



February 6, 2015

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## SENATE BILL No. 382

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DIGEST OF SB 382 (Updated February 3, 2015 12:01 pm - DI 73)

**Citations Affected:** IC 36-8.

**Synopsis:** Statewide 911 system. Repeals a provision that: (1) required the budget committee to conduct a review of the statewide 911 system for years 2013 and 2014; and (2) provided for the July 1, 2015, expiration of the statewide 911 fee if the budget committee did not recommend continuation of the fee.

**Effective:** June 30, 2015.

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**Hershman, Broden, Randolph**

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January 12, 2015, read first time and referred to Committee on Tax & Fiscal Policy.  
February 5, 2015, amended, reported favorably — Do Pass.

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SB 382—LS 6440/DI 103





February 6, 2015

First Regular Session 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.

## SENATE BILL No. 382

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A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 36-8-16.7-32, AS AMENDED BY P.L.107-2014,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JUNE 30, 2015]: Sec. 32. (a) Except as provided in subsections (c) and  
4 (e), and subject to subsection (b), ~~and section 48(c) of this chapter~~, the  
5 board shall assess a monthly statewide 911 fee on each standard user  
6 that is a customer having a place of primary use in Indiana at a rate  
7 that:  
8 (1) ensures full recovery of the amount needed for the board to  
9 make distributions to county treasurers consistent with this  
10 chapter; and  
11 (2) provides for the proper development, operation, and  
12 maintenance of a statewide 911 system.  
13 The amount of the initial fee assessed under this subsection is ninety  
14 cents (\$0.90).  
15 (b) The board may adjust the statewide 911 fee to ensure adequate  
16 revenue for the board to fulfill the board's duties and obligations under

SB 382—LS 6440/DI 103



- 1 this chapter, subject to the following:
- 2 (1) The fee may not be raised or lowered more than one (1) time
- 3 in a calendar year.
- 4 (2) The fee:
- 5 (A) may not be raised by an amount that is less than or equal
- 6 to ten cents (\$0.10) without review by the budget committee;
- 7 and
- 8 (B) may not be raised or lowered by an amount that is more
- 9 than ten cents (\$0.10) without legislative approval.
- 10 (c) The fee assessed under this section does not apply to a prepaid
- 11 user in a retail transaction under IC 36-8-16.6.
- 12 (d) An additional fee relating to the provision of 911 service may
- 13 not be levied by a state agency or local unit of government. An
- 14 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not
- 15 considered an additional fee relating to the provision of wireless 911
- 16 service for purposes of this section.
- 17 (e) A user is exempt from the fee if the user is any of the following:
- 18 (1) The federal government or an agency of the federal
- 19 government.
- 20 (2) The state or an agency or instrumentality of the state.
- 21 (3) A political subdivision (as defined in IC 36-1-2-13) or an
- 22 agency of a political subdivision.
- 23 (4) A user that accesses communications service solely through
- 24 a wireless data only service plan.
- 25 (f) This subsection applies to a provider that is designated by the
- 26 Indiana utility regulatory commission as an eligible
- 27 telecommunications carrier for purposes of receiving reimbursement
- 28 from the universal service fund through the administrator designated
- 29 by the Federal Communications Commission. A provider:
- 30 (1) is not considered an agency of the federal government for
- 31 purposes of the exemption set forth in subsection (e); and
- 32 (2) is liable for the monthly statewide 911 fee assessed under
- 33 subsection (a) with respect to communications service provided
- 34 by the provider in its capacity as an eligible telecommunications
- 35 carrier.
- 36 SECTION 2. IC 36-8-16.7-42, AS ADDED BY P.L.132-2012,
- 37 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JUNE 30, 2015]: Sec. 42. (a) All proprietary information submitted to
- 39 the board or the treasurer of state, ~~or to the budget committee under~~
- 40 ~~section 48 of this chapter~~, is confidential. Notwithstanding any other
- 41 law, proprietary information submitted under this chapter is not subject
- 42 to subpoena, and proprietary information submitted under this chapter



1 may not be released to a person other than to the submitting provider  
2 without the permission of the submitting provider.

3 (b) General information collected by the board or the treasurer of  
4 state may be released or published only in aggregate amounts that do  
5 not identify or allow identification of numbers of users or revenues  
6 attributable to an individual provider.

7 SECTION 3. IC 36-8-16.7-48 IS REPEALED [EFFECTIVE JUNE  
8 30, 2015]. Sec. 48: (a) The budget committee shall review the statewide  
9 911 system governed by this chapter for the two (2) calendar years  
10 ending:

11 (1) December 31, 2013; and

12 (2) December 31, 2014.

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

15 (1) Whether the fund is being administered by the board in  
16 accordance with this chapter. In performing a review under this  
17 subdivision, the budget committee may consider the audit reports  
18 submitted to the budget committee by the state board of accounts  
19 under section 30(a) of this chapter.

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

23 (A) examine whether the statewide 911 fee:

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

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

28 (B) consider:

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

31 (ii) the audit reports submitted to the budget committee by  
32 the state board of accounts under section 38(c) of this  
33 chapter.

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

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

40 (c) Subject to section 42 of this chapter, the board, the state board  
41 of accounts, political subdivisions, providers, and PSAPs shall provide  
42 to the budget committee all relevant data, reports, and information



1 requested by the budget committee to assist the budget committee in  
2 carrying out its duties under this section:

3 (d) After conducting the review required by this section, the budget  
4 committee shall, not later than June 1, 2015, report its findings to the  
5 legislative council. The budget committee's findings under this  
6 subsection:

7 (1) must include a recommendation as to whether the statewide  
8 911 fee assessed under section 32 of this chapter should continue  
9 to be assessed and collected under this chapter after June 30,  
10 2015; and

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

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

21 (e) If the budget committee does not recommend in its report under  
22 subsection (d) that the statewide 911 fee assessed under section 32 of  
23 this chapter should continue to be assessed and collected under this  
24 chapter after June 30, 2015, the statewide 911 fee assessed under  
25 section 32 of this chapter expires July 1, 2015, and may not be assessed  
26 or collected after June 30, 2015.



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 382, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JUNE 30, 2015]".

and when so amended that said bill do pass.

(Reference is to SB 382 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

