

# STATE LEGISLATIVE UPDATE

*April 26, 2021*

## *2021 Indiana General Assembly Wrap-Up Edition*

- The 2021 “long”, 16-week legislative session came to a temporary end at approximately 3:00 p.m. on Thursday afternoon, April 22nd, a full 5 days before the statutory deadline of April 29th. The General Assembly will be reconvening likely in September to complete the redistricting process of state and federal legislative district maps. The US Census information needed to draw the new maps was delayed due to the COVID-19 pandemic, and will be received by the states later this year.
- This legislative session was more challenging than most because of the pandemic. Last summer and throughout the fall, key legislators met frequently to figure out how the General Assembly would - or could - meet safely due to COVID restrictions. The end result was a plan that had many mini-plans built in for all of the “what if” scenarios that might occur. Everyone associated with the legislative process - legislators, staff, lobbyists - all knew the session would be like no other, but for reasons unimagined in previous times. Direct access to legislators was more restricted, with much interaction limited to telephone or other virtual communications.
  - With the exception of the very last day, the House of Representatives completely relocated across the street from the State House to the Government Center South Building for the session to accommodate social distancing between legislators, but the room was still a tight fit once everyone was inside and spaced six feet apart. On the final session day, the legislators returned to the State House chamber to conclude business, all the while following safety protocols.
  - The 50-member Senate met in the Senate Chamber at the State House. However, 30 Senators were located on the Senate floor while the other 20 Senators sat in the balcony which is typically where the general public sits to observe sessions. Throughout the session, the Senate maintained its typical floor schedule and legislative staff worked rotating shifts both remotely from home and from the State House to limit exposure and hopefully prevent staff shortages due to quarantining if it had become necessary. Additionally, plexiglass was installed in both locations to separate legislators when they were speaking.
  - House Speaker Todd Huston publicly commented at the conclusion of the session that for the first couple of months, the House saw either a legislator or a staff member absent just about every day either because of contracting the virus or having to quarantine due to potential exposure. But while the session was not without incident, for the most part, the session came off without a mass outbreak of COVID-19.
- On the final day of the session, the Indiana General Assembly approved a new and robust two-year, \$37.4 billion state budget. The biennial adoption of a new state budget is typically approved on a party line vote. This budget, however, was adopted in the House of Representatives by a vote of 96-2 and in the Senate by a vote of 46-3. Only 5 Democrats opposed House Enrolled Act 1001 which quite honestly, is unprecedented in recent times. On April 15th, the most important piece of the budget puzzle - the final state revenue forecast - was received by legislators. That forecast provided much good news for the budget preparers, including \$2 billion in new state tax revenue. Budget negotiators also had about \$3 billion in federal stimulus dollars to work with, as well. This breaks down into \$860 million in new money for fiscal year 2022, and \$1.1 billion for fiscal year 2023.



