First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1101

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 5-28-28.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28.5. Broadband Ready Communities Development Center

Sec. 1. As used in this chapter, "center" refers to the broadband ready communities development center established by section 5 of this chapter.

Sec. 2. As used in this chapter, "permit" means any local, state, or federal agency permit, license, certificate, approval, registration, or similar form of approval required by statute, administrative rule, regulation, ordinance, or resolution with respect to a project.

Sec. 3. As used in this chapter, "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services (as defined in IC 8-1-32.5-3) in a unit.

Sec. 4. As used in this chapter, "unit" means a county, city, or town.

Sec. 5. The broadband ready communities development center is established within the corporation. The center has the following

duties:

(1) Providing comprehensive information concerning permits required for projects and related business activities in Indiana and making this information available to any person.

(2) Working with other state and local government offices, departments, and administrative entities to encourage timely and efficient issuance of permits and resolution of related issues.

(3) Encouraging local and federal government agencies to coordinate activities related to approving applications and issuing permits for projects.

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) complied with any other requirements of the corporation.

Sec. 7. (a) A unit that wishes to be certified as a broadband ready community must establish a procedure to review applications and issue permits for projects. The procedure must contain the following components:

(1) A single point of contact for all matters related to a project.

(2) A guarantee that all applications related to a project will be reviewed and either approved or rejected within ten (10) business days after an application is submitted.

(3) An assurance that all inspections, including necessary approvals, related to a project will occur in a timely and expeditious manner.

(4) An authorization for all forms, applications, and documentation related to a project to be filed and signed by electronic means.

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

(1) Require an applicant to designate a final contractor to complete a project.

(2) Impose a fee to review an application or issue a permit for

a project.

(3) Impose a seasonal moratorium on the issuance of permits for a project.

(4) Discriminate among communications service providers or utilities with respect to any action described in this section or otherwise related to a project, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, and any other physical assets owned or controlled by the unit.

SECTION 2. **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: _____

HEA 1101