
HOUSE BILL No. 1561

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-28-33; IC 6-2.5-5-13; IC 8-1-32.6-4.

Synopsis: High speed Internet service initiative. Requires the economic development corporation to: (1) develop a high speed Internet service deployment and adoption initiative; and (2) create a statewide geographic information system of telecommunications and information technology services. Exempts from the state gross retail tax certain tangible personal property related to the provision of broadband services. Includes residential property in the definition of "multitenant real estate" for purposes of providing access to real property by communications service providers.

Effective: July 1, 2009.

**Van Haften, Goodin, Murphy,
Borrer**

January 22, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

**C
o
p
y**



First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1561



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-28-33 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2009]:
 4 **Chapter 33. High Speed Internet Service Deployment and**
 5 **Adoption Initiative**
 6 **Sec. 1. As used in this chapter, "GIS" refers to the statewide**
 7 **geographic information system created under section 3 of this**
 8 **chapter.**
 9 **Sec. 2. As used in this chapter, "high speed Internet service"**
 10 **means a connection to the Internet that provides capacity for**
 11 **transmission at an average speed of at least two hundred (200)**
 12 **kilobits per second downstream, regardless of the technology or**
 13 **medium used to provide the connection.**
 14 **Sec. 3. (a) The corporation shall develop a high speed Internet**
 15 **service deployment and adoption initiative that includes the**
 16 **creation of a statewide geographic information system (GIS) of**
 17 **available telecommunications and information technology services,**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

including high speed Internet service.

(b) The corporation shall:

(1) map the availability of high speed Internet service, including the percentage of households that have access to high speed Internet service, by census blocks established by the Bureau of the Census and depicted in the GIS; and

(2) use the map to identify areas where high speed Internet service is inadequate or unavailable.

(c) The corporation shall update the GIS at least every six (6) months.

Sec. 4. (a) A person or entity that provides data or other information to the corporation for inclusion in the GIS may designate the data or information as confidential for purposes of IC 5-14-3-4, subject to the approval of the corporation.

(b) The corporation may enter into a nondisclosure agreement with a person or entity described in subsection (a) concerning proprietary information submitted to the corporation by the person or entity.

Sec. 5. The corporation may contract with a nonprofit organization to develop all or part of the initiative described in section 3 of this chapter.

Sec. 6. This chapter may not be construed as authorizing the corporation to regulate communications service providers (as defined in IC 8-1-32.5-4).

Sec. 7. In implementing this chapter, the corporation shall consult with the Indiana finance authority to avoid unnecessary duplication of efforts under this chapter and IC 8-1-33.

SECTION 2. IC 6-2.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) As used in this section, "broadband service" means a connection to the Internet that provides capacity for transmission at an average speed of at least two hundred (200) kilobits per second downstream, regardless of the technology or medium used to provide the connection.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax, if either of the following applies:

(1) The property is:

(A) classified as central office equipment, station equipment or apparatus, station connection, wiring, or large private branch exchanges according to the uniform system of accounts which was adopted and prescribed for the utility by the Indiana utility regulatory commission; or

(B) mobile telecommunications switching office equipment,

C
O
P
Y



1 radio or microwave transmitting or receiving equipment,
 2 including, without limitation, towers, antennae, and property
 3 that perform a function similar to the function performed by
 4 any of the property described in clause (A); or
 5 **(C) mobile telecommunications customer equipment**
 6 **provided at no additional charge to a customer whose**
 7 **place of primary use is in Indiana;**
 8 and ~~(2)~~ the person acquiring the property furnishes or sells
 9 intrastate telecommunication service in a retail transaction
 10 described in IC 6-2.5-4-6.

11 **(2) The property is:**
 12 **(A) capable of providing broadband service;**
 13 **(B) owned by or leased to a broadband service provider;**
 14 **and**
 15 **(C) not located inside a customer's place of primary use.**
 16 **Property under this subdivision does not include personal**
 17 **computers, modems, set top boxes, or related items used by a**
 18 **customer to facilitate a broadband connection.**

19 SECTION 3. IC 8-1-32.6-4, AS ADDED BY P.L.27-2006,
 20 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2009]: Sec. 4. As used in this chapter, "multitenant real
 22 estate" means any:

- 23 (1) geographic area;
 - 24 (2) building; or
 - 25 (3) group of buildings;
- 26 containing more than one (1) unit for ~~business~~ **residential or**
 27 **commercial** purposes. ~~The term includes office buildings and office~~
 28 ~~parks. The term does not include apartment buildings, condominiums,~~
 29 ~~or subdivisions.~~

C
O
P
Y