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- Overall school funding will increase by about 4.6% and 4.3% respectively over the next two years, significantly more than previously thought.
- Also included is money for numerous economic development grant programs and construction projects that will result from the federal money, including \$500 million for the Regional Economic Acceleration & Development Grant Program (READI), \$250 million for broadband internet expansion grants and \$160 million for water infrastructure projects.
- HEA 1001 also pays down a significant amount of the state's debt obligations that resulted from the COVID -19 pandemic over the last year. \$500 million of the federal dollars will go toward the state's unemployment insurance trust fund that was hit hard by an explosion of jobless claims during the past year. About \$300 million will go toward early payoffs of state construction debts. \$600 million in state money is earmarked to pay off teacher pension obligations.
- In addition to the budget, other items of note that the General Assembly accomplished this session include passing liability protections for businesses and individuals from COVID-19 related lawsuits, expanding telehealth services in Indiana and making medical care more available through the use of technology, and passing comprehensive law enforcement reform measures unanimously.
- Some of the items that did not make it over the finish line include an increase in the state's cigarette tax, a perennial annexation measure (Senate Bill 95), a bill that would have made some changes to Indiana's absentee voter procedures (Senate Bill 353), a measure that would have established statewide standards for the siting of renewable energy facilities throughout Indiana (House Bill 1381), and a bill that addressed the study of the state's role in voluntary carbon markets (Senate Bill 373).
- On the utility and energy fronts, there were several bills of interest this session that pertained to broadband deployment (Senate Enrolled Acts 352, 359 and 377, and House Enrolled Act 1449), water and wastewater (Senate Enrolled Acts 348 and 349 and House Enrolled Act 1287), electric utility resource adequacy metrics (House Enrolled Act 1520), an extension of the 21st Century Energy Policy Development Task Force (House Enrolled Act 1220), cost securitization for electric utility assets SEA 386) and the tax assessment of utility grade solar property (House Enrolled Act 1348).
- 1,031 bills (602 House bills, 410 Senate bills, 19 Joint Resolutions) were introduced this year. At the half-way point, 696 of those died - 453 House bills, 243 Senate bills and all 19 Joint Resolutions. 316 pieces of legislation remained for consideration during the second half of the session. At the final bell, 220 bills were approved, and either have headed or will head to the Governor's desk.



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## LEGISLATION OF GENERAL INTEREST

### ■ **House Enrolled Act 1004 - Small Business Restart Grant Program**

Establishes the Hoosier hospitality small business restart grant program (program) to provide grants to eligible entities to accelerate economic recovery from the impacts of the coronavirus disease (COVID-19) pandemic. Establishes the small business restart grant fund (fund). Provides that the Indiana economic development corporation (corporation) administers the program and fund. Allows the corporation to award grants from the fund. Provides parameters for the program. However, authorizes the corporation to change the parameters of the program, which, if a change is made, must be reviewed by the budget committee at the meeting following the change. There is a \$60 million appropriation in the budget for this program, funded by federal stimulus dollars.

### ■ **House Enrolled Act 1030 - Removal of a County Elected Official**

Allows a county executive and county fiscal body to adopt identical resolutions to initiate a court action to remove the county's auditor, treasurer, recorder, surveyor, or assessor (county officer) for: (1) neglect of duties; (2) charging illegal fees; or (3) failing to be physically present in the county officer's office for a reasonable amount of time each month. (Under current law, an action for removal of an officer may only be initiated in court on the oath of a person and for a violation described in (1) or (2)). Provides that it is a defense to an action for a violation described in (3) that the county officer's absence was due to serious illness of the county officer or the county officer's spouse, parent, child, or stepchild or military service.

### ■ **House Enrolled Act 1437 - Electronic Meetings - IMPA Priority Legislation**

As a result of the pandemic, and in order to carry on with official business, local units have been successfully conducting that business via electronic platform for over a year under the authority of Governor Holcomb's Executive Orders. Allowing this practice to continue post-pandemic was an agenda item for the Governor this session. The bill allows a member of a governing body of a political subdivision to participate in a meeting electronically subject to the following provisions: (1) Requires the governing body to adopt a written policy establishing procedures for electronic participation. (2) Requires the technology to permit simultaneous communication between members and the public to attend and observe the proceedings. (3) Requires at least 50% of the members to be physically present at the meeting site. (4) Allows a member participating electronically to be counted for quorum purposes. (5) Provides that a member participating electronically may participate in a final action taken by the governing body only if the member can be seen and heard. Additionally, this bill: (1) Exempts governing bodies of state agencies that have a majority of members with disabilities from certain attendance requirements. (2) Provides that if a statute requires a manual signature for attesting or authenticating an obligation issued by certain state and local public entities, an electronic signature has the same force and effect as a manual signature. (4) Adds provisions applicable to state and local public agencies when a state or local disaster emergency is declared. **Specific to IMPA, the IMPA Board of Commissioners has been meeting virtually since April 2020 due to the pandemic and with the authority of the Governor's Executive Orders. We successfully worked with both the House and Senate on incorporating language specific to IMPA's statute that will officially allow the Board of Commissioners to meet virtually in the future should there ever be another declared emergency by a Governor.**



