between the county prosecuting attorney and the person  
22 or the person's custodian, guardian, or parent and that provides  
23 for confinement, supervision, community corrections services,  
24 or other correctional services instead of a final action  
25 described in clause (B) or (C);
  - 26 (B) convicted of a crime; or
  - 27 (C) adjudicated as a delinquent child or a child in need of  
28 services.
- 29 (8) A juvenile detention facility under IC 31-31-8.
- 30 (9) A juvenile detention center under IC 31-31-9.
- 31 (10) A county jail.
- 32 (11) A communications system (as defined in IC 36-8-15-3) or an  
33 enhanced emergency telephone system (as defined in  
34 IC 36-8-16-2).
- 35 (12) Medical and health expenses for jail inmates and other  
36 confined persons.
- 37 (13) Pension payments for any of the following:
  - 38 (A) A member of the fire department (as defined in  
39 IC 36-8-1-8) or any other employee of a fire department.
  - 40 (B) A member of the police department (as defined in  
41 IC 36-8-1-9), a police chief hired under a waiver under  
42 IC 36-8-4-6.5, or any other employee hired by a police

C  
o  
p  
y



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

COPY



- 1 (1) the portion of the certified distribution that is attributable to a
- 2 tax rate under this section; multiplied by
- 3 (2) a fraction equal to:
- 4 (A) the total property taxes being collected in the county by
- 5 the county or municipality for the calendar year; divided by
- 6 (B) the sum of the total property taxes being collected in the
- 7 county by the county and each municipality in the county that
- 8 is entitled to a distribution under this section for the calendar
- 9 year.
- 10 The county auditor shall make the distributions required by this
- 11 subsection not more than thirty (30) days after receiving the portion of
- 12 the certified distribution that is attributable to a tax rate under this
- 13 section. Tax revenue distributed to a county or municipality under this
- 14 subsection must be deposited into a separate account or fund and may
- 15 be appropriated by the county or municipality only for public safety
- 16 purposes.
- 17 (g) **Except as provided in IC 6-1.1-17-22**, the department of local
- 18 government finance may not require a county or municipality receiving
- 19 tax revenue under this section to reduce the county's or municipality's
- 20 property tax levy for a particular year on account of the county's or
- 21 municipality's receipt of the tax revenue.
- 22 (h) **Except as provided in IC 6-1.1-17-22**, the tax rate under this
- 23 section and the tax revenue attributable to the tax rate under this
- 24 section shall not be considered for purposes of computing:
- 25 (1) the maximum income tax rate that may be imposed in a county
- 26 under section 8 or 9 of this chapter or any other provision of this
- 27 chapter;
- 28 (2) the maximum permissible property tax levy under
- 29 IC 6-1.1-18.5-3; or
- 30 (3) the credit under IC 6-1.1-20.6.
- 31 (i) ~~The A~~ tax rate under this section may be imposed or rescinded
- 32 at the same time and in the same manner that the county may impose
- 33 or increase a tax rate under section 30 of this chapter.
- 34 (j) The department of local government finance and the department
- 35 of state revenue may take any actions necessary to carry out the
- 36 purposes of this section.
- 37 (k) Notwithstanding any other provision, in Lake County the county
- 38 council (and not the county income tax council) is the entity authorized
- 39 to take actions concerning ~~the an~~ additional tax rate under this section.
- 40 (l) Two (2) or more political subdivisions that are entitled to receive
- 41 a distribution under this section may adopt resolutions providing that
- 42 some part or all of those distributions shall instead be paid to one (1)

C  
o  
p  
y



1 political subdivision in the county to carry out specific public safety  
2 purposes specified in the resolutions.

