

HOUSE BILL No. 1297

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-33.

Synopsis: Broadband development program. Defines "unserved area" for purposes of the state broadband development program as an area that does not have access to the minimum speed thresholds for broadband services, and replaces the term "underserved area" with "unserved area". Changes the minimum speed threshold for broadband services to be consistent with the minimum broadband speeds set by the Federal Communications Commission. (Current law sets the minimum speed threshold at 384 kilobits per second in at least one direction.)

Effective: July 1, 2018.

Negele

January 11, 2018, read first time and referred to Committee on Utilities, Energy and Telecommunications.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1297



A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

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

1 SECTION 1. IC 8-1-33-1, AS ADDED BY P.L.235-2005,
2 SECTION 105, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The general assembly finds
4 that certain areas of Indiana are not being adequately served with
5 broadband services.

6 (b) The general assembly declares that it is a valid public purpose
7 for the Indiana finance authority to issue bonds and notes, and loan the
8 proceeds of those bonds and notes to the program, so that the authority
9 may provide for financing or refinancing to broadband developers and
10 broadband operators serving ~~underserved~~ **underserved** areas.

11 SECTION 2. IC 8-1-33-2, AS ADDED BY P.L.235-2005,
12 SECTION 105, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this chapter,
14 "affordable broadband services" means broadband services that are
15 available at a price reasonably comparable to the price charged for
16 broadband services in an area that is not an ~~underserved~~ **underserved** area.

17 SECTION 3. IC 8-1-33-6, AS ADDED BY P.L.235-2005,



1 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: Sec. 6. As used in this chapter,
 3 "broadband infrastructure" includes all facilities, hardware, and
 4 software and other intellectual property used for and necessary to
 5 provide broadband services in ~~underserved~~ **unserved** areas of Indiana,
 6 including voice, video, and data.

7 SECTION 4. IC 8-1-33-8, AS AMENDED BY P.L.152-2009,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2018]: Sec. 8. As used in this chapter, "broadband services"
 10 includes services, including voice, video, and data, that provide
 11 capacity for transmission of ~~more than three hundred eighty-four (384)~~
 12 ~~kilobits per second in at least one (1) direction~~ **at the minimum**
 13 **broadband speeds set by the Federal Communications**
 14 **Commission**, regardless of the technology or medium used, including
 15 wireless, copper wire, fiber optic cable, or coaxial cable. If voice
 16 transmission capacity is offered in conjunction with other services
 17 using transmission of ~~more than three hundred eighty-four (384)~~
 18 ~~kilobits per second~~, **at the minimum broadband speeds set by the**
 19 **Federal Communications Commission**, the voice transmission
 20 capacity may be less than ~~three hundred eighty-four (384)~~ kilobits per
 21 ~~second~~. **the minimum broadband speeds set by the Federal**
 22 **Communications Commission**. The authority shall annually
 23 reconsider the ~~three hundred eighty-four (384)~~ kilobits threshold under
 24 this section with a bias toward raising the threshold in a manner
 25 consistent with technological advances.

26 SECTION 5. IC 8-1-33-13, AS AMENDED BY P.L.27-2006,
 27 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2018]: Sec. 13. As used in this chapter, "~~underserved~~
 29 **"unserved area"** means an area within Indiana that ~~the authority~~
 30 ~~determines is not being adequately served with broadband service~~. **does**
 31 **not have access to broadband services**.

32 SECTION 6. IC 8-1-33-15, AS ADDED BY P.L.235-2005,
 33 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2018]: Sec. 15. (a) The Indiana broadband
 35 development program is established in order to encourage the provision
 36 of affordable broadband services and networks that will:

- 37 (1) ensure the long term growth of and the enhancement and
 38 delivery of services by the business, educational, medical,
 39 commercial, nonprofit, and governmental entities in ~~underserved~~
 40 **unserved** areas in Indiana; and
 41 (2) benefit residential, commercial, public, governmental, and
 42 nonprofit entities in ~~underserved~~ **unserved** areas in Indiana.



1 (b) The authority shall administer the broadband development
2 program.

3 SECTION 7. IC 8-1-33-16, AS ADDED BY P.L.235-2005,
4 SECTION 105, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) The powers of the authority
6 under this chapter include all those necessary to carry out and
7 effectuate the purposes of this chapter, including the following:

8 (1) To invest any money of the authority at the authority's
9 discretion, in any obligations determined proper by the authority,
10 and name and use depositories for the authority's money.

11 (2) To receive and distribute state or local funding, including
12 grants, loans, and appropriations.

13 (3) To make loans or grants to broadband developers and
14 broadband operators that will acquire, construct, maintain, and
15 operate all or part of the broadband infrastructure serving
16 ~~underserved~~ **unserved** areas.

17 (4) To provide operating assistance to make broadband services
18 more affordable to broadband developers, broadband operators,
19 and broadband customers in ~~underserved~~ **unserved** areas, in
20 conjunction with broadband infrastructure financed by the
21 authority.

22 (5) To set construction, operation, and financing standards for the
23 broadband infrastructure in connection with authority financing
24 and to provide for inspections to determine compliance with those
25 standards.

26 (6) To investigate, evaluate, and assess the current broadband
27 infrastructure and the future broadband infrastructure needs of
28 Indiana and to encourage and participate in aggregation strategies
29 for the broadband services of all public entities and nonprofit
30 corporations in Indiana to maximize the interconnectivity and
31 efficiencies of the broadband infrastructure.

32 (7) To make expenditures necessary to carry out the authority's
33 duties under this chapter, including paying the authority's
34 operating expenses.

35 (b) As part of an application for financing under this chapter, a
36 broadband developer or broadband operator must file with the authority
37 a participation plan for small and minority owned businesses and a
38 communitywide outreach plan to educate the public with respect to the
39 availability of broadband services. The authority may not approve an
40 application unless a plan is submitted under this subsection.