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## ■ **Senate Enrolled Act 332 – Publication of Notice by Political Subdivisions**

Allows a political subdivision, when required by statute to publish a notice two or more times, to make the first publication of notice in a newspaper and any subsequent publications of the notice on the official web site of the political subdivision. Requires the political subdivision or contractor that maintains the political subdivision's official web site to provide proof of publication of the notice on the official web site. Provides that if, with regard to a sheriff's sale of real property to execute a judgment, the sheriff is not able to procure publication of the notice in a newspaper of general circulation within the county, the sheriff may publish the notice on the Internet web site of each county where the real estate is located (instead of dispensing with the publication of notice entirely).

## **ENERGY, ENVIRONMENT, UTILITY-RELATED LEGISLATION**

## ■ **House Enrolled Act 1168 – Electric Vehicles and Advanced Technology**

Establishes the Electric Vehicle Product Commission, which consists of six members appointed by the Governor and four members of the General Assembly. The majority of the members must be Indiana residents. The purposes of the commission are as follows: (1) evaluate the inventory of existing electric vehicle product facilities and production capability; (2) evaluate the inventory of skilled and non-skilled workers in the electric vehicle product industry; (3) evaluate opportunities and needs for training within the electric vehicle product industry; (4) determine if training centers promoting careers in the electric vehicle product industry should be created or transitioned from traditional automotive industry training centers; (5) identify existing manufacturing competencies within the traditional automotive industry and determine how the existing competencies could be leveraged to increase the production of electric vehicles; (6) identify and evaluate opportunities for growth within the electric vehicle product industry; (7) identify and document results from previous instances of retooling and transforming manufacturing facilities in the automotive industry; and (8) identify opportunities for research and development within the electric vehicle product industry.

## ■ **House Enrolled Act 1191 – Energy Matters**

Provides that a county executive or the legislative body of a city or town does not have the power to prohibit: (1) a public utility or department of public utilities from furnishing utility service to a utility customer; or (2) a customer of a public utility or department of public utilities from purchasing, using, or connecting or reconnecting to a utility service based on the energy source of the utility service. Added to the bill late in the process is language that defines a "federal phaseout mandate" as any federal statutory or regulatory requirement that: (1) is established after April 20, 2021, by Congress, a federal agency, or a federal executive order; and (2) requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source. Requires the utility regulatory commission (IURC) to consider in the context of: (1) applications for Certificates of Public Convenience and Necessity (CPCN) for new generating facilities; and (2) Integrated Resource Plans (IRPs); the impact of federal phaseout mandates on the estimated useful life of certain generating facilities of an electric utility, including on depreciation expense associated with such facilities. Provides that, except for purposes of compliance with specified building and fire safety laws, a local unit does not have the power to: (1) require that a particular component, design, or type of material be used in the construction of a building because of the energy saving or energy producing qualities of the component, design, or material; (2) prohibit the use of a particular component, design, or type of material in the construction of a building because the component, design, or material does not meet an energy saving standard; (3) require that a building or structure be retrofitted with a particular device or type of material because of the energy saving or energy producing qualities of



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the device or material; (4) prohibit or restrict the purchase or use of vehicles based upon the type of energy used; or (5) prohibit the sale, installation, or use of: (A) natural gas powered: (i) home heating equipment; (ii) home appliances; or (iii) outdoor heating appliances, torches, lamps, or other decorative features; or (B) outdoor grills and stoves. Specifies that: (1) this prohibition does not apply with respect to requirements included in procurement documents used to procure goods and services, including the construction or design of buildings, to be owned or used by a local unit; and (2) a local unit may adopt bid specifications for a public works project that include energy savings or energy production provisions with respect to the components, design, or materials for the specific project.

