

1 ENGROSSED HOUSE
2 BILL NO. 4018

By: McCall and Phillips of the
House

3 and

4 Leewright of the Senate

5
6
7 An Act relating to telecommunications; enacting the
8 Oklahoma Rural Broadband Expansion Act; stating
9 legislative intent with respect to broadband access
10 and incentives; creating the Rural Broadband
11 Expansion Council; providing for membership;
12 requiring organizational meeting; providing for
13 quorum requirement; making the Council subject to
14 provisions of the Oklahoma Open Meeting Act and
15 Oklahoma Open Records Act; imposing duties on
16 Council; requiring study of rural broadband access;
17 providing for analysis of geographic areas; requiring
18 creation of mapping system; requiring study of state
19 and local incentives related to expansion of
20 broadband access; providing for information to be
21 provided by Oklahoma Corporation Commission;
22 providing for information to be provided by certain
23 local government entities; providing exceptions;
24 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
Oklahoma Department of Commerce to provide
administrative support; providing for payment of
expenses; requiring an annual report; amending
Section 1, Chapter 441, O.S.L. 2019 (62 O.S. Supp.
2019, Section 36), which relates to the Digital
Transformation Program Revolving Fund; modifying
authorized expenditures; authorizing administrative
expenses for Rural Broadband Expansion Council;
requiring annual report; providing for codification;

1 providing for noncodification; and declaring an
2 emergency.

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

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

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

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

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

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

23 A. There is hereby created the Rural Broadband Expansion
24 Council.

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

3 1. Three members shall be appointed by the Governor, one of
4 whom shall be a government official who has knowledge of and
5 experience with the technology assets and operations of the Oklahoma
6 Department of Transportation, OneNet and the Oklahoma Office of
7 Management and Enterprise Services and who is not and has not been
8 previously employed by OneNet, one of whom shall be a mayor of a
9 municipality having a population of less than twenty-five thousand
10 (25,000) persons according to the latest Federal Decennial Census or
11 most recent population estimate and which is not part of either the
12 Oklahoma City or Tulsa Metropolitan Statistical Area, and one of
13 whom shall be a representative of a wireless telecommunications
14 provider with operations in Oklahoma and at least twenty-four other
15 states;

16 2. Three members shall be appointed by the Speaker of the
17 Oklahoma House of Representatives, one of whom shall represent the
18 interests of rural Internet service providers, one of whom shall be
19 a private sector technology professional with expertise in broadband
20 connectivity, access, price and related economic factors and one of
21 whom shall represent the interests of rural health care;

22 3. Three members shall be appointed by the President Pro
23 Tempore of the Oklahoma State Senate, one of whom shall be a
24 professional having academic expertise in large-scale information

1 technology infrastructure with emphasis on rural broadband access,
2 one of whom shall represent the interests of rural business
3 enterprises and one of whom shall be a citizen from a community of
4 less than fifty thousand (50,000) persons which is not part of
5 either the Oklahoma City or Tulsa Metropolitan Statistical Areas;

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

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

10 6. One nonvoting member to be selected by the Oklahoma
11 Corporation Commission who has expertise in administration of the
12 Universal Service Fund, but who is not an elected member of the
13 Commission.

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

19 D. A quorum of the membership of the Council shall be necessary
20 in order to take any final action pursuant to the provisions of this
21 act.

22 E. The Council shall be subject to the Oklahoma Open Meeting
23 Act and the Oklahoma Open Records Act.

1 F. The Rural Broadband Expansion Council shall conduct a study
2 of rural broadband access in the state and shall divide the state
3 into separate geographic areas based on the information it obtains
4 regarding existing capability for persons and businesses to access
5 broadband telecommunication services, the cost for obtaining the
6 services from existing service providers, the estimated costs for
7 improving rural broadband access, the likelihood of changes in rural
8 broadband access in the near and intermediate future based on
9 available information regarding private or public sector plans or
10 programs to create or enhance broadband access in rural areas, the
11 need for change in state or local law or policy that impacts the
12 ability for persons or business entities in rural areas to access
13 broadband services at a reasonable price and such other information
14 as the Council may determine to be relevant in order to establish
15 the geographic areas.

16 G. The Council shall incorporate the information as described
17 in subsection F of this section into a mapping system that depicts
18 resources, broadband coverage, connectivity speeds and such other
19 features as the Council deems relevant.

