



Reprinted
February 10, 2015

SENATE BILL No. 382

DIGEST OF SB 382 (Updated February 9, 2015 2:21 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. Provides that the prohibition on connecting to a 911 network with an automatic alarm, automatic dialer, or other automated alerting device does not apply to a school corporation, charter school, or nonpublic school that receives permission from the statewide 911 board to use the automatic alarm, dialer, or other alerting device.

Effective: June 30, 2015; July 1, 2015.

Hershman, Broden, Randolph, Buck

January 12, 2015, read first time and referred to Committee on Tax & Fiscal Policy.
February 5, 2015, amended, reported favorably — Do Pass.
February 9, 2015, read second time, amended, ordered engrossed.

SB 382—LS 6440/DI 103



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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

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

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- 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 36-8-16.7-45, AS ADDED BY P.L.132-2012,
8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 45. (a) This section does not apply to **any of the**
10 **following:**

11 (1) A person that connects to a 911 network using automatic crash
12 notification technology subject to an established protocol.

13 (2) **A school corporation, charter school, or nonpublic school**
14 **(as defined in IC 20-18-2-12) if the school corporation, charter**
15 **school, or nonpublic school receives permission from the**
16 **board to use an automatic alarm, automatic dialer, or other**
17 **automated alerting device.**

18 (b) A person may not connect to a 911 network an automatic alarm,
19 automatic dialer, or other automated alerting device that:

20 (1) causes the number 911 to be automatically dialed; or

21 (2) provides through a prerecorded message information
22 regarding obtaining 911 emergency service.

23 (c) A person who knowingly or intentionally violates this section
24 commits a Class A misdemeanor.

25 SECTION 4. IC 36-8-16.7-48 IS REPEALED [EFFECTIVE JUNE
26 30, 2015]. Sec. 48: (a) ~~The budget committee shall review the statewide~~
27 ~~911 system governed by this chapter for the two (2) calendar years~~
28 ~~ending:~~

29 (1) ~~December 31, 2013; and~~

30 (2) ~~December 31, 2014.~~

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

33 (1) ~~Whether the fund is being administered by the board in~~
34 ~~accordance with this chapter. In performing a review under this~~
35 ~~subdivision, the budget committee may consider the audit reports~~
36 ~~submitted to the budget committee by the state board of accounts~~
37 ~~under section 30(a) of this chapter.~~

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

41 (A) ~~examine whether the statewide 911 fee:~~

42 (i) ~~is being assessed in an amount that is reasonably~~



- 1 necessary to provide adequate and efficient 911 service; and
 2 (ii) is being used only for the purposes set forth in this
 3 chapter; and
 4 (B) consider:
 5 (i) the reports submitted to the budget committee by the
 6 board under section 30(e) of this chapter; and
 7 (ii) the audit reports submitted to the budget committee by
 8 the state board of accounts under section 38(e) of this
 9 chapter.
 10 (3) The report submitted to the budget committee by the Indiana
 11 advisory commission on intergovernmental relations under
 12 IC 4-23-24.2-5(b).
 13 (4) Any other data, reports, or information the budget committee
 14 determines is necessary to review the statewide 911 system
 15 governed by this chapter.
 16 (e) Subject to section 42 of this chapter, the board, the state board
 17 of accounts, political subdivisions, providers, and PSAPs shall provide
 18 to the budget committee all relevant data, reports, and information
 19 requested by the budget committee to assist the budget committee in
 20 carrying out its duties under this section.
 21 (d) After conducting the review required by this section, the budget
 22 committee shall, not later than June 1, 2015, report its findings to the
 23 legislative council. The budget committee's findings under this
 24 subsection:
 25 (1) must include a recommendation as to whether the statewide
 26 911 fee assessed under section 32 of this chapter should continue
 27 to be assessed and collected under this chapter after June 30,
 28 2015; and
 29 (2) if the budget committee recommends under subdivision (1)
 30 that the statewide 911 fee assessed under section 32 of this
 31 chapter should continue to be assessed and collected under this
 32 chapter after June 30, 2015, may include recommendations for the
 33 introduction in the general assembly of any legislation that the
 34 budget committee determines is necessary to ensure that the
 35 statewide 911 system governed by this chapter is managed in a
 36 fair and fiscally prudent manner.
 37 A report to the legislative council under this subsection must be in an
 38 electronic format under IC 5-14-6.
 39 (e) If the budget committee does not recommend in its report under
 40 subsection (d) that the statewide 911 fee assessed under section 32 of
 41 this chapter should continue to be assessed and collected under this
 42 chapter after June 30, 2015, the statewide 911 fee assessed under



1 section 32 of this chapter expires July 1, 2015, and may not be assessed
2 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.

 SENATE MOTION

Madam President: I move that Senate Bill 382 be amended to read as follows:

Page 2, line 39, after "state" delete ",".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 36-8-16.7-45, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 45. (a) This section does not apply to **any of the following**:

(1) A person that connects to a 911 network using automatic crash notification technology subject to an established protocol.

(2) **A school corporation, charter school, or nonpublic school (as defined in IC 20-18-2-12) if the school corporation, charter school, or nonpublic school receives permission from the board to use an automatic alarm, automatic dialer, or other automated alerting device.**

(b) A person may not connect to a 911 network an automatic alarm, automatic dialer, or other automated alerting device that:

(1) causes the number 911 to be automatically dialed; or

(2) provides through a prerecorded message information regarding obtaining 911 emergency service.



(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to SB 382 as printed February 6, 2015.)

MILLER PETE

