



February 20, 2015

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## HOUSE BILL No. 1475

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DIGEST OF HB 1475 (Updated February 18, 2015 4:49 pm - DI 113)

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

**Synopsis:** Statewide 911 system. Removes the requirement that a county council (for a county adjusted gross income tax) or a county income tax council (for a local option income tax) must impose certain additional tax rates as a condition of imposing an additional tax rate for public safety. Provides that a county income tax council (in the case of a local income tax for public safety) or a county council (in the case of a county adjusted gross income tax) may adopt a resolution to distribute up to 100% of the tax revenue to a public safety answering point (PSAP) that is part of the statewide 911 system. Authorizes the fiscal bodies of a county and another political subdivision that are parties to a contract under which the county has assumed the responsibility of operating a PSAP to jointly petition the department of local government finance to adjust the maximum permissible ad valorem property tax levies of the respective units. Increases the statewide 911 fee: (1) for a prepaid user from \$0.50 to \$1; and (2) for a standard user from \$0.90 to \$1. Authorizes the statewide 911 board (board) to audit wireless telecommunications service providers on an  
(Continued next page)

**Effective:** Upon passage; July 1, 2015.

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**Karickhoff, Austin, Frye R,  
Thompson**

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January 14, 2015, read first time and referred to Committee on Ways and Means.  
February 19, 2015, amended, reported — Do Pass.

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HB 1475—LS 6973/DI 103



Digest Continued

annual basis to determine compliance with statewide 911 laws. Beginning with the 2016 fiscal year, requires the statewide 911 board to ensure a distribution of statewide 911 fees to each county in an amount equal to the amount distributed to the county in the 2014 fiscal year. Requires PSAPs to provide an annual report to the board concerning dispatch costs and funding. Requires the board to forward the report to the general assembly. Requires the budget committee to review the statewide 911 system and report its findings to the legislative council in 2015 and 2020. Extends the sunset of the statewide 911 fee from June 30, 2015, to June 30, 2020. Makes technical corrections.

**HB 1475—LS 6973/DI 103**



February 20, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1475

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

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

1 SECTION 1. IC 6-1.1-18.5-23 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 23. (a) This section applies to a**  
4 **county in which the county has contractually assumed from**  
5 **another political subdivision the responsibility of operating a**  
6 **public safety answering point.**  
7 **(b) The fiscal bodies of a county and another political**  
8 **subdivision that are parties to a contract described in subsection**  
9 **(a) may jointly petition the department of local government finance**  
10 **to adjust the maximum permissible ad valorem property tax levies**  
11 **for the ensuing calendar year of the petitioning units as follows:**  
12 **(1) To increase the county's maximum permissible ad valorem**  
13 **property tax levy for the ensuing calendar year by an amount**  
14 **not greater than the amount levied in the preceding calendar**  
15 **year by the petitioning political subdivision to pay expenses**

HB 1475—LS 6973/DI 103



1           **incurred to operate the public safety answering point.**

2           **(2) To decrease the maximum permissible ad valorem**  
 3           **property tax levy for the ensuing calendar year of the**  
 4           **petitioning political subdivision by an amount not greater**  
 5           **than the amount that the petitioning political subdivision**  
 6           **levied in the preceding calendar year to pay expenses incurred**  
 7           **to operate the public safety answering point.**

8           **If such a petition is made to the department of local government**  
 9           **finance in accordance with subdivisions (1) and (2), the department**  
 10           **of local government finance shall adjust the levies for the**  
 11           **petitioning units.**

12           SECTION 2. IC 6-3.5-1.1-25, AS AMENDED BY P.L.261-2013,  
 13           SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14           JULY 1, 2015]: Sec. 25. (a) As used in this section, "public safety"  
 15           refers to the following:

16           (1) A police and law enforcement system to preserve public peace  
 17           and order.

18           (2) A firefighting and fire prevention system.

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

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

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

23           (6) A probation department of a court.

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

27           (A) diverted before a final hearing or trial under an agreement  
 28           that is between the county prosecuting attorney and the person  
 29           or the person's custodian, guardian, or parent and that provides  
 30           for confinement, supervision, community corrections services,  
 31           or other correctional services instead of a final action  
 32           described in clause (B) or (C);

33           (B) convicted of a crime; or

34           (C) adjudicated as a delinquent child or a child in need of  
 35           services.

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

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

38           (10) A county jail.

39           (11) A communications system (as defined in IC 36-8-15-3), an  
 40           enhanced emergency telephone system (as defined in  
 41           IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide  
 42           911 system (as defined in IC 36-8-16.7-22).



