

1 ENGROSSED HOUSE  
2 BILL NO. 3363

By: McCall, Boles, and Phillips  
of the House

3 and

4 Treat of the Senate  
5  
6

7 An Act relating to broadband; amending 17 O.S. 2021,  
8 Section 139.201, which relates to short title;  
9 modifying short title of act; providing for Oklahoma  
10 Broadband Expansion Act; defining terms; creating the  
11 Broadband Governing Board; providing for termination  
12 date; requiring oversight of Oklahoma Broadband  
13 Office; providing for winding up of certain matters;  
14 requiring submission of reports by Oklahoma Broadband  
15 Office; providing for membership of Broadband  
16 Governing Board; providing for terms of office;  
17 prohibiting appointment of persons with certain  
18 affiliation; providing members to serve at pleasure  
19 of appointing authority; requiring organizational  
20 meeting; providing for establishment of compensation  
21 and qualifications for Executive Director;  
22 authorizing meetings; providing for selection of  
23 chair and vice-chair; authorizing special meetings;  
24 providing for determination of quorum; providing for  
appointment of successors; providing for  
applicability of Oklahoma Open Meeting Act and  
Oklahoma Open Records Act; providing for selection of  
executive director; providing for removal; requiring  
administrative rules; requiring approval by Board of  
grant or incentive programs; requiring oversight of  
budget; requiring Board to approve Statewide  
Broadband Plan and updates; amending 17 O.S. 2021,  
Section 139.202, which relates to a Rural Broadband  
Expansion Council; providing for creation of  
Broadband Expansion Council; providing for  
termination of Council; providing for membership of  
Council; modifying membership provisions; modifying  
provisions related to organization of Council;  
modifying provisions related to fully executed duties  
and responsibilities of the Rural Broadband Expansion  
Council; providing Council to serve as Advisory Board

1 to the Oklahoma Broadband Office; providing for  
2 advice and specifying scope of duties; modifying  
3 certain duties of the Oklahoma Department of  
4 Commerce; modifying provisions related to duties of  
5 Rural Broadband Expansion Council; authorizing  
6 administrative support from the Oklahoma Broadband  
7 Office; creating Oklahoma Broadband Office; providing  
8 for termination; providing for administrative  
9 assistance from the Office of Management and  
10 Enterprise Services; providing for governance by  
11 Broadband Governing Board; providing for advice by  
12 Broadband Expansion Council; providing for Executive  
13 Director; prescribing duties of the Executive  
14 Director; requiring reports to the Broadband Council  
15 and the Oklahoma Broadband Office; imposing duties on  
16 the Oklahoma Broadband Office; requiring mapping  
17 system; specifying content of mapping system;  
18 requiring policies and regulations; providing for  
19 establishment of protest process; prescribing  
20 requirements of protest process; requiring study of  
21 grants, incentives and programs related to broadband  
22 access; requiring Statewide Broadband Plan;  
23 prescribing content of Plan; requiring establishment  
24 of Capital Projects Fund Grant Report; providing  
deadline for submission; requiring cooperation with  
the Joint Committee; authorizing administration of  
grant funds; requiring Oklahoma Broadband Office to  
develop certain guidelines; requiring submission of  
guidelines to certain public officials; prescribing  
requirements for guidelines; providing for controls;  
providing for annual reporting requirements;  
requiring certain governmental entities to provide  
information to the Oklahoma Broadband Office;  
requiring confidential treatment of information;  
requiring analysis of duplicative programs; providing  
for recommendations to the Office of Management and  
Enterprise Services; providing exemptions; providing  
for treatment of programs, personnel or assets within  
The Oklahoma State System of Higher Education;  
providing procedures based on absence of certain  
resolution; prohibiting expenditure of designated  
funds without authorization by the Oklahoma Broadband  
Office; providing for establishment of State  
Broadband Grant Program; prescribing requirements  
related thereto; prohibiting duplicative grants;  
providing for testing data usage; providing for  
clawback provisions; defining term; creating the

1 State Broadband Grant Program Revolving Fund;  
2 providing for deposit and expenditures; amending 17  
3 O.S. 2021, Section 139.203, which relates to  
4 submission of data related to maps; modifying  
5 provisions related to reporting of information  
6 related to broadband; providing for updates to  
7 certain map data; modifying duties of Oklahoma  
8 Corporation Commission with respect to certain data;  
9 modifying provisions related to map inaccuracies;  
10 modifying provisions related to private providers of  
11 certain telecommunications services; providing for  
12 recodification; repealing 17 O.S. 2021, Section  
13 139.204, which relates to State Broadband Deployment  
14 Grant Fund; providing for codification; and declaring  
15 an emergency.

