



February 16, 2021

SENATE BILL No. 377

DIGEST OF SB 377 (Updated February 11, 2021 1:14 pm - DI 119)

Citations Affected: IC 4-4; noncode.

Synopsis: Broadband development. Amends the manner in which the office of community and rural affairs (office) prioritizes applications for rural broadband grants. Establishes the Indiana broadband expansion fund for deposit and distribution of federal broadband funding. Provides that the office administers the fund. Requires the office to establish a public broadband portal through which an individual may report: (1) that broadband Internet connectivity at speeds of least 25 megabits per second downstream and at least three megabits per second upstream (broadband Internet) is unavailable at the individual's address; or (2) that broadband Internet connectivity is available at the individual's address, but the individual is unable to afford the service. Establishes the Indiana broadband connectivity program (connectivity program), under which a broadband Internet provider may: (1) register with the connectivity program; (2) receive monthly listings of addresses submitted through the public broadband portal as addresses at which broadband Internet connectivity is unavailable; (3) report to the office any address included in a listing received by the provider at which connectivity to the provider's broadband Internet service is already available; and (4) bid for an award of a grant for purposes of extending connectivity to the provider's broadband Internet service to an address at which broadband Internet connectivity is unavailable. Requires the office to provide broadband Internet connectivity information to an individual whose address: (1) is included in a listing of addresses submitted through the
(Continued next page)

Effective: July 1, 2021.

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January 14, 2021, read first time and referred to Committee on Utilities.
February 15, 2021, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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public broadband portal as an address at which broadband Internet connectivity is unavailable; and (2) is reported by a broadband Internet provider as an address at which the provider already provides broadband Internet connectivity. Requires the office to provide to the general assembly an annual report containing specified data regarding the connectivity program. Establishes the Indiana broadband adoption program (adoption program), under which the office may provide financial assistance to an individual who reports through the public broadband portal that: (1) broadband Internet connectivity is available at the individual's address; but (2) the individual is unable to afford the service; in the form of one or more \$50 vouchers that can be used by the individual to pay for Internet service provided by a broadband Internet provider that has registered with the connectivity program. Provides that the office shall determine eligibility of an applicant for financial assistance through the adoption program, but provides automatic eligibility for an individual: (1) who is receiving, or whose household includes an individual who is receiving, benefits through: (A) the Temporary Assistance for Needy Families (TANF) program; (B) the federal Supplemental Nutrition Assistance Program (SNAP); or (C) the Medicaid program; or (2) whose household includes a child who is eligible for free or reduced price lunch. Requires the office to: (1) conduct an outreach program to promote adoption of broadband Internet service; and (2) establish a digital literacy program. Provides that a county that achieves broadband Internet connectivity for 90% or more of the county's residents before January 1, 2026, may: (1) be certified by the office as 21st Century Connected; and (2) receive \$100,000 for provision of financial assistance to residents of the county under the adoption program. Requires the office to provide to the general assembly an annual report containing specified data regarding the adoption program. Requires the office to maintain a geographic information system (GIS) or similar data base that contains spatial data regarding the availability of broadband Internet service in Indiana. Requires the office to evaluate the broadband Internet coverage map created by the Federal Communications Commission under the Broadband Deployment Accuracy and Technological Availability Act (FCC map) and: (1) if the office finds that the FCC map: (A) provides address level broadband Internet coverage information; or (B) provides a greater level of detail than the office's broadband Internet coverage map; use the FCC map to update the office's broadband Internet coverage map; or (2) if the office finds that the FCC map does not: (A) provide address level broadband Internet coverage information; or (B) provide a greater level of detail than the office's broadband Internet coverage map; report that finding to the interim study committee on energy, utilities, and telecommunications during the 2022 legislative interim. Appropriates \$100,000,000 to the Indiana broadband expansion fund and requires the office to distribute the appropriation proportionally to the rural broadband fund, the connectivity program, and the adoption program.



February 16, 2021

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.

SENATE BILL No. 377

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and to make an appropriation.

