

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1087, 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:

- 1 Replace the effective date in SECTION 9 with "[EFFECTIVE
- 2 UPON PASSAGE]".
- 3 Page 1, delete lines 1 through 17.
- 4 Delete pages 2 through 5.
- 5 Page 6, delete line 1, begin a new paragraph and insert:
- 6 "SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this
- 8 article, "system" refers to the Indiana statewide wireless public safety
- 9 voice and data communications system. The term does not include ~~the~~
- 10 **an enhanced emergency telephone system under IC 36-8-16-2 (before**
- 11 **its repeal on July 1, 2012) or the statewide 911 system under**
- 12 **IC 36-8-16.7."**
- 13 Page 6, delete lines 29 through 31 and insert:
- 14 "(11) A communications system (as defined in IC 36-8-15-3
- 15 **(before its expiration on July 1, 2016)), or** an enhanced
- 16 emergency telephone system (as defined in IC 36-8-16-2 **(before**
- 17 **its repeal on July 1, 2012)), or the statewide 911 system (as**
- 18 **defined in IC 36-8-16.7-22)".**
- 19 Page 9, between lines 4 and 5, begin a new paragraph and insert:
- 20 "SECTION 3. IC 6-3.5-6-18, AS AMENDED BY P.L.135-2011,
- 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2012]: Sec. 18. (a) The revenue a county auditor receives
2 under this chapter shall be used to:

3 (1) replace the amount, if any, of property tax revenue lost due to
4 the allowance of an increased homestead credit within the county;

5 (2) fund the operation of a public communications system and
6 computer facilities district as provided in an election, if any, made
7 by the county fiscal body under IC 36-8-15-19(b) **(before its**
8 **expiration on July 1, 2016)**;

9 (3) fund the operation of a public transportation corporation as
10 provided in an election, if any, made by the county fiscal body
11 under IC 36-9-4-42;

12 (4) fund the operation of a public library in a county containing a
13 consolidated city as provided in an election, if any, made by the
14 county fiscal body under IC 36-3-7-6;

15 (5) make payments permitted under IC 36-7-14-25.5 or
16 IC 36-7-15.1-17.5;

17 (6) make payments permitted under subsection (i);

18 (7) make distributions of distributive shares to the civil taxing
19 units of a county; and

20 (8) make the distributions permitted under sections 27, 28, 29, 30,
21 31, 32, and 33 of this chapter.

22 (b) The county auditor shall retain from the payments of the county's
23 certified distribution, an amount equal to the revenue lost, if any, due
24 to the increase of the homestead credit within the county. This money
25 shall be distributed to the civil taxing units and school corporations of
26 the county as though they were property tax collections and in such a
27 manner that no civil taxing unit or school corporation shall suffer a net
28 revenue loss due to the allowance of an increased homestead credit.

29 (c) The county auditor shall retain:

30 (1) the amount, if any, specified by the county fiscal body for a
31 particular calendar year under subsection (i), IC 36-3-7-6,
32 IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b) **(before its**
33 **expiration on July 1, 2016)**, and IC 36-9-4-42 from the county's
34 certified distribution for that same calendar year; and

35 (2) the amount of an additional tax rate imposed under section 27,
36 28, 29, 30, 31, 32, or 33 of this chapter.

37 The county auditor shall distribute amounts retained under this
38 subsection to the county.

39 (d) All certified distribution revenues that are not retained and
40 distributed under subsections (b) and (c) shall be distributed to the civil
41 taxing units of the county as distributive shares.

42 (e) The amount of distributive shares that each civil taxing unit in

1 a county is entitled to receive during a month equals the product of the
2 following:

3 (1) The amount of revenue that is to be distributed as distributive
4 shares during that month; multiplied by

5 (2) A fraction. The numerator of the fraction equals the allocation
6 amount for the civil taxing unit for the calendar year in which the
7 month falls. The denominator of the fraction equals the sum of the
8 allocation amounts of all the civil taxing units of the county for
9 the calendar year in which the month falls.