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

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

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

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

24 **(n) This subsection does not apply to a county containing a**  
25 **consolidated city. The imposition of a tax rate under section 30 or**  
26 **32 of this chapter, or a combination of tax rates under sections 30**  
27 **and 32 of this chapter, is not required for imposing a tax rate**  
28 **under this section if the part of the certified distribution**  
29 **attributable to the tax rate is expended only for a purpose**  
30 **permitted by IC 36-8-16-14 or IC 36-8-16.5-41.**

31 **(o) This subsection applies to a county that imposes a tax rate**  
32 **under subsection (n). The county auditor shall distribute the part**  
33 **of the certified distribution that is attributable to the rate under**  
34 **subsection (n) to each public safety answering point located in the**  
35 **county in an amount determined by the county income tax council**  
36 **(or the county council in Lake County). The county auditor shall**  
37 **make the distributions required by this subsection not more than**  
38 **thirty (30) days after receiving the part of the certified distribution**  
39 **that is attributable to a tax rate under subsection (n). Tax revenue**  
40 **distributed to a public safety answering point under this subsection**  
41 **must be deposited into a separate account or fund and may be**  
42 **expended only for a purpose permitted by IC 36-8-16-14 or**

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**IC 36-8-16.5-41.**

**(p) A distribution under this section to a public service answering point operated by a civil taxing unit shall be treated as a part of the civil taxing unit's property tax levy for that year for purposes of fixing the budget of the civil taxing unit and for determining the distribution of taxes that are distributed on the basis of property tax levies.**

SECTION 7. IC 36-8-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. **(a)** A county treasurer or municipal fiscal officer to whom enhanced emergency telephone system fees are remitted under section 12 of this chapter shall deposit the fees in a separate fund. The fund shall be known as the \_\_\_\_\_ (insert name of county or municipality) emergency telephone system fund. The county treasurer or municipal fiscal officer may invest money in the fund in the same manner that other money of the county or municipality may be invested. The county treasurer or municipal fiscal officer shall deposit any income earned from such an investment in the fund.

**(b) A county fiscal body may by ordinance instruct the county treasurer to combine the fund established under this section with a fund established under IC 36-8-16.5-43. Money in a combined fund may be used only for a purpose permitted by section 14 of this chapter or IC 36-8-16.5-41.**

SECTION 8. IC 36-8-16-14, AS AMENDED BY P.L.137-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The emergency telephone system fees shall be used only to pay for **the following:**

- (1) except as provided in subsection (e); the lease, purchase, or maintenance of enhanced emergency telephone equipment; including necessary computer hardware, software, and data base provisioning;
  - (2) the rates associated with the service suppliers' enhanced emergency telephone system network services;
  - (3) the personnel expenses of the emergency telephone system;
  - (4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; and
  - (5) An emergency telephone notification system under IC 36-8-21.
- (1) Expenses associated with communications service**

C  
o  
p  
y



1 equipment located within the physical structure that houses  
2 a PSAP, including:

- 3 (A) maintenance costs;  
4 (B) costs for the purchase of radio equipment; and  
5 (C) costs for the purchase or lease of telephone lines, fiber  
6 optic cables, or microwave links.  
7 (2) Necessary system hardware and software and data base  
8 equipment.  
9 (3) Personnel expenses, including wages, benefits, training,  
10 and continuing education.  
11 (4) Consumer education concerning 911 service.  
12 (5) Operational costs, including costs associated with:  
13 (A) utilities;  
14 (B) maintenance;  
15 (C) equipment designed to provide backup power or  
16 system redundancy, including generators; and  
17 (D) call logging equipment.  
18 (6) Connectivity to the Indiana data and communication  
19 system (IDACS).  
20 (7) An emergency telephone notification system under  
21 IC 36-8-21.  
22 (8) Radio equipment for first responder agencies.

23 The legislative body of the unit may appropriate money in the fund  
24 only for such an expenditure.

25 (b) This subsection applies to a county that:

- 26 (1) imposes a fee under section 5 of this chapter; and  
27 (2) contains a municipality that operates a PSAP (as defined in  
28 IC 36-8-16.5-13).

29 Not later than January 31 of each year, the county fiscal body shall  
30 submit to each municipality described in subdivision (2) a report of all  
31 expenditures described in subsection (a) paid during the immediately  
32 preceding calendar year.

33 (c) The state board of accounts shall audit the expenditures of  
34 emergency telephone system fees made during each of the following  
35 calendar years by each unit that imposed a fee under section 5 of this  
36 chapter during the following calendar years:

- 37 (1) The calendar year ending December 31, 2005.  
38 (2) The calendar year ending December 31, 2006.  
39 (3) The calendar year ending December 31, 2007.

