

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 4018

By: McCall

COMMITTEE SUBSTITUTE

An Act relating to telecommunications; enacting the Oklahoma Rural Broadband Expansion Act; stating legislative intent with respect to broadband access and incentives; creating the Rural Broadband Expansion Council; providing for membership; requiring organizational meeting; providing for quorum requirement; providing Council subject to provisions of the Oklahoma Open Meeting Act and Oklahoma Open Records Act; imposing duties on Council; requiring study of rural broadband access; providing for analysis of geographic areas; requiring creation of mapping system; requiring study of state and local incentives related to expansion of broadband access; providing for information to be provided by Oklahoma Corporation Commission; providing for information to be provided by certain local government entities; providing exceptions; requiring use of geographic areas for certain purposes; requiring analysis of financial viability; requiring certain emphasis with respect to Oklahoma Universal Service Fund; requiring emphasis for prevention of duplication of facilities and investment; requiring objective standards; requiring certain information to be provided on webpage or website by Oklahoma Department of Commerce; requiring annual report; providing for codification; providing for noncodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 139.201 of Title 17, unless  
3 there is created a duplication in numbering, reads as follows:

4       This act shall be known and may be cited as the "Oklahoma Rural  
5 Broadband Expansion Act".

6       SECTION 2.       NEW LAW       A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8       The Legislature finds that it is good public policy for the  
9 state to improve broadband availability and affordability where  
10 economically feasible and that future incentives for broadband  
11 access be well-reasoned and responsible. The Legislature finds that  
12 the creation of the Rural Broadband Expansion Council as provided by  
13 this act is in furtherance of such policies and that incentives for  
14 broadband access should closely follow the recommendations of the  
15 Rural Broadband Expansion Council.

16       SECTION 3.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 139.202 of Title 17, unless  
18 there is created a duplication in numbering, reads as follows:

19       A. There is hereby created the Rural Broadband Expansion  
20 Council.

21       B. The Council shall consist of twelve (12) persons to be  
22 selected as follows:

23       1. Three members shall be appointed by the Governor, one of  
24 whom shall represent or be an employee of the Oklahoma Department of

1 Transportation, one of whom shall represent or be an employee of the  
2 Office of Management and Enterprise Services and one of whom shall  
3 represent or have expertise with OneNet;

4 2. Three members shall be appointed by the Speaker of the  
5 Oklahoma House of Representatives, one of whom shall represent the  
6 interests of rural internet service providers, one of whom shall be  
7 a technology professional with expertise in broadband connectivity,  
8 access, price and related economic factors and one of whom shall  
9 represent the interests of rural healthcare;

10 3. Three members shall be appointed by the President Pro  
11 Tempore of the Oklahoma State Senate, one of whom shall be a  
12 professional having academic expertise in large scale Information  
13 Technology infrastructure with emphasis on rural broadband access,  
14 one of whom shall represent the interests of rural business  
15 enterprises and one of whom shall be a citizen from a community of  
16 less than fifty thousand (50,000) persons which is not part of  
17 either the Oklahoma City or Tulsa Metropolitan Statistical Areas;

18 4. One nonvoting member of the Oklahoma House of  
19 Representatives to be appointed by the Speaker;

20 5. One nonvoting member of the Oklahoma State Senate to be  
21 appointed by the President Pro Tempore; and

22 6. One nonvoting member to be selected by the Oklahoma  
23 Corporation Commission who has expertise in administration of the  
24

1 Universal Service Fund, but who is not an elected member of the  
2 Commission.

3 C. The Council shall hold an organizational meeting not later  
4 than sixty (60) days from the effective date of this act and shall  
5 select from its membership a chair and vice-chair or co-chairs. The  
6 chair of the Council shall be a person who is not a government  
7 employee or public official.

8 D. A quorum of the membership of the Council shall be  
9 necessary in order to take any final action pursuant to the  
10 provisions of this act.

