



January 27, 2012

# SENATE BILL No. 345

DIGEST OF SB 345 (Updated January 25, 2012 11:48 am - DI 101)

**Citations Affected:** IC 5-26; IC 6-3.5; IC 6-8.1; IC 24-5; IC 34-30; IC 35-45; IC 35-51; IC 36-1; IC 36-7; IC 36-8; IC 36-9; noncode.

**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. Repeals the provision that provides for the expiration and sunset on July 1, 2013 (if certain conditions are met), of the statute establishing the enhanced prepaid wireless charge. Establishes a statewide 911 system (which does not include a wireline enhanced emergency telephone system funded at the county level before the bill's repeal of the statute governing the wireline enhanced emergency 911 fee on July 1, 2012). Establishes the 13 member statewide 911 board (board) to administer the new system. Provides that the treasurer of state serves as the chair of the board. Provides that the board may do the following in addition to other enumerated powers: (1) Administer statewide 911 grants in accordance with state and federal guidelines. (2) Obtain from each PSAP operating statistics and other performance measurements. Establishes the  
(Continued next page)

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

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**Hershman, Wyss**

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January 9, 2012, read first time and referred to Committee on Tax and Fiscal Policy.  
January 26, 2012, amended, reported favorably — Do Pass.

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SB 345—LS 6857/DI 101+



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statewide 911 fund (fund). Provides that the fund is a dedicated fund and that no transfers may be made from the fund by the board of finance or budget agency. 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. Provides that after March 14, 2012, the statewide 911 board (board) shall increase the amount of the prepaid wireless charge so that the amount of the charge equals the monthly statewide 911 fee. (Current law specifies that the amount of the initial prepaid wireless charge may not exceed one-half of the monthly wireless 911 fee.) Provides that the monthly statewide 911 fee (fee) may not be raised or lowered: (1) more than one time in a calendar year; or (2) more than \$0.10 by an adjustment without legislative approval. Prohibits a state agency or a local governmental unit from imposing any additional fee relating to the provision of 911 service. Provides that the board may use 15% of the fees deposited in the fund to: (1) recover the board's administrative expenses; and (2) develop, operate, and maintain a statewide 911 system. Specifies the manner in which the board must distribute money from the fund to public safety answering points (PSAPs). Provides that in determining a distribution from the fund for a PSAP for any state fiscal year beginning after June 30, 2012, the board shall ensure that the distribution is at least equal to the average annual amount distributed to the PSAP in both wireline and wireless 911 fees during the three state fiscal years ending: (1) June 30, 2009; (2) June 30, 2010; and (3) June 30, 2011; increased by a percentage that does not exceed the percent of increase in the Consumer Price Index during the preceding twelve months. Specifies the permissible uses of funds distributed to a PSAP. Requires each PSAP to annually report to the board all call data and statistics specified by the board. Provides that if the board verifies that an expenditure by a PSAP does not comply with requirements of the statute, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding available to the PSAP or to a unit in which the PSAP is located. Requires a communications service provider to provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. Provides that proprietary information submitted to the board is confidential. Allows a county to establish an emergency notification system. Retains those provisions from the repealed statute concerning enhanced wireless emergency telephone service that provided that after December 31, 2014, a county may not contain more than one PSAP. Provides that after December 31, 2014, if a county contains more than two PSAPs, the county may not receive a distribution from the fund for any PSAP in the county until the county contains no more than the authorized number of PSAPs. 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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January 27, 2012

Second Regular Session 117th General Assembly (2012)

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

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

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

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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).

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- 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.** **After March 14, 2012, the board shall increase the amount of the charge imposed under this subsection so that the amount of the charge imposed under this subsection equals the monthly statewide 911 fee assessed under IC 36-8-16.7-32.**

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1 (b) Subject to legislative approval, **after the increase described in**  
2 **subsection (a)**, the board may increase the enhanced prepaid wireless  
3 charge to ensure adequate revenue for the board to fulfill its duties and  
4 obligations under this chapter ~~IC 36-8-16~~, and ~~IC 36-8-16.5~~.  
5 **IC 36-8-16.7.**

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

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

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

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

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

26 SECTION 21. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE  
27 UPON PASSAGE]. ~~Sec. 22. (a) Not later than January 1, 2011, the~~  
28 ~~department shall determine the total amount of fees collected and~~  
29 ~~remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period~~  
30 ~~beginning July 1, 2008, and ending June 30, 2010) for the period~~  
31 ~~beginning July 1, 2008, and ending June 30, 2010. The board shall~~  
32 ~~provide all information necessary for the department to perform its~~  
33 ~~duties under this subsection.~~

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

37 (c) ~~If the amount determined under subsection (b) is less than the~~  
38 ~~amount determined under subsection (a) by more than five percent~~  
39 ~~(5%), this chapter expires and sunsets July 1, 2013.~~

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

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1 Chapter 16.7. Statewide 911 Services

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

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

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

11 Sec. 4. As used in this chapter, "board" refers to the statewide  
12 911 board established by section 24 of this chapter.