40 Not later than November 1, 2008, the state board of accounts shall  
41 report to the regulatory flexibility committee established by  
42 IC 8-1-2.6-4 on the audits conducted under this subsection.



C  
o  
p  
y

1 (d) The state board of accounts annually shall audit the expenditures  
2 of emergency telephone system fees made during the immediately  
3 preceding calendar year by each unit that imposes a fee under section  
4 5 of this chapter. The state board of accounts shall conduct the first  
5 audits required by this subsection with respect to expenditures of  
6 emergency telephone system fees made during the calendar year ending  
7 December 31, 2008.

8 (e) In conducting the audits required under subsections (c) and (d),  
9 the state board of accounts shall determine whether the expenditures  
10 made by each unit are in compliance with:

- 11 (1) subsection (a); and
- 12 (2) section 15 of this chapter, as appropriate.

13 SECTION 9. IC 36-8-16.5-18 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The wireless  
15 enhanced 911 advisory board is established. The board is a body  
16 corporate and politic, and though it is separate from the state, the  
17 exercise by the board of its powers constitutes an essential  
18 governmental function.

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

- 21 (1) The executive committees of NENA and APCO shall jointly
- 22 recommend three (3) individuals.
- 23 (2) The CMRS providers authorized to provide CMRS in Indiana
- 24 shall jointly recommend three (3) individuals.
- 25 **(3) The Association of Indiana Counties shall recommend one**
- 26 **(1) individual.**
- 27 **(4) The Indiana Association of Cities and Towns shall**
- 28 **recommend one (1) individual.**

29 (c) The board consists of the following ~~seven (7)~~ **nine (9)** members:

- 30 (1) The treasurer of state or the treasurer's designee. The treasurer
- 31 of state or the treasurer's designee is chairperson of the board for
- 32 a term concurrent with the treasurer of state's term of office.
- 33 However, the treasurer of state's designee serves at the pleasure
- 34 of the treasurer of state.
- 35 (2) Three (3) members for a term of three (3) years who are
- 36 appointed by the governor after the governor considers the
- 37 recommendations of the executive committees of NENA and
- 38 APCO that are submitted under subsection (b)(1).
- 39 (3) Three (3) members for a term of three (3) years who are
- 40 appointed by the governor after considering the recommendations
- 41 of the CMRS providers that are submitted under subsection
- 42 (b)(2).

C  
o  
p  
y



1 (4) One (1) member for a term of three (3) years appointed by  
2 the governor upon the recommendation of the Association of  
3 Indiana Counties under subsection (b)(3).

4 (5) One (1) member for a term of three (3) years appointed by  
5 the governor upon the recommendation of the Indiana  
6 Association of Cities and Towns under subsection (b)(4).

7 (d) A member's position may be filled by the member's designee  
8 who serves at the pleasure of the member.

9 (e) A vacancy on the board is filled for the vacating member's  
10 unexpired term in the same manner as the original appointment.

11 (f) Each member appointed under subsection (c)(2) ~~or (c)(3)~~  
12 **through (c)(5)** shall submit the name of a designee to the board. The  
13 board shall maintain a list of approved designees. A member appointed  
14 under subsection (c)(2) ~~or (c)(3)~~ **through (c)(5)** may appoint a listed  
15 designee to fill the member's position under subsection (d) or to act on  
16 behalf of the member at a meeting of the board. The designee serves at  
17 the pleasure of the appointing member.

18 (g) A member may vote by proxy through another member.

19 SECTION 10. IC 36-8-16.5-19 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. A majority of the  
21 members of the board constitutes a quorum for purposes of taking  
22 action. ~~Except as provided in section 39(b) of this chapter,~~ The board  
23 may take action approved by a majority of the members of the board  
24 present at a meeting of the board.

25 SECTION 11. IC 36-8-16.5-25.5, AS AMENDED BY  
26 P.L.113-2010, SECTION 142, IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25.5. (a) As used in this  
28 section, "customer" and "place of primary use" have the meanings set  
29 forth in IC 6-8.1-15.

30 (b) Except as provided in section 34 of this chapter, the board shall  
31 assess a monthly wireless emergency enhanced 911 fee **of one dollar**  
32 **and twenty-five cents (\$1.25)** on each standard user that is a customer  
33 having a place of primary use in Indiana. A customer's place of primary  
34 use shall be determined in the manner provided by IC 6-8.1-15.