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

1 SECTION 1. IC 4-4-38.5-9, AS ADDED BY P.L.189-2019,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 9. (a) The office shall establish procedures for the
4 awarding of grants from the fund after July 31, 2019, by state agencies
5 to eligible broadband service providers for eligible broadband projects.
6 (b) The procedures established under this section must establish the
7 following priorities for the awarding of grants under this chapter:
8 (1) First, extending the deployment of eligible broadband service
9 to areas in which:
10 (A) Internet connections are unavailable; or
11 (B) the only available connections to the Internet are at actual
12 speeds of less than ten (10) megabits per second downstream.
13 (2) Second, extending the deployment of eligible broadband
14 service to areas in which the only available connections to the
15 Internet are at actual speeds of:

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



1 state agency, in awarding any grant from the fund, from discriminating
 2 between different types of technology used to provide eligible
 3 broadband service in connection with proposed eligible broadband
 4 projects.

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

15 SECTION 2. IC 4-4-38.5-11, AS ADDED BY P.L.189-2019,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 11. (a) The rural broadband fund is established for
 18 the purpose of awarding grants under:

19 (1) this chapter after July 31, 2019; and

20 (2) IC 4-4-38 before August 1, 2019.

21 (b) The office shall administer the fund.

22 (c) The fund consists of:

23 (1) money appropriated by the general assembly;

24 (2) money received **transferred to the fund** by the office from
 25 ~~federal grants or programs for broadband infrastructure; the~~
 26 **Indiana broadband expansion fund under IC 4-4-40-1(f)(1);**
 27 and

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

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

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

36 SECTION 3. IC 4-4-40 IS ADDED TO THE INDIANA CODE AS
 37 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 38 1, 2021]:

39 **Chapter 40. Indiana Broadband Expansion Fund**

40 **Sec. 1. (a) The Indiana broadband expansion fund is established**
 41 **for the purpose of:**

42 (1) **awarding grants under IC 4-4-38.5;**



- 1 (2) awarding grants under IC 4-4-41;
 2 (3) providing financial assistance under IC 4-4-42; and
 3 (4) providing funding for the Indiana broadband mapping
 4 program under IC 4-4-43.

5 (b) The office shall administer the fund.

6 (c) The fund consists of:

- 7 (1) money appropriated by the general assembly;
 8 (2) money received by the office from federal grants or
 9 programs for expansion of broadband availability or
 10 adoption; and
 11 (3) donations, gifts, and money received from any other
 12 source, including transfers from other funds or accounts.

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

16 (e) Money in the fund at the end of a state fiscal year does not
 17 revert to the state general fund.

18 (f) The office shall, on the first day of each month:

- 19 (1) transfer from the fund to the rural broadband fund
 20 established by IC 4-4-38.5-11 any funds received by the office
 21 from federal grants or programs for construction,
 22 improvement, or maintenance of broadband infrastructure;
 23 (2) transfer from the fund to the Indiana broadband
 24 connectivity fund established by IC 4-4-41-7 any funds
 25 received by the office from federal grants or programs for the
 26 extension of existing broadband infrastructure to areas in
 27 which broadband Internet connectivity is unavailable; and
 28 (3) transfer from the fund to the Indiana broadband adoption
 29 fund established by IC 4-4-42-4 any funds received by the
 30 office from federal grants or programs for increasing
 31 broadband adoption.

32 SECTION 4. IC 4-4-41 IS ADDED TO THE INDIANA CODE AS
 33 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2021]:

35 **Chapter 41. Indiana Broadband Connectivity Program**

36 **Sec. 1.** As used in this chapter, "broadband Internet" means a
 37 terrestrial connection to the Internet that provides an actual speed
 38 of at least twenty-five (25) megabits per second downstream and at
 39 least three (3) megabits per second upstream, regardless of the
 40 technology or medium used to provide the connection.