- 1 (12) Medical and health expenses for jail inmates and other  
 2 confined persons.
- 3 (13) Pension payments for any of the following:
- 4 (A) A member of the fire department (as defined in  
 5 IC 36-8-1-8) or any other employee of a fire department.
- 6 (B) A member of the police department (as defined in  
 7 IC 36-8-1-9), a police chief hired under a waiver under  
 8 IC 36-8-4-6.5, or any other employee hired by a police  
 9 department.
- 10 (C) A county sheriff or any other member of the office of the  
 11 county sheriff.
- 12 (D) Other personnel employed to provide a service described  
 13 in this section.
- 14 (b) ~~If a county council has imposed a tax rate of at least twenty-five~~  
 15 ~~hundredths of one percent (0.25%) under section 24 of this chapter; a~~  
 16 ~~tax rate of at least twenty-five hundredths of one percent (0.25%) under~~  
 17 ~~section 26 of this chapter; or a total combined tax rate of at least~~  
 18 ~~twenty-five hundredths of one percent (0.25%) under sections 24 and~~  
 19 ~~26 of this chapter; the A county council may also adopt an ordinance~~  
 20 ~~to impose an additional tax rate under this section to provide funding~~  
 21 ~~for public safety.~~
- 22 (c) A tax rate under this section may not exceed twenty-five  
 23 hundredths of one percent (0.25%).
- 24 (d) If a county council adopts an ordinance to impose a tax rate  
 25 under this section, not more than ten (10) days after the vote, the  
 26 county auditor shall send a certified copy of the ordinance to the  
 27 commissioner of the department, the director of the budget agency, and  
 28 the commissioner of the department of local government finance in an  
 29 electronic format approved by the director of the budget agency.
- 30 (e) A tax rate under this section is in addition to any other tax rates  
 31 imposed under this chapter and does not affect the purposes for which  
 32 other tax revenue under this chapter may be used.
- 33 (f) Except as provided in subsection (k) or (l), the county auditor  
 34 shall distribute the portion of the certified distribution that is  
 35 attributable to a tax rate under this section to the county and to each  
 36 municipality in the county that is carrying out or providing at least one  
 37 (1) of the public safety purposes described in subsection (a). The  
 38 amount that shall be distributed to the county or municipality is equal  
 39 to the result of:
- 40 (1) the portion of the certified distribution that is attributable to a  
 41 tax rate under this section; multiplied by
- 42 (2) a fraction equal to:



- 1 (A) the attributed allocation amount (as defined in  
 2 IC 6-3.5-1.1-15) of the county or municipality for the calendar  
 3 year; divided by  
 4 (B) the sum of the attributed allocation amounts of the county  
 5 and each municipality in the county that is entitled to a  
 6 distribution under this section for the calendar year.
- 7 The county auditor shall make the distributions required by this  
 8 subsection not more than thirty (30) days after receiving the portion of  
 9 the certified distribution that is attributable to a tax rate under this  
 10 section. Tax revenue distributed to a county or municipality under this  
 11 subsection must be deposited into a separate account or fund and may  
 12 be appropriated by the county or municipality only for public safety  
 13 purposes.
- 14 (g) The department of local government finance may not require a  
 15 county or municipality receiving tax revenue under this section to  
 16 reduce the county's or municipality's property tax levy for a particular  
 17 year on account of the county's or municipality's receipt of the tax  
 18 revenue.
- 19 (h) The tax rate under this section and the tax revenue attributable  
 20 to the tax rate under this section shall not be considered for purposes  
 21 of computing:
- 22 (1) the maximum income tax rate that may be imposed in a county  
 23 under section 2 of this chapter or any other provision of this  
 24 chapter;  
 25 (2) the maximum permissible property tax levy under  
 26 IC 6-1.1-18.5-3; or  
 27 (3) the credit under IC 6-1.1-20.6.
- 28 (i) The tax rate under this section may be imposed or rescinded at  
 29 the same time and in the same manner that the county may impose or  
 30 increase a tax rate under section 24 of this chapter.
- 31 (j) The department of local government finance and the department  
 32 of state revenue may take any actions necessary to carry out the  
 33 purposes of this section.
- 34 (k) Two (2) or more political subdivisions that are entitled to receive  
 35 a distribution under this section may adopt resolutions providing that  
 36 some part or all of those distributions shall instead be paid to one (1)  
 37 political subdivision in the county to carry out specific public safety  
 38 purposes specified in the resolutions.
- 39 (l) A fire department, volunteer fire department, or emergency  
 40 medical services provider that:  
 41 (1) provides fire protection or emergency medical services within  
 42 the county; and



1 (2) is operated by or serves a political subdivision that is not  
 2 otherwise entitled to receive a distribution of tax revenue under  
 3 this section;  
 4 may before July 1 of a year apply to the county council for a  
 5 distribution of tax revenue under this section during the following  
 6 calendar year. The county council shall review an application  
 7 submitted under this subsection and may before September 1 of a year  
 8 adopt a resolution requiring that one (1) or more of the applicants shall  
 9 receive a specified amount of the tax revenue to be distributed under  
 10 this section during the following calendar year. A resolution approved  
 11 under this subsection providing for a distribution to one (1) or more fire  
 12 departments, volunteer fire departments, or emergency medical  
 13 services providers applies only to distributions in the following  
 14 calendar year. Any amount of tax revenue distributed under this  
 15 subsection to a fire department, volunteer fire department, or  
 16 emergency medical services provider shall be distributed before the  
 17 remainder of the tax revenue is distributed under subsection (f).

18 **(m) The county council may adopt a resolution to provide that**  
 19 **up to one hundred percent (100%) of the tax revenue to be**  
 20 **distributed under this section shall be dedicated to a PSAP (as**  
 21 **defined in IC 36-8-16.7-20) that is part of the statewide 911 system**  
 22 **(as defined in IC 36-8-16.7-22) and contained in the county. Any**  
 23 **amount of tax revenue dedicated to a PSAP under this subsection**  
 24 **shall be distributed before the remainder of the tax revenue is**  
 25 **distributed under subsection (f).**

26 SECTION 3. IC 6-3.5-6-31, AS AMENDED BY P.L.261-2013,  
 27 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2015]: Sec. 31. (a) As used in this section, "public safety"  
 29 refers to the following:

- 30 (1) A police and law enforcement system to preserve public peace  
 31 and order.  
 32 (2) A firefighting and fire prevention system.  
 33 (3) Emergency ambulance services (as defined in  
 34 IC 16-18-2-107).  
 35 (4) Emergency medical services (as defined in IC 16-18-2-110).  
 36 (5) Emergency action (as defined in IC 13-11-2-65).  
 37 (6) A probation department of a court.  
 38 (7) Confinement, supervision, services under a community  
 39 corrections program (as defined in IC 35-38-2.6-2), or other  
 40 correctional services for a person who has been:  
 41 (A) diverted before a final hearing or trial under an agreement  
 42 that is between the county prosecuting attorney and the person