10 (f) The department of local government finance shall provide each
11 county auditor with the fractional amount of distributive shares that
12 each civil taxing unit in the auditor's county is entitled to receive
13 monthly under this section.

14 (g) Notwithstanding subsection (e), if a civil taxing unit of an
15 adopting county does not impose a property tax levy that is first due
16 and payable in a calendar year in which distributive shares are being
17 distributed under this section, that civil taxing unit is entitled to receive
18 a part of the revenue to be distributed as distributive shares under this
19 section within the county. The fractional amount such a civil taxing
20 unit is entitled to receive each month during that calendar year equals
21 the product of the following:

22 (1) The amount to be distributed as distributive shares during that
23 month; multiplied by

24 (2) A fraction. The numerator of the fraction equals the budget of
25 that civil taxing unit for that calendar year. The denominator of
26 the fraction equals the aggregate budgets of all civil taxing units
27 of that county for that calendar year.

28 (h) If for a calendar year a civil taxing unit is allocated a part of a
29 county's distributive shares by subsection (g), then the formula used in
30 subsection (e) to determine all other civil taxing units' distributive
31 shares shall be changed each month for that same year by reducing the
32 amount to be distributed as distributive shares under subsection (e) by
33 the amount of distributive shares allocated under subsection (g) for that
34 same month. The department of local government finance shall make
35 any adjustments required by this subsection and provide them to the
36 appropriate county auditors.

37 (i) Notwithstanding any other law, a county fiscal body may pledge
38 revenues received under this chapter (other than revenues attributable
39 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the
40 payment of bonds or lease rentals to finance a qualified economic
41 development tax project under IC 36-7-27 in that county or in any other
42 county if the county fiscal body determines that the project will

1 promote significant opportunities for the gainful employment or
2 retention of employment of the county's residents."

3 Page 9, delete lines 32 through 34, begin a new line block indented
4 and insert:

5 "(11) A communications system (as defined in IC 36-8-15-3
6 **before its expiration on July 1, 2016**), or an enhanced
7 emergency telephone system (as defined in IC 36-8-16-2 (**before**
8 **its repeal on July 1, 2012**)), or the statewide 911 system (as
9 **defined in IC 36-8-16.7-22**)."

10 Page 14, delete lines 19 through 24, begin a new paragraph and
11 insert:

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

19 Page 16, line 12, delete "IC 36-8-16.7-40" and insert
20 "**IC 36-8-16.7-41**".

21 Page 16, line 13, delete "IC 36-8-16.7-43" and insert
22 "**IC 36-8-16.7-45**".

23 Page 16, line 14, delete "IC 36-8-16.7-44" and insert
24 "**IC 36-8-16.7-46**".

25 Page 16, delete line 15.

26 Page 16, between lines 22 and 23, begin a new paragraph and insert:

27 "SECTION 10. IC 36-1-10-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this
29 chapter:

30 "Leasing agent" means the board or officer of a political subdivision
31 or agency with the power to lease structures.

32 "Parking facility" refers to a parking facility as defined in IC 36-9-1.

33 "Structure" means:

34 (1) a building used in connection with the operation of a political
35 subdivision; or

36 (2) a parking facility.

37 The term includes the site, the equipment, and appurtenances to the
38 building or parking facility.

39 "System" means:

40 (1) a computer (as defined in IC 36-8-15-4 **before its expiration**
41 **on July 1, 2016**);

42 (2) a communications system (as defined in IC 36-8-15-3(1))

1 **before its expiration on July 1, 2016);** or
 2 (3) mobile or remote equipment that is coordinated by or linked
 3 with a computer or communications system.

4 "Transportation project" means a road or highway project jointly
 5 undertaken by the Indiana department of transportation and any county
 6 through which a toll road project under IC 8-15-2 passes. A
 7 transportation project must be located within an area described in
 8 IC 8-15-2-1(a)(3) or IC 8-15-2-1(a)(4)."