41 **Sec. 2.** As used in this chapter, "fund" refers to the Indiana
 42 broadband connectivity fund established by section 7 of this



- 1 chapter.
- 2 Sec. 3. As used in this chapter, "office" refers to the office of
3 community and rural affairs established by IC 4-4-9.7-4.
- 4 Sec. 4. As used in this chapter, "program" refers to the Indiana
5 broadband connectivity program established by section 6 of this
6 chapter.
- 7 Sec. 5. As used in this chapter, "registered provider" means a
8 company, firm, corporation, partnership, or association that
9 provides broadband Internet service in Indiana and that has
10 registered with the program under section 8 of this chapter.
- 11 Sec. 6. (a) The Indiana broadband connectivity program is
12 established for the purpose of expanding availability of broadband
13 Internet connectivity throughout Indiana by:
- 14 (1) connecting Indiana residents and businesses that lack
15 access to broadband Internet service with providers of
16 broadband Internet service through the public broadband
17 portal created under section 8 of this chapter; and
18 (2) providing funding under section 9 of this chapter to assist
19 broadband Internet providers in meeting the expense of
20 extending broadband Internet service to addresses at which
21 broadband Internet service is unavailable.
- 22 (b) The office shall administer the program.
- 23 Sec. 7. (a) The Indiana broadband connectivity fund is
24 established for the purpose of:
- 25 (1) creating and administering the public broadband portal
26 under section 8 of this chapter; and
27 (2) providing grants under section 9 of this chapter.
- 28 The office shall administer the fund.
- 29 (b) The fund consists of:
- 30 (1) money appropriated by the general assembly;
- 31 (2) money transferred to the fund by the office from the
32 Indiana broadband expansion fund under IC 4-4-40-1(f)(2);
33 and
- 34 (3) donations, gifts, and money received from any other
35 source, including transfers from other funds or accounts.
- 36 (c) The treasurer of state shall invest the money in the fund not
37 currently needed to meet the obligations of the fund in the same
38 manner as other public funds may be invested.
- 39 (d) Money in the fund at the end of a state fiscal year does not
40 revert to the state general fund.
- 41 Sec. 8. (a) The office shall contact broadband Internet providers
42 to solicit the providers' registration with the program. The office



- 1 shall not:
- 2 (1) require a provider to provide any proprietary business
- 3 information to the office for purposes of participating in the
- 4 program; or
- 5 (2) require a provider to participate in the program.
- 6 (b) The office shall create and administer a public broadband
- 7 portal:
- 8 (1) that is accessible to individuals through the office's
- 9 Internet web site and through a toll-free telephone number
- 10 established by the office for the purpose of public access to the
- 11 portal; and
- 12 (2) through which an individual may:
- 13 (A) submit the individual's residential or business address
- 14 to report that broadband Internet connectivity is
- 15 unavailable at the address; or
- 16 (B) submit the individual's residential or business address
- 17 to report that broadband Internet connectivity is available
- 18 at the address, but the individual is unable to afford the
- 19 cost of the available service.
- 20 (c) Each month, the office shall:
- 21 (1) post addresses, including zip codes, submitted under
- 22 subsection (b)(2)(A) to an Internet site that is accessible only
- 23 to registered providers; and
- 24 (2) not less than twenty-four (24) hours after the addresses are
- 25 posted, send notice of the posting to registered providers by
- 26 electronic mail.
- 27 (d) Not later than ten (10) days after a registered provider
- 28 receives notice of a posting of addresses under subsection (c), the
- 29 registered provider may provide notice to the office of any posted
- 30 address at which the registered provider's broadband Internet
- 31 service is available.
- 32 (e) If the office receives notice under subsection (d) that the
- 33 broadband Internet service of one (1) or more registered providers
- 34 is available at an address submitted by an individual through the
- 35 public broadband portal, the office shall, not later than ten (10)
- 36 days after receiving the notice, provide to the individual the name
- 37 and contact information of each registered provider whose
- 38 broadband Internet service is available at the address. The office
- 39 may provide notice to an individual under this subsection by:
- 40 (1) electronic mail, if the individual provided an electronic
- 41 mail address at the time the individual submitted the address
- 42 through the portal; or



