

HOUSE BILL No. 1071

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-26-1-5; IC 6-3.5-1.1-25; IC 34-30-2-156.6; IC 35-52-36-24.5; IC 36-7-4-405; IC 36-8.

Synopsis: 911 funding. Authorizes the Hendricks County commissioners to adopt an ordinance establishing an emergency communications services system for a three year pilot program. Provides that the Hendricks County council may certify a special assessment on property in the county for deposit in the district's emergency communications services fund. Specifies the purposes for which money in the fund may be spent. Provides that Hendricks County voice communications subscribers are exempt from the fees imposed under the statewide 911 system while the pilot program is in effect. Specifies that funds that remain in a fund or account established for the deposit of distributions received under the statewide 911 system are transferred to the emergency communications services funds. Makes conforming amendments.

Effective: July 1, 2015.

Thompson

January 6, 2015, read first time and referred to Committee on Ways and Means.



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. 1071

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 5-26-1-5, AS AMENDED BY P.L.132-2012,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 5. As used in this article, "system" refers to the
4 Indiana statewide wireless public safety voice and data
5 communications system. The term does not include an enhanced
6 emergency telephone system under IC 36-8-16-2 (before its repeal on
7 July 1, 2012), **or** the statewide 911 system under IC 36-8-16.7, **or an**
8 **emergency communications services system operated by Hendricks**
9 **County under IC 36-8-24.**

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

14 (1) A police and law enforcement system to preserve public peace
15 and order.



- 1 (2) A firefighting and fire prevention system.
 2 (3) Emergency ambulance services (as defined in
 3 IC 16-18-2-107).
 4 (4) Emergency medical services (as defined in IC 16-18-2-110).
 5 (5) Emergency action (as defined in IC 13-11-2-65).
 6 (6) A probation department of a court.
 7 (7) Confinement, supervision, services under a community
 8 corrections program (as defined in IC 35-38-2.6-2), or other
 9 correctional services for a person who has been:
 10 (A) diverted before a final hearing or trial under an agreement
 11 that is between the county prosecuting attorney and the person
 12 or the person's custodian, guardian, or parent and that provides
 13 for confinement, supervision, community corrections services,
 14 or other correctional services instead of a final action
 15 described in clause (B) or (C);
 16 (B) convicted of a crime; or
 17 (C) adjudicated as a delinquent child or a child in need of
 18 services.
 19 (8) A juvenile detention facility under IC 31-31-8.
 20 (9) A juvenile detention center under IC 31-31-9.
 21 (10) A county jail.
 22 (11) A communications system (as defined in IC 36-8-15-3), an
 23 enhanced emergency telephone system (as defined in
 24 IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide
 25 911 system (as defined in IC 36-8-16.7-22), **or an emergency**
 26 **communications services system operated by Hendricks**
 27 **County under IC 36-8-24.**
 28 (12) Medical and health expenses for jail inmates and other
 29 confined persons.
 30 (13) Pension payments for any of the following:
 31 (A) A member of the fire department (as defined in
 32 IC 36-8-1-8) or any other employee of a fire department.
 33 (B) A member of the police department (as defined in
 34 IC 36-8-1-9), a police chief hired under a waiver under
 35 IC 36-8-4-6.5, or any other employee hired by a police
 36 department.
 37 (C) A county sheriff or any other member of the office of the
 38 county sheriff.
 39 (D) Other personnel employed to provide a service described
 40 in this section.
 41 (b) If a county council has imposed a tax rate of at least twenty-five
 42 hundredths of one percent (0.25%) under section 24 of this chapter, a



1 tax rate of at least twenty-five hundredths of one percent (0.25%) under
 2 section 26 of this chapter, or a total combined tax rate of at least
 3 twenty-five hundredths of one percent (0.25%) under sections 24 and
 4 26 of this chapter, the county council may also adopt an ordinance to
 5 impose an additional tax rate under this section to provide funding for
 6 public safety.

7 (c) A tax rate under this section may not exceed twenty-five
 8 hundredths of one percent (0.25%).

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

15 (e) A tax rate under this section is in addition to any other tax rates
 16 imposed under this chapter and does not affect the purposes for which
 17 other tax revenue under this chapter may be used.