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

17 SECTION 1. AMENDATORY 17 O.S. 2021, Section 139.201, is  
18 amended to read as follows:

19 Section 139.201 This act shall be known and may be cited as the  
20 "Oklahoma ~~Rural~~ Broadband Expansion Act".

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 9201 of Title 74, unless there  
23 is created a duplication in numbering, reads as follows:

24 As used in this act:

1. "Board" means the Broadband Governing Board;
2. "Council" means the Broadband Expansion Council;
3. "Director" means the Executive Director of the Oklahoma  
Broadband Office;
4. "FCC" means the Federal Communications Commission;

1           5. "Joint Committee" means the Legislature's Joint Committee on  
2 Pandemic Relief Funding, created by the Legislature to give  
3 legislative oversight to the disbursing of the American Rescue Plan  
4 Act's State and Local Fiscal Recovery Fund, Capital Projects Fund,  
5 and any future federal recovery funds as identified by the  
6 Legislature;

7           6. "Map" means the statewide map showing broadband access,  
8 adoption, speed capabilities, and all other information the Office  
9 deems necessary;

10          7. "Office" means the Oklahoma Broadband Office;

11          8. "Plan" means the Statewide Broadband Plan;

12          9. "Program" means the State Broadband Grant Program; and

13          10. "Revolving fund" means the State Broadband Grant Program  
14 Revolving Fund.

15          SECTION 3.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 9202 of Title 74, unless there  
17 is created a duplication in numbering, reads as follows:

18          A. 1. There is hereby created until June 30, 2028, the  
19 Broadband Governing Board. The Board shall oversee the Oklahoma  
20 Broadband Office. Effective June 30, 2028, the Board shall  
21 terminate. The Board shall utilize the year prior to the  
22 termination date for the purpose of ceasing the Board's affairs.

23          2. The Board shall receive regular reports from the Office's  
24 Executive Director and the Executive Director's staff on the status

1 of the Statewide Broadband Plan, the State Broadband Grant Program,  
2 other developed grant programs, and other projects the Office is  
3 undertaking, during regularly scheduled meetings.

4 B. The Board shall consist of nine (9) members. Two members  
5 shall be appointed by the Speaker of the Oklahoma House of  
6 Representatives, two members shall be appointed by the President Pro  
7 Tempore of the Oklahoma State Senate, three members shall be  
8 appointed by the Governor, one member shall be the Lieutenant  
9 Governor, and one member shall be the State Treasurer. Except as  
10 provided in subsection C of this section, appointees shall serve  
11 until June 30, 2028. No individual with an official affiliation,  
12 paid or unpaid, with any potential recipient of a grant administered  
13 under the provisions of this act, shall be appointed to or serve on  
14 the Board.

15 C. Each appointee shall serve at the pleasure of his or her  
16 appointing authority and may be removed or replaced without cause.

17 D. 1. The Board shall hold an organizational meeting not later  
18 than thirty (30) days from the effective date of this act. At such  
19 meeting, the Board shall adopt qualifications and a salary range for  
20 an Executive Director for the Oklahoma Broadband Office based on the  
21 recommendations of the Human Capital Management Division of the  
22 Office of Management and Enterprise Services, and provide for the  
23 process of filling the position in a reasonable time in accordance  
24 with the laws of this state.

1           2. The Board shall hold meetings as necessary at a place and  
2 time to be fixed by the Board. The Board shall elect, at its first  
3 meeting, one of its members to serve as chair and another of its  
4 members to serve as vice-chair. At the first meeting in each  
5 calendar year thereafter, the chair and vice-chair for the ensuing  
6 year shall be elected. Special meetings may be called by the chair  
7 or by five members of the Board by delivery of written notice to  
8 each member of the Board. A majority of members serving on the  
9 Board shall constitute a quorum of the Board.