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

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

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

19 (1) uses telephone numbers or IP addresses or their functional  
20 equivalents or successors;

21 (2) is capable of accessing, connecting with, or interfacing  
22 with a 911 system by dialing, initializing, or otherwise  
23 activating the 911 system regardless of the device,  
24 transmission medium, or technology employed;

25 (3) provides or enables real time or interactive  
26 communications; and

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

28 (b) The term includes the following:

29 (1) Internet protocol enabled services and applications that  
30 are provided through wireline, cable, wireless, or satellite  
31 facilities, or any other facility or platform that is capable of  
32 connecting a 911 communication to a PSAP.

33 (2) A multiline telephone system.

34 (3) CMRS.

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

36 (5) Integrated telecommunications service (as defined in 47  
37 CFR 400.2).

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

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

42 (2) if the end user of communications service is not the

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1           contracting party, the end user of the communications service,  
2           but this subdivision applies only for the purpose of  
3           determining the place of primary use.

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

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

10          **Sec. 9. (a) As used in this chapter, "enhanced 911 service"**  
11          **means a communications service that uses the three digit number**  
12          **911 to send:**

- 13          (1) automatic number identification or its functional  
14          equivalent or successor; and  
15          (2) automatic location information or its functional equivalent  
16          or successor;

17          for reporting police, fire, medical, or other emergency situations.

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

20          **Sec. 10. As used in this chapter, "executive director" refers to**  
21          **the executive director of the board.**

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

26          **(b) The term includes any rules, regulations, and consent**  
27          **decrees adopted by the Federal Communications Commission to**  
28          **implement the order described in subsection (a).**

29          **Sec. 12. As used in this chapter, "fund" refers to the statewide**  
30          **911 fund established by section 29 of this chapter.**

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

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

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

- 38          (1) Common control units.  
39          (2) Telephone sets.  
40          (3) Control hardware and software.  
41          (4) Adjunct systems.

42          **The term includes network and premises based systems as**

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1 classified by FCC Part 68 Requirements.

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

5 (1) the residential street address or the primary business  
6 street address of the customer; and

7 (2) within the licensed service area of the customer's provider.

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

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

12 (1) Customer lists and related information.

13 (2) Technology descriptions, technical information, or trade  
14 secrets (as defined in IC 24-2-3-2).

15 (3) Information that:

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

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

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

23 (1) offers communications service to users in Indiana; and

24 (2) provides, or is required by the Federal Communications  
25 Commission to provide, a user with direct access to a PSAP  
26 through the placement of a 911 communication.

27 (b) The term includes the following:

28 (1) Facilities based and nonfacilities based resellers of  
29 communications service.

30 (2) Any other provider of communications service through  
31 wireline or wireless means, regardless of whether the provider  
32 is subject to regulation by the Indiana utility regulatory  
33 commission.

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

36 (1) that operates on a twenty-four (24) hour basis; and

37 (2) whose primary function is to receive incoming requests for  
38 emergency assistance and relay those requests to an  
39 appropriate responding public safety agency.

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



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1           **Sec. 22. (a) As used in this chapter, "statewide 911 system"**  
 2 **means a communications system that uses the three (3) digit**  
 3 **number 911 to send:**

4           **(1) automatic number identification or its functional**  
 5 **equivalent or successor; and**

6           **(2) automatic location information or its functional equivalent**  
 7 **or successor;**

8 **for reporting police, fire, medical, or other emergency situations.**

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

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

12           **(2) An emergency notification system.**

13           **(c) The term does not include a wireline enhanced emergency**  
 14 **telephone system funded under IC 36-8-16 (before its repeal on**  
 15 **July 1, 2012).**

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

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

24           **(b) The following recommendations must be made to the**  
 25 **governor concerning the membership of the board:**

26           **(1) The executive committees of:**

27           **(A) the Indiana chapter of the National Emergency**  
 28 **Number Association (NENA); and**

29           **(B) the Indiana chapter of the Association of Public Safety**  
 30 **Communication Officials International (APCO);**

31 **shall jointly recommend three (3) individuals, at least one (1)**  
 32 **of whom must have budget experience at the local level.**

33           **(2) The CMRS providers authorized to provide CMRS in**  
 34 **Indiana shall jointly recommend one (1) individual.**

35           **(3) The Indiana Association of County Commissioners shall**  
 36 **recommend one (1) individual who is a county commissioner**  
 37 **in Indiana.**

38           **(4) The Indiana Sheriff's Association shall recommend one (1)**  
 39 **individual who is a county sheriff in Indiana.**

40           **(5) The Indiana Telecommunications Association shall**  
 41 **recommend two (2) individuals as follows:**

42           **(A) One (1) individual representing a local exchange**

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carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.

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

**(6) The Indiana Cable Telecommunications Association shall recommend one (1) individual representing a VOIP provider.**

**(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.**

**(c) The board consists of the following thirteen (13) members:**

**(1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.**

**(2) Three (3) members for a term of three (3) years who are appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. At least one (1) member appointed under this subdivision must have budget experience at the local level.**

**(3) One (1) CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6), (7), or (8).**

**(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.**

**(5) One (1) county sheriff member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.**

**(6) One (1) local exchange carrier member that serves less than fifty thousand (50,000) local exchange access lines in Indiana appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (7), or (8).**

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1 (7) One (1) local exchange carrier member that serves at least  
 2 fifty thousand (50,000) local exchange access lines in Indiana  
 3 appointed by the governor after considering the  
 4 recommendation of the Indiana Telecommunications  
 5 Association under subsection (b)(5)(B). A member appointed  
 6 under this subdivision may not be affiliated with the same  
 7 business entity as a member appointed under subdivision (3),  
 8 (6), or (8).

