



Reprinted
February 25, 2015

HOUSE BILL No. 1475

DIGEST OF HB 1475 (Updated February 24, 2015 2:50 pm - DI 103)

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 an authorizing body 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
(Continued next page)

Effective: January 1, 2015 (retroactive); July 1, 2015.

**Karickhoff, Austin, Frye R,
Thompson, GiaQuinta, Porter**

January 14, 2015, read first time and referred to Committee on Ways and Means.
February 19, 2015, amended, reported — Do Pass.
February 24, 2015, read second time, amended, ordered engrossed.

HB 1475—LS 6973/DI 103



Digest Continued

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 \$0.75 for two years and then 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 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



Reprinted
February 25, 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

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

11 SECTION 4. IC 36-8-16.6-11, AS AMENDED BY P.L.107-2014,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 11. (a) The board shall impose an enhanced
 14 prepaid wireless charge on each retail transaction. ~~that occurs after~~
 15 ~~June 30, 2010.~~ The amount of the ~~initial charge imposed under this~~
 16 ~~section may not exceed one-half (1/2) of the monthly wireless~~
 17 ~~emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 (before~~
 18 ~~its repeal on July 1, 2012).~~ The board shall increase the amount of the
 19 charge imposed under this section so that the amount of the charge
 20 imposed after June 30, 2012, under this section equals fifty cents
 21 ~~(\$0.50).~~ is as follows:

22 **(1) For the period beginning July 1, 2015, and ending June 30,**
 23 **2017, seventy-five cents (\$0.75).**

24 **(2) After June 30, 2017, one dollar (\$1).**

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

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

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

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

40 (2) is liable for the enhanced prepaid wireless charge imposed
 41 under this section with respect to prepaid wireless
 42 telecommunications service provided by the provider in its



1 capacity as an eligible telecommunications carrier.
 2 SECTION 5. IC 36-8-16.6-17, AS ADDED BY P.L.113-2010,
 3 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) The department, in
 5 conjunction and coordination with the board, shall establish
 6 procedures:

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

- 12 (b) A procedure established under subsection (a)(1):
 13 (1) must take into consideration the differences between large and
 14 small sellers, including smaller sales volumes; and
 15 (2) may establish lower thresholds for the remittance of enhanced
 16 prepaid wireless charges by small sellers.

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

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

26 SECTION 6. IC 36-8-16.7-10, AS ADDED BY P.L.132-2012,
 27 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 10. (a) As used in this chapter, "exchange access
 29 facility" means the access from a particular service user's premises to
 30 a telephone system.

- 31 (b) The term includes:
 32 (1) an access line;
 33 (2) a private branch exchange (PBX) trunk; and
 34 (3) a centrex line trunk equivalent;

35 that is provided by the service supplier. The term also includes a
 36 mobile telephone system access trunk, whether the trunk is provided by
 37 a telephone company or a radio common carrier. In the case of a
 38 service user receiving interconnected VoIP service, the term refers to
 39 the Internet protocol compatible customer premises equipment that
 40 enables the service user to access the interconnected VoIP service.

- 41 (c) The term does not include:
 42 (1) a service supplier owned and operated telephone pay station