- 1 (2) mail sent to the submitted address, if the individual did not
2 provide an electronic mail address.
- 3 (f) If the office does not receive notice under subsection (d)
4 regarding an address within ten (10) days after posting the address
5 under subsection (c), the office shall transmit to each registered
6 provider a bid notification for provision of broadband Internet
7 service at the address.
- 8 (g) A registered provider that receives a bid notification for an
9 address under subsection (f) and wishes to submit a bid for
10 provision of broadband Internet service to the address must, not
11 later than sixty (60) days after receiving the bid notification, send
12 to the office a bid that includes:
- 13 (1) a proposal for making a line extension from the provider's
14 existing broadband Internet infrastructure to the address;
15 (2) an estimate of the state's share of the cost for the line
16 extension, which may not exceed twenty-five thousand dollars
17 (\$25,000);
18 (3) a statement of the amount of the cost of the line extension
19 that the provider agrees to bear; and
20 (4) a statement that broadband Internet service will be
21 available to the address not later than six (6) months after the
22 office enters into an agreement with the provider to extend
23 broadband Internet service to the address.
- 24 (h) The office shall, not later than ten (10) business days after
25 the close of the sixty (60) day bidding period for an address under
26 subsection (g), evaluate the bids received and select the provider
27 whose bid presents the lowest cost to the state for extension of the
28 provider's broadband Internet infrastructure to the address.
- 29 Sec. 9. (a) The office shall:
- 30 (1) award a grant from the fund to a provider selected by the
31 office under section 8(h) of this chapter to extend broadband
32 Internet service to an address; and
33 (2) enter into an agreement with the provider under which:
- 34 (A) the provider agrees to extend broadband Internet
35 service to the address not later than six (6) months after
36 entering into the agreement; and
37 (B) the office agrees to distribute the amount of the grant
38 to the provider upon the provider's satisfactory completion
39 of extension of broadband Internet service to the address
40 and submission of:
- 41 (i) an invoice for the provider's expenses in extending
42 broadband Internet service to the address; and



1 (ii) a statement that broadband Internet service is now
2 available to the address.

3 (b) The amount of a grant under this section may not exceed
4 twenty-five thousand dollars (\$25,000) per line extension,
5 regardless of the number of addresses served by the line extension.

6 Sec. 10. (a) Not later than November 1 of each year, the office
7 shall:

8 (1) issue to the executive director of the legislative services
9 agency, for distribution to the members of the general
10 assembly convening in November of that year; and

11 (2) post to the office's Internet web site;
12 a report regarding the program.

13 (b) The report under subsection (a) must include the following
14 information with regard to the immediately preceding calendar
15 year:

16 (1) The number of addresses submitted under section
17 8(b)(2)(A) of this chapter:

18 (A) in total; and

19 (B) categorized by the Indiana legislative district in which
20 the address is located.

21 (2) The number of addresses submitted under section
22 8(b)(2)(B) of this chapter:

23 (A) in total; and

24 (B) categorized by the Indiana legislative district in which
25 the address is located.

26 (3) The number of grants, and the amount of the grants,
27 awarded this chapter:

28 (A) in total; and

29 (B) categorized by the Indiana legislative district in which
30 the grant was used to extend broadband Internet service.

31 (c) The report issued under subsection (a)(1) must be in an
32 electronic format under IC 5-14-6.

33 Sec. 11. The office shall adopt rules under IC 4-22-2 necessary
34 for the administration of this chapter.

35 SECTION 5. IC 4-4-42 IS ADDED TO THE INDIANA CODE AS
36 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2021]:

38 **Chapter 42. Indiana Broadband Adoption Program**

39 Sec. 1. The definitions in the following sections apply throughout
40 this chapter:

41 (1) IC 4-4-41-1.

42 (2) IC 4-4-41-3.



1 **(3) IC 4-4-41-5.**

2 **Sec. 2. As used in this chapter, "fund" refers to the Indiana**
 3 **broadband adoption fund established by section 4 of this chapter.**

4 **Sec. 3. The Indiana broadband adoption program is established**
 5 **for the purpose of expanding availability of broadband Internet**
 6 **connectivity throughout Indiana by:**

7 **(1) providing financial assistance to Indiana residents to**
 8 **whom broadband Internet service is available, but who**
 9 **cannot afford the service; and**

10 **(2) promoting adoption of broadband Internet service by**
 11 **Indiana residents.**

12 **Sec. 4. (a) The Indiana broadband adoption fund is established**
 13 **for the purpose of providing financial assistance under this**
 14 **chapter. The office shall administer the fund.**