11 E. The Council shall be subject to the Oklahoma Open Meeting  
12 Act and the Oklahoma Open Records Act.

13 F. The Rural Broadband Expansion Council shall conduct a study  
14 of rural broadband access in the state and shall divide the state  
15 into separate geographic areas based on the information it obtains  
16 regarding existing capability for persons and business to access  
17 broadband telecommunication services, the cost for obtaining the  
18 service from existing service providers, the estimated costs for  
19 improving rural broadband access, the likelihood of changes in rural  
20 broadband access in the near and intermediate future based on  
21 available information regarding private or public sector plans or  
22 programs to create or enhance broadband access in rural areas, the  
23 need for change in state or local law or policy that impacts the  
24 ability for persons or business entities in rural areas to access

1 broadband services at a reasonable price and such other information  
2 as the Council may determine to be relevant in order to establish  
3 the geographic areas.

4 G. The Council shall, with the assistance of staff provided by  
5 the Oklahoma Department of Commerce, incorporate the information as  
6 described in subsection F of this section into a mapping system that  
7 depicts resources, broadband coverage, connectivity speeds and such  
8 other features as the Council deems relevant.

9 H. The Council shall undertake a study of incentives or  
10 programs that would have the effect of improving existing rural  
11 broadband access and establishing broadband access to areas which  
12 currently do not have such access. The incentives or programs may  
13 include federal funds, tribal funds or resources, donated funds or  
14 funding available from foundations, endowments or similar sources,  
15 state or local tax incentives, state or local financing incentives  
16 or options or federal, tribal, state or local regulatory policies  
17 that would be conducive to improving existing broadband access or  
18 establishing such access where it does not currently exist.

19 I. The Council shall have the right to obtain information from  
20 the Oklahoma Corporation Commission or other state agencies, to the  
21 extent information requested is not required to be kept confidential  
22 pursuant to some other requirement, regarding any of the matters as  
23 specified in this section relevant to the Council's duties.

1 J. The Council shall have the right to obtain information from  
2 counties, cities, towns, school districts, career technology  
3 districts, public trusts, or other entities or instrumentalities of  
4 local government, to the extent information requested is not  
5 required to be kept confidential pursuant to some other requirement,  
6 regarding any of the matters as specified in this section relevant  
7 to the Council's duties.

8 K. The Council shall utilize the geographic areas it  
9 establishes pursuant to this act in order to develop its  
10 recommendations regarding the implementation of policies that are  
11 conducive to establishing or improving rural broadband access in the  
12 state.

13 L. The Council shall focus on the financial viability of  
14 broadband service providers so that a broadband network is  
15 adequately supported in its operations, that needed repairs and  
16 upgrades can be undertaken on a timely basis and that the goal of  
17 having a quality long-term broadband service delivery system for  
18 rural areas is achieved and maintained.

19 M. The Council shall give emphasis to maintaining the viability  
20 of the Oklahoma Universal Service Fund and give consideration to  
21 whether similar universal funds should be implemented in order to  
22 facilitate broadband expansion and operational costs for underserved  
23 areas.

1 N. The Council shall give emphasis to the prevention of  
2 duplication of facilities and investment when it makes policy  
3 recommendations. The Council shall establish objective standards in  
4 order to determine whether the construction of rural broadband  
5 access constitutes duplication of facilities and investment and also  
6 the role of any recommended incentives that would benefit entities  
7 in the private sector so that public resources are effectively  
8 utilized and that duplication of efforts be avoided.

9 O. The Oklahoma Department of Commerce shall create a dedicated  
10 webpage or website in order to allow public access to the actions  
11 and recommendations of the Council. The webpage or website shall  
12 contain the mapping system required by subsection G of this section  
13 and its related information.

14 P. The Rural Broadband Expansion Council shall submit an annual  
15 report, not later than January 31, summarizing discussions,  
16 testimony, analysis, information or other actions and significant  
17 events during the preceding calendar year and containing the  
18 recommendations, if any, by the Council for legislation, action by  
19 executive branch agencies or other actions in furtherance of the  
20 mission and duties of the Council. The report shall be submitted to  
21 the Governor, the Speaker of the Oklahoma House of Representatives  
22 and the President Pro Tempore of the Oklahoma State Senate.

23 SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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