- 1 line;
- 2 (2) a wide area telecommunications service (WATS) line;
- 3 (3) a foreign exchange (FX) line; ~~or~~
- 4 (4) an incoming only line; **or**
- 5 **(5) the provision of broadband Internet access service.**
- 6 **(b) For purposes of determining a standard user who is a**
- 7 **nonmobile communications service user under section 21(2) of this**
- 8 **chapter, "exchange access facility" means:**
- 9 **(1) for a retail voice user line, the maximum number of active**
- 10 **telephone numbers, functional equivalents, or successors**
- 11 **capable of simultaneously contacting the PSAP, regardless of**
- 12 **technology; or**
- 13 **(2) for a multiline telephone system, the maximum number of**
- 14 **voice grade equivalent channels capable of simultaneously**
- 15 **contacting the PSAP, regardless of technology.**
- 16 SECTION 7. IC 36-8-16.7-24, AS ADDED BY P.L.132-2012,
- 17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2015]: Sec. 24. (a) The statewide 911 board is established to
- 19 develop, implement, and oversee the statewide 911 system. The board
- 20 is a body corporate and politic, and though it is separate from the state,
- 21 the exercise by the board of its powers constitutes an essential
- 22 governmental function.
- 23 (b) The following recommendations must be made to the governor
- 24 concerning the membership of the board:
- 25 (1) The executive committees of:
- 26 (A) the Indiana chapter of the National Emergency Number
- 27 Association (NENA); and
- 28 (B) the Indiana chapter of the Association of Public Safety
- 29 Communication Officials International (APCO);
- 30 shall jointly recommend three (3) individuals, at least one (1) of
- 31 whom must have budget experience at the local level.
- 32 (2) The facilities based CMRS providers authorized to provide
- 33 CMRS in Indiana shall jointly recommend one (1) individual.
- 34 (3) The Indiana Association of County Commissioners shall
- 35 recommend one (1) individual who is a county commissioner in
- 36 Indiana.
- 37 (4) The Indiana Sheriffs' Association shall recommend one (1)
- 38 individual who is a county sheriff in Indiana.
- 39 (5) The Indiana Telecommunications Association shall
- 40 recommend two (2) individuals as follows:
- 41 (A) One (1) individual representing a local exchange carrier
- 42 that serves less than fifty thousand (50,000) local exchange



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



- 1 (7) One (1) member who represents a local exchange carrier that
 2 serves at least fifty thousand (50,000) local exchange access lines
 3 in Indiana and who is appointed by the governor after considering
 4 the recommendation of the Indiana Telecommunications
 5 Association under subsection (b)(5)(B). A member appointed
 6 under this subdivision may not be affiliated with the same
 7 business entity as a member appointed under subdivision (3), (6),
 8 or (8).
- 9 (8) One (1) member who represents a VOIP provider and who is
 10 appointed by the governor after considering the recommendation
 11 of the Indiana Cable Telecommunications Association under
 12 subsection (b)(6). A member appointed under this subdivision
 13 may not be affiliated with the same business entity as a member
 14 appointed under subdivision (3), (6), or (7).
- 15 (9) One (1) member who represents municipalities and is
 16 appointed by the governor after considering the recommendation
 17 of the Indiana Association of Cities and Towns submitted under
 18 subsection (b)(7).
- 19 (10) The state fire marshal or the state fire marshal's designee.
- 20 (11) The superintendent of the state police department or the
 21 superintendent's designee.
- 22 **(12) The executive director of the department of homeland**
 23 **security, or the director's designee.**
- 24 **(13) The state GIS officer.**
- 25 (d) This subsection applies to a member appointed by the governor
 26 under subsection (c)(2) through (c)(9). The governor shall ensure that
 27 the terms of the initial members appointed by the governor are
 28 staggered so that the terms of not more than five (5) members expire in
 29 a single calendar year. After the initial appointments, subsequent
 30 appointments shall be for three (3) year terms. A vacancy on the board
 31 shall be filled for the vacating member's unexpired term in the same
 32 manner as the original appointment, and a member of the board is
 33 eligible for reappointment. In making an appointment under subsection
 34 (c)(2) through (c)(9), the governor shall take into account the various
 35 geographical areas of Indiana, including rural and urban areas. A
 36 member appointed by the governor serves at the pleasure of the
 37 governor.
- 38 (e) A member must be a resident of Indiana.
- 39 (f) A member may not vote by proxy.
- 40 SECTION 8. IC 36-8-16.7-30, AS ADDED BY P.L.132-2012,
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2015]: Sec. 30. (a) The state board of accounts shall audit the



1 fund on an annual basis to determine whether the fund is being
 2 managed in accordance with this chapter. For each of the two (2) state
 3 fiscal years ending:

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

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

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

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

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

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

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

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

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

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

28 SECTION 9. IC 36-8-16.7-32, AS AMENDED BY P.L.107-2014,
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 32. (a) Except as provided in subsections (c) and
 31 (e), and subject to subsection (b) and section 48(e) of this chapter, the
 32 board shall assess a monthly statewide 911 fee on each standard user
 33 that is a customer having a place of primary use in Indiana at a rate
 34 that:

35 (1) ensures full recovery of the amount needed for the board to
 36 make distributions to county treasurers consistent with this
 37 chapter; and

38 (2) provides for the proper development, operation, and
 39 maintenance of a statewide 911 system.

