

# HOUSE BILL No. 1475

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-18.5-23; 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. 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 public safety answering point 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 annual basis to determine compliance with statewide 911 laws. Beginning with the 2015 state fiscal year, requires the board to distribute statewide 911 fees to counties: (1) on a population basis; and (2) in amounts equal to distributions during the 2014 fiscal year. Requires public safety answering points to provide an annual report to the board concerning dispatch costs and funding. Requires the board to forward the report to the general assembly. Makes technical corrections.

**Effective:** July 1, 2015.

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## Karickhoff

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January 14, 2015, read first time and referred to Committee on Ways and Means.

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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 the amount**  
14 **levied in the preceding calendar year by the petitioning**  
15 **political subdivision to pay expenses incurred to operate the**



1           **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 the amount that the**  
 5           **petitioning political subdivision levied in the preceding**  
 6           **calendar year to pay expenses incurred to operate the public**  
 7           **safety answering point.**

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

12           (1) A police and law enforcement system to preserve public peace  
 13           and order.

14           (2) A firefighting and fire prevention system.

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

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

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

19           (6) A probation department of a court.

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

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

29           (B) convicted of a crime; or

30           (C) adjudicated as a delinquent child or a child in need of  
 31           services.

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

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

34           (10) A county jail.

35           (11) A communications system (as defined in IC 36-8-15-3), an  
 36           enhanced emergency telephone system (as defined in  
 37           IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide  
 38           911 system (as defined in IC 36-8-16.7-22).

39           (12) Medical and health expenses for jail inmates and other  
 40           confined persons.

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

42           (A) A member of the fire department (as defined in



- 1 IC 36-8-1-8) or any other employee of a fire department.
- 2 (B) A member of the police department (as defined in
- 3 IC 36-8-1-9), a police chief hired under a waiver under
- 4 IC 36-8-4-6.5, or any other employee hired by a police
- 5 department.
- 6 (C) A county sheriff or any other member of the office of the
- 7 county sheriff.
- 8 (D) Other personnel employed to provide a service described
- 9 in this section.
- 10 (b) If a county council has imposed a tax rate of at least twenty-five
- 11 hundredths of one percent (0.25%) under section 24 of this chapter, a
- 12 tax rate of at least twenty-five hundredths of one percent (0.25%) under
- 13 section 26 of this chapter, or a total combined tax rate of at least
- 14 twenty-five hundredths of one percent (0.25%) under sections 24 and
- 15 26 of this chapter, the A county council may also adopt an ordinance
- 16 to impose an additional tax rate under this section to provide funding
- 17 for public safety.
- 18 (c) A tax rate under this section may not exceed twenty-five
- 19 hundredths of one percent (0.25%).
- 20 (d) If a county council adopts an ordinance to impose a tax rate
- 21 under this section, not more than ten (10) days after the vote, the
- 22 county auditor shall send a certified copy of the ordinance to the
- 23 commissioner of the department, the director of the budget agency, and
- 24 the commissioner of the department of local government finance in an
- 25 electronic format approved by the director of the budget agency.
- 26 (e) A tax rate under this section is in addition to any other tax rates
- 27 imposed under this chapter and does not affect the purposes for which
- 28 other tax revenue under this chapter may be used.
- 29 (f) Except as provided in subsection (k) or (l), the county auditor
- 30 shall distribute the portion of the certified distribution that is
- 31 attributable to a tax rate under this section to the county and to each
- 32 municipality in the county that is carrying out or providing at least one
- 33 (1) of the public safety purposes described in subsection (a). The
- 34 amount that shall be distributed to the county or municipality is equal
- 35 to the result of:
- 36 (1) the portion of the certified distribution that is attributable to a
- 37 tax rate under this section; multiplied by
- 38 (2) a fraction equal to:
- 39 (A) the attributed allocation amount (as defined in
- 40 IC 6-3.5-1.1-15) of the county or municipality for the calendar
- 41 year; divided by
- 42 (B) the sum of the attributed allocation amounts of the county



1 and each municipality in the county that is entitled to a  
2 distribution under this section for the calendar year.

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

10 (g) The department of local government finance may not require a  
11 county or municipality receiving tax revenue under this section to  
12 reduce the county's or municipality's property tax levy for a particular  
13 year on account of the county's or municipality's receipt of the tax  
14 revenue.

15 (h) The tax rate under this section and the tax revenue attributable  
16 to the tax rate under this section shall not be considered for purposes  
17 of computing:

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

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

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

24 (i) The tax rate under this section may be imposed or rescinded at  
25 the same time and in the same manner that the county may impose or  
26 increase a tax rate under section 24 of this chapter.