## ■ **House Enrolled Act 1220 – Extension of the 21st Century Energy Policy Development Task Force – IMPA Priority Legislation**

Provides for a 1-year extension of the 21st Century Energy Policy Development Task Force, with work to be completed by November 1, 2022. The measure changes the composition of the Task Force, increasing the number of members from 15 to 17, and requires the Utility Consumer Counselor or his designee to be a member, as well as either the public finance director of the Indiana Finance Authority (IFA) or that person's designee. The bill moves some of the original Task Force appointments from the Governor to the General Assembly, and those appointments must be people from the State of Indiana. HEA 1220 sets out the topics to be considered for study, including but not limited to the following: stranded utility assets, rate fairness to all customer classes, impacts of plant closures on local communities, electric vehicle charging infrastructure, distributed energy resources (DERs), energy storage, the use of securitization to recover stranded utility costs associated with legacy generation units and a potential reporting requirement for cooperatively owned power suppliers (Hoosier/WVPA) to provide to the IURC their calculations of stranded costs. IMPA will be actively involved in the extended Task Force, just as we were during the first two years.

## ■ **House Enrolled Act 1348 – Assessment of Utility Grade Solar Projects**

Provides that, for assessment dates beginning after December 31, 2021, the land portion of the fixed property of a utility grade solar energy installation facility shall be assessed at an amount that does not exceed the solar land base rate for the region in which the property is located. Provides that assessing officials shall follow the normal guidelines and procedures as are applicable under the property tax cap chapter. Provides a limited exception for certain utility grade solar energy installation facilities that were assessed on the January 1, 2021, assessment date. Requires the Department of Local Government Finance (department) to annually determine and release a solar land base rate for each region based on the median true tax value per acre of all land in the region classified under the utility property class codes of the department for the immediately preceding assessment date.

## ■ **House Enrolled Act 1520 – Electric Utility Reliability Adequacy Metrics -IMPA Priority Legislation**

Over the last two years, resource adequacy was a large focus for the Energy Task Force. Making sure that all Indiana customers have reliable power supply led the Task Force to recommend that the General Assembly establish resource reliability metrics for Indiana's electric utilities, including IMPA. HEA 1520 is the product of a collaborative effort by all electric utilities (including IMPA) who submit Integrated Resource Plans (IRPs) to the Indiana Utility Regulatory Commission (IURC). The bill requires utilities to submit an annual resource planning and capacity report to the IURC with specific information regarding the utility's ability to provide reliable electric service to its customers. The



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IURC must then review the reports and determine that the utility's capacity resources will or will not be adequate.

## ■ **Senate Enrolled Act 271 - Environmental Matters, CCR Permitting**

This measure does several things, notably requires the Indiana Department of Environmental Management (IDEM) to establish a state permit program for the implementation of federal regulations for the disposal of coal combustion residuals (CCR) in landfills and surface impoundments. The bill establishes the CCR Program Fund for the purposes of paying costs incurred by IDEM in operating the state permit program, including personnel costs. IDEM shall administer the fund. The expenses of administering the program shall be paid from money in the fund. Requires the Environmental Rules Board (ERB) to adopt rules for the establishment of the state permit program. Requires IDEM, not later than May 15, 2021, to notify the United States Environmental Protection Agency of its intention to establish the state permit program and seek federal approval of the program. Establishes the CCR program fund to pay costs incurred by IDEM in operating the state permit program and conducting program funding reviews. The bill also provides that after the rules are adopted by the ERB, annual fees for CCR landfills that were previously regulated as restricted waste sites will be deposited in the CCR Program Fund.