40 The amount of the ~~initial~~ fee assessed under this subsection is ~~ninety~~
 41 ~~cents (\$0.90): one dollar (\$1).~~

42 (b) The board may adjust the statewide 911 fee to ensure adequate



1 revenue for the board to fulfill the board's duties and obligations under
2 this chapter, subject to the following:

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

5 (2) The fee:

6 (A) may not be raised by an amount that is less than or equal
7 to ten cents (\$0.10) without review by the budget committee;
8 and

9 (B) may not be raised or lowered by an amount that is more
10 than ten cents (\$0.10) without legislative approval.

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

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

18 (e) A user is exempt from the fee if the user is any of the following:

19 (1) The federal government or an agency of the federal
20 government.

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

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

24 (4) A user that accesses communications service solely through
25 a wireless data only service plan.

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

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

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

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

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

42 (A) ten percent (10%) of the statewide 911 fees deposited in



- 1 the fund in the previous state fiscal year; or
 2 (B) the amount of fees deposited in the fund in the previous
 3 state fiscal year that would provide for the operating expenses
 4 of the statewide 911 system during the state fiscal year for
 5 which the fees are retained;
 6 to pay the board's expenses in administering this chapter and to
 7 develop, operate, and maintain a statewide 911 system. The board
 8 may decrease the amount of fees retained by the board under this
 9 subdivision.
- 10 (2) After retaining the amount set forth in subdivision (1), the
 11 board shall distribute to the counties ~~in a manner determined by~~
 12 ~~the board~~, the remainder of the statewide 911 fees in the fund.
 13 ~~However~~, With respect to any state fiscal year beginning after
 14 June 30, ~~2012~~, **2015**, the board shall first ensure a distribution to
 15 each county in an amount that is equal to the ~~average annual total~~
 16 **amount of statewide 911 fees** distributed ~~to all PSAPs in the~~
 17 ~~county under IC 36-8-16 (before its repeal on July 1, 2012) and to~~
 18 ~~the county under IC 36-8-16.5 (before its repeal on July 1, 2012)~~
 19 **during the three (3) state fiscal years ending:**
 20 (A) June 30, 2009;
 21 (B) June 30, 2010; and
 22 (C) June 30, 2011;
 23 increased by a percentage that does not exceed the percent of
 24 increase in the United States Department of Labor Consumer
 25 Price Index during the twelve (12) months preceding the state
 26 fiscal year for which the distribution is made: **to the county**
 27 **during the fiscal year ending June 30, 2014.**
- 28 (3) If any statewide 911 fees remain in the fund after the
 29 distributions ensured under subdivision (2), the board shall
 30 distribute the fees as follows:
 31 (A) Ninety percent (90%) of the fees shall be distributed to the
 32 counties based upon each county's percentage of the state's
 33 population.
 34 (B) Ten percent (10%) of the fees shall be distributed equally
 35 among the counties.
- 36 (b) The board may not distribute money in the fund in a manner that
 37 impairs the ability of the board to fulfill its management and
 38 administrative obligations under this chapter.
- 39 SECTION 11. IC 36-8-16.7-38, AS ADDED BY P.L.132-2012,
 40 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2015]: Sec. 38. (a) A PSAP may use a distribution from a
 42 county under this chapter only for the following:



