

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1277

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-4-38.5-1, AS ADDED BY P.L.189-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to grants awarded from the fund after July 31, 2019.

(b) This chapter does not apply to subgrants awarded by the Indiana broadband office under the federal Broadband Equity, Access, and Deployment Program established under 47 U.S.C. 1702(b).

SECTION 2. IC 4-4-38.5-11, AS AMENDED BY P.L.158-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The rural broadband fund is established for the purpose of:

- (1) awarding grants under:
 - (A) this chapter after July 31, 2019; and
 - (B) IC 4-4-38 before August 1, 2019;
- (2) providing financial assistance under the program established by the office under section 10.5 of this chapter for expenses described in section 10.5(b) of this chapter incurred before July 1, 2025;
- (3) providing funding for the creation and annual maintenance of the public broadband portal created and administered by the

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office under IC 4-4-41-8; and

(4) awarding grants under the Indiana broadband connectivity program under IC 4-4-41.

(b) The office shall administer the fund.

(c) The fund consists of:

(1) money appropriated by the general assembly;

(2) money received by the office from federal grants or programs for broadband infrastructure, **other than money received by the state under the federal Broadband Equity, Access, and Deployment Program established under 47 U.S.C. 1702(b);** and

(3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for the purposes of this chapter and IC 4-4-38.

SECTION 3. IC 4-4-38.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 38.6. State Administration of Federal Broadband Equity, Access, and Deployment Program

Sec. 1. As used in this chapter, "act" refers to the federal Infrastructure Investment and Jobs Act (P.L. 117-58), including regulations and guidance issued under that act.

Sec. 2. (a) As used in this chapter, "BEAD NOFO" refers to the Notice of Funding Opportunity for the federal Broadband Equity, Access, and Deployment Program, as issued by NTIA on May 12, 2022, pursuant to 47 U.S.C. 1702(e)(1)(A)(i).

(b) The term includes any additional guidance issued by NTIA with respect to the program after the issuance of the notice described in subsection (a).

Sec. 3. As used in this chapter, "final proposal" refers to the office's final proposal (as described in 47 U.S.C. 1702(e)(4)) submitted to NTIA.

Sec. 4. As used in this chapter, "initial proposal" refers to the office's initial proposal (as described in 47 U.S.C. 1702(e)(3)) submitted to and approved by NTIA.

Sec. 5. As used in this chapter, "NTIA" refers to the National Telecommunications Information Administration, United States



Department of Commerce.

Sec. 6. As used in this chapter, "office" refers to the Indiana broadband office in its capacity as an eligible entity (as defined in 47 U.S.C. 1702(a)(2)(F)) under the act.

Sec. 7. As used in this chapter, "program" refers to the federal Broadband Equity, Access, and Deployment Program established under 47 U.S.C. 1702(b).

Sec. 8. As used in this chapter, "subgrantee" has the meaning set forth in 47 U.S.C. 1702(a)(2)(N).

Sec. 9. (a) Subject to subsection (b), and to the extent not preempted by federal law, the office shall administer the program in Indiana in compliance with the following:

(1) All mandatory provisions set forth in the act with respect to the program.

(2) All mandatory provisions set forth in the BEAD NOFO with respect to the program.

(3) Before awarding a subgrant to an eligible broadband service provider during any round of funding under the program, the office shall submit to the budget committee for review the proposed amount and terms of the subgrant.

(4) In awarding subgrants for the deployment of a broadband network using program funds, the office may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for those funds, as set forth in 47 U.S.C. 1702(h)(1)(A)(iii).

(b) The final proposal submitted by the office to NTIA must include the specifications for the required low cost broadband service option that are set forth in the office's initial proposal, as submitted to and approved by NTIA.

Sec. 10. To the extent that this chapter conflicts with a provision of any other Indiana law, this chapter prevails.

SECTION 4. 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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