18 (f) Except as provided in subsection (k) or (l), the county auditor
 19 shall distribute the portion of the certified distribution that is
 20 attributable to a tax rate under this section to the county and to each
 21 municipality in the county that is carrying out or providing at least one
 22 (1) of the public safety purposes described in subsection (a). The
 23 amount that shall be distributed to the county or municipality is equal
 24 to the result of:

25 (1) the portion of the certified distribution that is attributable to a
 26 tax rate under this section; multiplied by

27 (2) a fraction equal to:

28 (A) the attributed allocation amount (as defined in
 29 ~~IC 6-3.5-1.1-15~~ **section 15 of this chapter**) of the county or
 30 municipality for the calendar year; divided by

31 (B) the sum of the attributed allocation amounts of the county
 32 and each municipality in the county that is entitled to a
 33 distribution under this section for the calendar year.

34 The county auditor shall make the distributions required by this
 35 subsection not more than thirty (30) days after receiving the portion of
 36 the certified distribution that is attributable to a tax rate under this
 37 section. Tax revenue distributed to a county or municipality under this
 38 subsection must be deposited into a separate account or fund and may
 39 be appropriated by the county or municipality only for public safety
 40 purposes.

41 (g) The department of local government finance may not require a
 42 county or municipality receiving tax revenue under this section to



1 reduce the county's or municipality's property tax levy for a particular
 2 year on account of the county's or municipality's receipt of the tax
 3 revenue.

4 (h) The tax rate under this section and the tax revenue attributable
 5 to the tax rate under this section shall not be considered for purposes
 6 of computing:

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

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

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

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

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

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

24 (l) A fire department, volunteer fire department, or emergency
 25 medical services provider that:

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

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

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



1 emergency medical services provider shall be distributed before the
2 remainder of the tax revenue is distributed under subsection (f).

3 SECTION 3. IC 34-30-2-156.6 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: **Sec. 156.6. IC 36-8-24-22 (Concerning**
6 **a PSAP, a county, or a communications provider for death, injury,**
7 **or loss in connection with an emergency communications services**
8 **system under IC 36-8-24).**

9 SECTION 4. IC 35-52-36-24.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. IC 36-8-24-20 defines a**
12 **crime concerning public safety.**

13 SECTION 5. IC 36-7-4-405, AS AMENDED BY P.L.132-2012,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 405. (a) ADVISORY – AREA. Each plan
16 commission shall:

17 (1) make recommendations to the legislative body or bodies
18 concerning:

19 (A) the adoption of the comprehensive plan and amendments
20 to the comprehensive plan;

21 (B) the adoption or text amendment of:

22 (i) an initial zoning ordinance;

23 (ii) a replacement zoning ordinance; and

24 (iii) a subdivision control ordinance;

25 (C) the adoption or amendment of a PUD district ordinance (as
26 defined in section 1503 of this chapter); and

27 (D) zone map changes; and

28 (2) render decisions concerning and approve plats, replats, and
29 amendments to plats of subdivisions under the 700 series of this
30 chapter.

31 (b) Each plan commission:

32 (1) shall assign street numbers to lots and structures;

33 (2) shall renumber lots and structures; and

34 (3) if the plan commission does not have the power under an
35 ordinance adopted under subsection (c) to name or rename streets,
36 may recommend the naming and renaming of streets to the
37 executive.

38 (c) The executive shall name or rename streets. However, a unit may
39 provide by ordinance that the plan commission rather than the
40 executive shall name or rename streets. Streets shall be named or
41 renamed so that their names are easy to understand and to avoid
42 duplication or conflict with other names. The plan commission may, by



1 rule, prescribe a numbering system for lots and structures.

2 (d) This subsection applies to a plan commission having jurisdiction
3 in a county with a population of at least four hundred thousand
4 (400,000). The plan commission shall number structures on highways
5 within the plan commission's jurisdiction to conform with the numbers
6 of structures on streets within cities in the county.

7 (e) This subsection applies to unincorporated areas subject to the
8 jurisdiction of no plan commission under this article. The county
9 executive:

10 (1) must approve the assignment of street numbers to lots and
11 structures; and

12 (2) may number or renumber lots and structures and name or
13 rename streets.

14 (f) This subsection applies to areas located within a municipality
15 that are subject to the jurisdiction of no plan commission under this
16 article. The executive of the municipality:

17 (1) must approve the assignment of street numbers to lots and
18 structures; and

19 (2) may number or renumber lots and structures and name or
20 rename streets.