- 1 or the person's custodian, guardian, or parent and that provides  
 2 for confinement, supervision, community corrections services,  
 3 or other correctional services instead of a final action  
 4 described in clause (B) or (C);  
 5 (B) convicted of a crime; or  
 6 (C) adjudicated as a delinquent child or a child in need of  
 7 services.
- 8 (8) A juvenile detention facility under IC 31-31-8.  
 9 (9) A juvenile detention center under IC 31-31-9.  
 10 (10) A county jail.  
 11 (11) A communications system (as defined in IC 36-8-15-3), an  
 12 enhanced emergency telephone system (as defined in  
 13 IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide  
 14 911 system (as defined in IC 36-8-16.7-22).  
 15 (12) Medical and health expenses for jail inmates and other  
 16 confined persons.  
 17 (13) Pension payments for any of the following:  
 18 (A) A member of the fire department (as defined in  
 19 IC 36-8-1-8) or any other employee of a fire department.  
 20 (B) A member of the police department (as defined in  
 21 IC 36-8-1-9), a police chief hired under a waiver under  
 22 IC 36-8-4-6.5, or any other employee hired by a police  
 23 department.  
 24 (C) A county sheriff or any other member of the office of the  
 25 county sheriff.  
 26 (D) Other personnel employed to provide a service described  
 27 in this section.
- 28 (b) The county income tax council may adopt an ordinance to  
 29 impose an additional tax rate under this section to provide funding for  
 30 public safety. if:  
 31 ~~(1) the county income tax council has imposed a tax rate under~~  
 32 ~~section 30 of this chapter, in the case of a county containing a~~  
 33 ~~consolidated city; or~~  
 34 ~~(2) the county income tax council has imposed a tax rate of at~~  
 35 ~~least twenty-five hundredths of one percent (0.25%) under section~~  
 36 ~~30 of this chapter, a tax rate of at least twenty-five hundredths of~~  
 37 ~~one percent (0.25%) under section 32 of this chapter, or a total~~  
 38 ~~combined tax rate of at least twenty-five hundredths of one~~  
 39 ~~percent (0.25%) under sections 30 and 32 of this chapter, in the~~  
 40 ~~case of a county other than a county containing a consolidated~~  
 41 ~~city.~~  
 42 (c) A tax rate under this section may not exceed the following:





- 1 (1) Five-tenths of one percent (0.5%), in the case of a county  
2 containing a consolidated city.
- 3 (2) Twenty-five hundredths of one percent (0.25%), in the case of  
4 a county other than a county containing a consolidated city.
- 5 (d) If a county income tax council adopts an ordinance to impose a  
6 tax rate under this section, not more than ten (10) days after the vote,  
7 the county auditor shall send a certified copy of the ordinance to the  
8 commissioner of the department, the director of the budget agency, and  
9 the commissioner of the department of local government finance in an  
10 electronic format approved by the director of the budget agency.
- 11 (e) A tax rate under this section is in addition to any other tax rates  
12 imposed under this chapter and does not affect the purposes for which  
13 other tax revenue under this chapter may be used.
- 14 (f) Except as provided in subsections (l) and (m), the county auditor  
15 shall distribute the portion of the certified distribution that is  
16 attributable to a tax rate under this section to the county and to each  
17 municipality in the county that is carrying out or providing at least one  
18 (1) of the public safety purposes described in subsection (a). The  
19 amount that shall be distributed to the county or municipality is equal  
20 to the result of:
- 21 (1) the portion of the certified distribution that is attributable to a  
22 tax rate under this section; multiplied by
- 23 (2) a fraction equal to:
- 24 (A) the total property taxes being collected in the county by  
25 the county or municipality for the calendar year; divided by
- 26 (B) the sum of the total property taxes being collected in the  
27 county by the county and each municipality in the county that  
28 is entitled to a distribution under this section for the calendar  
29 year.
- 30 The county auditor shall make the distributions required by this  
31 subsection not more than thirty (30) days after receiving the portion of  
32 the certified distribution that is attributable to a tax rate under this  
33 section. Tax revenue distributed to a county or municipality under this  
34 subsection must be deposited into a separate account or fund and may  
35 be appropriated by the county or municipality only for public safety  
36 purposes.
- 37 (g) The department of local government finance may not require a  
38 county or municipality receiving tax revenue under this section to  
39 reduce the county's or municipality's property tax levy for a particular  
40 year on account of the county's or municipality's receipt of the tax  
41 revenue.
- 42 (h) The tax rate under this section and the tax revenue attributable



1 to the tax rate under this section shall not be considered for purposes  
2 of computing:

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

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

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

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

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

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

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

23 (m) A fire department, volunteer fire department, or emergency  
24 medical services provider that:

25 (1) provides fire protection or emergency medical services within  
26 the county; and

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

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



1 remainder of the tax revenue is distributed under subsection (f).

