

# SENATE BILL No. 361

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-32.7; IC 21-28-5-14.

**Synopsis:** State provision and use of communications service. Provides that after March 31, 2012, the state may not offer or provide, directly or indirectly, communications service to the public or to any private or governmental entity. Provides exceptions to this prohibition to allow for the following: (1) The state to provide communications service for 911 services or emergency or law enforcement purposes. (2) The state to provide communications service to institutions of higher education for the direct benefit of students, faculty, and staff. (3) The state to purchase communications service through a contract administered through the Indiana department of administration. (4) The state or a private postsecondary educational institution to purchase communications service from a provider owned or operated by, or affiliated with, the state if comparable service is not available from a private provider. Provides that after March 31, 2012, a person that is not: (1) a state educational institution; or (2) a private postsecondary educational institution; may not become a member of the I-Light network or use the I-Light network or any services made available through I-Light.

**Effective:** Upon passage.

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**Merritt, Holdman**

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January 9, 2012, read first time and referred to Committee on Utilities & Technology.

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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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 361



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

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

1 SECTION 1. IC 8-1-32.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:  
4 **Chapter 32.7. Use and Provision of Communications Service by**  
5 **the State**  
6 **Sec. 1. As used in this chapter, "communications service" has**  
7 **the meaning set forth in IC 8-1-32.5-3.**  
8 **Sec. 2. As used in this chapter, "communications service**  
9 **provider" has the meaning set forth in IC 8-1-32.5-4.**  
10 **Sec. 3. (a) As used in this chapter, "state" means the state of**  
11 **Indiana and any officer, agency, department, board, bureau,**  
12 **commission, division, or institution of the state of Indiana, the**  
13 **trustees or board of directors of any instrumentality of the state of**  
14 **Indiana or body politic of the state of Indiana, and the trustees of**  
15 **any state educational institution.**  
16 **(b) The term includes a state agency or other instrumentality of**  
17 **state government that holds the contract for the state's indefeasible**



1 right of use to I-Light (as defined in IC 21-28-5-14).

2 Sec. 4. (a) Except as provided in subsections (b) and (c) and in  
3 IC 21-28-5, after March 31, 2012, the state may not offer or  
4 provide, directly or indirectly, communications service to the  
5 public or to any private or governmental entity.

6 (b) This section does not prohibit any of the following:

7 (1) The state from providing communications service to the  
8 extent used solely for 911 service, enhanced 911 service, or  
9 any other emergency or law enforcement purpose.

10 (2) The state from providing communications service to a  
11 state educational institution or a private postsecondary  
12 educational institution for the direct benefit of students,  
13 faculty, and staff.

14 (3) The state from purchasing communications service  
15 directly or indirectly from a communications service provider  
16 through a contract administered through the Indiana  
17 department of administration.

18 (4) The state or a private postsecondary educational  
19 institution from purchasing communications service directly  
20 or indirectly from a communications service provider that is  
21 owned or operated by, or affiliated with, the state if  
22 comparable communications service is not available for  
23 purchase from a communications service provider that is not  
24 owned or operated by, or affiliated with, the state.

25 (c) Notwithstanding subsection (a), the state remains subject to  
26 any contractual rights, duties, and obligations incurred by the state  
27 and owed to any private person under a contract for the provision  
28 of communications service that was entered into by the state before  
29 April 1, 2012, and that remains in effect after March 31, 2012. All  
30 liens, security interests, royalties, and other contracts, rights, and  
31 interests owed to a private person under the contract continue in  
32 full force and effect and must be paid or performed by the state in  
33 the manner specified in the contract, subject to the right of the  
34 state and all other contracting parties to renegotiate the terms of  
35 the contract at any time before the expiration of the contract.

36 SECTION 2. IC 21-28-5-14 IS ADDED TO THE INDIANA CODE  
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
38 UPON PASSAGE]: Sec. 14. (a) This section does not apply to a  
39 person that:

40 (1) is not a state educational institution or a private  
41 postsecondary educational institution; and

42 (2) is a member of I-Light or is connected to or uses the

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1           **I-Light network or services made available through I-Light;**  
2 **before April 1, 2012.**

3           **(b) As used in this section, "I-Light" refers to the high speed**  
4 **communications network that connects state educational**  
5 **institutions and private postsecondary educational institutions**  
6 **throughout Indiana. The term includes the networks known at any**  
7 **time as I-Light or I-Light 2, or any other version or iteration of**  
8 **those names, or by any other designation.**

9           **(c) As used in this section, "person" means any individual,**  
10 **corporation, limited liability company, partnership, firm,**  
11 **association, public or private agency, or other organization.**

12           **(d) Notwithstanding section 10 of this chapter, and except as**  
13 **provided in subsection (a), after March 31, 2012, a person that is**  
14 **not:**

15           **(1) a state educational institution; or**

16           **(2) a private postsecondary educational institution;**

17 **may not become a member of I-Light or use the I-Light network or**  
18 **any services made available through I-Light.**

19           **SECTION 3. An emergency is declared for this act.**

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