January 20, 2012

SENATE BILL No. 361

DIGEST OF SB 361 (Updated January 19, 2012 12:00 pm - DI 103)

Citations Affected: IC 8-1; IC 21-28.

Synopsis: State provision and use of communications service. Provides that after March 31, 2012, the I-Light network may not be used to 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 provision of communications service for 911 services or emergency or law enforcement purposes. (2) The provision of communications service to institutions of higher education for the direct benefit of students, faculty, and staff. 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.

Holdman, Merritt, Schneider, Randolph

January 9, 2012, read first time and referred to Committee on Utilities & Technology.
January 19, 2012, amended, reported favorably — Do Pass.

C o p y

January 20, 2012

Second Regular Session 117th General Assembly (2012)

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.

C o p y

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:

SECTION 1. IC 8-1-32.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 32.7. Use and Provision of Communications Service by the State

Sec. 1. As used in this chapter, "communications service" has the meaning set forth in IC 8-1-32.5-3.

Sec. 2. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.5-4.

Sec. 3. As used in this chapter, "I-Light" refers to the high speed communications network that connects state educational institutions and private postsecondary educational institutions throughout Indiana. The term includes the networks, and any successor networks, known at any time as I-Light or I-Light 2, or any other version or iteration of those names, or by any other designation.

Sec. 4. (a) As used in this chapter, "state" means the state of

Indiana and any officer, agency, department, board, bureau, commission, division, or institution of the state of Indiana, the trustees or board of directors of any instrumentality of the state of Indiana or body politic of the state of Indiana, and the trustees of any state educational institution.

(b) The term includes a state agency or other instrumentality of state government that holds the contract for the state's indefeasible right of use to I-Light.

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

(b) This section does not prohibit the use of I-Light for any of the following:

(1) The provision of communications service to the extent used solely for 911 service, enhanced 911 service, or any other emergency or law enforcement purpose.

(2) The provision of communications service to a state educational institution or a private postsecondary educational institution for the direct benefit of students, faculty, and staff.

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

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

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

(2) is a member of I-Light or is connected to or uses the I-Light network or services made available through I-Light;

before April 1, 2012.

(b) As used in this section, "I-Light" refers to the high speed communications network that connects state educational

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institutions and private postsecondary educational institutions throughout Indiana. The term includes the networks, and any successor networks, known at any time as I-Light or I-Light 2, or any other version or iteration of those names, or by any other designation.

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

(d) Notwithstanding section 10 of this chapter, and except as provided in subsection (a), 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 I-Light or use the I-Light network or any services made available through I-Light.

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Senate Bill No. 361, 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 lines 9 and 10, begin a new paragraph and insert:

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

Page 1, line 10, delete "3." and insert "**4.**".

Page 2, line 1, delete "I-Light (as defined in IC 21-28-5-14)." and insert "**I-Light.**".

Page 2, line 2, delete "4." and insert "**5.**".

Page 2, line 3, delete "the state may not" and insert "**I-Light may not be used to**".

Page 2, line 6, after "prohibit" insert "**the use of I-Light for**".

Page 2, line 7, delete "state from providing" and insert "**provision of**".

Page 2, line 10, delete "state from providing" and insert "**provision of**".

Page 2, delete lines 14 through 24.

Page 3, line 6, after "networks" insert "**, and any successor networks,**".

and when so amended that said bill do pass.

(Reference is to SB 361 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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