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

30 (k) Two (2) or more political subdivisions that are entitled to receive  
31 a distribution under this section may adopt resolutions providing that  
32 some part or all of those distributions shall instead be paid to one (1)  
33 political subdivision in the county to carry out specific public safety  
34 purposes specified in the resolutions.

35 (l) A fire department, volunteer fire department, or emergency  
36 medical services provider that:

37 (1) provides fire protection or emergency medical services within  
38 the county; and

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

42 may before July 1 of a year apply to the county council for a



1 distribution of tax revenue under this section during the following  
 2 calendar year. The county council shall review an application  
 3 submitted under this subsection and may before September 1 of a year  
 4 adopt a resolution requiring that one (1) or more of the applicants shall  
 5 receive a specified amount of the tax revenue to be distributed under  
 6 this section during the following calendar year. A resolution approved  
 7 under this subsection providing for a distribution to one (1) or more fire  
 8 departments, volunteer fire departments, or emergency medical  
 9 services providers applies only to distributions in the following  
 10 calendar year. Any amount of tax revenue distributed under this  
 11 subsection to a fire department, volunteer fire department, or  
 12 emergency medical services provider shall be distributed before the  
 13 remainder of the tax revenue is distributed under subsection (f).

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

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



1 IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide  
2 911 system (as defined in IC 36-8-16.7-22).

3 (12) Medical and health expenses for jail inmates and other  
4 confined persons.

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

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

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

12 (C) A county sheriff or any other member of the office of the  
13 county sheriff.

14 (D) Other personnel employed to provide a service described  
15 in this section.

16 (b) The county income tax council may adopt an ordinance to  
17 impose an additional tax rate under this section to provide funding for  
18 public safety. ~~if:~~

19 ~~(1) the county income tax council has imposed a tax rate under~~  
20 ~~section 30 of this chapter; in the case of a county containing a~~  
21 ~~consolidated city; or~~

22 ~~(2) the county income tax council has imposed a tax rate of at~~  
23 ~~least twenty-five hundredths of one percent (0.25%) under section~~  
24 ~~30 of this chapter; a tax rate of at least twenty-five hundredths of~~  
25 ~~one percent (0.25%) under section 32 of this chapter; or a total~~  
26 ~~combined tax rate of at least twenty-five hundredths of one~~  
27 ~~percent (0.25%) under sections 30 and 32 of this chapter; in the~~  
28 ~~case of a county other than a county containing a consolidated~~  
29 ~~city.~~

30 (c) A tax rate under this section may not exceed the following:

31 (1) Five-tenths of one percent (0.5%), in the case of a county  
32 containing a consolidated city.

33 (2) Twenty-five hundredths of one percent (0.25%), in the case of  
34 a county other than a county containing a consolidated city.

35 (d) If a county income tax council adopts an ordinance to impose a  
36 tax rate under this section, not more than ten (10) days after the vote,  
37 the county auditor shall send a certified copy of the ordinance to the  
38 commissioner of the department, the director of the budget agency, and  
39 the commissioner of the department of local government finance in an  
40 electronic format approved by the director of the budget agency.

41 (e) A tax rate under this section is in addition to any other tax rates  
42 imposed under this chapter and does not affect the purposes for which



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





1 of state revenue may take any actions necessary to carry out the  
2 purposes of this section.

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

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

11 (m) A fire department, volunteer fire department, or emergency  
12 medical services provider that:

13 (1) provides fire protection or emergency medical services within  
14 the county; and

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

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

32 SECTION 4. IC 36-8-16.6-11, AS AMENDED BY P.L.107-2014,  
33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2015]: Sec. 11. (a) The board shall impose an enhanced  
35 prepaid wireless charge on each retail transaction. ~~that occurs after~~  
36 ~~June 30, 2010.~~ The amount of the ~~initial charge imposed under this~~  
37 ~~section may not exceed one-half (1/2) of the monthly wireless~~  
38 ~~emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 (before~~  
39 ~~its repeal on July 1, 2012).~~ ~~The board shall increase the amount of the~~  
40 ~~charge imposed under this section so that the amount of the charge~~  
41 ~~imposed after June 30, 2012, under this section equals fifty cents~~  
42 ~~(\$0.50): equals one dollar (\$1).~~



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

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

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

- 14 (1) is not considered an agency of the federal government for  
 15 purposes of the exemption set forth in subsection (c); and  
 16 (2) is liable for the enhanced prepaid wireless charge imposed  
 17 under this section with respect to prepaid wireless  
 18 telecommunications service provided by the provider in its  
 19 capacity as an eligible telecommunications carrier.