10           E. If a Board member is unable to fulfill his or her term for  
11 any reason, the appointing authority of such member may appoint a  
12 replacement to complete the remainder of the term.

13           F. The Board shall be subject to the Oklahoma Open Meeting Act  
14 and the Oklahoma Open Records Act.

15           G. The Board shall employ, evaluate, and maintain an Executive  
16 Director of the Office who shall serve at the pleasure of the Board  
17 and may be removed or replaced without cause.

18           H. The Board shall promulgate rules as necessary to implement  
19 the provisions of the Oklahoma Broadband Expansion Act and for the  
20 governance and operation of the Oklahoma Broadband Office.

21           I. The Board shall approve or disapprove all grant and  
22 incentive programs created by the Office under the provisions of  
23 this act or under law.

1 J. The Board shall oversee the annual budget for the Office,  
2 which shall be funded from the allowed administrative expenses of  
3 applicable federal programs and funds available for expenditure from  
4 the State Broadband Grant Program Revolving Fund created pursuant to  
5 Section 10 of this act.

6 K. The Board shall approve the Statewide Broadband Plan and  
7 updates to the Plan as necessary.

8 SECTION 4. AMENDATORY 17 O.S. 2021, Section 139.202, is  
9 amended to read as follows:

10 Section 139.202 A. There is hereby created, until June 30,  
11 2028, the ~~Rural~~ Broadband Expansion Council. Effective June 30,  
12 2028, the Council shall terminate. The Council shall utilize the  
13 year prior to the termination date for the purpose of ceasing the  
14 Council's affairs.

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

17 1. Three members shall be appointed by the Governor, one of  
18 whom shall be ~~a government official who has knowledge of and~~  
19 ~~experience with the technology assets and operations of the Oklahoma~~  
20 ~~Department of Transportation, OneNet and the Oklahoma Office of~~  
21 ~~Management and Enterprise Services and who is not and has not been~~  
22 ~~previously employed by OneNet~~ the individual serving as the  
23 Executive Director of the Oklahoma Broadband Office, one of whom  
24 shall be a current or past mayor of a municipality having a

1 population of less than thirty-five thousand (35,000) persons  
2 according to the latest Federal Decennial Census or most recent  
3 population estimate and which is not part of either the Oklahoma  
4 City or Tulsa Metropolitan Statistical ~~Area~~ Areas, and one of whom  
5 shall be a ~~representative of a wireless telecommunications provider~~  
6 ~~with operations in Oklahoma and at least twenty-four other states~~  
7 resident of this state and a wireless Internet service provider  
8 (WISP);

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

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



1 shall represent the interests of rural business enterprises, one of  
2 whom shall be a citizen from a community of less than fifty thousand  
3 (50,000) persons which is not part of either the Oklahoma City or  
4 Tulsa Metropolitan Statistical Areas, one of whom shall be a rural  
5 electric cooperative representative and one who shall be an Oklahoma  
6 resident and Tribal Leader of a tribe recognized in this state; and

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

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

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

15 ~~C. The Council shall hold an organizational meeting not later~~  
16 ~~than sixty (60) days from May 22, 2020, and shall select from its~~  
17 ~~membership a chair and vice-chair or co-chairs. The chair or co-~~  
18 ~~chair of the Council shall be a person who is not a government~~  
19 ~~employee or public official, unless the person or persons are~~  
20 ~~legislators.~~

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

24

1       ~~E. D.~~ The Council shall be subject to the Oklahoma Open Meeting  
2 Act and the Oklahoma Open Records Act.