21 (g) An executive acting under subsection (e) or (f) shall name or
22 rename streets:

23 (1) so that their names are easy to understand; and

24 (2) to avoid duplication or conflict with other names.

25 (h) If streets are named or renamed or lots and structures are
26 numbered or renumbered under this section, the commission or
27 executive that makes the naming or numbering decision shall notify:

28 (1) the circuit court clerk or board of registration;

29 (2) the statewide 911 board established by IC 36-8-16.7-24 and:

30 **(A) the administrator of an enhanced emergency telephone**
31 **system established under IC 36-8-16 (before its repeal on July**
32 **1, 2012), if any; or**

33 **(B) the county commissioners of a county operating an**
34 **emergency communications services system under**
35 **IC 36-8-24;**

36 **as applicable;**

37 (3) the United States Postal Service; and

38 (4) any person or body that the commission or executive considers
39 appropriate to receive notice;

40 of its action no later than the last day of the month following the month
41 in which the action is taken.

42 (i) Each plan commission shall make decisions concerning



1 development plans and amendments to development plans under the
 2 1400 series of this chapter, unless the responsibility to render decisions
 3 concerning development plans has been delegated under section
 4 1402(c) of this chapter.

5 SECTION 6. IC 36-8-16.7-0.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. (a) Except as provided in**
 8 **section 27(a)(13) of this chapter, this chapter does not apply to:**

9 **(1) a county;**

10 **(2) a subscriber of voice communications service (as defined**
 11 **in IC 36-8-24-15) whose place of primary use is in the county;**

12 **or**

13 **(3) a person providing voice communications service (as**
 14 **defined in IC 36-8-24-15) to a customer whose place of**
 15 **primary use is in the county;**

16 **if the county adopts an ordinance to fund emergency**
 17 **communications services under IC 36-8-24 for the period**
 18 **beginning January 1, 2016, and ending December 31, 2018.**

19 **(b) This section expires January 1, 2019.**

20 SECTION 7. IC 36-8-16.7-27, AS ADDED BY P.L.132-2012,
 21 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 27. (a) The board may do the following to
 23 implement this chapter:

24 (1) Sue and be sued.

25 (2) Adopt and alter an official seal.

26 (3) Adopt and enforce bylaws and rules for:

27 (A) the conduct of board business; and

28 (B) the use of board services and facilities.

29 (4) Subject to subsection (c), acquire, hold, use, and otherwise
 30 dispose of the board's income, revenues, funds, and money.

31 (5) Subject to subsections (b) and (c), enter into contracts,
 32 including contracts:

33 (A) for professional services;

34 (B) for purchase of supplies or services; and

35 (C) to acquire office space.

36 (6) Subject to subsection (c), hire staff.

37 (7) Adopt rules under IC 4-22-2 to implement this chapter.

38 (8) Develop, maintain, and update a statewide 911 plan.

39 (9) Subject to subsection (c), administer the statewide 911 fund
 40 established by section 29 of this chapter.

41 (10) Administer and distribute the statewide 911 fee in
 42 accordance with section 37 of this chapter.



1 (11) Subject to subsection (c), administer statewide 911 grants in
2 accordance with state and federal guidelines.

3 (12) Obtain from each PSAP operating statistics and other
4 performance measurements, including call statistics by category
5 and emergency medical dispatching (EMD) certifications.

6 **(13) With respect to a county that adopts an ordinance to fund
7 emergency communications services under IC 36-8-24 for the
8 period:**

9 **(A) beginning January 1, 2016; and**

10 **(B) ending December 31, 2018;**

11 **determine and impose a charge on the county with respect to
12 each state fiscal year covering any part of the period set forth
13 in this subdivision, to cover the county's share of the board's
14 expenses in administering this chapter during those parts of
15 the applicable state fiscal years that coincide with the period
16 set forth in this subdivision. Any charge imposed under this
17 subdivision must be based on the county's share of the state's
18 population. This subdivision expires July 1, 2019.**

19 ~~(13)~~ **(14)** Take other necessary or convenient actions to
20 implement this chapter that are not inconsistent with Indiana law.

