

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 802

 By: Leewright and **Jett** of the
 Senate

6 and

7 Phillips of the House

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

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

19 SECTION 1. AMENDATORY Section 3, Chapter 165, O.S.L.
20 2020, as amended by Section 1, Chapter 167, O.S.L. 2020 (17 O.S.
21 Supp. 2020, Section 139.202), is amended to read as follows:

22 Section 139.202. A. There is hereby created the Rural
23 Broadband Expansion Council.

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

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

14 2. ~~Four~~ Five members shall be appointed by the Speaker of the
15 Oklahoma House of Representatives, one of whom shall represent the
16 interests of rural Internet service providers, one of whom shall be
17 a private sector technology professional with expertise in broadband
18 connectivity, access, price and related economic factors, one of
19 whom shall represent the interests of rural health care, ~~and~~ one of
20 whom shall be a representative of a wireless telecommunications
21 provider not affiliated with an incumbent local exchange carrier in
22 Oklahoma and one who shall be a resident of this state and a
23 Wireless Internet Service Provider (WISP);
24

1 3. ~~Four~~ Five members shall be appointed by the President Pro
2 Tempore of the Oklahoma State Senate, one of whom shall be a
3 professional having academic expertise in large-scale information
4 technology infrastructure with emphasis on rural broadband access,
5 one of whom shall represent the interests of rural business
6 enterprises, one of whom shall be a citizen from a community of less
7 than fifty thousand (50,000) persons which is not part of either the
8 Oklahoma City or Tulsa Metropolitan Statistical Areas, ~~and~~ one of
9 whom shall be a rural electric cooperative representative and one
10 who shall be an Oklahoma resident and Tribal Leader of a tribe
11 recognized in this state;

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

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

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

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

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

4 E. The Council shall be subject to the Oklahoma Open Meeting
5 Act and the Oklahoma Open Records Act.

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

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

1 H. The Council shall undertake a study of incentives or
2 programs that would have the effect of improving existing rural
3 broadband access and establishing broadband access to areas which
4 currently do not have such access. The incentives or programs may
5 include federal funds, tribal funds or resources, donated funds or
6 funding available from foundations, endowments or similar sources,
7 state or local tax incentives, state or local financing incentives
8 or options or federal, tribal, state or local regulatory policies
9 that would be conducive to improving existing broadband access or
10 establishing such access where it does not currently exist.

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

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

23 K. The Council shall utilize the geographic areas it
24 establishes pursuant to ~~this act~~ the Oklahoma Rural Broadband

1 Expansion Act in order to develop its recommendations regarding the
2 implementation of policies that are conducive to establishing or
3 improving rural broadband access in the state.

4 L. The Council shall focus on the financial viability of
5 broadband service providers so that a broadband network is
6 adequately supported in its operations, that needed repairs and
7 upgrades can be undertaken on a timely basis and that the goal of
8 having a quality long-term broadband service delivery system for
9 rural areas is achieved and maintained.

10 M. The Council shall give emphasis to maintaining the viability
11 of the Oklahoma Universal Service Fund and give consideration to
12 whether similar universal funds should be implemented in order to
13 facilitate broadband expansion and operational costs for underserved
14 areas.

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

23 O. The Oklahoma Department of Commerce shall create a dedicated
24 webpage or website in order to allow public access to the actions

1 and recommendations of the Council. The webpage or website shall
2 contain the mapping system required by subsection G of this section
3 and its related information.

4 P. The Oklahoma Department of Commerce shall provide
5 administrative support to the Council and shall utilize the Digital
6 Transformation Program Revolving Fund for expenses related to such
7 administrative support as provided by Section 36 of Title 62 of the
8 Oklahoma Statutes.

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

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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23 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY, dated 03/31/2021 - DO
24 PASS, As Coauthored.