- 1 (1) The lease, purchase, or maintenance of communications
 2 service equipment.
- 3 (2) Necessary system hardware and software and data base
 4 equipment.
- 5 (3) Personnel expenses, including wages, benefits, training, and
 6 continuing education, only to the extent reasonable and necessary
 7 for the provision and maintenance of:
- 8 (A) the statewide 911 system; or
 9 (B) a wireline enhanced emergency telephone system funded
 10 under IC 36-8-16 (before its repeal on July 1, 2012).
- 11 (4) Operational costs, including costs associated with:
- 12 (A) utilities;
 13 (B) maintenance;
 14 (C) equipment designed to provide backup power or system
 15 redundancy, including generators; and
 16 (D) call logging equipment.
- 17 (5) An emergency notification system that is approved by the
 18 board under section 40 of this chapter.
- 19 (6) Connectivity to the Indiana data and communications system
 20 (IDACS).
- 21 (7) Rates associated with communications service providers'
 22 enhanced emergency communications system network services.
- 23 (8) Mobile radio equipment used by first responders, other than
 24 radio equipment purchased under subdivision (9) as a result of the
 25 narrow banding requirements specified by the Federal
 26 Communications Commission.
- 27 (9) Up to fifty percent (50%) of the costs associated with the
 28 narrow banding or replacement of radios or other equipment as a
 29 result of the narrow banding requirements specified by the
 30 Federal Communications Commission.
- 31 (b) A PSAP may not use a distribution from a county under this
 32 chapter for the following:
- 33 (1) The construction, purchase, renovation, or furnishing of PSAP
 34 buildings.
 35 (2) Vehicles.
- 36 (c) Not later than January 31 of each year, each PSAP shall submit
 37 to the board a report of the following:
- 38 (1) All expenditures made during the immediately preceding
 39 calendar year from distributions under this chapter.
 40 (2) Call data and statistics for the immediately preceding calendar
 41 year, as specified by the board and collected in accordance with
 42 any reporting method established or required by the board.



1 **(3) All costs associated with dispatching appropriate public**
 2 **safety agencies to respond to 911 calls received by the PSAP.**

3 **(4) All funding sources and amounts of funding used for costs**
 4 **described in subdivision (3).**

5 (d) Beginning in 2013, the state board of accounts annually shall
 6 audit the expenditures of distributions under this chapter made during
 7 the immediately preceding calendar year by each PSAP that receives
 8 distributions under this chapter. In conducting an audit under this
 9 subsection, the state board of accounts shall determine, in conjunction
 10 with the board, whether the expenditures made by each PSAP are in
 11 compliance with subsections (a) and (b). The board shall review and
 12 further audit any ineligible expenditure identified by the state board of
 13 accounts under this subsection or through any other report. If the board
 14 verifies that the expenditure did not comply with this section, the board
 15 shall ensure that the fund is reimbursed in the dollar amount of the
 16 noncomplying expenditure from any source of funding, other than a
 17 fund described in subsection (f), that is available to the PSAP or to a
 18 unit in which the PSAP is located.

19 (e) For each of the two (2) calendar years ending:

20 ~~(A)~~ **(1)** December 31, 2013; and

21 ~~(B)~~ **(2)** December 31, 2014;

22 the state board of accounts shall submit, not later than March 1 of the
 23 year immediately following the particular calendar year, a summary
 24 report of the audits required by subsection (d) for the particular
 25 calendar year to the budget committee for the budget committee's
 26 review. A report submitted under this subsection must be in an
 27 electronic format under IC 5-14-6.

28 (f) A distribution under section 37(a)(2) of this chapter must be
 29 deposited by the treasurer of the county in a separate fund set aside for
 30 the purposes allowed by subsections (a) and (b). The fund must be
 31 known as the _____ (insert name of county) 911 fund. The county
 32 treasurer may invest money in the fund in the same manner that other
 33 money of the county may be invested, but income earned from the
 34 investment must be deposited in the fund set aside under this
 35 subsection.

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

40 SECTION 12. IC 36-8-16.7-38.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 38.5. (a)**



- 1 **This section applies to a political subdivision that operates a PSAP.**
 2 **(b) Notwithstanding any other law, the fiscal body of a political**
 3 **subdivision may adopt an ordinance to authorize payment in**
 4 **advance of all or part of the cost of:**
 5 **(1) the lease, purchase, or maintenance of communications**
 6 **service equipment; and**
 7 **(2) rates associated with a communications service providers'**
 8 **enhanced emergency communications system network**
 9 **services;**
 10 **from any legally available fund of the political subdivision,**
 11 **including the political subdivision's rainy day fund.**
 12 **(c) If a political subdivision makes a payment in advance under**
 13 **this section, the political subdivision shall reimburse the fund from**
 14 **which the advance payment was made.**
 15 SECTION 13. IC 36-8-16.7-48, AS ADDED BY P.L.132-2012,
 16 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2015]: Sec. 48. (a) The budget committee shall review the
 18 statewide 911 system governed by this chapter:
 19 **(1) for the two (2) calendar years ending (†) December 31, 2013,**
 20 **and (‡) December 31, 2014; and**
 21 **(2) for the two (2) calendar years ending December 31, 2018,**
 22 **and December 31, 2019.**
 23 (b) In conducting the review required by this section, the budget
 24 committee may examine the following:
 25 (1) Whether the fund is being administered by the board in
 26 accordance with this chapter. In performing a review under this
 27 subdivision, the budget committee may consider the audit reports
 28 submitted to the budget committee by the state board of accounts
 29 under section 30(a) of this chapter.
 30 (2) The collection, disbursement, and use of the statewide 911 fee
 31 assessed under section 32 of this chapter. In performing a review
 32 under this subdivision, the budget committee may:
 33 (A) examine whether the statewide 911 fee:
 34 (i) is being assessed in an amount that is reasonably
 35 necessary to provide adequate and efficient 911 service; and
 36 (ii) is being used only for the purposes set forth in this
 37 chapter; and
 38 (B) consider:
 39 (i) the reports submitted to the budget committee by the
 40 board under section 30(c) of this chapter; and
 41 (ii) the audit reports submitted to the budget committee by
 42 the state board of accounts under section 38(e) of this