9 (8) One (1) VOIP provider who is appointed by the governor  
 10 after considering the recommendation of the Indiana Cable  
 11 Telecommunications Association under subsection (b)(6). A  
 12 member appointed under this subdivision may not be  
 13 affiliated with the same business entity as a member  
 14 appointed under subdivision (3), (6), or (7).

15 (9) One (1) member who represents municipalities and is  
 16 appointed by the governor after considering the  
 17 recommendation of the Indiana Association of Cities and  
 18 Towns submitted under subsection (b)(7).

19 (10) One (1) member who represents a department or agency  
 20 providing firefighting or fire prevention services in Indiana.

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

23 (d) This subsection applies to a member appointed by the  
 24 governor under subsection (c)(2) through (c)(10). The governor  
 25 shall ensure that the terms of the initial members appointed by the  
 26 governor are staggered so that the terms of not more than five (5)  
 27 members expire in a single calendar year. After the initial  
 28 appointments, subsequent appointments shall be for three (3) year  
 29 terms. A vacancy on the board shall be filled for the vacating  
 30 member's unexpired term in the same manner as the original  
 31 appointment, and a member of the board is eligible for  
 32 reappointment. In making an appointment under subsection (c)(2)  
 33 through (c)(10), the governor shall take into account the various  
 34 geographical areas of Indiana, including rural and urban areas. A  
 35 member appointed by the governor serves at the pleasure of the  
 36 governor.

37 (e) This subsection applies to a member appointed under  
 38 subsection (c)(2) through (c)(10). A member shall submit the name  
 39 of a designee to the board. The board shall maintain a list of  
 40 approved designees. A member may appoint a listed designee to fill  
 41 the member's position under subsection (c) or to act on behalf of  
 42 the member at a meeting of the board. The designee serves at the



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1 pleasure of the appointing member.

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

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

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

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

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

20 Sec. 27. The board may do the following to implement this  
21 chapter:

22 (1) Sue and be sued.

23 (2) Adopt and alter an official seal.

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

25 (A) the conduct of board business; and

26 (B) the use of board services and facilities.

27 (4) Acquire, hold, use, and otherwise dispose of the board's  
28 income, revenues, funds, and money.

29 (5) Enter into contracts, including contracts:

30 (A) for professional services;

31 (B) for purchase of supplies or services; and

32 (C) to acquire office space.

33 (6) Hire staff.

34 (7) Adopt rules under IC 4-22-2 to implement this chapter.

35 (8) Develop, maintain, and update a statewide 911 plan.

36 (9) Administer the statewide 911 fund established by section  
37 29 of this chapter.

38 (10) Administer and distribute the statewide 911 fee in  
39 accordance with section 37 of this chapter.

40 (11) Administer statewide 911 grants in accordance with state  
41 and federal guidelines.

42 (12) Obtain from each PSAP operating statistics and other

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1 performance measurements, including call statistics by  
2 category and emergency medical dispatching (EMD)  
3 certifications.

4 (13) Take other necessary or convenient actions to implement  
5 this chapter that are not inconsistent with Indiana law.

6 Sec. 28. (a) The treasurer of state shall appoint an executive  
7 director of the board to do the following:

- 8 (1) Administer, manage, and direct employees of the board.
- 9 (2) Approve salaries and allowable expenses for board  
10 members, employees, and consultants.
- 11 (3) Attend board meetings and record all proceedings of the  
12 board. However, the executive director is not considered a  
13 member of the board for any purpose, including voting or  
14 establishing a quorum.
- 15 (4) Maintain books, documents, and papers filed with the  
16 board, including minutes.
- 17 (5) Perform other duties as directed by the board.

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

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

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

27 (b) The fund consists of the following:

- 28 (1) The statewide 911 fee assessed on users under section 32  
29 of this chapter.
- 30 (2) Appropriations made by the general assembly.
- 31 (3) Grants and gifts intended for deposit in the fund.
- 32 (4) Interest, premiums, gains, or other earnings on the fund.
- 33 (5) Enhanced prepaid wireless charges collected and remitted  
34 under IC 36-8-16.6-12.
- 35 (6) Money from any other source that is deposited in or  
36 transferred to the fund.