20 SECTION 5. IC 36-8-16.6-17, AS ADDED BY P.L.113-2010,  
 21 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) The department, in  
 23 conjunction and coordination with the board, shall establish  
 24 procedures:

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

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

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

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

38 **(c) On an annual basis, the board may audit providers to**  
 39 **determine compliance with procedures established under**  
 40 **subsection (a). Not later than March 1 of the year immediately**  
 41 **following an audit, the board shall submit, in an electronic format**  
 42 **under IC 5-14-6, a copy of the audit to the general assembly and**



1 **the budget committee.**

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

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

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

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

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

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

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

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

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

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

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

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

39 (1) ensures full recovery of the amount needed for the board to  
40 make distributions to county treasurers consistent with this  
41 chapter; and

42 (2) provides for the proper development, operation, and



1 maintenance of a statewide 911 system.

2 The amount of the ~~initial~~ fee assessed under this subsection is ~~ninety~~  
3 ~~cents (\$0.90)~~; **one dollar (\$1)**.

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

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

9 (2) The fee:

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

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

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

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

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

23 (1) The federal government or an agency of the federal  
24 government.

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

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

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

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

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

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

41 SECTION 8. IC 36-8-16.7-37, AS ADDED BY P.L.132-2012,  
42 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 37. (a) Subject to subsection (b), the board shall  
2 administer the fund in the following manner:

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

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

6 (B) the amount of fees deposited in the fund in the previous  
7 state fiscal year that would provide for the operating expenses  
8 of the statewide 911 system during the state fiscal year for  
9 which the fees are retained;

10 to pay the board's expenses in administering this chapter and to  
11 develop, operate, and maintain a statewide 911 system. The board  
12 may decrease the amount of fees retained by the board under this  
13 subdivision.

14 (2) After retaining the amount set forth in subdivision (1), the  
15 board shall distribute to the counties, in a ~~the~~ manner determined  
16 ~~by the board, under subsection (c),~~ the remainder of the  
17 statewide 911 fees in the fund. However, with respect to any state  
18 fiscal year beginning after June 30, ~~2012, 2014,~~ the board shall  
19 first ensure a distribution to each county in an amount that is  
20 equal to the average ~~annual~~ amount distributed to all PSAPs in the  
21 county ~~under IC 36-8-16 (before its repeal on July 1, 2012) and to~~  
22 ~~the county under IC 36-8-16.5 (before its repeal on July 1, 2012)~~  
23 ~~during the three (3) state fiscal years ending:~~

24 (A) June 30, 2009;

25 (B) June 30, 2010; and

26 (C) June 30, 2011;

27 increased by a percentage that does not exceed the percent of  
28 increase in the United States Department of Labor Consumer  
29 Price Index during the twelve (12) months preceding the state  
30 fiscal year for which the distribution is made: **during the state**  
31 **fiscal year ending June 30, 2014.**

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

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

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

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



1           **(c) The board shall distribute statewide 911 fees under**  
 2 **subsection (a)(2) to the counties based upon each county's**  
 3 **percentage of the state's population.**

4           SECTION 9. IC 36-8-16.7-38, AS ADDED BY P.L.132-2012,  
 5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 38. (a) A PSAP may use a distribution from a  
 7 county under this chapter only for the following:

8           (1) The lease, purchase, or maintenance of communications  
 9 service equipment.

10           (2) Necessary system hardware and software and data base  
 11 equipment.

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

15           (A) the statewide 911 system; or

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

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

19           (A) utilities;

20           (B) maintenance;

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

23           (D) call logging equipment.

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

26           (6) Connectivity to the Indiana data and communications system  
 27 (IDACS).

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

30           (8) Mobile radio equipment used by first responders, other than  
 31 radio equipment purchased under subdivision (9) as a result of the  
 32 narrow banding requirements specified by the Federal  
 33 Communications Commission.

34           (9) Up to fifty percent (50%) of the costs associated with the  
 35 narrow banding or replacement of radios or other equipment as a  
 36 result of the narrow banding requirements specified by the  
 37 Federal Communications Commission.

38           (b) A PSAP may not use a distribution from a county under this  
 39 chapter for the following:

40           (1) The construction, purchase, renovation, or furnishing of PSAP  
 41 buildings.

42           (2) Vehicles.



1 (c) Not later than January 31 of each year, each PSAP shall submit  
2 to the board a report of the following:

3 (1) All expenditures made during the immediately preceding  
4 calendar year from distributions under this chapter.

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

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

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

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

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

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

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

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

35 (f) A distribution under section 37(a)(2) of this chapter must be  
36 deposited by the treasurer of the county in a separate fund set aside for  
37 the purposes allowed by subsections (a) and (b). The fund must be  
38 known as the \_\_\_\_\_ (insert name of county) 911 fund. The county  
39 treasurer may invest money in the fund in the same manner that other  
40 money of the county may be invested, but income earned from the  
41 investment must be deposited in the fund set aside under this  
42 subsection.



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