20 H. The Council shall undertake a study of incentives or
21 programs that would have the effect of improving existing rural
22 broadband access and establishing broadband access to areas which
23 currently do not have such access. The incentives or programs may
24 include federal funds, tribal funds or resources, donated funds or

1 funding available from foundations, endowments or similar sources,
2 state or local tax incentives, state or local financing incentives
3 or options or federal, tribal, state or local regulatory policies
4 that would be conducive to improving existing broadband access or
5 establishing such access where it does not currently exist.

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

11 J. The Council shall have the right to obtain information from
12 counties, cities, towns, school districts, career technology
13 districts, public trusts, or other entities or instrumentalities of
14 local government, to the extent information requested is not
15 required to be kept confidential pursuant to some other requirement,
16 regarding any of the matters as specified in this section relevant
17 to the Council's duties.

18 K. The Council shall utilize the geographic areas it
19 establishes pursuant to this act in order to develop its
20 recommendations regarding the implementation of policies that are
21 conducive to establishing or improving rural broadband access in the
22 state.

23 L. The Council shall focus on the financial viability of
24 broadband service providers so that a broadband network is

1 adequately supported in its operations, that needed repairs and
2 upgrades can be undertaken on a timely basis and that the goal of
3 having a quality long-term broadband service delivery system for
4 rural areas is achieved and maintained.

5 M. The Council shall give emphasis to maintaining the viability
6 of the Oklahoma Universal Service Fund and give consideration to
7 whether similar universal funds should be implemented in order to
8 facilitate broadband expansion and operational costs for underserved
9 areas.

10 N. The Council shall give emphasis to the prevention of
11 duplication of facilities and investment when it makes policy
12 recommendations. The Council shall establish objective standards in
13 order to determine whether the construction of rural broadband
14 access constitutes duplication of facilities and investment and also
15 the role of any recommended incentives that would benefit entities
16 in the private sector so that public resources are effectively
17 utilized and that duplication of efforts is avoided.

18 O. The Oklahoma Department of Commerce shall create a dedicated
19 webpage or website in order to allow public access to the actions
20 and recommendations of the Council. The webpage or website shall
21 contain the mapping system required by subsection G of this section
22 and its related information.

23 P. The Oklahoma Department of Commerce shall provide
24 administrative support to the Council and shall utilize the Digital

1 Transformation Program Revolving Fund for expenses related to such
2 administrative support as provided by Section 36 of Title 62 of the
3 Oklahoma Statutes.

4 Q. The Rural Broadband Expansion Council shall submit an annual
5 report, not later than January 31, summarizing discussions,
6 testimony, analysis, information or other actions and significant
7 events during the preceding calendar year and containing the
8 recommendations, if any, by the Council for legislation, action by
9 executive branch agencies or other actions in furtherance of the
10 mission and duties of the Council. The report shall be submitted to
11 the Governor, the Speaker of the Oklahoma House of Representatives
12 and the President Pro Tempore of the Oklahoma State Senate.

13 SECTION 4. AMENDATORY Section 1, Chapter 441, O.S.L.
14 2019 (62 O.S. Supp. 2019, Section 36), is amended to read as
15 follows:

16 Section 36. A. There is hereby created in the State Treasury a
17 fund for the Office of Management and Enterprise Services to be
18 designated the "Digital Transformation Program Revolving Fund". The
19 fund shall be a continuing fund, not subject to fiscal year
20 limitations, and shall consist of monies designated to the fund by
21 law. All monies accruing to the credit of the fund are hereby
22 appropriated and may be budgeted and expended by the Office of
23 Management and Enterprise Services for the ~~sole~~ purpose of
24 implementing digital transformation initiatives, and upon request of

1 the Oklahoma Department of Commerce, to pay for administrative
2 support expenses for the Rural Broadband Expansion Council as
3 provided by Section 3 of this act. Expenditures from the fund shall
4 be made upon warrants issued by the State Treasurer against claims
5 filed as prescribed by law with the Director of the Office of
6 Management and Enterprise Services for approval and payment.

7 B. Monthly the Director of the Office of Management and
8 Enterprise Services shall submit reports to the Speaker of the
9 Oklahoma House of Representatives, the President Pro Tempore of the
10 Oklahoma State Senate, the Chair of the Appropriations and Budget
11 Committee of the Oklahoma House of Representatives and the Chair of
12 the Appropriations Committee of the Oklahoma State Senate detailing:

13 1. Expenditures from the Digital Transformation Program
14 Revolving Fund; and

15 2. Projects under consideration for future expenditures from
16 the fund.

17 SECTION 5. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 11th day of March, 2020.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2020.

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8 Presiding Officer of the Senate