15 **(b) The fund consists of:**

16 **(1) money appropriated by the general assembly;**

17 **(2) money transferred to the fund under IC 4-4-40-1(f)(3); and**

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

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

23 **(d) Money in the fund at the end of a state fiscal year does not**
 24 **revert to the state general fund.**

25 **Sec. 5. (a) The office shall enter into an agreement with each**
 26 **registered provider under which the provider agrees to accept**
 27 **vouchers distributed by the office under this chapter as a form of**
 28 **payment for the provider's broadband Internet service.**

29 **(b) The office shall send information regarding the availability**
 30 **of financial assistance under this chapter to each individual who**
 31 **submits a report through the public broadband portal under**
 32 **IC 4-4-41-8(b)(2)(A). The information must include:**

33 **(1) the name and contact information of each registered**
 34 **provider whose broadband Internet service is available at the**
 35 **address; and**

36 **(2) instructions for applying to the office for financial**
 37 **assistance under this section.**

38 **(c) An individual who receives information under subsection (b)**
 39 **may apply for financial assistance under this chapter in the**
 40 **manner specified by the office. Upon receipt of an application, the**
 41 **office shall determine, subject to subsection (d):**

42 **(1) the applicant's eligibility for financial assistance under this**



1 chapter;
 2 (2) the amount of financial assistance for which the applicant
 3 is eligible; and
 4 (3) whether the applicant is eligible for a single payment or a
 5 recurring payment of financial assistance;
 6 based on the office's assessment of the applicant's need.
 7 (d) An applicant for financial assistance under this chapter:
 8 (1) who is receiving, or whose household includes an
 9 individual who is receiving, benefits under:
 10 (A) the Temporary Assistance for Needy Families (TANF)
 11 program;
 12 (B) the federal Supplemental Nutrition Assistance
 13 Program (SNAP); or
 14 (C) the Medicaid program; or
 15 (2) whose household includes a child who is eligible for free or
 16 reduced price lunch;
 17 is automatically eligible for financial assistance under this chapter.
 18 (e) If the office determines under subsection (c) that an
 19 individual is eligible for financial assistance, or that the individual
 20 is eligible for financial assistance under subsection (d), the office
 21 shall provide financial assistance to the individual in the form of
 22 one (1) or more vouchers, each in the amount of fifty dollars (\$50),
 23 that can be used by the individual to pay one (1) or more of the
 24 following expenses:
 25 (1) Fees charged by a broadband Internet provider for
 26 installation, activation, equipment purchase, or other one (1)
 27 time expenses of providing broadband Internet service to the
 28 individual.
 29 (2) Monthly subscription fees charged by a broadband
 30 Internet provider for the provision of broadband Internet
 31 service to the individual, including modem and router
 32 charges.
 33 A voucher may be provided by the office in printed or electronic
 34 form.
 35 (f) A registered provider that receives a voucher under this
 36 section from an individual who subscribes to the provider's
 37 broadband Internet service shall deduct the amount of the voucher
 38 from the amount owed by the subscriber for the provider's
 39 provision of broadband Internet service to the individual.
 40 Sec. 6. (a) The office shall promote the adoption of broadband
 41 Internet service by Indiana residents through an outreach program
 42 that provides information regarding:



- 1 (1) the benefits of broadband Internet service to individuals;
 2 (2) the benefits to Indiana and to local communities of
 3 adoption of broadband Internet service by individuals;
 4 (3) the availability of low income broadband Internet
 5 adoption programs offered by broadband Internet providers;
 6 and
 7 (4) broadband Internet adoption assistance available through
 8 the program;

9 through the office's Internet web site and through targeted
 10 electronic and printed mailings to Indiana elementary and
 11 secondary schools, colleges and universities, and libraries.

12 (b) The office shall create and administer a digital literacy
 13 program that provides for instruction in:

- 14 (1) basic, intermediate, and advanced computing skills;
 15 (2) online research;
 16 (3) online personal and data security; and
 17 (4) other subjects the office considers appropriate to the goal
 18 of advancing the digital literacy of Indiana residents;

19 through Indiana elementary and secondary schools, colleges and
 20 universities, and libraries.