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

37 SECTION 12. IC 36-8-16.5-26 IS REPEALED [EFFECTIVE JULY  
38 1, 2012]. ~~Sec. 26: (a) The board may adjust the wireless emergency  
39 enhanced 911 fee that is assessed under section 25.5 of this chapter.  
40 The board shall assess the fee at rates that ensure full recovery over a  
41 reasonable period of time of:~~

42 (1) costs incurred by CMRS providers before July 1, 2005; and

C  
o  
p  
y



1 (2) the amount needed for the board to make distributions to  
 2 PSAPs consistent with this chapter;  
 3 to develop and maintain an enhanced wireless 911 system.  
 4 (b) The fee assessed under section 25.5 of this chapter may not:  
 5 (1) be raised or lowered more than one (1) time in a calendar year;  
 6 (2) be raised more than seven cents (\$0.07) by an adjustment; or  
 7 (3) exceed one dollar (\$1) per month for each telephone number.  
 8 (c) If:  
 9 (1) all CMRS providers have been reimbursed for their costs as  
 10 provided in section 39(c) of this chapter; and  
 11 (2) the fee assessed under section 25.5 of this chapter is greater  
 12 than fifty cents (\$0.50);  
 13 the board shall reduce the fee so that the fee is not more than fifty cents  
 14 (\$0.50). A reduction of the fee under this subsection is not to be  
 15 considered an adjustment under subsection (a).

16 SECTION 13. IC 36-8-16.5-30.5, AS AMENDED BY  
 17 P.L.113-2010, SECTION 144, IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30.5. (a) As used in this  
 19 section, "customer" and "place of primary use" have the meanings set  
 20 forth in IC 6-8.1-15.

21 (b) Except as provided in section 34 of this chapter, a CMRS  
 22 provider shall, as part of its normal monthly billing process, collect the  
 23 wireless emergency enhanced 911 fee assessed under section 25.5 of  
 24 this chapter from each standard user that is a customer having a place  
 25 of primary use in Indiana and may list the fee as a separate line item on  
 26 each bill. A customer's place of primary use shall be determined in the  
 27 manner provided by IC 6-8.1-15. If a CMRS provider receives a partial  
 28 payment for a monthly bill from a CMRS standard user, the CMRS  
 29 provider shall apply the payment against the amount the CMRS  
 30 standard user owes to the CMRS provider before applying the payment  
 31 against the fee.

32 (c) This subsection applies only if IC 36-8-16.6 expires and sunsets  
 33 under the conditions set forth in IC 36-8-16.6-22. A CMRS provider  
 34 shall collect and remit to the board under section 36 of this chapter fees  
 35 from its prepaid users in a total amount equal to the fee amount  
 36 multiplied by the number of active prepaid user accounts on the last  
 37 day of each calendar month.

38 SECTION 14. IC 36-8-16.5-35, AS AMENDED BY P.L.113-2010,  
 39 SECTION 148, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2012]: Sec. 35. A CMRS provider may keep  
 41 ~~seven tenths one and seventy-five hundredths~~ of a cent (~~\$0.007~~)  
 42 **(\$0.0175)** of the wireless emergency enhanced 911 fee collected each

C  
o  
p  
y



1 month from each user for the purpose of defraying the administrative  
2 costs of collecting the fee.

3 SECTION 15. IC 36-8-16.5-39, AS AMENDED BY P.L.113-2010,  
4 SECTION 149, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) Except as provided by  
6 section 26 of this chapter and subsections (b) and (c); the fund must be  
7 managed in the following manner:

8 (1) Three cents (\$0.03) of the wireless emergency 911 fee  
9 collected from each user must be deposited in an escrow account  
10 to be used to reimburse:

11 (A) CMRS providers, PSAPs, and the board for costs  
12 associated with implementation of phase two (2) of the FCC  
13 order; and

14 (B) the board for costs associated with other wireless enhanced  
15 911 services mandated by the FCC and specified in the FCC  
16 order but not incurred by CMRS providers or PSAPs.