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

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

22       ~~H. The Council shall undertake a study of incentives or~~  
23 ~~programs that would have the effect of improving existing rural~~  
24 ~~broadband access and establishing broadband access to areas which~~

1 ~~currently do not have such access. The incentives or programs may~~  
2 ~~include federal funds, tribal funds or resources, donated funds or~~  
3 ~~funding available from foundations, endowments or similar sources,~~  
4 ~~state or local tax incentives, state or local financing incentives~~  
5 ~~or options or federal, tribal, state or local regulatory policies~~  
6 ~~that would be conducive to improving existing broadband access or~~  
7 ~~establishing such access where it does not currently exist.~~

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

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

20 K. ~~The Council shall utilize the~~

21 E. The Council shall serve as the advisory board to the  
22 Oklahoma Broadband Office.

23 F. The Council shall advise the Office in developing and  
24 continually monitoring the Office's Plan related to:

1        1. Identifying geographic areas ~~it establishes pursuant to the~~  
2 ~~Oklahoma Rural Broadband Expansion Act in order to develop its~~  
3 ~~recommendations regarding the implementation of~~ to be utilized in  
4 developing the Office's policies that are conducive to for  
5 establishing or improving ~~rural~~ broadband access in the state.  
6 pursuant to the Oklahoma Broadband Expansion Act;

7        ~~L. The Council shall focus on the~~ 2. Assessing the financial  
8 viability of broadband service providers so that a broadband network  
9 is adequately supported in its operations, that needed repairs and  
10 upgrades can be undertaken on a timely basis and that the goal of  
11 having a quality long-term broadband service delivery system ~~for~~  
12 ~~rural areas across the state~~ is achieved and maintained.;

13        ~~M. The Council shall give emphasis to maintaining~~ 3.  
14 Maintaining the viability of the Oklahoma Universal Service Fund and  
15 give consideration to whether similar universal funds should be  
16 implemented in order to facilitate broadband expansion and  
17 operational costs for underserved areas. ; and

18        ~~N. The Council shall give emphasis to the prevention of~~ 4.  
19 Preventing duplication of facilities and investment when ~~it~~ the  
20 Office makes ~~policy~~ grant recommendations. ~~The~~ With the input of  
21 the Council, the Oklahoma Broadband Office shall establish objective  
22 standards in order to determine whether the construction of ~~rural~~  
23 broadband access constitutes duplication of facilities and  
24 investment and also the role of any recommended incentives that

1 would benefit entities in the private sector so that public  
2 resources are effectively utilized and that duplication of efforts  
3 is avoided.

4 ~~O. The Oklahoma Department of Commerce shall create a dedicated~~  
5 ~~webpage or website in order to allow public access to the actions~~  
6 ~~and recommendations of the Council. The webpage or website shall~~  
7 ~~contain the mapping system required by subsection G of this section~~  
8 ~~and its related information.~~

9 ~~P. The Oklahoma Department of Commerce shall provide~~  
10 ~~administrative support to the Council and shall utilize the Digital~~  
11 ~~Transformation Program Revolving Fund for expenses related to such~~  
12 ~~administrative support as provided by Section 36 of Title 62 of the~~  
13 ~~Oklahoma Statutes.~~

14 ~~Q. 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 ~~R. On or before October 31, 2021, the Council shall develop a~~  
24 ~~set of broadband incentive award guidelines for recommendation to~~

1 ~~the State Legislature. The Council shall submit a copy of the~~  
2 ~~guidelines to the Speaker of the Oklahoma House of Representatives,~~  
3 ~~the President Pro Tempore of the Oklahoma State Senate, and to the~~  
4 ~~chairs of the appropriate legislative committees. The guidelines~~  
5 ~~shall:~~

6 1. ~~Consider a weighted approach for awarding incentives based~~  
7 ~~upon the following:~~

- 8 a. ~~the area's need for services, including, but not~~  
9 ~~limited to, whether the area is underserved, unserved,~~  
10 ~~rural or urban,~~
- 11 b. ~~whether there are existing broadband assets in the~~  
12 ~~area, based on the statewide map,~~
- 13 c. ~~whether existing federal, state, local, tribal or~~  
14 ~~private resources have been allocated to broadband~~  
15 ~~services in the area,~~
- 16 d. ~~a preference for federal, state, local, tribal or~~  
17 ~~private partnerships, and~~
- 18 e. ~~the capacity of the provider to maintain assets for an~~  
19 ~~extended period of time; and~~

20 2. ~~Recommend any necessary controls including, but not limited~~  
21 ~~to, capping the dollar amount of awards, allowing for an auditing~~  
22 ~~process, and a process that allows for award clawbacks. These~~  
23 ~~controls shall be in place to ensure the maximum efficiency of the~~  
24 ~~incentive award and to protect against waste, fraud or abuse.~~

1        G. The Council shall receive administrative support from the  
2 Oklahoma Broadband Office.

3        SECTION 5.        NEW LAW        A new section of law to be codified  
4 in the Oklahoma Statutes as Section 9204 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6        A. There is hereby created until June 30, 2028, the Oklahoma  
7 Broadband Office, to serve as the state's sole administrator of the  
8 functions, powers, and duties assigned to the Office in this act or  
9 under law. Effective June 30, 2028, the Office shall terminate and  
10 all personnel positions shall be abolished. The Office shall  
11 utilize the year prior to the termination date for the purpose of  
12 ceasing the Office's affairs.