9 Page 17, delete lines 38 through 40, begin a new line block indented
 10 and insert:

11 "(2) **the statewide 911 board established by IC 36-8-16.7-24**
 12 **and** the administrator of ~~an the~~ enhanced emergency telephone
 13 system established under IC 36-8-16 **(before its repeal on July**
 14 **1, 2012)**, if any;".

15 Page 18, between lines 8 and 9, begin a new paragraph and insert:

16 "SECTION 12. IC 36-8-15-0.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires July**
 19 **1, 2016.**

20 SECTION 13. IC 36-8-15.1 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2016]:

23 **Chapter 15.1. Public Communications Systems; Transitional**
 24 **Matters**

25 **Sec. 1. (a) Notwithstanding the expiration of IC 36-8-15 on July**
 26 **1, 2016:**

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

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

36 **(b) Notwithstanding the expiration of IC 36-8-15-14 on July 1,**
 37 **2016, all taxable property located within:**

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

41 **(2) a public safety communications systems district created**
 42 **under IC 36-8-15-7(b) (before its expiration on July 1, 2016);**

1 remains subject to a special benefit tax as provided for by
2 IC 36-8-15-14 (before its expiration on July 1, 2016) until such time
3 as revenue from the tax is no longer needed by the district to satisfy
4 any obligations that were issued, obtained, or incurred by the
5 district before July 1, 2016, to pay the costs of a project, as
6 described in IC 36-8-15-14 (before its expiration on July 1, 2016).

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

15 (d) Notwithstanding the expiration of IC 36-8-15-19 on July 1,
16 2016, all property located within a public safety communications
17 systems district in a county described in IC 36-8-15-19(a) remains
18 subject to an ad valorem property tax as provided for by
19 IC 36-8-15-19(a) (before its expiration on July 1, 2016) until such
20 time as revenue from the tax is no longer needed by the district to
21 satisfy any obligations that were issued, obtained, or incurred by
22 the district before July 1, 2016, to fund the operation of the district,
23 as described in IC 36-8-15-19(a) (before its expiration on July 1,
24 2016).

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

30 Sec. 2. Not later than November 1 of each year:

31 (1) a public safety communications systems and computer
32 facilities district created by IC 36-8-15-7 (before its expiration
33 on July 1, 2016); and
34 (2) each public safety communications systems district created
35 under IC 36-8-15-7(b) (before its expiration on July 1, 2016);
36 shall report in an electronic format under IC 5-14-6 to the general
37 assembly whether and to what extent all bonds, loans, lease
38 payments, or other obligations that were issued, obtained, or
39 incurred by the district before July 1, 2016, are satisfied according
40 to their terms. If the general assembly determines, based on all
41 reports submitted under this subsection, that all bonds, loans, lease
42 payments, or other obligations that were issued, obtained, or

1 **incurred by all districts before July 1, 2016, are satisfied according**
 2 **to their terms, the general assembly may introduce legislation**
 3 **during a subsequent legislative session to amend this chapter to**
 4 **provide for the expiration or repeal of this chapter."**

5 Page 18, delete lines 23 through 37, begin a new paragraph and
 6 insert:

7 "SECTION 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010,
 8 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of~~
 10 ~~this chapter~~, The board shall impose an enhanced prepaid wireless
 11 charge on each retail transaction that occurs after June 30, 2010. The
 12 amount of the initial charge imposed under this ~~subsection~~ **section** may
 13 not exceed one-half (1/2) of the monthly wireless emergency enhanced
 14 911 fee assessed under IC 36-8-16.5-25.5 **(before its repeal on July**
 15 **1, 2012). The board shall increase the amount of the charge**
 16 **imposed under this section so that the amount of the charge**
 17 **imposed after June 30, 2012, under this section equals fifty cents**
 18 **(\$0.50).**

19 (b) Subject to legislative approval, **after the increase described in**
 20 **subsection (a) and after June 30, 2012**, the board may increase the
 21 enhanced prepaid wireless charge to ensure adequate revenue for the
 22 board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~
 23 ~~and IC 36-8-16.5.~~ **IC 36-8-16.7.**

24 (c) A consumer that is the federal government or an agency of the
 25 federal government is exempt from the enhanced prepaid wireless
 26 charge imposed under this section."