## ■ **Senate Enrolled Act 348 - Wastewater Task Force**

Establishes the Task Force on Wastewater Infrastructure Investment and Service to Underserved Areas. Provides that the task force consists of the following 18 members: (1) Six members of the Senate, with the President Pro Tempore appointing four members (one of whom serves as co-chair of the task force), and the Minority Leader appointing two members. (2) Six members of the House of Representatives, with the Speaker appointing four members (one of whom serves as co-chair of the task force), and the Minority Leader appointing two members. (3) Six gubernatorial appointees, including the following: (A) One officer or employee of the state. (B) One member representing operators of wastewater management systems. (C) One engineer, or another professional, with expertise in wastewater management systems. (D) One member representing ratepayers. (E) One member representing municipalities served by a wastewater operator not under the jurisdiction of the utility regulatory commission. (F) One member of the general public. Sets forth the duties of the task force. Requires the task force to develop a long-term plan for addressing wastewater needs in Indiana. Requires the task force to issue a report setting forth its recommendations to: (1) the executive director of the legislative services agency for distribution to members of the general assembly; and (2) the governor; not later than December 1, 2021. Provides that the bill's provisions concerning the task force expire January 1, 2022. Establishes the water infrastructure grant program (program) to be administered by the Indiana finance authority (authority). Establishes the water infrastructure grant fund (fund) as a source of money for grants, loans, and other financial assistance to, or for the benefit of, participants in the program. Sets forth purposes for which money in the fund may be used, including the planning, designing, acquisition, construction, renovation, improvement, or expansion of: (1) water systems; and (2) wastewater or storm water collection and treatment systems. Requires the authority to adopt guidelines to establish criteria for the making of grants, loans, and other financial assistance from the fund. Sets forth certain conditions that apply to the making of grants, the making of loans, and the providing of other financial assistance from the fund. Requires the authority to establish a project prioritization system for the purposes of awarding loans and grants from the fund. Sets forth certain variables that the project prioritization system must include. Provides that the authority may provide advisory services and other services to a participant in connection with a grant, a loan, or other financial assistance from the fund. Requires the public finance director to submit to the budget committee and the legislative council, in each odd-



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numbered year through 2023, a report concerning grants, loans, or other financial assistance made available to participants from the fund.

- **Senate Bill 349 – Finance, Transfer, and Improvement of Utility Systems – IMPA Priority Legislation**  
The bill requires that the priority ranking system used by the Indiana Finance Authority in making loans or other financial assistance from: (1) the drinking water revolving loan fund; or (2) the wastewater revolving loan fund; must prioritize loans securing longer term benefits over shorter term projects, all other factors being equal. The bill provides that not later than 60 days after the effective date of a change in the applicable federal or state income tax rate as a result of new tax legislation: (1) a water or wastewater utility shall petition the Indiana Utility Regulatory Commission (IURC) for; and (2) the IURC shall approve; a water or wastewater utility surcharge that adjusts the water or wastewater utility's rates and charges to provide recovery for the change in the federal or state income tax rate. It provides that an approved surcharge shall operate on prospective basis. The bill provides that an approved surcharge shall be calculated to reflect the difference between: (1) the amount of federal or state taxes that each existing rate or charge of the water or wastewater utility was designed to recover based on the tax rate in effect at the time the rate or charge was approved; and (2) the amount of federal or state taxes that would have been embedded in the given rate or charge had the new tax rate been in effect at the time of approval. The bill amends the applicability language of the statute governing the transfer, acquisition, and improvement of utilities by municipalities to specify that the statute applies to a municipally owned electric, water, wastewater, or combined water and wastewater utility. **There was an inadvertent error in 2015 that eliminated municipal electrics from this statute. SEA 349 reinstates the appropriate language.**
- **Senate Enrolled Act 386 – Cost Securitization for Electric Utility Assets**  
As the energy industry continues to transition, rate regulated electric utilities will have power plants that are not yet fully depreciated but are approaching the end of their useful lives and will likely be retired over the next several years. SEA 386 is an effort to provide ratepayers potential cost benefits as the utilities seek to recover capital costs which are included in rates paid by customers. Securitization is a financial tool that could allow utilities to lessen the rate impact on customers of generating plant retirements. Securitization would allow customers to “pay off” the remaining costs of coal plants over a longer period of time at a lower rate. SEA 386 creates a pilot securitization project that allows one investor-owned electric utility (narrowly and specifically defined by the bill – Centerpoint Energy) that has qualified capital costs of at least 5% of the electric utility's total electric rate base to file a petition with the IURC to issue securitization bonds, collect securitization charges, and encumber securitization property with a lien and security interest. As amended, SEA 386 says that if the IURC approves the petition, the IURC will issue a financing order providing for the amount of qualified costs to be recovered by the electric utility and the period for collecting securitization charges, not to exceed 20 years. The 21st Century Energy Policy Development Task Force discussed this complex topic over the last two years and recommended further study. In the amended bill, the sunset date was removed, the term of the securitization bonds was extended to 20 years from 15, and some additional provisions were added to ensure that ratepayers see the benefits of a utility exercising this tool for cost recovery.