17 A CMRS provider or a PSAP may recover costs under this  
18 chapter if the costs are incurred before July 1, 2005, and invoiced  
19 to the board not later than December 31, 2005. The board may  
20 invest money in the account in the manner prescribed by section  
21 23 of this chapter and may use the proceeds of the investments to  
22 reimburse CMRS providers and PSAPs under this subdivision.

23 (2) At least twenty-five cents (\$0.25) of the wireless emergency  
24 911 fee collected from each user must be deposited in an escrow  
25 account and used to reimburse CMRS providers for the actual  
26 costs incurred by the CMRS providers before July 1, 2005, in  
27 complying with the wireless 911 requirements established by the  
28 FCC order and rules that are adopted by the FCC under the FCC  
29 order; including costs and expenses incurred in designing;  
30 upgrading; purchasing; leasing; programming; installing; testing;  
31 or maintaining all necessary data, hardware, and software  
32 required to provide service as well as the costs of operating the  
33 service. The board may invest money in the account in the manner  
34 prescribed by section 23 of this chapter and may use the proceeds  
35 of the investments to reimburse CMRS providers under this  
36 subdivision. The CMRS provider may only request funds for true  
37 cost recovery. The board may increase the amount held in escrow  
38 under this subdivision not more than one (1) time a calendar year.  
39 If the board adjusts the wireless emergency 911 fee under section  
40 26(a) of this chapter within a calendar year, an adjustment to the  
41 amount held in escrow under this subdivision for the calendar  
42 year must be made at that time.

C  
o  
p  
y



1 (3) Two percent (2%) of the wireless emergency 911 fee collected  
 2 from each user may be used by the board to recover the board's  
 3 expenses in administering this chapter. However, the board may  
 4 increase this percentage at the time the board may adjust the  
 5 monthly fee assessed against each user to allow for full recovery  
 6 of administration expenses.

7 (4) The remainder of the wireless emergency 911 fee collected  
 8 from each user must be distributed in the following manner:

9 (A) The board shall distribute on a monthly basis to each  
 10 county containing one (1) or more eligible PSAPs, as  
 11 identified by the county in the notice required under section 40  
 12 of this chapter, a part of the remainder based upon the county's  
 13 percentage of the state's population (as reported in the most  
 14 recent official United States census). A county must use a  
 15 distribution received under this clause to make distributions to  
 16 PSAPs that:

17 (i) are identified by the county under section 40 of this  
 18 chapter as eligible for distributions; and

19 (ii) accept wireless enhanced 911 service;

20 for actual costs incurred by the PSAPs in complying with the  
 21 wireless enhanced 911 requirements established by the FCC  
 22 order and rules.

23 (B) The amount of the fee remaining, if any, after the  
 24 distributions required under clause (A) must be distributed in  
 25 equal shares between the escrow accounts established under  
 26 subdivisions (1) and (2):

27 (b) Notwithstanding the requirements described in subsection (a),  
 28 the board may transfer money between and among the accounts in  
 29 subsection (a) in accordance with the following procedures:

30 (1) For purposes of acting under this subsection, the board must  
 31 have a quorum consisting of at least one (1) member appointed  
 32 under section 18(c)(2) of this chapter and at least one (1) member  
 33 appointed under section 18(c)(3) of this chapter.

34 (2) A transfer under this subsection must be approved by the  
 35 affirmative vote of:

36 (A) at least fifty percent (50%) of the members present at a  
 37 duly called meeting of the board who are appointed under  
 38 section 18(c)(2) of this chapter; and

39 (B) at least fifty percent (50%) of the members present at a  
 40 duly called meeting of the board who are appointed under  
 41 section 18(c)(3) of this chapter.

42 (3) The board may make transfers only one (1) time during a

C  
O  
P  
Y



1           calendar year.

2           ~~(4)~~ The board may not make a transfer that:

3           (A) impairs cost recovery by CMRS providers or PSAPs; or

4           (B) impairs the ability of the board to fulfill its management  
5           and administrative obligations described in this chapter.

6           (c) If all CMRS providers have been reimbursed for their costs  
7           under this chapter, and the fee has been reduced under section 26(c) of  
8           this chapter, The board shall manage the fund in the following manner:

9           (1) One cent (\$0.01) of the wireless emergency 911 fee collected  
10           from each user may be used by the board to recover the board's  
11           expenses in administering this chapter. However, the board may  
12           increase this amount at the time the board may adjust the monthly  
13           fee assessed against each user to allow for full recovery of  
14           administration expenses.