2 **(n) A county income tax council may adopt a resolution to**  
 3 **provide that up to one hundred percent (100%) of the tax revenue**  
 4 **to be distributed under this section shall be dedicated to a PSAP (as**  
 5 **defined in IC 36-8-16.7-20) that is part of the statewide 911 system**  
 6 **(as defined in IC 36-8-16.7-22) and contained in the county. Any**  
 7 **amount of tax revenue dedicated to a PSAP under this subsection**  
 8 **shall be distributed before the remainder of the tax revenue is**  
 9 **distributed under subsection (f).**

10 SECTION 4. IC 36-8-16.6-11, AS AMENDED BY P.L.107-2014,  
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2015]: Sec. 11. (a) The board shall impose an enhanced  
 13 prepaid wireless charge on each retail transaction. ~~that occurs after~~  
 14 ~~June 30, 2010.~~ The amount of the ~~initial charge imposed under this~~  
 15 ~~section may not exceed one-half (1/2) of the monthly wireless~~  
 16 ~~emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 (before~~  
 17 ~~its repeal on July 1, 2012).~~ The board shall increase the amount of the  
 18 charge imposed under this section so that the amount of the charge  
 19 imposed after ~~June 30, 2012,~~ under this section equals fifty cents  
 20 ~~(\$0.50).~~ **equals one dollar (\$1).**

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

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

29 (d) This subsection applies to a provider that is designated by the  
 30 Indiana utility regulatory commission as an eligible  
 31 telecommunications carrier for purposes of receiving reimbursement  
 32 from the universal service fund through the administrator designated  
 33 by the Federal Communications Commission. A provider:

34 (1) is not considered an agency of the federal government for  
 35 purposes of the exemption set forth in subsection (c); and

36 (2) is liable for the enhanced prepaid wireless charge imposed  
 37 under this section with respect to prepaid wireless  
 38 telecommunications service provided by the provider in its  
 39 capacity as an eligible telecommunications carrier.

40 SECTION 5. IC 36-8-16.6-17, AS ADDED BY P.L.113-2010,  
 41 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) The department, in



1 conjunction and coordination with the board, shall establish  
2 procedures:

- 3 (1) governing the collection and remittance of enhanced prepaid  
4 wireless charges in accordance with the procedures established  
5 under IC 6-8.1 concerning listed taxes; and  
6 (2) allowing a seller to document that a sale of prepaid wireless  
7 telecommunications service is not a retail transaction.

8 (b) A procedure established under subsection (a)(1):

- 9 (1) must take into consideration the differences between large and  
10 small sellers, including smaller sales volumes; and  
11 (2) may establish lower thresholds for the remittance of enhanced  
12 prepaid wireless charges by small sellers.

13 For purposes of this subsection, a small seller is a seller that sells less  
14 than one hundred dollars (\$100) of prepaid wireless  
15 telecommunications service each month.

16 **(c) On an annual basis, the board may audit providers to**  
17 **determine compliance with procedures established under**  
18 **subsection (a). Not later than March 1 of the year immediately**  
19 **following an audit, the board shall submit, in an electronic format**  
20 **under IC 5-14-6, a copy of the audit to the general assembly and**  
21 **the budget committee.**

22 SECTION 6. IC 36-8-16.7-24, AS ADDED BY P.L.132-2012,  
23 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2015]: Sec. 24. (a) The statewide 911 board is established to  
25 develop, implement, and oversee the statewide 911 system. The board  
26 is a body corporate and politic, and though it is separate from the state,  
27 the exercise by the board of its powers constitutes an essential  
28 governmental function.

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

31 (1) The executive committees of:

- 32 (A) the Indiana chapter of the National Emergency Number  
33 Association (NENA); and  
34 (B) the Indiana chapter of the Association of Public Safety  
35 Communication Officials International (APCO);

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

38 (2) The facilities based CMRS providers authorized to provide  
39 CMRS in Indiana shall jointly recommend one (1) individual.

40 (3) The Indiana Association of County Commissioners shall  
41 recommend one (1) individual who is a county commissioner in  
42 Indiana.



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



1 lines in Indiana and who is appointed by the governor after  
 2 considering the recommendation of the Indiana  
 3 Telecommunications Association under subsection (b)(5)(A). A  
 4 member appointed under this subdivision may not be affiliated  
 5 with the same business entity as a member appointed under  
 6 subdivision (3), (7), or (8).

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

15 (8) One (1) member who represents a VOIP provider and who is  
 16 appointed by the governor after considering the recommendation  
 17 of the Indiana Cable Telecommunications Association under  
 18 subsection (b)(6). A member appointed under this subdivision  
 19 may not be affiliated with the same business entity as a member  
 20 appointed under subdivision (3), (6), or (7).

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

25 (10) The state fire marshal or the state fire marshal's designee.

26 (11) The superintendent of the state police department or the  
 27 superintendent's designee.

28 **(12) The executive director of the department of homeland**  
 29 **security, or the director's designee.**

30 **(13) The state GIS officer.**

31 (d) This subsection applies to a member appointed by the governor  
 32 under subsection (c)(2) through (c)(9). The governor shall ensure that  
 33 the terms of the initial members appointed by the governor are  
 34 staggered so that the terms of not more than five (5) members expire in  
 35 a single calendar year. After the initial appointments, subsequent  
 36 appointments shall be for three (3) year terms. A vacancy on the board  
 37 shall be filled for the vacating member's unexpired term in the same  
 38 manner as the original appointment, and a member of the board is  
 39 eligible for reappointment. In making an appointment under subsection  
 40 (c)(2) through (c)(9), the governor shall take into account the various  
 41 geographical areas of Indiana, including rural and urban areas. A  
 42 member appointed by the governor serves at the pleasure of the



1 governor.

2 (e) A member must be a resident of Indiana.

3 (f) A member may not vote by proxy.

4 SECTION 7. IC 36-8-16.7-30, AS ADDED BY P.L.132-2012,  
5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2015]: Sec. 30. (a) The state board of accounts shall audit the  
7 fund on an annual basis to determine whether the fund is being  
8 managed in accordance with this chapter. For each of the two (2) state  
9 fiscal years ending:

10 ~~(A)~~ (1) June 30, 2013; and

11 ~~(B)~~ (2) June 30, 2014;

12 the state board of accounts shall submit, not later than November 1 of  
13 each year during which the particular state fiscal year ends, a report of  
14 the audit required by this subsection to the budget committee for the  
15 budget committee's review. A report submitted under this subsection  
16 must be in an electronic format under IC 5-14-6.