## BROADBAND-RELATED LEGISLATION

- **Senate Enrolled Act 352 – Broadband Development**  
The bill requires the Office of Community and Rural Affairs (OCRA) to establish a process to be used before each formal submission of applications for grants from the Rural Broadband Fund (fund) in which the OCRA will: (1) invite any prospective grant applicant to submit a letter of intent identifying



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all addresses and census blocks that the applicant intends to include in a grant application; and (2) make all addresses and census blocks submitted in letters of intent publicly available for a period of time, during which eligible broadband service providers will have the opportunity to challenge a listed address or census block. The bill provides that challenges under the new process are to be based on the asserted deployment of “minimum broadband Internet” (defined as a terrestrial connection to the Internet that provides an actual speed of at least 25 megabits per second downstream and at least three megabits per second upstream) at a specific address. It specifies that the process established is to precede and remain distinct from the statutory procedures for actual grant applications. The bill provides that the Department of Transportation (INDOT) may require a private entity to agree, as a condition of INDOT leasing a right-of-way to the private entity, that facilities constructed or installed by the private entity in or under the right-of-way, which if removed would: (1) cause irreparable soil disturbance; or (2) have a detrimental effect on INDOT’s facilities or on the facilities of other utilities; will be considered abandoned without additional consideration, upon the private entity’s written notice to INDOT. It provides that upon being abandoned, a facility may no longer be used for any purpose by any public or private entity.

## ■ **Senate Enrolled Act 359 – Broadband Projects**

The bill requires the Indiana Department of Transportation (INDOT) to create a broadband corridor program (“dig once program”) to manage the location, installation, and maintenance of communications infrastructure that is used for the provision of broadband services and is located within the rights-of-way of limited access highways. It requires INDOT to adopt policies, procedures, and standards under the dig once program for required installation of fiber conduit by a public or private entity that performs an excavation within a limited access highway right-of-way.

## ■ **Senate Enrolled Act 377 – IN Broadband Connectivity Program**

The bill establishes the Indiana Broadband Connectivity Program for the purpose of expanding availability of broadband Internet connectivity throughout Indiana. It provides that as part of the program, the Office of Community of Rural Affairs (OCRA) must establish a public broadband portal through which an individual may report that minimum broadband Internet (defined as a connection to the Internet at an actual speed of at least 25 megabits per second (mbps) downstream and at least 3 mbps upstream) is unavailable at the individual’s residential or business address. It provides that a broadband Internet provider may: (1) register with the program; (2) receive, at least every three months, listings of addresses submitted to OCRA as addresses at which minimum broadband Internet is unavailable; (3) report to OCRA any listed address at which the provider’s minimum broadband Internet service is already available; and (4) bid for an award of a grant for purposes of extending connectivity to broadband Internet service (defined as a connection to the Internet at an actual speed of at least 50 mbps downstream and at least 5 mbps upstream) to an address at which minimum broadband Internet is unavailable. The bill provides that in evaluating any bids received under the program, OCRA shall select the provider whose bid presents the lowest cost to the state. It provides that a grant awarded to a provider under the program may not exceed the following: (1) A per-line extension amount that exceeds \$25,000, regardless of the number of addresses served by the line extension. (2) A per-passing amount that exceeds the state’s cost per passing for all rural broadband grants awarded from the fund as of the last day of the immediately preceding state fiscal year. The bill requires OCRA to provide to the General Assembly an annual report containing specified data regarding the program. SB 377 1 Broadband Internet Coverage Map: The bill provides that OCRA may maintain a geographic information system (GIS) or similar data base that contains spatial data regarding the availability of broadband Internet service in Indiana. It provides that OCRA may evaluate the broadband Internet coverage map created by the Federal Communications Commission (FCC) under the Broadband Deployment Accuracy and Technological Availability Act