21 (b) A contract for the purchase of communications service or
22 equipment by the board must be awarded through an invitation for bids
23 or a request for proposals as described in IC 5-22. The board shall enter
24 into a cooperative agreement with the Indiana department of
25 administration for the department to administer the board's purchases
26 under this chapter using the department's purchasing agents.

27 (c) The board shall be considered a state agency for purposes of
28 IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to
29 the Indiana transparency Internet web site in accordance with
30 IC 5-14-3.5-2:

31 (1) Expenditures by the board, including expenditures for
32 contracts, grants, and leases.

33 (2) The balance of the statewide 911 fund established by section
34 29 of this chapter.

35 (3) A listing of the board's real and personal property that has a
36 value of more than twenty thousand dollars (\$20,000).

37 The board shall cooperate with and provide information to the auditor
38 of state as required by IC 5-14-3.5-8.

39 SECTION 8. IC 36-8-24 IS ADDED TO THE INDIANA CODE AS
40 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
41 1, 2015]:

42 **Chapter 24. Pilot Program for a County Operated Emergency**



1 **Communications Services System**

2 **Sec. 1. This chapter applies only to Hendricks County.**

3 **Sec. 2. (a) As used in this chapter, "automatic location**
 4 **identification" means an enhanced 911 service capability that**
 5 **enables the transmission of information concerning the location of**
 6 **a caller who places a 911 call.**

7 **(b) In the case of a 911 call placed from a wireless telephone, the**
 8 **term includes both:**

9 **(1) information on the location of the cell site or base station**
 10 **transmitting the call, as required under Phase I of the FCC**
 11 **order; and**

12 **(2) more precise information on the caller's location,**
 13 **including the location of the caller by latitude and longitude**
 14 **within the accuracy requirements specified by the Federal**
 15 **Communications Commission under Phase II of the FCC**
 16 **order.**

17 **(c) In the case of a 911 call placed by a subscriber of**
 18 **interconnected VOIP service, the term refers to the subscriber's**
 19 **registered location (as defined in 47 CFR 9.3).**

20 **Sec. 3. As used in this chapter, "automatic number**
 21 **identification" means an enhanced 911 service capability that**
 22 **enables the transmission and display of the ten (10) digit telephone**
 23 **number used to place a 911 call to a PSAP.**

24 **Sec. 4. (a) As used in this chapter, "CMRS" refers to**
 25 **commercial mobile radio service (as defined in 47 CFR 20.3).**

26 **(b) The term includes the following:**

27 **(1) Services commonly referred to as wireless.**

28 **(2) Services provided by a wireless real time two-way voice**
 29 **communication device, including radio-telephone**
 30 **communications used in:**

31 **(A) cellular telephone service;**

32 **(B) personal communications service; or**

33 **(C) the functional or competitive equivalent of a**
 34 **radio-telephone communications line used in:**

35 **(i) cellular telephone service;**

36 **(ii) a personal communications service; or**

37 **(iii) a network radio access line.**

38 **(3) Any other wireless service that provides direct access to a**
 39 **PSAP through placement of a 911 call.**

40 **Sec. 5. (a) As used in this chapter, "communications provider"**
 41 **means a person or entity, or an affiliate (as defined in IC 23-1-43-1)**
 42 **of a person or an entity that:**



- 1 (1) offers voice communications service to subscribers in
 2 Indiana; and
 3 (2) provides, or is required by the Federal Communications
 4 Commission to provide, a caller with direct access to a PSAP
 5 through the placement of a 911 call.
 6 (b) The term includes the following:
 7 (1) Facilities based and nonfacilities based resellers of voice
 8 communications service.
 9 (2) Any other provider of voice communications service
 10 through wireline or wireless means, regardless of whether the
 11 provider is subject to regulation by the Indiana utility
 12 regulatory commission.
- 13 Sec. 6. (a) As used in this chapter, "emergency communications
 14 services system" means a voice communications system that uses
 15 the three (3) digit number 911 to send automatic number
 16 identification and automatic location identification for reporting
 17 police, fire, medical, or other emergency situations.
 18 (b) The term includes the following:
 19 (1) A wireline enhanced emergency telephone system.
 20 (2) A wireless 911 emergency telephone system.
- 21 Sec. 7. (a) As used in this chapter, "FCC order" refers to the
 22 order of the Federal Communications Commission, FCC Docket
 23 No. 94-102, adopted June 12, 1996, with an effective date of
 24 October 1, 1996.
 25 (b) The term includes any rules, regulations, and consent
 26 decrees adopted by the Federal Communications Commission to
 27 implement the order described in subsection (a).
- 28 Sec. 8. As used in this chapter, "fiscal body" refers to the fiscal
 29 body of Hendricks County.
- 30 Sec. 9. As used in this chapter, "fund" refers to an emergency
 31 communications services fund established under section 17 of this
 32 chapter.
- 33 Sec. 10. As used in this chapter, "interconnected VOIP service"
 34 has the meaning set forth in 47 CFR 9.3.
- 35 Sec. 11. As used in this chapter, "legislative body" refers to the
 36 legislative body of Hendricks County.
- 37 Sec. 12. As used in this chapter, "multiline telephone system"
 38 means a voice communications service system that includes the
 39 following:
 40 (1) Common control units.
 41 (2) Telephone sets.
 42 (3) Control hardware and software.