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

- 41 (1) Corporate bonds, notes, and debentures, subject to the  
42 following conditions:

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- 1 (A) Maximum participation in any issue is limited to seven
- 2 percent (7%) of the total issue.
- 3 (B) The board shall establish minimum quality rating
- 4 standards and maximum purchase amount standards for
- 5 corporate issues.
- 6 (2) Investments maturing in one (1) year or less, subject to the
- 7 following conditions:
- 8 (A) The investments must be:
- 9 (i) Prime-1 commercial paper; and
- 10 (ii) Banker's acceptance approved by banks' trust
- 11 investment committees.
- 12 (B) The maximum amount invested may not exceed fifty
- 13 percent (50%) of the fund.
- 14 (d) Whenever the quality, maturity, and yield of an investment
- 15 in an Indiana corporation or in a corporation that does business in
- 16 Indiana are equal to or better than similar investments in other
- 17 corporations, preference shall be given to an investment in the
- 18 Indiana corporation or in the corporation that does business in
- 19 Indiana.
- 20 (e) The fund is considered a trust fund for purposes of
- 21 IC 4-9.1-1-7. Money in the fund:
- 22 (1) does not revert at the end of any state fiscal year but
- 23 remains available for the purposes of the fund in subsequent
- 24 state fiscal years, notwithstanding IC 4-13-2-19 or any other
- 25 law; and
- 26 (2) is not subject to transfer to any other fund or to transfer,
- 27 assignment, or reassignment for any other use or purpose by:
- 28 (A) the state board of finance notwithstanding IC 4-9.1-1-7,
- 29 IC 4-13-2-23, or any other law; or
- 30 (B) the budget agency or any other state agency
- 31 notwithstanding IC 4-12-1-12 or any other law.
- 32 (f) Money in the fund is continuously appropriated for the
- 33 purposes of the fund.
- 34 Sec. 30. (a) The board shall select a third party to audit the fund
- 35 on an annual basis to determine whether the fund is being managed
- 36 in accordance with this chapter.
- 37 (b) Each year, the board shall review 911 service in Indiana,
- 38 including the collection, disbursement, and use of the statewide 911
- 39 fee assessed under section 32 of this chapter. The purpose of the
- 40 review is to ensure that the statewide 911 fee:
- 41 (1) does not exceed the amount reasonably necessary to
- 42 provide adequate and efficient 911 service; and

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1           (2) is used only for the purposes set forth in this chapter.  
2           **Sec. 31.** The board may retain an independent, third party  
3 accounting firm or fiscal agent for purposes of processing checks  
4 and distributing funds as directed by the board and as allowed by  
5 this chapter. The board shall pay for these services as an  
6 administrative cost of the board.  
7           **Sec. 32.** (a) Except as provided in subsections (c) and (e), and  
8 subject to subsection (b), the board shall assess a monthly statewide  
9 911 fee on each user that is a customer having a place of primary  
10 use (as defined in section 16 of this chapter, and as determined in  
11 the manner provided by IC 6-8.1-15) in Indiana at a rate that:  
12           (1) ensures full recovery of the amount needed for the board  
13 to make distributions to PSAPs consistent with this chapter;  
14 and  
15           (2) provides for proper development, operation, and  
16 maintenance of a statewide 911 system.  
17 The amount of the initial fee assessed under this subsection is one  
18 dollar (\$1).  
19           (b) The board may adjust the statewide 911 fee to ensure  
20 adequate revenue for the board to fulfill the board's duties and  
21 obligations under this chapter, subject to the following:  
22           (1) The fee may not be raised or lowered more than one (1)  
23 time in a calendar year.  
24           (2) The fee may not be raised or lowered more than ten cents  
25 (\$0.10) by an adjustment without legislative approval.  
26           (c) The fee assessed under this section does not apply to a  
27 prepaid user in a retail transaction under IC 36-8-16.6.  
28           (d) An additional fee relating to the provision of 911 service may  
29 not be levied by a state agency or local unit of government. An  
30 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is  
31 not considered an additional fee relating to the provision of  
32 wireless 911 service for purposes of this section.  
33           (e) A user is exempt from the wireless emergency enhanced 911  
34 fee if the user is any of the following:  
35           (1) The federal government or an agency of the federal  
36 government.  
37           (2) The state or an agency or instrumentality of the state.  
38           (3) A political subdivision (as defined in IC 36-1-2-13) or an  
39 agency of a political subdivision.  
40           **Sec. 33.** (a) As part of the provider's normal monthly billing  
41 process, a provider:  
42           (1) shall collect the fee from each standard user that is a

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1 customer having a place of primary use in Indiana, as  
 2 determined in the manner provided by IC 6-8.1-15; and  
 3 (2) may list the fee as a separate line item on each bill.  
 4 If a provider receives a partial payment for a monthly bill from a  
 5 standard user, the provider shall apply the payment against the  
 6 amount the standard user owes to the provider before applying the  
 7 payment against the fee. A provider may not prorate the monthly  
 8 911 fee collected from a user.  
 9 (b) Subject to subsection (c), a provider shall remit statewide  
 10 911 fees collected under this section to the board at the time and in  
 11 the manner prescribed by the board. The board shall deposit all  
 12 remitted statewide 911 fees in the fund.  
 13 (c) A provider may deduct and retain an amount not to exceed  
 14 one percent (1%) of statewide 911 fees that the provider collects  
 15 from users to reimburse the direct costs incurred by the provider  
 16 in collecting and remitting statewide 911 fees.  
 17 Sec. 34. The statewide 911 fee is the liability of the user and not  
 18 of a provider. However, a provider is liable to remit to the board  
 19 all statewide 911 fees that the provider collects from users.  
 20 Sec. 35. The amount of a statewide 911 fee that is collected by a  
 21 provider from a user, whether separately stated on an invoice,  
 22 receipt, or other document, may not be included in the base for  
 23 measuring any tax, surcharge, or other charge, that is imposed by  
 24 the state, a political subdivision, or other government agency.  
 25 Sec. 36. A provider is not required to take legal action to enforce  
 26 the collection of the 911 fee for which a user is billed. However, the  
 27 board may initiate a collection action. A court finding for the  
 28 board in the action may award reasonable costs and attorney fees  
 29 associated with the collection action.  
 30 Sec. 37. (a) Subject to subsection (b), the board shall administer  
 31 the fund in the following manner:  
 32 (1) The board may use fifteen percent (15%) of the statewide  
 33 911 fees deposited in the fund to recover the board's expenses  
 34 in administering this chapter and to develop, operate, and  
 35 maintain a statewide 911 system. However, the board may  
 36 increase or decrease this percentage to allow for full recovery  
 37 of administration expenses.  
 38 (2) The board shall distribute the remainder of the statewide  
 39 911 fees deposited in the fund to each PSAP in an amount  
 40 determined by the board. However, in determining a  
 41 distribution under this subdivision, the board shall ensure  
 42 that the distribution to a PSAP with respect to any state fiscal

