

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1207

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-8-16.6-11, AS AMENDED BY P.L.117-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The board shall impose an enhanced prepaid wireless charge on each retail transaction. The charge is not required to be paid by an eligible telecommunications carrier that is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32 for the same transaction. The amount of the charge is one dollar (\$1). The board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7. The following apply to an increase in the enhanced prepaid wireless charge:

(1) The board may increase the charge only one (1) time after ~~April 1, 2020; April 30, 2023~~, and before July 1, ~~2023; 2026~~, in an amount not to exceed ten cents (\$0.10).

(2) The board may increase the charge only after review by the budget committee.

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

(c) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal

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Communications Commission. An eligible telecommunications carrier:

- (1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (b); and
- (2) with respect to prepaid wireless telecommunications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the charge imposed under subsection (d).

(d) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (c) shall pay to the board a charge equal to the product of the following factors:

- (1) The enhanced prepaid wireless charge established under subsection (a).
- (2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month.

The eligible telecommunications carrier may bill and collect from each end user the charges calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the eligible telecommunications carrier bills and collects the charges. Except as provided in section 15 of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the charges paid by the eligible telecommunications carrier to the board with respect to the end user.

(e) If the board increases the enhanced prepaid wireless charge under subsection (a), the board shall provide written notice to the department of state revenue not later than sixty (60) days before the date the increase takes effect that includes:

- (1) the effective date for the increase; and
- (2) the amount of the charge as increased by the board.

SECTION 2. IC 36-8-16.7-32, AS AMENDED BY P.L.117-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (b) and (d), and subject to section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter and that provides for the proper development, operation, and maintenance of a statewide 911 system. The amount of the fee assessed under this subsection is one dollar (\$1). The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and

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obligations under this chapter, subject to the following:

(1) The following apply to an increase in the fee:

(A) The board may increase the fee only one (1) time after ~~April 1, 2020~~, **April 30, 2023**, and before July 1, ~~2023~~, **2026**, in an amount not to exceed ten cents (\$0.10).

(B) The board may increase the fee only after review by the budget committee.

(2) The fee may not be lowered more than one (1) time in a calendar year.

(3) The fee may not be lowered by an amount that is more than ten cents (\$0.10) without legislative approval.

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

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

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

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

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

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

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

(e) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. An eligible telecommunications carrier:

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

(2) with respect to communications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the fee assessed under subsection (f).

(f) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (e) shall pay to the board a fee equal to the product of the following factors:

(1) The monthly statewide 911 fee established under subsection (a).

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(2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month. The eligible telecommunications carrier may bill and collect from each end user the fees calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the eligible telecommunications carrier bills and collects the fees. Except as provided in section 33(c) of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the fees paid by the eligible telecommunications carrier to the board with respect to the end user.

(g) If the board increases the statewide 911 fee under subsection (a), the board shall provide written notice to the department of state revenue not later than sixty (60) days before the date the increase takes effect that includes:

- (1) the effective date for the increase; and
- (2) the amount of the charge as increased by the board.

SECTION 3. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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