17 (b) On an annual basis, and in conjunction with the board's review  
18 under section 38(d) of this chapter of the state board of accounts'  
19 annual audit of PSAPs, the board shall review 911 service in Indiana,  
20 including the collection, disbursement, and use of the statewide 911 fee  
21 assessed under section 32 of this chapter. The purpose of the review is  
22 to ensure that the statewide 911 fee:

23 (1) does not exceed the amount reasonably necessary to provide  
24 adequate and efficient 911 service; and

25 (2) is used only for the purposes set forth in this chapter.

26 (c) For each of the two (2) calendar years ending:

27 ~~(A)~~ (1) December 31, 2013; and

28 ~~(B)~~ (2) December 31, 2014;

29 the board shall submit, not later than March 1 of the year immediately  
30 following the particular calendar year, a summary report of the board's  
31 findings under the review required by subsection (b) to the budget  
32 committee for the budget committee's review. A report submitted under  
33 this subsection must be in an electronic format under IC 5-14-6.

34 SECTION 8. IC 36-8-16.7-32, AS AMENDED BY P.L.107-2014,  
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2015]: Sec. 32. (a) Except as provided in subsections (c) and  
37 (e), and subject to subsection (b) and section 48(e) of this chapter, the  
38 board shall assess a monthly statewide 911 fee on each standard user  
39 that is a customer having a place of primary use in Indiana at a rate  
40 that:

41 (1) ensures full recovery of the amount needed for the board to  
42 make distributions to county treasurers consistent with this



- 1 chapter; and
- 2 (2) provides for the proper development, operation, and
- 3 maintenance of a statewide 911 system.
- 4 The amount of the ~~initial~~ fee assessed under this subsection is ~~ninety~~
- 5 ~~cents (\$0.90); one dollar (\$1). The fee under this subsection shall be~~
- 6 **assessed only on the primary access line (not a secondary or**
- 7 **extension line) of a residential standard user. As used in this**
- 8 **subsection, "access line" means a communications line that is used**
- 9 **by a subscriber residential user to place and receive telephone calls**
- 10 **with the public switched telephone network. As used in this**
- 11 **subsection, "secondary or extension line" means a communications**
- 12 **line that provides services in connection with a subscriber's**
- 13 **primary access line.**
- 14 (b) The board may adjust the statewide 911 fee to ensure adequate
- 15 revenue for the board to fulfill the board's duties and obligations under
- 16 this chapter, subject to the following:
- 17 (1) The fee may not be raised or lowered more than one (1) time
- 18 in a calendar year.
- 19 (2) The fee:
- 20 (A) may not be raised by an amount that is less than or equal
- 21 to ten cents (\$0.10) without review by the budget committee;
- 22 and
- 23 (B) may not be raised or lowered by an amount that is more
- 24 than ten cents (\$0.10) without legislative approval.
- 25 (c) The fee assessed under this section does not apply to a prepaid
- 26 user in a retail transaction under IC 36-8-16.6.
- 27 (d) An additional fee relating to the provision of 911 service may
- 28 not be levied by a state agency or local unit of government. An
- 29 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not
- 30 considered an additional fee relating to the provision of wireless 911
- 31 service for purposes of this section.
- 32 (e) A user is exempt from the fee if the user is any of the following:
- 33 (1) The federal government or an agency of the federal
- 34 government.
- 35 (2) The state or an agency or instrumentality of the state.
- 36 (3) A political subdivision (as defined in IC 36-1-2-13) or an
- 37 agency of a political subdivision.
- 38 (4) A user that accesses communications service solely through
- 39 a wireless data only service plan.
- 40 (f) This subsection applies to a provider that is designated by the
- 41 Indiana utility regulatory commission as an eligible
- 42 telecommunications carrier for purposes of receiving reimbursement





1 from the universal service fund through the administrator designated  
2 by the Federal Communications Commission. A provider:

3 (1) is not considered an agency of the federal government for  
4 purposes of the exemption set forth in subsection (e); and

5 (2) is liable for the monthly statewide 911 fee assessed under  
6 subsection (a) with respect to communications service provided  
7 by the provider in its capacity as an eligible telecommunications  
8 carrier.

9 SECTION 9. IC 36-8-16.7-37, AS ADDED BY P.L.132-2012,  
10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 37. (a) Subject to subsection (b), the board shall  
12 administer the fund in the following manner:

13 (1) In each state fiscal year, the board may retain the lesser of:

14 (A) ten percent (10%) of the statewide 911 fees deposited in  
15 the fund in the previous state fiscal year; or

16 (B) the amount of fees deposited in the fund in the previous  
17 state fiscal year that would provide for the operating expenses  
18 of the statewide 911 system during the state fiscal year for  
19 which the fees are retained;

20 to pay the board's expenses in administering this chapter and to  
21 develop, operate, and maintain a statewide 911 system. The board  
22 may decrease the amount of fees retained by the board under this  
23 subdivision.