27 Page 19, line 13, delete "IC 36-8-16.7-32(b)." and insert "**IC**
 28 **36-8-16.7-32(d).**"

29 Page 19, delete lines 14 through 28, begin a new paragraph and
 30 insert:

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

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

42 (c) ~~If the amount determined under subsection (b) is less than the~~

1 amount determined under subsection (a) by more than five percent
2 (5%), this chapter expires and sunsets July 1, 2013."

3 Page 21, delete lines 2 through 4 and insert "**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 Page 22, delete lines 32 through 35 and insert "**number 911 to**
10 **send:**

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

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

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

16 Page 22, delete lines 37 through 40, begin a new line block indented
17 and insert:

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

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

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

24 Page 23, line 8, delete "for the purposes of subsection (c):" and
25 insert "**concerning the membership of the board:**".

26 Page 23, delete lines 9 through 35, begin a new line block indented
27 and insert:

28 **"(1) The executive committees of:**

29 **(A) the Indiana chapter of the National Emergency**
30 **Number Association (NENA); and**

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

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

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

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

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

42 **(5) The Indiana Telecommunications Association shall**

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

- 1 **business entity as a member appointed under subdivision (3),**
 2 **(7), or (8).**
 3 **(7) One (1) local exchange carrier member that serves at least**
 4 **fifty thousand (50,000) local exchange access lines in Indiana**
 5 **appointed by the governor after considering the**
 6 **recommendation of the Indiana Telecommunications**
 7 **Association under subsection (b)(5)(B). A member appointed**
 8 **under this subdivision may not be affiliated with the same**
 9 **business entity as a member appointed under subdivision (3),**
 10 **(6), or (8).**
 11 **(8) One (1) VOIP provider who is appointed by the governor**
 12 **after considering the recommendation of the Indiana Cable**
 13 **Telecommunications Association under subsection (b)(6). A**
 14 **member appointed under this subdivision may not be**
 15 **affiliated with the same business entity as a member**
 16 **appointed under subdivision (3), (6), or (7).**
 17 **(9) One (1) member who represents municipalities and is**
 18 **appointed by the governor after considering the**
 19 **recommendation of the Indiana Association of Cities and**
 20 **Towns submitted under subsection (b)(7).**
 21 **(10) One (1) member who represents a department or agency**
 22 **providing firefighting or fire prevention services in Indiana.**
 23 **(11) The superintendent of the state police department or the**
 24 **superintendent's designee."**

25 Delete page 24.

26 Page 25, delete lines 1 through 6.

27 Page 25, between lines 20 and 21, begin a new paragraph and insert:

28 **"(e) This subsection applies to a member appointed under**
 29 **subsection (c)(2) through (c)(10). A member shall submit the name**
 30 **of a designee to the board. The board shall maintain a list of**
 31 **approved designees. A member may appoint a listed designee to fill**
 32 **the member's position under subsection (c) or to act on behalf of**
 33 **the member at a meeting of the board. The designee serves at the**
 34 **pleasure of the appointing member."**

35 Page 25, line 21, delete "(e)" and insert "(f)".

36 Page 25, between lines 21 and 22, begin a new paragraph and insert:

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

38 Page 26, delete lines 3 through 20, begin a new line block indented
 39 and insert:

40 **"(4) Acquire, hold, use, and otherwise dispose of the board's**
 41 **income, revenues, funds, and money.**

