

HOUSE BILL No. 1449

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-4-38.5.

Synopsis: Broadband development. Provides that a project to extend broadband service is eligible for a rural broadband grant if the project will extend terrestrial Internet service providing speeds of at least 100 megabits per second downstream (rather than 25 megabits per second downstream, under current law) and at least 10 megabits per second upstream (rather than three megabits per second upstream, under current law). Assigns the highest priority for rural broadband grants to projects that extend broadband service to areas in which Internet service is unavailable or in which the only available connections to the Internet are at speeds of less than 25 megabits per second downstream (rather than 10 megabits per second downstream, under current law) and less than three megabits per second upstream. Provides a preference for awarding rural broadband grants to projects for which a local unit of government has committed to providing funding. Requires the office of rural and community affairs to publish on the office's Internet web site a map illustrating the availability, by census block, of eligible broadband service in Indiana not later than December 31, 2021.

Effective: July 1, 2021.

Soliday

January 14, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1449

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 4-4-38.5-3, AS ADDED BY P.L.189-2019,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. As used in this chapter, "eligible broadband
4 service" means a terrestrial connection to the Internet that provides an
5 actual speed of at least ~~twenty-five (25)~~ **one hundred (100)** megabits
6 per second downstream and at least ~~three (3)~~ **ten (10)** megabits per
7 second upstream, regardless of the technology or medium used to
8 provide the connection.

9 SECTION 2. IC 4-4-38.5-9, AS ADDED BY P.L.189-2019,
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2021]: Sec. 9. (a) The office shall establish procedures for the
12 awarding of grants from the fund after July 31, 2019, by state agencies
13 to eligible broadband service providers for eligible broadband projects.

14 (b) The procedures established under this section must establish the
15 following priorities for the awarding of grants under this chapter:

16 (1) First, extending the deployment of eligible broadband service
17 to areas in which:



- 1 (A) Internet connections are unavailable; or
2 (B) the only available connections to the Internet are at actual
3 speeds of less than ~~ten (10)~~ **twenty-five (25)** megabits per
4 second downstream **and less than three (3) megabits per**
5 **second upstream.**
- 6 (2) Second, extending the deployment of eligible broadband
7 service to areas in which the only available connections to the
8 Internet are at actual speeds of:
- 9 (A) not less than ten (10) megabits; and
10 (B) not more than twenty-five (25) megabits;
11 per second downstream.
- 12 (3) Projects for areas described in subdivision (2) shall not be
13 funded before projects described in subdivision (1).
- 14 (c) The procedures established under this section may not permit the
15 awarding of a grant from the fund for any proposed broadband project
16 in an area in which eligible broadband service is available.
- 17 (d) The procedures established under this section may not permit the
18 office to award a grant from the fund for any project in a rural area for
19 which funding has been allocated from the federal Connect America
20 Fund or from any other similar federal funding program the express
21 purpose of which is to provide broadband service to rural or unserved
22 areas.
- 23 (e) The procedures established under this section must establish a
24 system of priorities for awarding grants under this chapter, weighted as
25 determined by the office in guidelines adopted under section 10 of this
26 chapter, that gives preference to eligible broadband projects that meet
27 the following criteria:
- 28 (1) Projects that will provide eligible broadband service to
29 unincorporated areas in Indiana.
- 30 (2) Projects for which the applicant commits to providing more
31 than fifty percent (50%) of the cost to deploy the proposed
32 broadband infrastructure. When multiple applicants apply for a
33 grant to provide eligible broadband service to the same rural area,
34 the office may establish a preference for approving applications
35 with a greater funding contribution by the applicant.
- 36 (3) Projects that involve an agreement between the applicant and
37 one (1) or more other parties that would permit the applicant to
38 use existing facilities or infrastructure owned or controlled by an
39 unrelated third party to enable the applicant to offer eligible
40 broadband service to locations in a rural area.
- 41 **(4) Projects for which a local unit of government has**
42 **committed to providing funding.**



1 (f) The procedures established under this section must prohibit a
2 state agency, in awarding any grant from the fund, from discriminating
3 between different types of technology used to provide eligible
4 broadband service in connection with proposed eligible broadband
5 projects.

6 (g) The procedures established under this section must, subject to
7 section 14 of this chapter, require the office to publish on the office's
8 Internet web site all grant applications received by the office under this
9 chapter. For each grant application received, the office shall establish
10 a period of at least thirty (30) days from the date the application is
11 published on the office's Internet web site under this subsection, during
12 which time the office will accept comments or objections concerning
13 the application. The office shall consider all comments or objections
14 received under this subsection in making a determination as to whether
15 to award a grant to an applicant under this chapter.

16 SECTION 3. [EFFECTIVE JULY 1, 2021] (a) **Not later than**
17 **December 31, 2021, the office of community and rural affairs shall:**

18 (1) **produce a map illustrating the availability, by census**
19 **block, of eligible broadband service (as defined in**
20 **IC 4-4-38.5-3, as amended by this act) in Indiana; and**

21 (2) **publish the map on the office's Internet web site.**

22 (b) **This SECTION expires July 1, 2022.**