13        B. The Office shall receive administrative assistance from the  
14 Office of Management and Enterprise Services (OMES), which shall  
15 provide, through existing OMES resources, administrative assistance  
16 upon request in writing or electronic correspondence from the  
17 Office's Executive Director, within a reasonable time to allow the  
18 performance of the Office's duties or respond in writing within ten  
19 (10) days of the request providing reasons why the request cannot be  
20 fulfilled. If the request cannot be fulfilled utilizing existing  
21 resources, OMES may charge the Office for the actual cost to fulfill  
22 the request.

23        C. The Office shall be governed by the Broadband Governing  
24 Board, created pursuant to Section 3 of this act.

1 D. The Office shall be advised by the Broadband Expansion  
2 Council, created pursuant to Section 4 of this act.

3 E. The Office shall have an Executive Director who shall  
4 oversee the operations of the Office including, but not limited to:

5 1. Overseeing the creation, maintenance, and completion of the  
6 Statewide Broadband Plan;

7 2. Communicating the state's progress in achieving the goals  
8 and implementation of the Statewide Broadband Plan;

9 3. The creation, housing, and updating of a statewide broadband  
10 services map;

11 4. Overseeing of grant applications and awards for connectivity  
12 and affordability projects;

13 5. Making recommendations to the Board regarding procedural and  
14 administrative rules for the Office; and

15 6. Employment and management of Office staff subject to the  
16 limitations and requirements of this act and subject to the  
17 limitations and requirements of the Broadband Governing Board.

18 F. The Executive Director shall regularly report to the Council  
19 and the Board and shall submit an annual report to the Office of the  
20 Speaker of the Oklahoma House of Representatives and the Office of  
21 the President Pro Tempore of the Oklahoma State Senate.

22 SECTION 6. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 9205 of Title 74, unless there  
24 is created a duplication in numbering, reads as follows:



1       A. The Oklahoma Broadband Office shall:

2       1. Conduct a study of and continually monitor broadband access  
3 in the state to assess:

4           a. existing capabilities to access broadband  
5           telecommunication services,

6           b. the costs of obtaining broadband services from  
7           existing providers,

8           c. the estimated cost to improve broadband access, and

9           d. the likelihood of changes in broadband access in the  
10          near and intermediate future based on available  
11          information regarding public and private programs to  
12          enhance access and adoption; and

13       2. Maintain, update, and execute the Statewide Broadband Plan  
14 as necessary.

15       B. The Office shall incorporate the information as described in  
16 subsection A of this section into a mapping system that depicts  
17 resources, broadband coverage, connectivity speeds, and other such  
18 features as the Office deems relevant. The Office may also purchase  
19 data sets it deems necessary to complete such mapping system.

20       C. The Office shall establish policies and regulations as may  
21 be necessary to implement the provisions of this act.

22       D. The Office shall establish policy as needed to implement a  
23 process whereby impacted parties may challenge or protest data and  
24

1 information published on the Office's mapping system. The process  
2 shall include, but not be limited to, features that:

- 3 1. Are heard and ruled on at the Office level;
- 4 2. Provide for a ruling by the Office within sixty (60) days of  
5 the submitted challenge or protest; and
- 6 3. Upon successful protest action, result in a timely  
7 correction of the map.

8 E. The Office shall perform and maintain a study of existing  
9 grants, incentives, and programs that may improve physical access to  
10 broadband along with adoption of broadband technologies. The  
11 grants, incentives, and programs may include federal funds, state  
12 funds or resources, tribal funds or resources, donated funds, or  
13 funding available from foundations, endowments or similar resources,  
14 state or local tax incentives, state or local financing incentives  
15 or options, or federal, tribal, state or local regulatory policies  
16 that would be conducive to improving existing broadband access or  
17 establishing access where it does not currently exist. The Office  
18 shall regularly report on the currently available grants,  
19 incentives, and programs and how best to utilize each.