21 Sec. 7. (a) If the office determines that a county has achieved
 22 broadband Internet connectivity for ninety percent (90%) or more
 23 of the county's residents before January 1, 2026, the office shall
 24 certify the county as 21st Century Connected.

25 (b) The office shall allocate to each county certified as 21st
 26 Century Connected one hundred thousand dollars (\$100,000) from
 27 the fund for provision of financial assistance under this chapter to
 28 residents of the county.

29 Sec. 8. (a) Not later than November 1 of each year, the office
 30 shall:

- 31 (1) issue to the executive director of the legislative services
 32 agency, for distribution to the members of the general
 33 assembly convening in November of that year; and
 34 (2) post to the office's Internet web site;

35 a report regarding financial assistance provided under this chapter
 36 in the immediately preceding calendar year.

37 (b) The report under subsection (a) must include the following
 38 information:

- 39 (1) The number of applications received under this chapter:
 40 (A) in total;
 41 (B) categorized by the Indiana legislative district in which
 42 the applicant resided at the time of the application; and



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- (C) categorized by whether the applicant, at the time of the application:
 - (i) resided at an address at which broadband Internet connectivity was unavailable; or
 - (ii) resided at an address at which broadband Internet connectivity was available, but the applicant was unable to afford the cost of the available broadband Internet service.
 - (2) The number of applicants who were provided financial assistance under this chapter:
 - (A) in total;
 - (B) categorized by the Indiana legislative district in which the applicant resided at the time of the application; and
 - (C) categorized by whether the applicant, at the time of the application:
 - (i) resided at an address at which broadband Internet connectivity was unavailable; or
 - (ii) resided at an address at which broadband Internet connectivity was available, but the applicant was unable to afford the cost of the available broadband Internet service.
 - (3) The total amount of financial assistance provided under this chapter.
 - (4) The average amount of financial assistance provided to an applicant under this chapter.
 - (5) The average amount of financial assistance provided to an applicant under this chapter:
 - (A) categorized by the Indiana legislative district in which the applicant resided at the time of the application; and
 - (B) categorized by whether the applicant, at the time of the application:
 - (i) resided at an address at which broadband Internet connectivity was unavailable; or
 - (ii) resided at an address at which broadband Internet connectivity was available, but the applicant was unable to afford the cost of the available broadband Internet service.
 - (c) The report issued under subsection (a)(1) must be in an electronic format under IC 5-14-6.
- Sec. 9. The office shall adopt rules under IC 4-22-2 necessary for the administration of this chapter.**
- SECTION 6. IC 4-4-43 IS ADDED TO THE INDIANA CODE AS



1 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2021]:

3 **Chapter 43. Indiana Broadband Mapping Program**

4 **Sec. 1. (a) The office shall maintain a geographic information**
5 **system or similar data base that contains spatial data regarding the**
6 **availability of broadband Internet service in Indiana.**

7 **(b) The office shall create and shall, subject to subsection (c),**
8 **regularly update the data base using broadband Internet coverage**
9 **information compiled by the Federal Communications**
10 **Commission.**

11 **(c) Not later than July 1, 2022, the office:**

12 **(1) shall evaluate the broadband Internet coverage map**
13 **created by the Federal Communications Commission under**
14 **the Broadband Deployment Accuracy and Technological**
15 **Availability Act (Public Law 116-130); and**

16 **(2) if the office determines that the map provides broadband**
17 **Internet coverage information:**

18 **(A) at a level of detail that allows for determination of**
19 **broadband Internet availability at individual Indiana**
20 **addresses; or**

21 **(B) at a level of detail greater than that of the broadband**
22 **Internet coverage map provided by the office on the**
23 **office's Internet web site;**

24 **shall use the information to update the broadband Internet**
25 **coverage map provided by the office on the office's Internet**
26 **web site.**

27 **(d) If the office determines in the office's evaluation under**
28 **subsection (c) that the map does not provide broadband Internet**
29 **coverage information:**

30 **(1) at a level of detail that allows for determination of**
31 **broadband Internet availability at individual Indiana**
32 **addresses; or**