24 (2) After retaining the amount set forth in subdivision (1), the  
25 board shall distribute to the counties ~~in a manner determined by~~  
26 ~~the board~~, the remainder of the statewide 911 fees in the fund.  
27 ~~However~~, With respect to any state fiscal year beginning after  
28 June 30, ~~2012~~, **2015**, the board shall first ensure a distribution to  
29 each county in an amount that is equal to the ~~average annual total~~  
30 **amount of statewide 911 fees** distributed to all PSAPs in the  
31 ~~county under IC 36-8-16 (before its repeal on July 1, 2012) and to~~  
32 ~~the county under IC 36-8-16.5 (before its repeal on July 1, 2012)~~  
33 ~~during the three (3) state fiscal years ending:~~

34 (A) June 30, 2009;

35 (B) June 30, 2010; and

36 (C) June 30, 2011;

37 increased by a percentage that does not exceed the percent of  
38 increase in the United States Department of Labor Consumer  
39 Price Index during the twelve (12) months preceding the state  
40 fiscal year for which the distribution is made: **to the county**  
41 **during the fiscal year ending June 30, 2014.**

42 (3) If any statewide 911 fees remain in the fund after the



1 distributions ensured under subdivision (2), the board shall  
2 distribute the fees as follows:

3 (A) Ninety percent (90%) of the fees shall be distributed to the  
4 counties based upon each county's percentage of the state's  
5 population.

6 (B) Ten percent (10%) of the fees shall be distributed equally  
7 among the counties.

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

11 SECTION 10. IC 36-8-16.7-38, AS ADDED BY P.L.132-2012,  
12 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 38. (a) A PSAP may use a distribution from a  
14 county under this chapter only for the following:

15 (1) The lease, purchase, or maintenance of communications  
16 service equipment.

17 (2) Necessary system hardware and software and data base  
18 equipment.

19 (3) Personnel expenses, including wages, benefits, training, and  
20 continuing education, only to the extent reasonable and necessary  
21 for the provision and maintenance of:

22 (A) the statewide 911 system; or

23 (B) a wireline enhanced emergency telephone system funded  
24 under IC 36-8-16 (before its repeal on July 1, 2012).

25 (4) Operational costs, including costs associated with:

26 (A) utilities;

27 (B) maintenance;

28 (C) equipment designed to provide backup power or system  
29 redundancy, including generators; and

30 (D) call logging equipment.

31 (5) An emergency notification system that is approved by the  
32 board under section 40 of this chapter.

33 (6) Connectivity to the Indiana data and communications system  
34 (IDACS).

35 (7) Rates associated with communications service providers'  
36 enhanced emergency communications system network services.

37 (8) Mobile radio equipment used by first responders, other than  
38 radio equipment purchased under subdivision (9) as a result of the  
39 narrow banding requirements specified by the Federal  
40 Communications Commission.

41 (9) Up to fifty percent (50%) of the costs associated with the  
42 narrow banding or replacement of radios or other equipment as a



- 1 result of the narrow banding requirements specified by the  
 2 Federal Communications Commission.
- 3 (b) A PSAP may not use a distribution from a county under this  
 4 chapter for the following:
- 5 (1) The construction, purchase, renovation, or furnishing of PSAP  
 6 buildings.
- 7 (2) Vehicles.
- 8 (c) Not later than January 31 of each year, each PSAP shall submit  
 9 to the board a report of the following:
- 10 (1) All expenditures made during the immediately preceding  
 11 calendar year from distributions under this chapter.
- 12 (2) Call data and statistics for the immediately preceding calendar  
 13 year, as specified by the board and collected in accordance with  
 14 any reporting method established or required by the board.
- 15 **(3) All costs associated with dispatching appropriate public**  
 16 **safety agencies to respond to 911 calls received by the PSAP.**
- 17 **(4) All funding sources and amounts of funding used for costs**  
 18 **described in subdivision (3).**
- 19 (d) Beginning in 2013, the state board of accounts annually shall  
 20 audit the expenditures of distributions under this chapter made during  
 21 the immediately preceding calendar year by each PSAP that receives  
 22 distributions under this chapter. In conducting an audit under this  
 23 subsection, the state board of accounts shall determine, in conjunction  
 24 with the board, whether the expenditures made by each PSAP are in  
 25 compliance with subsections (a) and (b). The board shall review and  
 26 further audit any ineligible expenditure identified by the state board of  
 27 accounts under this subsection or through any other report. If the board  
 28 verifies that the expenditure did not comply with this section, the board  
 29 shall ensure that the fund is reimbursed in the dollar amount of the  
 30 noncomplying expenditure from any source of funding, other than a  
 31 fund described in subsection (f), that is available to the PSAP or to a  
 32 unit in which the PSAP is located.
- 33 (e) For each of the two (2) calendar years ending:
- 34 ~~(A)~~ (1) December 31, 2013; and  
 35 ~~(B)~~ (2) December 31, 2014;
- 36 the state board of accounts shall submit, not later than March 1 of the  
 37 year immediately following the particular calendar year, a summary  
 38 report of the audits required by subsection (d) for the particular  
 39 calendar year to the budget committee for the budget committee's  
 40 review. A report submitted under this subsection must be in an  
 41 electronic format under IC 5-14-6.
- 42 (f) A distribution under section 37(a)(2) of this chapter must be



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

8 **(g) Not later than November 1 of each year, the board shall**  
 9 **provide in an electronic format under IC 5-14-6 to the general**  
 10 **assembly the information submitted under subsection (c)(3) and**  
 11 **(c)(4).**

12 SECTION 11. IC 36-8-16.7-38.5 IS ADDED TO THE INDIANA  
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14 [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. (a) This section applies**  
 15 **to a political subdivision that operates a PSAP.**

16 **(b) Notwithstanding any other law, the fiscal body of a political**  
 17 **subdivision may adopt an ordinance to authorize payment in**  
 18 **advance of all or part of the cost of:**

19 **(1) the lease, purchase, or maintenance of communications**  
 20 **service equipment; and**

21 **(2) rates associated with a communications service providers'**  
 22 **enhanced emergency communications system network**  
 23 **services;**

24 **from any legally available fund of the political subdivision,**  
 25 **including the political subdivision's rainy day fund.**

26 **(c) If a political subdivision makes a payment in advance under**  
 27 **this section, the political subdivision shall reimburse the fund from**  
 28 **which the advance payment was made.**

29 SECTION 12. IC 36-8-16.7-48, AS ADDED BY P.L.132-2012,  
 30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 48. (a) The budget committee shall review the  
 32 statewide 911 system governed by this chapter:

33 **(1) for the two (2) calendar years ending (†) December 31, 2013,**  
 34 **and (‡) December 31, 2014; and**

35 **(2) for the two (2) calendar years ending December 31, 2018,**  
 36 **and December 31, 2019.**

37 **(b) In conducting the review required by this section, the budget**  
 38 **committee may examine the following:**

39 **(1) Whether the fund is being administered by the board in**  
 40 **accordance with this chapter. In performing a review under this**  
 41 **subdivision, the budget committee may consider the audit reports**  
 42 **submitted to the budget committee by the state board of accounts**



1 under section 30(a) of this chapter.