42 **(5) Enter into contracts, including contracts:**

- 1 **(A) for professional services;**
 2 **(B) for purchase of supplies or services; and**
 3 **(C) to acquire office space.**
 4 **(6) Hire staff.**
 5 **(7) Adopt rules under IC 4-22-2 to implement this chapter.**
 6 **(8) Develop, maintain, and update a statewide 911 plan.**
 7 **(9) Administer the statewide 911 fund established by section**
 8 **29 of this chapter.**
 9 **(10) Administer and distribute the statewide 911 fee in**
 10 **accordance with section 37 of this chapter.**
 11 **(11) Administer statewide 911 grants in accordance with state**
 12 **and federal guidelines.**
 13 **(12) Obtain from each PSAP operating statistics and other**
 14 **performance measurements, including call statistics by**
 15 **category and emergency medical dispatching (EMD)**
 16 **certifications.**
 17 **(13) Take other necessary or convenient actions to implement**
 18 **this chapter that are not inconsistent with Indiana law."**

19 Page 26, line 21, delete "board" and insert "treasurer of state".

20 Page 26, delete line 24, begin a new line block indented and insert:

21 **"(2) Approve salaries and allowable expenses for board**
 22 **members, employees, and consultants."**

23 Page 26, line 32, delete "board" and insert "treasurer of state".

24 Page 27, line 9, delete "board" and insert "treasurer of state".

25 Page 27, line 10, delete "In".

26 Page 27, delete lines 11 through 42, begin a new paragraph and
 27 insert:

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

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

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

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

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

40 Page 28, delete lines 1 through 3.

41 Page 28, line 4, delete "(f)" and insert "(e)".

42 Page 28, line 6, delete "board shall select a third party to" and insert

1 **"state board of accounts shall".**

2 Page 28, delete lines 21 through 37, begin a new paragraph and
3 insert:

4 **"Sec. 32. (a) Except as provided in subsections (c) and (e), and**
5 **subject to subsection (b), the board shall assess a monthly statewide**
6 **911 fee on each user that is a customer having a place of primary**
7 **use (as determined in the manner provided by IC 6-8.1-15) in**
8 **Indiana at a rate that:**

9 (1) ensures full recovery of the amount needed for the board
10 to make distributions to county treasurers consistent with this
11 chapter; and

12 (2) provides for proper development, operation, and
13 maintenance of a statewide 911 system.

14 **The amount of the initial fee assessed under this subsection is one**
15 **dollar (\$1).**

16 (b) The board may adjust the statewide 911 fee to ensure
17 adequate revenue for the board to fulfill the board's duties and
18 obligations under this chapter, subject to the following:

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

21 (2) The fee may not be raised or lowered more than ten cents
22 (\$0.10) by an adjustment without legislative approval.

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

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

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

32 (1) The federal government or an agency of the federal
33 government.

34 (2) The state or an agency or instrumentality of the state.

35 (3) A political subdivision (as defined in IC 36-1-2-13) or an
36 agency of a political subdivision."

37 Page 29, line 6, delete "statewide".

38 Page 29, line 26, delete "attorney's" and insert "attorney".

39 Page 29, delete lines 28 through 42, begin a new paragraph and
40 insert:

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

1 **(1) The board may use fifteen percent (15%) of the statewide**
 2 **911 fees deposited in the fund to recover the board's expenses**
 3 **in administering this chapter and to develop, operate, and**
 4 **maintain a statewide 911 system. However, the board may**
 5 **increase or decrease this percentage to allow for full recovery**
 6 **of administration expenses.**

7 **(2) The board shall distribute the remainder of the statewide**
 8 **911 fees deposited in the fund to counties in an amount**
 9 **determined by the board. However, in determining a**
 10 **distribution under this subdivision, the board shall ensure**
 11 **that the distribution to a county with respect to any state**
 12 **fiscal year beginning after June 30, 2012, is at least equal to**
 13 **the average annual amount distributed to all PSAPs in the**
 14 **county under IC 36-8-16 (before its repeal on July 1, 2012)**
 15 **and to the county under IC 36-8-16.5 (before its repeal on**
 16 **July 1, 2012) during the three (3) state fiscal years ending:**