1 **(4) Adjunct systems.**

2 **The term includes network and premises based systems as**
 3 **classified by FCC Part 68 Requirements.**

4 **Sec. 13. As used in this chapter, "proprietary information"**
 5 **includes the following:**

6 **(1) Customer lists and related information.**

7 **(2) Technology descriptions, technical information, or trade**
 8 **secrets (as defined in IC 24-2-3-2).**

9 **(3) Information that:**

10 **(A) concerns the actual or developmental costs of 911**
 11 **systems; and**

12 **(B) is developed, produced, or received internally by a**
 13 **communications provider or by a communications**
 14 **provider's employees, directors, officers, or agents.**

15 **Sec. 14. As used in this chapter, "PSAP" refers to a public safety**
 16 **answering point:**

17 **(1) that operates on a twenty-four (24) hour basis; and**

18 **(2) whose primary function is to receive incoming emergency**
 19 **requests for assistance and relay those requests to an**
 20 **appropriate responding public safety agency.**

21 **Sec. 15. (a) As used in this chapter, "voice communications**
 22 **service" means any service or device that:**

23 **(1) uses telephone numbers or IP addresses or their functional**
 24 **equivalents or successors;**

25 **(2) is capable of accessing, connecting with, or interfacing**
 26 **with a 911 system by dialing, initializing, or otherwise**
 27 **activating the 911 system regardless of the transmission**
 28 **medium or technology employed;**

29 **(3) provides or enables real time or interactive**
 30 **communications; and**

31 **(4) is either prepaid or postpaid by the subscriber.**

32 **(b) The term includes the following:**

33 **(1) Internet protocol enabled services and applications that**
 34 **are provided through wireline, cable, wireless, or satellite**
 35 **facilities, or any other facility or platform that is capable of**
 36 **connecting a 911 communication to a PSAP.**

37 **(2) A multiline telephone system.**

38 **(3) CMRS.**

39 **(4) Interconnected VOIP service and voice over power lines.**

40 **Sec. 16. (a) The legislative body may establish an emergency**
 41 **communications services system to provide emergency**
 42 **communications services within a district whose boundaries are**



1 coterminous with the geographic boundaries of the county.

2 (b) To establish the emergency communications services system,
3 the legislative body must adopt an ordinance that meets the
4 following requirements:

5 (1) The ordinance is adopted after the legislative body holds
6 a public hearing to receive public comment on the proposed
7 ordinance. The legislative body must give notice of the
8 hearing under IC 5-3-1 that includes the following:

9 (A) A list of all PSAPs in the county.

10 (B) The date, time, and location of the hearing.

11 (C) The location where the public can inspect the proposed
12 ordinance.

13 (D) The name and contact information of a representative
14 of each PSAP who may be contacted for further
15 information.

16 (2) The ordinance must:

17 (A) take effect January 1, 2016; and

18 (B) expire December 31, 2018.

19 (c) The ordinance adopted under subsection (b) must include the
20 following:

21 (1) The identity of all PSAPs within the county.

22 (2) A description of a proposed tiered fee schedule based on:

23 (A) a flat fee applicable to all parcels;

24 (B) a variable fee based on zoning classifications and the
25 size of a parcel; and

26 (C) the number or type of improvements on a parcel.

27 (3) The effective date and expiration date of the ordinance.