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1 year beginning after June 30, 2012, is at least equal to the  
 2 average annual amount distributed to the PSAP under  
 3 IC 36-8-16 (before its repeal on July 1, 2012) and under  
 4 IC 36-8-16.5 (before its repeal on July 1, 2012) during the  
 5 three (3) state fiscal years ending:

- 6 (1) June 30, 2009;  
 7 (2) June 30, 2010; and  
 8 (3) June 30, 2011;

9 increased by a percentage that does not exceed the percent of  
 10 increase in the United States Department of Labor Consumer Price  
 11 Index during the twelve (12) months preceding the state fiscal year  
 12 for which the distribution is made.

13 (b) The board may not distribute money in the fund in a manner  
 14 that impairs the ability of the board to fulfill its management and  
 15 administrative obligations under this chapter.

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

- 18 (1) The lease, purchase, or maintenance of communications  
 19 service equipment.  
 20 (2) Necessary system hardware and software and data base  
 21 equipment.  
 22 (3) Personnel expenses, including wages, benefits, training,  
 23 and continuing education.  
 24 (4) Consumer education concerning 911 service.  
 25 (5) Operational costs, including costs associated with:  
 26 (A) utilities;  
 27 (B) maintenance;  
 28 (C) equipment designed to provide backup power or  
 29 system redundancy, including generators; and  
 30 (D) call logging equipment.  
 31 (6) An emergency notification system under section 40 of this  
 32 chapter.  
 33 (7) Connectivity to the Indiana data communications system  
 34 (IDACS).  
 35 (8) Rates associated with communications service providers'  
 36 enhanced emergency communications system network  
 37 services.  
 38 (9) Mobile radio equipment used by first responders.  
 39 (10) Up to fifty percent (50%) of the costs associated with the  
 40 narrow banding or replacement of equipment as a result of  
 41 the narrow banding requirements specified by the Federal  
 42 Communications Commission.



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1           (11) Other expenses approved by the board.  
2           (b) A PSAP may not use a distribution under section 37(2) of  
3 this chapter for the following:  
4           (1) Construction, purchase, renovation, or furnishing of PSAP  
5 buildings.  
6           (2) Vehicles.  
7           (c) Not later than January 31 of each year, each PSAP shall  
8 submit to the board a report of the following:  
9           (1) All expenditures made during the immediately preceding  
10 calendar year from distributions under section 37(2) of this  
11 chapter.  
12           (2) Call data and statistics for the immediately preceding  
13 calendar year, as specified by the board and collected in  
14 accordance with any reporting method established or  
15 required by the board.  
16           (d) Beginning July 1, 2013, the state board of accounts annually  
17 shall audit the expenditures of distributions under section 37(2) of  
18 this chapter made during the immediately preceding calendar year  
19 by each PSAP that receives distributions under section 37(2) of this  
20 chapter. In conducting an audit under this subsection, the state  
21 board of accounts shall determine, in conjunction with the board,  
22 whether the expenditures made by each PSAP are in compliance  
23 with subsections (a) and (b). The board shall review and further  
24 audit any ineligible expenditure identified by the state board of  
25 accounts under this subsection or through any other report. If the  
26 board verifies that the expenditure did not comply with this  
27 section, the board shall ensure that the fund is reimbursed in the  
28 dollar amount of the noncomplying expenditure from any source  
29 of funding, other than a fund described in subsection (e), that is  
30 available to the PSAP or to a unit in which the PSAP is located.  
31           (e) A distribution under section 37(2) of this chapter must be  
32 deposited by the treasurer of the county in which the PSAP is  
33 located in a separate fund set aside for the purposes allowed by  
34 subsections (a) and (b). The fund must be known as the \_\_\_\_\_  
35 (insert name of county) 911 fund. The county treasurer may invest  
36 money in the fund in the same manner that other money of the  
37 county may be invested, but income earned from the investment  
38 must be deposited in the fund set aside under this subsection.  
39           Sec. 39. (a) In cooperation with the board, a provider shall  
40 designate a person to coordinate with and provide all relevant  
41 information to the board to assist the board in carrying out its  
42 duties under this chapter.