17 **(A) June 30, 2009;**

18 **(B) June 30, 2010; and**

19 **(C) June 30, 2011;**

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

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

27 **Sec. 38. (a) A PSAP may use a distribution from a county under**
 28 **this chapter only for the following:**

29 **(1) The lease, purchase, or maintenance of communications**
 30 **service equipment.**

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

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

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

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

37 **(A) utilities;**

38 **(B) maintenance;**

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

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

42 **(6) An emergency notification system under section 40 of this**

- 1 **chapter.**
- 2 **(7) Connectivity to the Indiana data communications system**
- 3 **(IDACS).**
- 4 **(8) Rates associated with communications service providers'**
- 5 **enhanced emergency communications system network**
- 6 **services.**
- 7 **(9) Mobile radio equipment used by first responders.**
- 8 **(10) Up to fifty percent (50%) of the costs associated with the**
- 9 **narrow banding or replacement of equipment as a result of**
- 10 **the narrow banding requirements specified by the Federal**
- 11 **Communications Commission.**
- 12 **(11) Other expenses approved by the board.**
- 13 **(b) A PSAP may not use a distribution from a county under this**
- 14 **chapter for the following:**
- 15 **(1) Construction, purchase, renovation, or furnishing of PSAP**
- 16 **buildings.**
- 17 **(2) Vehicles.**
- 18 **(c) Not later than January 31 of each year, each PSAP shall**
- 19 **submit to the board a report of the following:**
- 20 **(1) All expenditures made during the immediately preceding**
- 21 **calendar year from distributions under this chapter.**
- 22 **(2) Call data and statistics for the immediately preceding**
- 23 **calendar year, as specified by the board and collected in**
- 24 **accordance with any reporting method established or**
- 25 **required by the board.**
- 26 **(d) Beginning July 1, 2013, the state board of accounts annually**
- 27 **shall audit the expenditures of distributions under this chapter**
- 28 **made during the immediately preceding calendar year by each**
- 29 **PSAP that receives distributions under this chapter. In conducting**
- 30 **an audit under this subsection, the state board of accounts shall**
- 31 **determine, in conjunction with the board, whether the**
- 32 **expenditures made by each PSAP are in compliance with**
- 33 **subsections (a) and (b). The board shall review and further audit**
- 34 **any ineligible expenditure identified by the state board of accounts**
- 35 **under this subsection or through any other report. If the board**
- 36 **verifies that the expenditure did not comply with this section, the**
- 37 **board shall ensure that the fund is reimbursed in the dollar amount**
- 38 **of the noncomplying expenditure from any source of funding, other**
- 39 **than a fund described in subsection (e), that is available to the**
- 40 **PSAP or to a unit in which the PSAP is located.**
- 41 **(e) A distribution under section 37(a)(2) of this chapter must be**
- 42 **deposited by the treasurer of the county in a separate fund set**

1 **aside for the purposes allowed by subsections (a) and (b). The fund**
 2 **must be known as the _____ (insert name of county) 911 fund.**
 3 **The county treasurer may invest money in the fund in the same**
 4 **manner that other money of the county may be invested, but**
 5 **income earned from the investment must be deposited in the fund**
 6 **set aside under this subsection."**

7 Delete page 30.

8 Page 31, delete lines 1 through 5.

9 Page 31, delete lines 18 through 32, begin a new paragraph and
 10 insert:

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

18 **(b) A county may establish an emergency notification system. A**
 19 **PSAP in the county may use funds distributed to it under this**
 20 **chapter to establish and operate an emergency notification system**
 21 **under this section.**

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

28 **(1) The service address of the user.**

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

30 **(3) A designation of listed, unlisted, or nonpublished with**
 31 **respect to any telephone number (or other functionally**
 32 **equivalent identification number) associated with the user's**
 33 **service or account.**

