

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4018

By: McCall and **Phillips**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to telecommunications; enacting the
10 Oklahoma Rural Broadband Expansion Act; stating
11 legislative intent with respect to broadband access
12 and incentives; creating the Rural Broadband
13 Expansion Council; providing for membership;
14 requiring organizational meeting; providing for
15 quorum requirement; providing Council subject to
16 provisions of the Oklahoma Open Meeting Act and
17 Oklahoma Open Records Act; imposing duties on
18 Council; requiring study of rural broadband access;
19 providing for analysis of geographic areas; requiring
20 creation of mapping system; requiring study of state
21 and local incentives related to expansion of
22 broadband access; providing for information to be
23 provided by Oklahoma Corporation Commission;
24 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.

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

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

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

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

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

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

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

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

24

1 1. Three members shall be appointed by the Governor, one of
2 whom shall represent or be an employee of the Oklahoma Department of
3 Transportation, one of whom shall represent or be an employee of the
4 Office of Management and Enterprise Services and one of whom shall
5 represent or have expertise with OneNet;

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

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

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

22 5. One nonvoting member of the Oklahoma State Senate to be
23 appointed by the President Pro Tempore; and
24

1 6. One nonvoting member to be selected by the Oklahoma
2 Corporation Commission who has expertise in administration of the
3 Universal Service Fund, but who is not an elected member of the
4 Commission.

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

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

13 E. The Council shall be subject to the Oklahoma Open Meeting
14 Act and the Oklahoma Open Records Act.

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

1 need for change in state or local law or policy that impacts the
2 ability for persons or business entities in rural areas to access
3 broadband services at a reasonable price and such other information
4 as the Council may determine to be relevant in order to establish
5 the geographic areas.

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

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

21 I. The Council shall have the right to obtain information from
22 the Oklahoma Corporation Commission or other state agencies, to the
23 extent information requested is not required to be kept confidential
24

1 pursuant to some other requirement, regarding any of the matters as
2 specified in this section relevant to the Council's duties.

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

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

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

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

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

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

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/25/2020 - DO PASS, As Amended and Coauthored.