2 (2) The collection, disbursement, and use of the statewide 911 fee  
3 assessed under section 32 of this chapter. In performing a review  
4 under this subdivision, the budget committee may:

5 (A) examine whether the statewide 911 fee:

6 (i) is being assessed in an amount that is reasonably  
7 necessary to provide adequate and efficient 911 service; and

8 (ii) is being used only for the purposes set forth in this  
9 chapter; and

10 (B) consider:

11 (i) the reports submitted to the budget committee by the  
12 board under section 30(c) of this chapter; and

13 (ii) the audit reports submitted to the budget committee by  
14 the state board of accounts under section 38(e) of this  
15 chapter.

16 (3) The report submitted to the budget committee by the Indiana  
17 advisory commission on intergovernmental relations under  
18 IC 4-23-24.2-5(b).

19 (4) Any other data, reports, or information the budget committee  
20 determines is necessary to review the statewide 911 system  
21 governed by this chapter.

22 (c) Subject to section 42 of this chapter, the board, the state board  
23 of accounts, political subdivisions, providers, and PSAPs shall provide  
24 to the budget committee all relevant data, reports, and information  
25 requested by the budget committee to assist the budget committee in  
26 carrying out its duties under this section.

27 **(d) After conducting the review required by subsection (a), the**  
28 **budget committee shall, not later than June 1, 2015, report its**  
29 **findings to the legislative council in an electronic format under**  
30 **IC 5-14-6.**

31 ~~(d)~~ (e) After conducting the review required by ~~this section;~~  
32 **subsection (a)(2),** the budget committee shall, not later than June 1,  
33 ~~2015;~~ **2020,** report its findings to the legislative council **in an**  
34 **electronic format under IC 5-14-6.** The budget committee's findings  
35 under this subsection:

36 (1) must include a recommendation as to whether the statewide  
37 911 fee assessed under section 32 of this chapter should continue  
38 to be assessed and collected under this chapter after June 30,  
39 ~~2015;~~ **2020;** and

40 (2) if the budget committee recommends under subdivision (1)  
41 that the statewide 911 fee assessed under section 32 of this  
42 chapter should continue to be assessed and collected under this



1 chapter after June 30, ~~2015~~, **2020**, may include recommendations  
2 for the introduction in the general assembly of any legislation that  
3 the budget committee determines is necessary to ensure that the  
4 statewide 911 system governed by this chapter is managed in a  
5 fair and fiscally prudent manner.  
6 A report to the legislative council under this subsection must be in an  
7 electronic format under IC 5-14-6.  
8 ~~(e)~~ **(f)** If the budget committee does not recommend in its report  
9 under subsection ~~(d)~~ **(e)** that the statewide 911 fee assessed under  
10 section 32 of this chapter should continue to be assessed and collected  
11 under this chapter after June 30, ~~2015~~, **2020**, the statewide 911 fee  
12 assessed under section 32 of this chapter expires July 1, ~~2015~~, **2020**,  
13 and may not be assessed or collected after June 30, ~~2015~~. **2020**.  
14 **SECTION 13. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1475, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "by the" and insert "**by an**".

Page 1, line 13, after "amount" insert "**not greater than the amount**".

Page 2, line 4, delete "by the" and insert "**by an**".

Page 2, line 4, after "amount" insert "**not greater than the amount**".

Page 2, between lines 7 and 8, begin a new line blocked left and insert:

**"If such a petition is made to the department of local government finance in accordance with subdivisions (1) and (2), the department of local government finance shall adjust the levies for the petitioning units."**

Page 5, between lines 13 and 14, begin a new paragraph and insert:

**"(m) The county council may adopt a resolution to provide that up to one hundred percent (100%) of the tax revenue to be distributed under this section shall be dedicated to a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22) and contained in the county. Any amount of tax revenue dedicated to a PSAP under this subsection shall be distributed before the remainder of the tax revenue is distributed under subsection (f)."**

Page 8, between lines 31 and 32, begin a new paragraph and insert:

**"(n) A county income tax council may adopt a resolution to provide that up to one hundred percent (100%) of the tax revenue to be distributed under this section shall be dedicated to a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22) and contained in the county. Any amount of tax revenue dedicated to a PSAP under this subsection shall be distributed before the remainder of the tax revenue is distributed under subsection (f)."**

Page 10, between lines 1 and 2, begin a new paragraph and insert:

**"SECTION 6. IC 36-8-16.7-24, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) The statewide 911 board is established to develop, implement, and oversee the statewide 911 system. The board is a body corporate and politic, and though it is separate from the state,**



the exercise by the board of its powers constitutes an essential governmental function.

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

(1) The executive committees of:

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

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

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

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

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

(4) The Indiana Sheriffs' Association shall recommend one (1) individual who is a county sheriff in Indiana.

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

(A) One (1) individual representing a local exchange 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)~~ **fifteen (15)** 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) facilities based CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the facilities based 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) member who represents a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana and who is 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).