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

9 Sec. 40. (a) As used in this section, "emergency notification  
 10 system" means an enhanced 911 system capability that provides  
 11 communications service users within the territory served by a  
 12 PSAP with a warning, delivered through a device or medium by  
 13 which users receive communications service from a provider, of an  
 14 emergency situation through a computerized warning system that  
 15 uses 911 data base information and technology.

16 (b) A county may establish an emergency notification system. A  
 17 PSAP in the county may use funds distributed to it under section  
 18 37(2) of this chapter to establish and operate an emergency  
 19 notification system under this section.

20 (c) A provider shall provide to a PSAP the necessary user data  
 21 to enable the PSAP to implement an emergency notification system  
 22 under this section. The provision of data under this subsection is  
 23 subject to section 41 of this chapter. In providing data under this  
 24 subsection, the provider shall provide the following information for  
 25 each service user in the PSAP's service territory:

- 26 (1) The service address of the user.
- 27 (2) The class of service provided to the user.
- 28 (3) A designation of listed, unlisted, or nonpublished with  
 29 respect to any telephone number (or other functionally  
 30 equivalent identification number) associated with the user's  
 31 service or account.

32 The provider shall provide this data to the PSAP on a quarterly  
 33 basis. The provider may charge a reasonable fee to the PSAP for  
 34 the administrative costs of providing the data.

35 Sec. 41. (a) A provider shall, upon request, provide to a PSAP  
 36 the necessary user data to enable the PSAP to implement and  
 37 operate a 911 system. User data provided to a PSAP for the  
 38 purpose of implementing or updating a 911 system may be used  
 39 only to identify:

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



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1           (3) the information described in both subdivisions (1) and (2);  
 2 and may not be used or disclosed by the PSAP, or its agents or  
 3 employees, for any other purpose unless the data is used or  
 4 disclosed under a court order. A person who recklessly, knowingly,  
 5 or intentionally violates this subsection commits a Class A  
 6 misdemeanor.

7           (b) After May 31, 1988, a contract entered into between a  
 8 provider and a user who has an unlisted or nonpublished telephone  
 9 number (or other functionally equivalent identification number)  
 10 may not include a provision that prohibits the provider from  
 11 providing the user's telephone number (or other functionally  
 12 equivalent identification number) to a PSAP for inclusion in a 911  
 13 system data base. A provider (other than a provider who before  
 14 June 1, 1988, has contracted to not divulge a subscriber's unlisted  
 15 or nonpublished telephone number (or other functionally  
 16 equivalent identification number)) shall provide a requesting PSAP  
 17 with the name, telephone number (or other functionally equivalent  
 18 identification number), and place of primary use (as determined in  
 19 the manner provided by IC 6-8.1-15) for each user of the provider.  
 20 A PSAP may not release a telephone number (or other functionally  
 21 equivalent identification number) required to be provided under  
 22 this subsection to any person except as provided in subsection (a).

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

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

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

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

35           Sec. 42. (a) All proprietary information submitted to the board  
 36 or the treasurer of state is confidential. Notwithstanding any other  
 37 law, proprietary information submitted under this chapter is not  
 38 subject to subpoena, and proprietary information submitted under  
 39 this chapter may not be released to a person other than to the  
 40 submitting provider without the permission of the submitting  
 41 provider.

42           (b) General information collected by the board or the treasurer



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1 of state may be released or published only in aggregate amounts  
 2 that do not identify or allow identification of numbers of users or  
 3 revenues attributable to an individual provider.

4 **Sec. 43. Notwithstanding any other law, the board, a PSAP, a**  
 5 **political subdivision, a provider, or an employee, director, officer,**  
 6 **or agent of a PSAP, a political subdivision, or a provider, or a**  
 7 **member of the board or the board chair or the executive director,**  
 8 **or an employee, agent, or representative of the board chair is not**  
 9 **liable for damages in a civil action or subject to criminal**  
 10 **prosecution resulting from death, injury, or loss to persons or**  
 11 **property incurred by any person in connection with establishing,**  
 12 **developing, implementing, maintaining, operating, and providing**  
 13 **911 service, except in the case of willful or wanton misconduct.**

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

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

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

- 24 **(1) causes the number 911 to be automatically dialed; or**  
 25 **(2) provides through a prerecorded message information**  
 26 **regarding obtaining 911 emergency service.**

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

29 **Sec. 46. (a) A person who knowingly or intentionally places a**  
 30 **911 call:**

- 31 **(1) for a purpose other than obtaining public safety assistance**  
 32 **or emergency services; or**  
 33 **(2) to avoid communications service charges or fees;**

34 **commits a Class A misdemeanor.**

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

39 **(c) A person who makes a false request for public safety**  
 40 **assistance or emergency services to a PSAP through placement of**  
 41 **a 911 call commits a Class D felony. The offense is a Class C felony**  
 42 **if an emergency services provider suffers serious bodily injury in**

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responding to the 911 call.

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

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

- (1) a political subdivision; or
- (2) an agency;

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

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

- (1) by a state educational institution;
- (2) by an airport authority established for a county having a consolidated city; or
- (3) in a county having a consolidated city, by an excluded city (as defined in IC 36-3-1-7).