15           ~~(2) Thirty-eight~~ **One dollar and thirteen and three tenths**  
16           **three-tenths** cents ~~(\$0.383)~~ **(\$1.133)** of the wireless emergency  
17           911 fee collected from each user must be distributed to each  
18           county containing at least one (1) PSAP, as identified in the  
19           county notice required by section 40 of this chapter. The board  
20           shall make these distributions in the following manner:

21           (A) The board shall distribute on a monthly basis to each  
22           eligible county ~~thirty-four and four tenths cents (\$0.344)~~ **one**  
23           **dollar and one and seven-tenths cents (\$1.017)** of the  
24           wireless emergency 911 fee based upon the county's  
25           percentage of the state's population.

26           (B) The board shall distribute on a monthly basis to each  
27           eligible county ~~three and nine tenths~~ **eleven and six-tenths**  
28           cents ~~(\$0.039)~~ **(\$0.116)** of the wireless emergency 911 fee  
29           equally among the eligible counties. A county must use a  
30           distribution received under this clause to reimburse PSAPs  
31           that:

32           (i) are identified by the county under section 40 of this  
33           chapter as eligible for distributions; and

34           (ii) accept wireless enhanced 911 service;

35           for actual costs incurred by the PSAPs in complying with the  
36           wireless enhanced 911 requirements established by the FCC  
37           order and rules.

38           ~~(E)~~ **(3)** The board shall deposit the remainder of the wireless  
39           emergency 911 fee collected from each user into an escrow  
40           account to be used for costs associated with other wireless  
41           enhanced 911 services mandated by the FCC and specified in the  
42           FCC order but not incurred by PSAPs. The board may invest

C  
o  
p  
y



1 money in the account in the manner prescribed by section 23 of  
 2 this chapter and may use the proceeds of the investments for costs  
 3 associated with other wireless enhanced 911 services mandated  
 4 by the FCC but not specified in the FCC order or to make  
 5 distributions to PSAPs under this section.

6 ~~(3) If the fee has been reduced under section 26(c) of this chapter;~~  
 7 ~~The board shall determine how money remaining in the accounts~~  
 8 ~~or money for uses described in subsection (a) is to be allocated~~  
 9 ~~into the accounts described in this subsection or used for~~  
 10 ~~distributions under this subsection.~~

11 This subsection does not affect the transfer provisions set forth in  
 12 subsection (b):

13 SECTION 16. IC 36-8-16.5-41, AS AMENDED BY P.L.137-2008,  
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2012]: Sec. 41. (a) A PSAP shall use its distribution made  
 16 under section 39 of this chapter for the lease, purchase, or maintenance  
 17 of wireless enhanced emergency telephone equipment, including:

18 ~~(1) necessary computer hardware, software, and data base~~  
 19 ~~equipment;~~

20 ~~(2) personnel expense and training;~~

21 ~~(3) the provision of wireless enhanced emergency service; or~~

22 ~~(4) educating consumers about the operations, limitations, role,~~  
 23 ~~and responsible use of enhanced 911 service. the following~~  
 24 ~~purposes:~~

25 **(1) Expenses associated with communications service**  
 26 **equipment located within the physical structure that houses**  
 27 **a PSAP, including:**

28 **(A) maintenance costs;**

29 **(B) costs for the purchase of radio equipment; and**

30 **(C) costs for the purchase or lease of telephone lines, fiber**  
 31 **optic cables, or microwave links.**

32 **(2) Necessary system hardware and software and data base**  
 33 **equipment.**

34 **(3) Personnel expenses, including wages, benefits, training,**  
 35 **and continuing education.**

36 **(4) Consumer education concerning 911 service.**

37 **(5) Operational costs, including costs associated with:**

38 **(A) utilities;**

39 **(B) maintenance;**

40 **(C) equipment designed to provide backup power or**  
 41 **system redundancy, including generators; and**

