



# SENATE MOTION

**MADAM PRESIDENT:**

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

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 36-8-16.6-11, AS AMENDED BY P.L.107-2014,  
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JUNE 30, 2015]: Sec. 11. (a) The board shall impose an enhanced  
6 prepaid wireless charge on each retail transaction. ~~that occurs after~~  
7 ~~June 30, 2010~~. The amount of the ~~initial~~ charge imposed under this  
8 section may not exceed one-half (1/2) of the monthly wireless  
9 emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 (before  
10 its repeal on July 1, 2012). The board shall increase the amount of the  
11 charge imposed under this section so that the amount of the charge  
12 imposed after June 30, 2012, under this section equals fifty cents  
13 ~~(\$0.50)~~. **equals one dollar (\$1)**.  
14           (b) Subject to legislative approval, ~~after the increase described in~~  
15 ~~subsection (a) and after June 30, 2012~~, the board may increase the  
16 enhanced prepaid wireless charge to ensure adequate revenue for the  
17 board to fulfill its duties and obligations under this chapter and  
18 IC 36-8-16.7.  
19           (c) A consumer that is the federal government or an agency of the  
20 federal government is exempt from the enhanced prepaid wireless  
21 charge imposed under this section.  
22           (d) This subsection applies to a provider that is designated by the  
23 Indiana utility regulatory commission as an eligible  
24 telecommunications carrier for purposes of receiving reimbursement  
25 from the universal service fund through the administrator designated  
26 by the Federal Communications Commission. A provider:  
27           (1) is not considered an agency of the federal government for

1 purposes of the exemption set forth in subsection (c); and  
 2 (2) is liable for the enhanced prepaid wireless charge imposed  
 3 under this section with respect to prepaid wireless  
 4 telecommunications service provided by the provider in its  
 5 capacity as an eligible telecommunications carrier.

6 SECTION 2. IC 36-8-16.7-20.5 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JUNE 30, 2015]: **Sec. 20.5. (a) As used in this chapter,**  
 9 **"public safety telecommunicator" means a:**

10 **(1) public safety dispatcher; or**

11 **(2) 911 operator;**

12 **whose duties and responsibilities include answering, receiving,**  
 13 **transferring, and dispatching law enforcement, fire, medical, and**  
 14 **other public safety or emergency services to the scene of an**  
 15 **emergency.**

16 **(b) The term includes a supervisor or manager of a public safety**  
 17 **telecommunicator.**

18 SECTION 3. IC 36-8-16.7-27, AS ADDED BY P.L.132-2012,  
 19 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JUNE 30, 2015]: Sec. 27. (a) The board may do the following to  
 21 implement this chapter:

22 (1) Sue and be sued.

23 (2) Adopt and alter an official seal.

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

25 (A) the conduct of board business; and

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

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

29 (5) Subject to subsections (b) and (c), enter into contracts,  
 30 including contracts:

31 (A) for professional services;

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

33 (C) to acquire office space.

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

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

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

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

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

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

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

46 (13) Take other necessary or convenient actions to implement this

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chapter that are not inconsistent with Indiana law.

**(14) Establish training standards for public safety telecommunicators.**

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

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

- (1) Expenditures by the board, including expenditures for contracts, grants, and leases.
- (2) The balance of the statewide 911 fund established by section 29 of this chapter.
- (3) A listing of the board's real and personal property that has a value of more than twenty thousand dollars (\$20,000).

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

Page 2, between lines 35 and 36, begin a new paragraph and insert:  
"SECTION 5. IC 36-8-16.7-37, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2015]: Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:

(1) In each state fiscal year, the board may retain ~~the lesser of: (A) ten percent (10%) of the statewide 911 fees deposited in the fund in the previous state fiscal year; or (B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained to:~~

- ~~(A) pay the board's expenses in administering this chapter; and~~
- ~~to~~
- (B) develop, operate, and maintain a statewide 911 system.**

The board may decrease the amount of fees retained by the board under this subdivision.

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

1 years ending:  
2 (A) June 30, 2009;  
3 (B) June 30, 2010; and  
4 (C) June 30, 2011;  
5 increased by a percentage that does not exceed the percent of  
6 increase in the United States Department of Labor Consumer  
7 Price Index during the twelve (12) months preceding the state  
8 fiscal year for which the distribution is made.  
9 (3) If any statewide 911 fees remain in the fund after the  
10 distributions ensured under subdivision (2), the board shall  
11 distribute the fees as follows:  
12 (A) Ninety percent (90%) of the fees shall be distributed to the  
13 counties based upon each county's percentage of the state's  
14 population.  
15 (B) Ten percent (10%) of the fees shall be distributed equally  
16 among the counties.  
17 (b) The board may not distribute money in the fund in a manner that  
18 impairs the ability of the board to fulfill its management and  
19 administrative obligations under this chapter."  
20 Page 2, line 39, delete "state," and insert "state".  
21 Renumber all SECTIONS consecutively.  
(Reference is to SB 382 as printed February 6, 2015.)

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Senator HERSHMAN