33 **(2) at a level of detail greater than that of the broadband**
34 **Internet coverage map provided by the office on the office's**
35 **Internet web site;**

36 **the office shall present the office's determination to the interim**
37 **study committee on energy, utilities, and telecommunications**
38 **during the 2022 legislative interim.**

39 **SECTION 7. [EFFECTIVE JULY 1, 2021] (a) As used in this**
40 **SECTION, "office" refers to the office of community and rural**
41 **affairs established by IC 4-4-9.7-4.**

42 **(b) There is appropriated to the Indiana broadband expansion**



1 fund established by IC 4-4-40-1, as added by this act, one hundred
2 million dollars (\$100,000,000):

3 (1) from the appropriation made for the lieutenant governor
4 for broadband development in P.L.108-2019, SECTION 6;
5 and

6 (2) to the extent insufficient funds described in subdivision (1)
7 remain, from the state general fund;

8 for the state fiscal year beginning July 1, 2021, and ending June 30,
9 2022.

10 (c) The office shall transfer the funds appropriated under
11 subsection (b) as follows:

12 (1) Sixty percent (60%) to the rural broadband fund
13 established by IC 4-4-38.5-11, as amended by this act.

14 (2) Thirty percent (30%) to the Indiana broadband
15 connectivity fund established by IC 4-4-41-7, as added by this
16 act; and

17 (3) Ten (10%) to the Indiana broadband adoption fund
18 established by IC 4-4-42-4, as added by this act.

19 (d) This SECTION expires July 1, 2022.



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 377, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

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

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

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

(A) Internet connections are unavailable; or

(B) the only available connections to the Internet are at actual speeds of less than ten (10) megabits per second downstream.

(2) Second, extending the deployment of eligible broadband service to areas in which the only available connections to the Internet are at actual speeds of:

(A) not less than ten (10) megabits; and

(B) not more than twenty-five (25) megabits; per second downstream.

(3) Projects for areas described in subdivision (2) shall not be funded before projects described in subdivision (1).

(c) The procedures established under this section may not permit the awarding of a grant from the fund for any proposed broadband project in an area in which eligible broadband service is available.

(d) The procedures established under this section may not permit the office to award a grant from the fund for any project in a rural area for which funding has been allocated from the federal Connect America Fund or from any other similar federal funding program the express purpose of which is to provide broadband service to rural or unserved areas.

(e) The procedures established under this section must establish a system of priorities for awarding grants under this chapter, weighted as determined by the office in guidelines adopted under section 10 of this chapter, that gives preference to eligible broadband projects that meet the following criteria:

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(1) Projects that will provide eligible broadband service to unincorporated areas in Indiana.

(2) Projects for which the applicant commits to providing more than fifty percent (50%) of the cost to deploy the proposed broadband infrastructure. When multiple applicants apply for a grant to provide eligible broadband service to the same rural area; the office may establish a preference for approving applications with a greater funding contribution by the applicant.

(3) Projects that involve an agreement between the applicant and one (1) or more other parties that would permit the applicant to use existing facilities or infrastructure owned or controlled by an unrelated third party to enable the applicant to offer eligible broadband service to locations in a rural area.

(e) The procedures established under this section must give priority, as between eligible broadband projects, to the eligible broadband project requiring a lower state contribution per passing, calculated as:

(1) the amount of the state's contribution to the eligible broadband project; divided by

(2) the total number of unserved homes and unserved businesses at which eligible broadband services will be made available by completion of the eligible broadband project.

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

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

Page 3, line 21, delete "provider of" and insert "**company, firm, corporation, partnership, or association that provides**".

Page 3, line 21, after "service" insert "**in Indiana and**".

Page 3, line 26, delete "who" and insert "**and businesses that**".

Page 4, line 26, delete "that:" and insert "**that**".