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

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

42 **(1) a user;**

1 **(2) a user's place of primary use (as determined in the manner**
 2 **provided by IC 6-8.1-15); or**
 3 **(3) the information described in both subdivisions (1) and (2);**
 4 **and may not be used or disclosed by the PSAP, or its agents or**
 5 **employees, for any other purpose unless the data is used or**
 6 **disclosed under a court order. A person who recklessly, knowingly,**
 7 **or intentionally violates this subsection commits a Class A**
 8 **misdemeanor."**

9 Page 32, line 19, delete "41." and insert "**42.**".

10 Page 32, line 30, delete "42." and insert "**43.**".

11 Page 33, line 3, delete "43. (a)" and insert "**44.**".

12 Page 33, delete lines 8 through 9.

13 Page 33, line 10, delete "44." and insert "**45.**".

14 Page 33, line 20, delete "45." and insert "**46. (a)**".

15 Page 33, between lines 25 and 26, begin a new paragraph and insert:

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

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

25 Page 33, line 26, delete "46." and insert "**47.**".

26 Page 33, line 28, after "IC 36-8-15" insert "**(before its expiration**
 27 **on July 1, 2016)**".

28 Page 34, delete lines 2 through 15, begin a new paragraph and
 29 insert:

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

36 **(1) a state educational institution;**

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

39 **(3) the municipality having the largest population in the**
 40 **county or an agency of that municipality."**

41 Page 35, delete lines 20 through 31, begin a new paragraph and
 42 insert:

1 **"(i) After December 31, 2014, if a county contains more than the**
 2 **number of PSAPs authorized by subsection (c), the county may not**
 3 **receive a distribution under section 37 of this chapter until the**
 4 **county complies with subsection (c)."**

5 Page 35, delete lines 34 through 39, begin a new paragraph and
 6 insert:

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

10 (1) A computer (as defined in IC 36-8-15-4 **before its expiration**
 11 **on July 1, 2016).**

12 (2) A communications system (as defined in IC 36-8-15-3(1)
 13 **before its expiration on July 1, 2016).**

14 (3) Mobile or remote equipment that is coordinated by or linked
 15 with a computer or communication system.

16 (4) Upon the request of:

17 (A) the fiscal body of an eligible entity having a fiscal body;
 18 or

19 (B) the governing body of an eligible entity not having a fiscal
 20 body;

21 security services provided by human or nonhuman means.

22 SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) The funds that**
 23 **remain on June 30, 2012, in the wireless emergency telephone**
 24 **system fund established by IC 36-8-16.5-21 (before its repeal by**
 25 **this act on July 1, 2012) shall be transferred on July 1, 2012, to the**
 26 **statewide 911 fund established by IC 36-8-16.7-29, as added by this**
 27 **act.**

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

29 SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) The funds that**
 30 **remain on June 30, 2012, in a county's wireless emergency**
 31 **telephone system fund established by IC 36-8-16.5-43 (before its**
 32 **repeal by this act on July 1, 2012) shall be transferred on July 1,**
 33 **2012, by the county treasurer to the county's 911 fund required to**
 34 **be set aside by the county treasurer under IC 36-8-16.7-38(e), as**
 35 **added by this act.**

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

37 SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) The funds that**
 38 **remain on June 30, 2012, in an emergency telephone system fund**
 39 **established by a county under IC 36-8-16-13 (before its repeal by**
 40 **this act on July 1, 2012) shall be transferred on July 1, 2012, by the**
 41 **county treasurer to the county's 911 fund required to be set aside**
 42 **by the county treasurer under IC 36-8-16.7-38(e), as added by this**

- 1 **act.**
- 2 **(b) This SECTION expires January 1, 2013."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1087 as printed January 28, 2012.)

and when so amended that said bill do pass .

Committee Vote: Yeas 11, Nays 2.

Senator Hershman, Chairperson