28 Sec. 17. (a) Upon the adoption of an ordinance under section 16
29 of this chapter, the legislative body must establish an emergency
30 communications services fund. The fund consists of the following:

31 (1) Fees deposited under section 19 of this chapter.

32 (2) Funds transferred under section 24 of this chapter.

33 (3) Grants and gifts intended for deposit in the fund.

34 (4) Interest, premiums, gains, or other earnings on the fund.

35 (5) Money from any other source that is deposited in or
36 transferred to the fund.

37 (b) Money in the fund may be used to pay for the following:

38 (1) The lease, purchase, or maintenance of enhanced
39 emergency telephone equipment, including necessary
40 computer hardware, software, and data base provisioning.

41 (2) The rates associated with a communications provider's
42 enhanced emergency communications system network



- 1 services.
- 2 (3) The personnel expenses of the district.
- 3 (4) The lease, purchase, construction, or maintenance of voice
- 4 and data communications equipment, communications
- 5 infrastructure, or other information technology necessary to
- 6 provide emergency communications services under authority
- 7 of the district.
- 8 (5) An emergency notification system (as defined in
- 9 IC 36-8-16.7-40).
- 10 (6) Actual costs incurred by the district's PSAPs in complying
- 11 with the wireless enhanced 911 requirements established by
- 12 the FCC order and rules.
- 13 (7) Deposits in an escrow account to be used for costs
- 14 associated with other wireless enhanced 911 services
- 15 mandated by the Federal Communications Commission and
- 16 specified in the FCC order but not incurred by the district's
- 17 PSAPs.
- 18 (8) Any charges that may be imposed on the county under
- 19 IC 36-8-16.7-27(a)(13) by the statewide 911 board established
- 20 by IC 36-8-16.7-24.
- 21 (9) Other costs incurred in administering this chapter.
- 22 (c) The county treasurer shall administer the fund.
- 23 **Sec. 18. The legislative body shall:**
- 24 (1) determine an annual budget necessary to meet the
- 25 expenses of operating and maintaining the emergency
- 26 communications services system within the district; and
- 27 (2) not later than September 1, submit the budget to the fiscal
- 28 body for review and approval.
- 29 The legislative body shall base its initial budget on the expenses
- 30 actually incurred by all PSAPs in the county in implementing
- 31 IC 36-8-16.7 during the calendar year ending December 31, 2014.
- 32 **Sec. 19. (a) Based on a budget approved under section 18 of this**
- 33 **chapter, the legislative body shall recommend to the fiscal body a**
- 34 **schedule of fees to be imposed on parcels located within the**
- 35 **geographic boundaries of the county. The fees:**
- 36 (1) must comply with the authority granted under section
- 37 16(c) of this chapter; and
- 38 (2) must be adequate to provide for proper development,
- 39 operation, and maintenance of the county's emergency
- 40 communications services system.
- 41 (b) The fiscal body shall:
- 42 (1) review a schedule of recommended fees submitted under



- 1 subsection (a);
 2 (2) determine the fees imposed under this chapter in
 3 accordance with the authority granted under section 16(c) of
 4 this chapter;
 5 (3) adopt an ordinance to impose the fees determined under
 6 subdivision (2); and
 7 (4) certify the fees to the county auditor as a special
 8 assessment on each parcel of real property located within the
 9 county.
- 10 (c) The county auditor shall:
 11 (1) place the total amount certified under subsection (b) on the
 12 tax duplicate for each affected property as a special
 13 assessment; and
 14 (2) deposit money received as payment of a special assessment
 15 in the emergency communications services fund.
- 16 (d) Except as provided in IC 36-8-16.6, an additional fee relating
 17 to the provision of 911 service may not be levied by a state agency
 18 or local unit of government upon voice communications service
 19 provided to a customer in Hendricks County.
- 20 Sec. 20. (a) As used in this section, "subscriber" means a
 21 subscriber of voice communications service.
- 22 (b) A communications provider shall, upon request, provide to
 23 the district the necessary subscriber data to enable the district to
 24 implement and operate a 911 system. Subscriber data provided to
 25 Hendricks County for the purpose of implementing or updating a
 26 911 system may be used only to identify:
 27 (1) a subscriber;
 28 (2) a subscriber's place of primary use (as determined under
 29 IC 6-8.1-15); or
 30 (3) information under both subdivisions (1) and (2);
 31 and may not be used or disclosed by the county or its agents or
 32 employees, for any other purpose unless the data is used or
 33 disclosed under a court order. A person who recklessly, knowingly,
 34 or intentionally violates this subsection commits a Class A
 35 misdemeanor.
- 36 (c) After May 31, 1988, a contract entered into between a
 37 communications provider and a subscriber who has an unlisted or
 38 nonpublished telephone number may not include a provision that
 39 prohibits the communications provider from providing the
 40 subscriber's telephone number to Hendricks County for inclusion
 41 in a 911 system data base. A communications provider (other than
 42 a communications provider who before June 1, 1988, has