1 chapter.

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

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

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

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

17 ~~(d)~~ (e) After conducting the review required by ~~this section;~~
18 **subsection (a)(2)**, the budget committee shall, not later than June 1,
19 ~~2015;~~ **2020**, report its findings to the legislative council **in an**
20 **electronic format under IC 5-14-6.** The budget committee's findings
21 under this subsection:

22 (1) must include a recommendation as to whether the statewide
23 911 fee assessed under section 32 of this chapter should continue
24 to be assessed and collected under this chapter after June 30,
25 ~~2015;~~ **2020;** and

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

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

36 ~~(e)~~ (f) If the budget committee does not recommend in its report
37 under subsection ~~(d)~~ (e) that the statewide 911 fee assessed under
38 section 32 of this chapter should continue to be assessed and collected
39 under this chapter after June 30, ~~2015;~~ **2020**, the statewide 911 fee
40 assessed under section 32 of this chapter expires July 1, ~~2015;~~ **2020**,
41 and may not be assessed or collected after June 30, ~~2015;~~ **2020**.

42 SECTION 14. **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.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1475 be amended to read as follows:

Page 9, line 2, after "council" insert "**or, in Lake County, the county council**".

Page 10, between lines 21 and 22, begin a new paragraph and insert: "SECTION 2. IC 36-8-16.7-10, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) As used in this chapter, "exchange access facility" means the access from a particular service user's premises to a telephone system.

(b) The term includes:

- (1) an access line;
- (2) a private branch exchange (PBX) trunk; and
- (3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier. In the case of a service user receiving interconnected VoIP service, the term refers to the Internet protocol compatible customer premises equipment that enables the service user to access the interconnected VoIP service.

(c) The term does not include:

- (1) a service supplier owned and operated telephone pay station line;
- (2) a wide area telecommunications service (WATS) line;
- (3) a foreign exchange (FX) line; **or**
- (4) an incoming only line; **or**
- (5) the provision of broadband Internet access service.

HB 1475—LS 6973/DI 103



(b) For purposes of determining a standard user who is a nonmobile communications service user under section 21(2) of this chapter, "exchange access facility" means:

(1) for a retail voice user line, the maximum number of active telephone numbers, functional equivalents, or successors capable of simultaneously contacting the PSAP, regardless of technology; or

(2) for a multiline telephone system, the maximum number of voice grade equivalent channels capable of simultaneously contacting the PSAP, regardless of technology."

Page 14, line 5, delete "The fee under this subsection shall be".

Page 14, delete lines 6 through 13.

Page 18, line 14, delete "UPON PASSAGE]" and insert "JANUARY 1, 2015 (RETROACTIVE)]".

Re-number all SECTIONS consecutively.

(Reference is to HB 1475 as printed February 20, 2015.)

KARICKHOFF

HOUSE MOTION

Mr. Speaker: I move that House Bill 1475 be amended to read as follows:

Page 9, line 20, delete "equals one dollar (\$1)." and insert "**is as follows:**

(1) For the period beginning July 1, 2015, and ending June 30, 2017, seventy-five cents (\$0.75).

(2) After June 30, 2017, one dollar (\$1)."

(Reference is to HB 1475 as printed February 20, 2015.)

AUSTIN