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

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

(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) The state fire marshal or the state fire marshal's designee.

(11) The superintendent of the state police department or the



superintendent's designee.

**(12) The executive director of the department of homeland security, or the director's designee.**

**(13) The state GIS officer.**

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

(e) A member must be a resident of Indiana.

(f) A member may not vote by proxy."

Page 11, line 3, after "\$1." insert "**The fee under this subsection shall be assessed only on the primary access line (not a secondary or extension line) of a residential standard user. As used in this subsection, "access line" means a communications line that is used by a subscriber residential user to place and receive telephone calls with the public switched telephone network. As used in this subsection, "secondary or extension line" means a communications line that provides services in connection with a subscriber's primary access line.**"

Page 11, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 8. IC 36-8-16.7-37, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:

- (1) In each state fiscal year, the board may retain the lesser of:
  - (A) ten percent (10%) of the statewide 911 fees deposited in the fund in the previous state fiscal year; or
  - (B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained;
 to pay the board's expenses in administering this chapter and to



develop, operate, and maintain a statewide 911 system. The board may decrease the amount of fees retained by the board under this subdivision.

(2) After retaining the amount set forth in subdivision (1), the board shall distribute to the counties ~~in a manner determined by the board~~; the remainder of the statewide 911 fees in the fund. ~~However,~~ With respect to any state fiscal year beginning after June 30, ~~2012~~, **2015**, the board shall first ensure a distribution to each county in an amount that is equal to the ~~average annual total amount of statewide 911 fees distributed to all PSAPs in the county under IC 36-8-16 (before its repeal on July 1, 2012) and to the county under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:~~

- (A) June 30, 2009;
- (B) June 30, 2010; and
- (C) 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: **to the county during the fiscal year ending June 30, 2014.**

(3) If any statewide 911 fees remain in the fund after the distributions ensured under subdivision (2), the board shall distribute the fees as follows:

- (A) Ninety percent (90%) of the fees shall be distributed to the counties based upon each county's percentage of the state's population.
- (B) Ten percent (10%) of the fees shall be distributed equally among the counties.

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

Delete page 12.

Page 13, delete lines 1 through 3.

Page 15, after line 4, begin a new paragraph and insert:

"SECTION 10. IC 36-8-16.7-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. (a) This section applies to a political subdivision that operates a PSAP.**

**(b) Notwithstanding any other law, the fiscal body of a political subdivision may adopt an ordinance to authorize payment in advance of all or part of the cost of:**



- (1) the lease, purchase, or maintenance of communications service equipment; and**
- (2) rates associated with a communications service providers' enhanced emergency communications system network services;**

**from any legally available fund of the political subdivision, including the political subdivision's rainy day fund.**

**(c) If a political subdivision makes a payment in advance under this section, the political subdivision shall reimburse the fund from which the advance payment was made.**

SECTION 11. IC 36-8-16.7-48, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 48. (a) The budget committee shall review the statewide 911 system governed by this chapter:

- (1) for the two (2) calendar years ending (~~+~~) December 31, 2013, and (~~2~~) December 31, 2014; and**
- (2) for the two (2) calendar years ending December 31, 2018, and December 31, 2019.**

(b) In conducting the review required by this section, the budget committee may examine the following:

- (1) Whether the fund is being administered by the board in accordance with this chapter. In performing a review under this subdivision, the budget committee may consider the audit reports submitted to the budget committee by the state board of accounts under section 30(a) of this chapter.
- (2) The collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. In performing a review under this subdivision, the budget committee may:
  - (A) examine whether the statewide 911 fee:
    - (i) is being assessed in an amount that is reasonably necessary to provide adequate and efficient 911 service; and
    - (ii) is being used only for the purposes set forth in this chapter; and
  - (B) consider:
    - (i) the reports submitted to the budget committee by the board under section 30(c) of this chapter; and
    - (ii) the audit reports submitted to the budget committee by the state board of accounts under section 38(e) of this chapter.
- (3) The report submitted to the budget committee by the Indiana advisory commission on intergovernmental relations under IC 4-23-24.2-5(b).



(4) Any other data, reports, or information the budget committee determines is necessary to review the statewide 911 system governed by this chapter.

(c) Subject to section 42 of this chapter, the board, the state board of accounts, political subdivisions, providers, and PSAPs shall provide to the budget committee all relevant data, reports, and information requested by the budget committee to assist the budget committee in carrying out its duties under this section.

**(d) After conducting the review required by subsection (a), the budget committee shall, not later than June 1, 2015, report its findings to the legislative council in an electronic format under IC 5-14-6.**

~~(d)~~ **(e)** After conducting the review required by ~~this section;~~ **subsection (a)(2)**, the budget committee shall, not later than June 1, ~~2015;~~ **2020**, report its findings to the legislative council **in an electronic format under IC 5-14-6**. The budget committee's findings under this subsection:

(1) must include a recommendation as to whether the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, ~~2015;~~ **2020**; and

(2) if the budget committee recommends under subdivision (1) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, ~~2015;~~ **2020**, may include recommendations for the introduction in the general assembly of any legislation that the budget committee determines is necessary to ensure that the statewide 911 system governed by this chapter is managed in a fair and fiscally prudent manner.

A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

~~(e)~~ **(f)** If the budget committee does not recommend in its report under subsection ~~(d)~~ **(e)** that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, ~~2015;~~ **2020**, the statewide 911 fee



assessed under section 32 of this chapter expires July 1, ~~2015~~; **2020**,  
and may not be assessed or collected after June 30, ~~2015~~; **2020**.

**SECTION 12. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1475 as introduced.)

BROWN T

Committee Vote: yeas 14, nays 7.

