

1 ENGROSSED SENATE
2 BILL NO. 802

By: Leewright of the Senate

3 and

4 Phillips of the House

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6
7 An Act relating to the Rural Broadband Expansion
8 Council; amending Section 3, Chapter 165, O.S.L.
9 2020, as amended by Section 1, Chapter 167, O.S.L.
10 2020 (17 O.S. Supp. 2020, Section 139.202), which
11 relates to the Rural Broadband Expansion Council;
12 increasing membership; adding certain tribal leader;
13 updating statutory references; and declaring an
14 emergency.

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

16 SECTION 1. AMENDATORY Section 3, Chapter 165, O.S.L.
17 2020, as amended by Section 1, Chapter 167, O.S.L. 2020 (17 O.S.
18 Supp. 2020, Section 139.202), is amended to read as follows:

19 Section 139.202. A. There is hereby created the Rural
20 Broadband Expansion Council.

21 B. The Council shall consist of ~~fourteen (14)~~ sixteen (16)
22 persons to be selected as follows:

23 1. Three members shall be appointed by the Governor, one of
24 whom shall be a government official who has knowledge of and
experience with the technology assets and operations of the Oklahoma
Department of Transportation, OneNet and the Oklahoma Office of

1 Management and Enterprise Services and who is not and has not been
2 previously employed by OneNet, one of whom shall be a current or
3 past mayor of a municipality having a population of less than
4 ~~twenty-five thousand (25,000)~~ thirty-five thousand (35,000) persons
5 according to the latest Federal Decennial Census or most recent
6 population estimate and which is not part of either the Oklahoma
7 City or Tulsa Metropolitan Statistical Area, and one of whom shall
8 be a representative of a wireless telecommunications provider with
9 operations in Oklahoma and at least twenty-four other states;

10 2. ~~Four~~ Five members shall be appointed by the Speaker of the
11 Oklahoma House of Representatives, one of whom shall represent the
12 interests of rural Internet service providers, one of whom shall be
13 a private sector technology professional with expertise in broadband
14 connectivity, access, price and related economic factors, one of
15 whom shall represent the interests of rural health care, ~~and~~ one of
16 whom shall be a representative of a wireless telecommunications
17 provider not affiliated with an incumbent local exchange carrier in
18 Oklahoma and one who shall be a resident of this state and a
19 Wireless Internet Service Provider (WISP);

20 3. ~~Four~~ Five members shall be appointed by the President Pro
21 Tempore of the Oklahoma State Senate, one of whom shall be a
22 professional having academic expertise in large-scale information
23 technology infrastructure with emphasis on rural broadband access,
24 one of whom shall represent the interests of rural business

enterprises, one of whom shall be a citizen from a community of less than fifty thousand (50,000) persons which is not part of either the Oklahoma City or Tulsa Metropolitan Statistical Areas, ~~and~~ one of whom shall be a rural electric cooperative representative and one who shall be an Oklahoma resident and Tribal Leader of a tribe recognized in this state;

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

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

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

C. The Council shall hold an organizational meeting not later than sixty (60) days from ~~the effective date of this act~~ May 22, 2020, and shall select from its membership a chair and vice-chair or co-chairs. The chair of the Council shall be a person who is not a government employee or public official.

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

E. The Council shall be subject to the Oklahoma Open Meeting 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~~ the Oklahoma Rural Broadband
20 Expansion Act in order to develop its recommendations regarding the
21 implementation of policies that are conducive to establishing or
22 improving rural broadband access in the 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 2. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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1 Passed the Senate the 9th day of March, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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9 Presiding Officer of the House
10 of Representatives