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

- (1) a state educational institution;
- (2) in the case of a county having a consolidated city, an airport authority established for the county; or
- (3) the municipality having the largest population in the county or an agency of that municipality.

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

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

- (1) Other counties contiguous to the county.

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- 1           **(2) Other political subdivisions in a county contiguous to the**
- 2           **county.**
- 3           **(3) Other PSAP operators in a county contiguous to the**
- 4           **county.**
- 5           **(g) An interlocal agreement required under subsection (e) must**
- 6           **provide for the following:**
- 7           **(1) A plan for the:**
  - 8           **(A) consolidation;**
  - 9           **(B) reorganization; or**
  - 10           **(C) elimination;**
- 11           **of one (1) or more of the county's PSAPs, as necessary to**
- 12           **ensure that the county does not contain more than the number**
- 13           **of PSAPs authorized by subsection (c) after December 31,**
- 14           **2014.**
- 15           **(2) A plan for funding and staffing the PSAP or PSAPs that**
- 16           **will serve:**
  - 17           **(A) the county; and**
  - 18           **(B) any areas contiguous to the county, if additional parties**
  - 19           **described in subsection (f) participate in the interlocal**
  - 20           **agreement;**
  - 21           **after December 31, 2014.**
- 22           **(3) Subject to any applicable state or federal requirements,**
- 23           **protocol to be followed by the county's PSAP or PSAPs in:**
  - 24           **(A) receiving incoming 911 calls; and**
  - 25           **(B) dispatching appropriate public safety agencies to**
  - 26           **respond to the calls;**
  - 27           **after December 31, 2014.**
- 28           **(4) Any other matters that the participating PSAP operators**
- 29           **or parties described in subsection (f), if any, determine are**
- 30           **necessary to ensure that the county does not contain more**
- 31           **than the number of PSAPs authorized by subsection (c) after**
- 32           **December 31, 2014.**
- 33           **(h) This section may not be construed to require a county to**
- 34           **contain a PSAP.**
- 35           **(i) After December 31, 2014, if a county contains more than the**
- 36           **number of PSAPs authorized by subsection (c), the county may not**
- 37           **receive a distribution under IC 36-8-16.7-37 for any PSAP in the**
- 38           **county until the county complies with subsection (c).**
- 39           SECTION 23. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1,
- 40           2012]. (Emergency Telephone Notification System).
- 41           SECTION 24. IC 36-9-13-3.5 IS AMENDED TO READ AS
- 42           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this

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chapter, "system" means any of the following:

- (1) A computer (as defined in IC 36-8-15-4) **(before its expiration on July 1, 2016).**
- (2) A communications system (as defined in IC 36-8-15-3(1)) **(before its expiration on July 1, 2016).**
- (3) Mobile or remote equipment that is coordinated by or linked with a computer or communication system.
- (4) Upon the request of:
  - (A) the fiscal body of an eligible entity having a fiscal body;
  - or
  - (B) the governing body of an eligible entity not having a fiscal body;

security services provided by human or nonhuman means.

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

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

SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain in a county's wireless emergency telephone system fund established by IC 36-8-16.5-43 (before its repeal by this act on July 1, 2012) on July 1, 2012, shall be transferred to the statewide 911 fund established by IC 36-8-16.7-29, as added by this act. Any funds transferred under this SECTION shall be used as follows:**

- (1) To pay any obligations owed to any bondholders, third parties, or creditors under IC 36-8-16.5 (before its repeal by this act on July 1, 2012).**
- (2) To the extent any funds remain after meeting the obligations described in subdivision (1), for the purposes set forth in IC 36-8-16.7-38, as added by this act.**

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

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

- (1) To pay any obligations owed to any bondholders, third parties, or creditors under IC 36-8-16 (before its repeal by this act on July 1, 2012).**
- (2) To the extent any funds remain after meeting the**



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1            obligations described in subdivision (1), for the purposes set  
2            forth in IC 36-8-16.7-38, as added by this act.  
3            (b) The funds that remain in an emergency telephone system  
4            fund established by a municipality under IC 36-8-16-13 (before its  
5            repeal by this act on July 1, 2012) on July 1, 2012, shall be  
6            transferred to the statewide 911 fund established under  
7            IC 36-8-16.7-29, as added by this act. Any funds transferred under  
8            this subsection shall be used as follows:  
9            (1) To pay any obligations owed by the municipality to any  
10            bondholders, third parties, or creditors under IC 36-8-16  
11            (before its repeal by this act on July 1, 2012).  
12            (2) To the extent any funds remain after meeting the  
13            obligations described in subdivision (1), for the purposes set  
14            forth in IC 36-8-16.7-38, as added by this act.  
15            (c) This SECTION expires January 1, 2013.  
16            SECTION 28. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 18, line 33, strike "Subject to section 22 of".

Page 18, line 34, strike "this chapter,".

Page 18, line 34, delete "the" and insert "The".

Page 18, line 38, after "**IC 36-8-16.7-32.**" insert "**After March 14, 2012, the board shall increase the amount of the charge imposed under this subsection so that the amount of the charge imposed under this subsection equals the monthly statewide 911 fee assessed under IC 36-8-16.7-32.**".

