



February 17, 2017

HOUSE BILL No. 1626

DIGEST OF HB 1626 (Updated February 15, 2017 2:38 pm - DI 130)

Citations Affected: IC 5-28; noncode.

Synopsis: Study of universal service for telecommunications. Provides that a local governmental unit (unit) that wishes to be certified as a broadband ready community must establish a procedure (procedure) under which the unit promotes increasing the number of subscribers to broadband services in the unit after the unit is certified as a broadband ready community. Specifies criteria for the procedure. Provides that (1) discrimination among communication service providers with respect to broadband adoption in the unit; and (2) imposition of a fee on communications service providers to fund promotion of broadband adoption in the unit; are prohibited under the procedure. Urges the legislative council (council) to assign to the interim study committee on energy, utilities, and telecommunications (committee) the topic of universal service funding for telecommunications services in Indiana. Provides that if the topic is assigned to the committee, the committee may: (1) consider specified issues related to universal service; and (2) request information concerning these issues from: (A) the Indiana utility regulatory commission; (B) service providers and customers; and (C) experts, stakeholders, or other interested parties. Provides that if the topic is assigned to the committee, the committee shall issue a final report, including any recommendations for legislation, to the council not later than November 1, 2017.

Effective: July 1, 2017.

Negele, Macer, Pierce, Ober

January 24, 2017, read first time and referred to Committee on Utilities, Energy and Telecommunications.
February 16, 2017, amended, reported — Do Pass.

HB 1626—LS 7450/DI 101



February 17, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1626

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

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

1 SECTION 1. IC 5-28-28.5-6, AS ADDED BY P.L.18-2015,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 6. (a) In addition to the duties set forth in section
4 5 of this chapter, the center shall create a program to certify a unit as
5 a broadband ready community.

6 (b) A unit may apply for certification as a broadband ready
7 community. The application must be in a form and manner prescribed
8 by the corporation. The corporation shall approve an application and
9 certify a unit as a broadband ready community if the corporation
10 determines that the unit has:

11 (1) established a permit procedure that complies with section 7 of
12 this chapter; ~~and~~

13 **(2) established a broadband adoption procedure that complies**
14 **with section 8 of this chapter; and**

15 ~~(2)~~ **(3)** complied with any other requirements of the corporation.

16 SECTION 2. IC 5-28-28.5-8 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2017]: **Sec. 8. (a)** As used in this section, "broadband adoption"
 2 refers to the number of individuals who subscribe to broadband
 3 services (as defined in IC 8-1-33-8).

4 (b) A unit that wishes to be certified as a broadband ready
 5 community must establish a procedure to promote broadband
 6 adoption in the unit after the unit is certified as a broadband ready
 7 community. The procedure must include the following:

8 (1) A single point of contact in charge of broadband adoption
 9 in the unit.

10 (2) An assurance that each communications service provider
 11 that already provides broadband services in the unit will be
 12 notified that the unit is applying to be a broadband ready
 13 community.

14 (3) An assurance that the unit will work with communications
 15 service providers to promote broadband adoption in the unit.

16 (c) A procedure established under subsection (b) may not do the
 17 following:

18 (1) Discriminate among communications service providers
 19 with respect to promoting broadband adoption in the unit.

20 (2) Impose a fee on communications service providers to fund
 21 promotion of broadband adoption in the unit.

22 SECTION 3. [EFFECTIVE JULY 1, 2017] (a) As used in this
 23 SECTION, "legislative council" refers to the legislative council
 24 established by IC 2-5-1.1-1.

25 (b) As used in this SECTION, "committee" refers to the interim
 26 study committee on energy, utilities, and telecommunications
 27 established by IC 2-5-1.3-4(8).

28 (c) The legislative council is urged to assign to the committee
 29 during the 2017 legislative interim the topic of universal service
 30 funding for telecommunications services in Indiana.

31 (d) If the topic described in subsection (c) is assigned to the
 32 committee, the committee may:

33 (1) consider, as part of its study:

34 (A) the types of service on which the Indiana universal
 35 surcharge is imposed;

36 (B) the types of service for which disbursements from the
 37 Indiana universal service fund may be used;

38 (C) the eligibility requirements for service providers to
 39 receive disbursements from the Indiana universal service
 40 fund; and

41 (D) any other matter concerning:

42 (i) universal service reform; or



- 1 (ii) high cost or universal service funding mechanisms;
2 that the committee considers appropriate; and
3 (2) request information from:
4 (A) the Indiana utility regulatory commission;
5 (B) service providers and customers; and
6 (C) any experts, stakeholders, or other interested parties;
7 concerning the issues set forth in subdivision (1).
8 (e) If the topic described in subsection (c) is assigned to the
9 committee, the committee shall issue a final report to the legislative
10 council containing the committee's findings and recommendations,
11 including any recommended legislation concerning the topic
12 described in subsection (c) or the specific issues described in
13 subsection (d)(1), in an electronic format under IC 5-14-6 not later
14 than November 1, 2017.
15 (f) This SECTION expires December 31, 2017.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1626, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-28-28.5-6, AS ADDED BY P.L.18-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) In addition to the duties set forth in section 5 of this chapter, the center shall create a program to certify a unit as a broadband ready community.

(b) A unit may apply for certification as a broadband ready community. The application must be in a form and manner prescribed by the corporation. The corporation shall approve an application and certify a unit as a broadband ready community if the corporation determines that the unit has:

(1) established a permit procedure that complies with section 7 of this chapter; ~~and~~

(2) established a broadband adoption procedure that complies with section 8 of this chapter; and

~~(3) (3) complied with any other requirements of the corporation.~~

SECTION 2. IC 5-28-28.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) **As used in this section, "broadband adoption" refers to the number of individuals who subscribe to broadband services (as defined in IC 8-1-33-8).**

(b) A unit that wishes to be certified as a broadband ready community must establish a procedure to promote broadband adoption in the unit after the unit is certified as a broadband ready community. The procedure must include the following:

(1) A single point of contact in charge of broadband adoption in the unit.

(2) An assurance that each communications service provider that already provides broadband services in the unit will be notified that the unit is applying to be a broadband ready community.

(3) An assurance that the unit will work with communications



service providers to promote broadband adoption in the unit.

(c) A procedure established under subsection (b) may not do the following:

(1) Discriminate among communications service providers with respect to promoting broadband adoption in the unit.

(2) Impose a fee on communications service providers to fund promotion of broadband adoption in the unit."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1626 as introduced.)

OBER

Committee Vote: yeas 12, nays 0.