1 contracted to not divulge a subscriber's unlisted or nonpublished
 2 telephone number) shall provide Hendricks County with the name,
 3 telephone number, and place of primary use (as determined under
 4 IC 6-8.1-15) for each subscriber of the communications provider.
 5 Hendricks County may not release a telephone number required
 6 to be provided under this subsection to any person except as
 7 provided in subsection (b).

8 (d) A communications provider may amend or terminate a
 9 contract with a subscriber if:

10 (1) the contract contains a provision that prohibits the
 11 subscriber from providing the subscriber's telephone number
 12 to a county for inclusion in a 911 system data base;

13 (2) the exclusion of the number from the data base would
 14 negate the purpose of this chapter; and

15 (3) the subscriber is notified of the proposed amendment or
 16 termination of that contract at least one hundred eighty (180)
 17 days before the communications provider takes that action.

18 Sec. 21. (a) All proprietary information submitted to Hendricks
 19 County under this chapter is confidential. Notwithstanding any
 20 other law, proprietary information submitted under this chapter
 21 is not subject to subpoena, and proprietary information submitted
 22 under this chapter may not be released to a person other than to
 23 the submitting provider without the permission of the submitting
 24 provider.

25 (b) General information collected by Hendricks County under
 26 this chapter may be released or published only in aggregate
 27 amounts that do not identify or allow identification of numbers of
 28 subscribers or revenues attributable to an individual
 29 communications provider.

30 Sec. 22. Notwithstanding any other law, a PSAP, the county, a
 31 communications provider, or an employee, director, officer, or
 32 agent of a PSAP, the county, or a communications provider is not
 33 liable for damages in a civil action or subject to criminal
 34 prosecution resulting from death, injury, or loss to persons or
 35 property incurred by any person in connection with establishing,
 36 developing, implementing, maintaining, operating, and providing
 37 emergency communications service, except in the case of willful or
 38 wanton misconduct.

39 Sec. 23. A person may not use the 911 service except to make
 40 emergency calls that may result in dispatch of the appropriate
 41 response for fire suppression and rescue, emergency medical or
 42 ambulance services, hazardous material, disaster, or major



1 emergency occurrences, and law enforcement activities.

2 **Sec. 24.** The funds that remain in a fund or account established
3 for the deposit of distributions received under IC 36-8-16.7-37 shall
4 be transferred to the fund established under section 17 of this
5 chapter. Any funds transferred under this section shall be used as
6 follows:

7 (1) To pay any obligations owed to any bondholders, third
8 parties, or creditors under IC 36-8-16 (before its repeal on
9 July 1, 2012) or under IC 36-8-16.7 before July 1, 2015.

10 (2) To the extent any funds remain after meeting the
11 obligations described in subdivision (1), for the purposes set
12 forth in section 18 of this chapter.

13 **Sec. 25. (a)** The legislative body shall, after June 30 and before
14 October 1 of 2016 and 2017, report to the interim study committee
15 on energy, utilities, and telecommunications established by
16 IC 2-5-1.3-4 on the ability of the county to independently fund and
17 operate an emergency communications services system. The
18 interim study committee on energy, utilities, and
19 telecommunications shall consider:

20 (1) whether a pilot program established under this chapter
21 should be extended for additional years in Hendricks County;
22 and

23 (2) whether a pilot program established under this chapter
24 should be extended to additional counties.

25 (b) The interim study committee on energy, utilities, and
26 telecommunications shall submit any findings and
27 recommendations made under this section to the legislative council
28 in an electronic format under IC 5-14-6 before November 1, 2017.