20 F. The Office shall create, and update no less than biannually,  
21 a Statewide Broadband Plan. The Plan shall detail what areas are  
22 served, underserved, or unserved according to the prevailing  
23 definitions of the FCC, and how best to improve the infrastructure  
24 and connectivity in underserved and unserved areas. The Plan shall

1 include, but shall not be limited to, detailing a pathway for  
2 ninety-five percent (95%) of the state's population to be adequately  
3 served by June 30, 2028.

4 G. The Office shall create the Capital Projects Fund Grant  
5 Report or provide the necessary information to the state entity  
6 drafting the Report. The Report shall be submitted to the  
7 Department of the Treasury no later than September 24, 2022. The  
8 Office shall maintain the Report and submit any and all additional  
9 information as required. The Office shall work with the Joint  
10 Committee to ensure all approved broadband projects utilizing funds  
11 from the Capital Projects Fund follow the correct reporting  
12 requirements based on Department of Treasury guidance.

13 H. Additionally, the Office is authorized to seek, apply for,  
14 and administer funding through grant opportunities. The Office is  
15 also authorized to administer grant funding awards to recipients and  
16 subrecipients.

17 I. On or before October 31, 2022, the Office, with the advice  
18 of the Council, shall develop a set of broadband grants or incentive  
19 awards guidelines to be approved by the Board. The grants and  
20 incentive awards shall be for unserved and underserved areas. The  
21 Office shall submit a copy of the guidelines to the Office of the  
22 Speaker of the Oklahoma House of Representatives, the Office of the  
23 President Pro Tempore of the Oklahoma State Senate, and to the  
24

1 offices of the chairs of the appropriate legislative committees.

2 The guidelines shall:

3 1. Consider a weighted approach for awards based upon the  
4 following:

5 a. the area's need for services, including, but not  
6 limited to, whether the area is underserved or  
7 unserved,

8 b. whether there are existing broadband assets in the  
9 area, based on the statewide map,

10 c. whether existing federal, state, local, tribal, or  
11 private resources have been allocated to broadband  
12 services in the area,

13 d. a preference for federal, state, local, tribal, or  
14 private partnerships, and

15 e. the capacity of the provider to maintain assets for an  
16 extended period of time;

17 2. Recommend any necessary controls including, but not limited  
18 to, capping the dollar amount of awards, allowing for an auditing  
19 process, and a process that allows for award clawbacks. These  
20 controls shall be in place to ensure the maximum efficiency of the  
21 incentive award and to protect against waste, fraud, or abuse; and

22 3. Include annual reporting requirements of award recipients to  
23 assess effectiveness of such incentives which shall include, but not  
24

1 be limited to, changes in coverage resulting from implementing  
2 awarded grants and incentives.

3 SECTION 7. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 9206 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. State agencies, counties, cities, towns, school districts,  
7 career technology districts, institutions of higher education,  
8 public trusts, other entities or instrumentalities of local  
9 government, and Internet service providers shall, at the request of  
10 the Oklahoma Broadband Office, provide information to the Office  
11 regarding any matters as specified in this act relevant to the  
12 Office's duties.

13 B. The Office shall maintain confidentiality as required by law  
14 for all information provided under the provisions of this section.

15 SECTION 8. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 9207 of Title 74, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. By December 31, 2022, the Executive Director of the Oklahoma  
19 Broadband Office shall identify all programs, personnel, and assets  
20 within state government that are duplicative or complementary to the  
21 mission of the Office and of such recommend which programs,  
22 personnel, and assets the Executive Director identifies as needing  
23 to be transferred to the Office, except as provided in subsections C  
24 and D of this section.

1 B. Upon the receipt of the recommendation provided for in  
2 subsection A of this section, the Director of the Office of  
3 Management and Enterprise Services is authorized to transfer such  
4 programs, personnel, and assets to the Office.