Page 18, line 39, after "approval," insert "**after the increase described in subsection (a),**".

Page 19, delete lines 21 through 36, begin a new paragraph and insert:

"SECTION 21. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 22: (a) ~~Not later than January 1, 2011, the department shall determine the total amount of fees collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1, 2008, and ending June 30, 2010) for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection.~~

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

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

Page 21, line 9, delete "send automatic number identification and automatic" and insert "**send:**

**(1) automatic number identification or its functional equivalent or successor; and**

**(2) automatic location information or its functional equivalent or successor;**

**for reporting police, fire, medical, or other emergency situations."**

Page 21, delete lines 10 through 11.

Page 22, line 39, delete "send automatic number identification and" and insert "**send:**

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**(1) automatic number identification or its functional equivalent or successor; and**

**(2) automatic location information or its functional equivalent or successor;**

**for reporting police, fire, medical, or other emergency situations."**

Page 22, delete lines 40 through 41.

Page 23, delete lines 1 through 5, begin a new line block indented and insert:

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

**(2) An emergency notification system.**

**(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012)."**

Page 23, line 21, delete "individuals." and insert "**individuals, at least one (1) of whom must have budget experience at the local level.**"

Page 23, line 25, delete "individual." and insert "**individual who is a county commissioner in Indiana.**"

Page 23, line 27, delete "individual." and insert "**individual who is a county sheriff in Indiana.**"

Page 23, line 37, delete "individual." and insert "**individual representing a VOIP provider.**"

Page 23, between lines 37 and 38, begin a new line block indented and insert:

**"(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities."**

Page 23, line 38, delete "eleven (11)" and insert "**thirteen (13)**".

Page 24, after line 42, begin a new line block indented and insert:

**"(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under subsection (b)(7).**

**(10) One (1) member who represents a department or agency providing firefighting or fire prevention services in Indiana."**

Page 25, line 1, delete "(9)" and insert "**(11)**".

Page 25, line 4, delete "(c)(8)." and insert "**(c)(10).**".

Page 25, line 6, delete "four (4)" and insert "**five (5)**".

Page 25, line 13, delete "(c)(8)," and insert "**(c)(10),"**".

Page 25, line 18, delete "(c)(8)." and insert "**(c)(10).**".

Page 26, between lines 19 and 20, begin a new line block indented and insert:

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"(11) Administer statewide 911 grants in accordance with state and federal guidelines.

(12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications."

Page 26, line 20, delete "(11)" and insert "(13)".

Page 27, delete lines 36 through 37, begin a new paragraph and insert:

"(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:

(1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and

(2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(B) the budget agency or any other state agency notwithstanding IC 4-12-1-12 or any other law."

Page 28, line 13, after "(e)," insert "and subject to subsection (b),".

Page 28, line 25, delete "Subject to legislative approval, the" and insert "The".

Page 28, line 27, delete "chapter." and insert "chapter, subject to the following:

(1) The fee may not be raised or lowered more than one (1) time in a calendar year.

(2) The fee may not be raised or lowered more than ten cents (\$0.10) by an adjustment without legislative approval."

Page 29, delete lines 19 through 24.

Page 29, line 38, delete "The" and insert "(a) Subject to subsection (b), the".

Page 29, line 40, delete "two percent (2%)" and insert "fifteen percent (15%)".

Page 29, line 42, delete "chapter." and insert "chapter and to develop, operate, and maintain a statewide 911 system."

Page 30, line 5, delete "In" and insert "However, in".

Page 30, line 6, delete "consider the following:" and insert "ensure that the distribution to a PSAP with respect to any state fiscal year beginning after June 30, 2012, is at least equal to the average annual amount distributed to the PSAP under IC 36-8-16 (before

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its repeal on July 1, 2012) and under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:

- (1) June 30, 2009;
- (2) June 30, 2010; and
- (3) June 30, 2011;

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made."

Page 30, delete lines 7 through 14.

Page 30, line 15, begin a new paragraph and insert "(b)".

Page 30, between lines 36 and 37, begin a new line block indented and insert:

**"(8) Rates associated with communications service providers' enhanced emergency communications system network services.**

**(9) Mobile radio equipment used by first responders.**

**(10) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of equipment as a result of the narrow banding requirements specified by the Federal Communications Commission."**

Page 30, line 37, delete "(8)" and insert "(11)".

Page 31, delete lines 1 through 2.

Page 31, line 4, delete "all expenditures made during the" and insert "the following:

**(1) All expenditures made during the immediately preceding calendar year from distributions under section 37(2) of this chapter.**

**(2) Call data and statistics for the immediately preceding calendar year, as specified by the board and collected in accordance with any reporting method established or required by the board."**

Page 31, delete lines 5 through 6.

Page 31, line 14, after "(b)." insert "The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (e), that is available to the PSAP or to a unit in which the PSAP is located."



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Page 36, between lines 18 and 19, begin a new paragraph and insert:  
**"(i) After December 31, 2014, if a county contains more than the number of PSAPs authorized by subsection (c), the county may not receive a distribution under IC 36-8-16.7-37 for any PSAP in the county until the county complies with subsection (c)."**

and when so amended that said bill do pass.

(Reference is to SB 345 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 7, Nays 2.

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