- Page 4, delete line 27.
- Page 4, line 28, delete "(ii)".
- Page 4, run in lines 26 through 28.
- Page 4, line 31, delete "that:" and insert **"that"**.
- Page 4, delete lines 32 through 34.
- Page 4, line 35, delete "(ii)".
- Page 4, run in lines 31 through 35.
- Page 4, line 38, delete "Twice each" and insert **"Each"**.
- Page 4, line 39, delete "addresses" and insert **"addresses, including zip codes,"**.
- Page 5, line 5, delete "shall" and insert **"may"**.
- Page 5, line 33, delete "estimated" and insert **"estimate of the state's share of the"**.
- Page 5, line 33, delete "extension; and" and insert **"extension, which may not exceed twenty-five thousand dollars (\$25,000);"**.
- Page 5, line 35, delete "bear." and insert **"bear; and (4) a statement that broadband Internet service will be available to the address not later than six (6) months after the office enters into an agreement with the provider to extend broadband Internet service to the address."**
- Page 5, line 39, delete "net cost, calculated as:" and insert **"cost to the state"**.
- Page 5, delete lines 40 through 42.
- Page 5, run in line 39 through page 6, line 1.
- Page 6, line 9, delete "address;" and insert **"address not later than six (6) months after entering into the agreement;"**.
- Page 6, line 12, delete "address," and insert **"address and submission of:**
- (i) an invoice for the provider's expenses in extending broadband Internet service to the address; and**
 - (ii) a statement that broadband Internet service is now available to the address."**
- Page 6, delete line 13.
- Page 6, line 29, after "total;" insert **"and"**.
- Page 6, line 31, delete "located; and" and insert **"located."**
- Page 6, delete lines 32 through 36.
- Page 6, line 39, after "total;" insert **"and"**.
- Page 6, line 41, delete "located; and" and insert **"located."**
- Page 6, delete line 42.
- Page 7, delete lines 1 through 4.
- Page 7, line 7, after "total;" insert **"and"**.
- Page 7, line 9, delete "service;" and insert **"service."**



- Page 7, delete lines 10 through 16.
- Page 8, line 27, delete "subsections (d) and (e):" and insert **"subsection (d):"**.
- Page 8, delete lines 35 through 42.
- Page 9, delete line 1.
- Page 9, line 2, delete "(e)" and insert **"(d)"**.
- Page 9, line 13, delete "(f)" and insert **"(e)"**.
- Page 9, line 15, delete "(e)," and insert **"(d),"**.
- Page 9, line 30, delete "(g)" and insert **"(f)"**.
- Page 10, line 40, after "which" insert **"broadband"**.
- Page 10, line 41, delete "available, but the applicant was unable to afford the" and insert **"unavailable; or"**.
- Page 10, delete line 42.
- Page 11, line 1, delete "Internet connectivity,".
- Page 11, line 2, delete "including".
- Page 11, line 2, delete "connectivity," and insert **"connectivity"**.
- Page 11, line 12, after "which" insert **"broadband"**.
- Page 11, line 13, delete "available, but the applicant was unable to afford the" and insert **"unavailable; or"**.
- Page 11, delete line 14.
- Page 11, line 15, delete "Internet connectivity,".
- Page 11, line 16, delete "including".
- Page 11, line 16, delete "connectivity," and insert **"connectivity"**.
- Page 11, line 29, after "which" insert **"broadband"**.
- Page 11, line 30, delete "available, but the applicant was unable to afford the" and insert **"unavailable; or"**.
- Page 11, delete line 31.
- Page 11, line 32, delete "Internet connectivity,".
- Page 11, line 33, delete "including".
- Page 11, line 33, delete "connectivity," and insert **"connectivity"**.
- Page 12, line 13, after "116-130);" insert **"and"**.
- Page 12, line 24, delete "site; and" and insert **"site."**.
- Page 12, line 25, delete "(3) if", begin a new paragraph and insert: **"(d) If"**.
- Page 12, line 25, after "determines" insert **"in the office's evaluation under subsection (c)"**.
- Page 12, line 27, delete "(A)", begin a new line block indented and insert:
"(1)".
- Page 12, line 30, delete "(B)", begin a new line block indented and insert:
"(2)".



Page 12, delete lines 33 through 42, begin a new line blocked left and insert:

"the office shall present the office's determination to the interim study committee on energy, utilities, and telecommunications during the 2022 legislative interim."

Page 13, delete line 1.

Page 13, line 16, delete "(a)" and insert "**(b)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 377 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 10, Nays 0.