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(FCC map) and: (1) if OCRA finds that the FCC map: (A) provides address level broadband Internet coverage information; or (B) provides a greater level of detail than OCRA's broadband Internet coverage map; use the FCC map to update OCRA's broadband Internet coverage map; or (2) if OCRA finds that the FCC map does not: (A) provide address level broadband Internet coverage information; or (B) provide a greater level of detail than OCRA's broadband Internet coverage map; report that finding to the Interim Study Committee on Energy, Utilities, and Telecommunications during the 2022 legislative interim.

## ■ **House Enrolled Act 1164 –Small Cells, Pole Attachment Fees, Public Rights-of-Way**

The bill exempts a contract for the lease of state property under which no state expenditures are required from provisions: (1) requiring certain disclosures and certifications by a prospective state contractor regarding violations of Indiana telephone solicitation and automated calling statutes; (2) regarding cancellation of public purchasing contracts due to lack of funds; (3) regarding state contractor use of the E-Verify program; and (4) prohibiting state contractor employment of unauthorized aliens. **The bill establishes a calculation for determining nondiscriminatory, just, and reasonable rental fees charged by: (1) rural electric cooperatives; and (2) municipalities providing electric service that own or control electric distribution poles for attachments to those poles by communications service providers. It sets forth rights and duties of pole owners and attaching entities with respect to: (1) unauthorized pole attachments; and (2) pole attachment transfers and relocations. The bill provides that pole owners shall permit attachments by communications service providers, and outlines a formula for determining pole attachment rental fees.** The bill provides that the Indiana Utility Regulatory Commission (IURC) may not require a communications service provider to: (1) file a tariff; or (2) report to the IURC any information that is: (A) available to the public on the communications service provider's Internet web site; (B) filed with the FCC; or (C) otherwise available to the public; except as required by the IURC to respond to consumer complaints or information requests from the General Assembly. It makes the following changes to the statute concerning permits for wireless service providers: (1) It amends the factors that must exist for a permit authority to prohibit the placement of a new utility pole or wireless support structure in connection with the construction, placement, or use of HB 1164 1 a small cell facility in areas designated strictly for underground or buried utilities. (2) The bill provides that neighborhood associations, homeowners associations, and homeowners may request to be notified of applications by communications service providers for certain permitted uses of the rights-of-way in those designated areas, in addition to requesting notice of applications for new utility poles or new wireless support structures (as required under current law). (3) It sets forth a procedure by which a permit authority may elect to collaborate with a neighborhood association or a homeowners association to adopt neighborhood specific guidelines on the preferred location and reasonable aesthetics of new utility poles or new wireless support structures within the neighborhood association's or homeowners association's jurisdiction. (4) The bill provides that a permit authority may not impose: (A) a restriction on maximum height of a wireless support structure, subject to certain federal regulations and state laws; or (B) a requirement regarding minimum separation distances between wireless support structures. It provides that a tariff filed with the IURC by a communications service provider is effective upon filing. The bill provides that a communications service provider may access public rights-of-way under the control of a county or municipality to the same extent as a public utility. The bill also provides that a video service provider is not required to provide the IURC with information describing the provider's programming, including the provider's channel lineups or channel guides. The bill exempts a political subdivision's disposal of property by sale, exchange, transfer, or lease of the property to a public utility or a communications service provider from certain provisions regarding disposal of property by a political subdivision. It provides an exemption to the public works law for certain work done by the employees of a conservancy district established for the purpose of water or sewage treatment.



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