

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 ENROLLED ACT No. 1626

AN ACT to amend the Indiana Code concerning telecommunications.

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

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

~~(2)~~ **(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 an agreement by a customer to subscribe to broadband services (as defined in IC 8-1-33-8) that are:**

(1) offered by a communications service provider; and

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(2) available to the customer.

(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.

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

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

(c) The legislative council is urged to assign to the committee during the 2017 legislative interim the topic of rural broadband service in Indiana.

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

(1) consider, as part of its study:

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

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

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

(D) broadband deployment (expansion and improvement of access to broadband services);

(E) broadband adoption;

(F) federal funding sources;



(G) barriers to broadband adoption and broadband deployment; and

(H) any other matter concerning:

(i) universal service reform;

(ii) high cost or universal service funding mechanisms;
or

(iii) rural broadband in Indiana;

that the committee considers appropriate; and

(2) request information from:

(A) the Indiana utility regulatory commission;

(B) service providers and customers; and

(C) any experts, stakeholders, or other interested parties;
concerning the issues set forth in subdivision (1).

(e) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific issues described in subsection (d)(1), in an electronic format under IC 5-14-6 not later than November 1, 2017.

(f) This SECTION expires December 31, 2017.



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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