5 C. The following shall be exempt from the provisions of  
6 subsections A and B of this section:

7 1. Those assets or personnel associated with broadband and  
8 Internet connectivity at the Oklahoma Corporation Commission;

9 2. Those assets or personnel associated with the Oklahoma  
10 Universal Service Fund located at the Corporation Commission; and

11 3. Assets owned by the Oklahoma Department of Transportation  
12 and the staff required to operate said assets.

13 D. Programs, personnel, and assets of the Oklahoma State  
14 Regents for Higher Education, identified by the Executive Director  
15 as duplicative or complementary to the mission of the Office, shall  
16 be made available as agreed to in contracts between the Office and  
17 the Oklahoma State Regents for Higher Education following a  
18 recommendation by the Executive Director to the Oklahoma State  
19 Regents for Higher Education. Should the Office and the Oklahoma  
20 State Regents for Higher Education fail to reach contractual  
21 agreements within ninety (90) days of the Executive Director's  
22 recommendation, the Executive Director shall provide written  
23 notification of a failure to reach contractual agreement to the  
24 Broadband Governing Board, the Speaker of the Oklahoma House of

1 Representatives, and the President Pro Tempore of the Oklahoma State  
2 Senate.

3 SECTION 9. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 9208 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6 No funds received by the State Treasury dedicated to broadband  
7 through the Infrastructure Investment and Jobs Act of 2021, Public  
8 Law 117-58, by earlier federal legislation, by state appropriation,  
9 or any subsequent federal funding dedicated to broadband shall be  
10 expended by the state, except as authorized by the Oklahoma  
11 Broadband Office.

12 SECTION 10. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 9209 of Title 74, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. The Office, with the participation and advice of the  
16 Broadband Expansion Council and approval from the Board, shall  
17 establish the State Broadband Grant Program. The Program shall  
18 include development of competitive grants to be awarded to  
19 applicants seeking to expand access to broadband Internet services  
20 in this state, focusing on areas considered unserved and underserved  
21 by the FCC. The Office, Council, and Board shall examine best  
22 practices in other states to facilitate the framework of the  
23 Program. The Office shall administer the Program.

24

1 B. No grants shall be developed or awarded under the provisions  
2 of this program that would duplicate existing broadband Internet  
3 services in this state.

4 C. In the administration of the grant program authorized by  
5 this section, the Office shall secure service testing data to ensure  
6 grant recipients provide the service or services proposed by such  
7 recipients when applying for such grants.

8 D. All grant awards authorized pursuant to the provisions of  
9 this section shall include a clawback provision. For purposes of  
10 this subsection a "clawback provision" shall mean a condition  
11 precedent to participate in the program whereby a grant recipient  
12 formally agrees to reimburse the program all or part of a grant  
13 award upon the failure of the recipient to fulfill contract terms  
14 included in the grant award.

15 E. There is hereby created in the State Treasury a revolving  
16 fund for the Office to be designated the "State Broadband Grant  
17 Program Revolving Fund". The revolving fund shall be a continuing  
18 fund, not subject to fiscal year limitations, and shall consist of  
19 all monies designated for deposit to said fund. All monies accruing  
20 to the credit of said revolving fund are hereby appropriated and may  
21 be budgeted and expended by the Office for purposes of awarding  
22 grants by and through the Office pursuant to subsection A of this  
23 section and for the operating expenses of the Office.

24



1 SECTION 11. AMENDATORY 17 O.S. 2021, Section 139.203, is  
2 amended to read as follows:

3 Section 139.203 A. On or before October 31, ~~2021~~ 2022, and  
4 annually thereafter, in accordance with the FCC Data Collection and  
5 Methodology, private broadband service providers operating in this  
6 state and satellite-based broadband private providers that have been  
7 designated as an eligible telecommunications carrier pursuant to 47  
8 U.S.C., Section 214(e) (6) for any portion of Oklahoma, hereinafter  
9 referred to as "private providers", shall submit to the ~~Oklahoma~~  
10 ~~Department of Commerce and the Rural Broadband Expansion Council~~  
11 Oklahoma Broadband Office the broadband network area coverage map  
12 data the private providers are required to submit to the ~~Federal~~  
13 ~~Communications Commission~~ FCC pursuant to the federal Broadband  
14 Deployment Accuracy and Technological Availability Act, 47 U.S.C.,  
15 Section 641 et seq. The map data shall be updated annually through  
16 a supplemental submission by the private providers that reflects  
17 changes in area coverage from the preceding year, including updates  
18 that are the result of incentives and grants created, administered,  
19 or awarded by the Office. The ~~Department~~ Office is authorized to  
20 promulgate rules for the collection of the broadband network area  
21 coverage map reports from the private providers.