42 **(D) call logging equipment.**

C  
o  
p  
y



1           **(6) Connectivity to the Indiana data and communication**  
 2           **system (IDACS).**  
 3           **(7) An emergency telephone notification system under**  
 4           **IC 36-8-21.**  
 5           **(8) Radio equipment for first responder agencies.**  
 6           (b) If:  
 7               (1) the board receives a written complaint alleging that a PSAP  
 8               has used money received under this chapter in a manner that is  
 9               inconsistent with this chapter; and  
 10              (2) a majority of the board votes to conduct an audit of the PSAP;  
 11           the board may contract with a third party auditor to audit the PSAP to  
 12           determine whether the PSAP has used money received under this  
 13           chapter in a manner consistent with this chapter.  
 14           (c) The state board of accounts shall audit the expenditures of  
 15           wireless emergency enhanced 911 fees made during each of the  
 16           following calendar years by each PSAP that received distributions  
 17           under section 39 of this chapter during the following calendar years:  
 18               (1) The calendar year ending December 31, 2005.  
 19               (2) The calendar year ending December 31, 2006.  
 20               (3) The calendar year ending December 31, 2007.  
 21           Not later than November 1, 2008, the state board of accounts shall  
 22           report to the regulatory flexibility committee established by  
 23           IC 8-1-2.6-4 on the audits conducted under this subsection.  
 24           (d) The state board of accounts annually shall audit the expenditures  
 25           of wireless emergency enhanced 911 fees made during the immediately  
 26           preceding calendar year by each PSAP that received distributions under  
 27           section 39 of this chapter during the immediately preceding calendar  
 28           year. The state board of accounts shall conduct the first audits required  
 29           by this subsection with respect to expenditures of wireless emergency  
 30           enhanced 911 fees made during the calendar year ending December 31,  
 31           2008.  
 32           (e) In conducting the audits required under subsections (c) and (d),  
 33           the state board of accounts shall determine whether the expenditures  
 34           made by each PSAP are in compliance with subsection (a).  
 35           SECTION 17. IC 36-8-16.5-43 IS AMENDED TO READ AS  
 36           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 43. **(a)** The distribution  
 37           of wireless emergency enhanced 911 funds by the board for cost  
 38           recovery by PSAPs under section 39 of this chapter must be deposited  
 39           by the county treasurer in a separate fund set aside for the purposes  
 40           allowed by section 41 of this chapter. The fund must be known as the  
 41           \_\_\_\_\_ (insert name of county) wireless emergency telephone system  
 42           fund. The county treasurer may invest money in the fund in the same

COPY



1 manner that other money of the county may be invested, but income  
 2 earned from the investment must be deposited in the fund set aside  
 3 under this section.

4 **(b) A county fiscal body may by ordinance instruct the county**  
 5 **treasurer to combine the fund established under this section with**  
 6 **a fund established under IC 36-8-16-13. Money in a combined fund**  
 7 **may be used only for a purpose permitted by section 41 of this**  
 8 **chapter or IC 36-8-16-14.**

9 SECTION 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010,  
 10 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) ~~Subject to section 22 of this~~  
 12 ~~chapter,~~ The board shall impose an enhanced prepaid wireless charge  
 13 on each retail transaction that occurs after June 30, 2010. The amount  
 14 of the initial charge imposed under this subsection may not exceed  
 15 one-half (1/2) of equal to the monthly wireless emergency enhanced  
 16 911 fee assessed under IC 36-8-16.5-25.5.

17 (b) ~~Subject to legislative approval,~~ the board may increase the  
 18 enhanced prepaid wireless charge to ensure adequate revenue for the  
 19 board to fulfill its duties and obligations under this chapter, IC 36-8-16,  
 20 and IC 36-8-16.5.

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

24 SECTION 19. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE JULY  
 25 1, 2012]. Sec. 22: (a) Not later than January 1, 2011, the department  
 26 shall determine the total amount of fees collected and remitted under  
 27 IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1,  
 28 2008; and ending June 30, 2010) for the period beginning July 1, 2008;  
 29 and ending June 30, 2010. The board shall provide all information  
 30 necessary for the department to perform its duties under this  
 31 subsection.

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

35 (c) If the amount determined under subsection (b) is less than the  
 36 amount determined under subsection (a) by more than five percent  
 37 (5%); this chapter expires and sunsets July 1, 2013.

C  
o  
p  
y