22 B. On or before October 31 of each year, OneNet, the Office of  
23 Management and Enterprise Services, the Oklahoma Corporation  
24 Commission, and the Oklahoma Department of Transportation,

1 hereinafter referred to as "public entities", shall submit to the  
2 ~~Oklahoma Department of Commerce~~ Office and the Rural Broadband  
3 Expansion Council broadband network area coverage map data of all  
4 assets and network coverage in the format requested by the ~~Oklahoma~~  
5 ~~Department of Commerce and Council~~ Office.

6 C. Private providers and public entities shall disclose to the  
7 ~~Oklahoma Department of Commerce and the Rural Broadband Expansion~~  
8 ~~Council~~ Office the properties they serve and the maximum advertised  
9 download and upload speeds at which they provide any Internet  
10 services to those properties, ~~and shall be afforded by the Oklahoma~~  
11 ~~Department of Commerce and the Council a process to petition for~~  
12 ~~correction of potential inaccuracies in the map.~~

13 D. The reports and information required to be disclosed  
14 pursuant to this section by private providers shall remain  
15 confidential pursuant to Section 24A.10 of Title 51 of the Oklahoma  
16 Statutes. The ~~Council~~ Office shall determine the required  
17 submission format of the data submitted under the provisions of this  
18 act. ~~In no instance shall private providers be required to submit~~  
19 ~~any data, in substantive content or form or schedule, beyond or in~~  
20 ~~advance of the data described in subsection A of this section, or~~  
21 ~~any data containing customer information, such as names, addresses~~  
22 ~~or account numbers. The Department shall use a third party to~~  
23 ~~collect the data submitted by private providers under the provisions~~  
24 ~~of this act. The third party shall deliver data to the Department~~

1 ~~following a white label process to remove information identifying~~  
2 ~~specific providers.~~

3 E. On or before December 1 of each year, the ~~Department and the~~  
4 ~~Council Office~~ shall update the statewide broadband services map  
5 required by subsection ~~G E~~ of Section ~~139.202 of Title 17 of the~~  
6 ~~Oklahoma Statutes~~ 5 of this act using the data collected under the  
7 provisions of this act in a manner that identifies the assets and  
8 service areas of the public entities while displaying anonymized  
9 information, without reference to any specific private provider, of  
10 the assets and service areas of private providers.

11 ~~F. After the FCC completes the national Broadband Serviceable~~  
12 ~~Location Fabric and accompanying National Broadband Availability~~  
13 ~~Map, the Rural Broadband Expansion Council shall annually evaluate~~  
14 ~~whether the State of Oklahoma needs to continue producing an~~  
15 ~~annually updated statewide broadband map in accordance with the~~  
16 ~~provisions of this section.~~

17 SECTION 12. RECODIFICATION 17 O.S. 2021, Section  
18 139.201, as amended by Section 1 of this act, shall be recodified as  
19 Section 9200 of Title 74 of the Oklahoma Statutes, unless there is  
20 created a duplication in numbering.

21 SECTION 13. RECODIFICATION 17 O.S. 2021, Section  
22 139.202, as amended by Section 4 of this act, shall be recodified as  
23 Section 9203 of Title 74 of the Oklahoma Statutes, unless there is  
24 created a duplication in numbering.

1 SECTION 14. RECODIFICATION 17 O.S. 2021, Section  
2 139.203, as amended by Section 11 of this act, shall be recodified  
3 as Section 9210 of Title 74 of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 15. REPEALER 17 O.S. 2021, Section 139.204, is  
6 hereby repealed.

7 SECTION 16. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 Passed the House of Representatives the 23rd day of March, 2022.

12  
13  
14 Presiding Officer of the House  
of Representatives

15 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

16  
17  
18 Presiding Officer of the Senate

19  
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21

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