

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1021

6 By: Jett

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Broadband Expansion
9 Act; amending 17 O.S. 2021, Section 139.202, as
10 amended by Section 4, Chapter 229, O.S.L. 2022, and
11 as renumbered by Section 13, Chapter 229, O.S.L. 2022
12 (74 O.S. Supp. 2022, Section 9203), which relates to
13 the Broadband Expansion Council; directing Council to
14 evaluate and review certain processes and procedures
15 in conjunction with Oklahoma Universal Service Fund;
16 directing submission of findings by certain date;
17 updating statutory language; updating statutory
18 reference; and providing an effective date.

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

20 SECTION 1. AMENDATORY 17 O.S. 2021, Section 139.202, as
21 amended by Section 4, Chapter 229, O.S.L. 2022, and as renumbered by
22 Section 13, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2022, Section
23 9203), is amended to read as follows:

24 Section 9203. A. There is hereby created, until June 30, 2028,
the Broadband Expansion Council. Effective June 30, 2028, the
Council shall terminate. The Council shall utilize the year prior
to the termination date for the purpose of ceasing the Council's
affairs.

1 B. The Council shall consist of fourteen (14) persons to be
2 selected as follows:

3 1. Three members shall be appointed by the Governor, one of
4 whom shall be the individual serving as the Executive Director of
5 the Oklahoma Broadband Office, one of whom shall be a current or
6 past mayor of a municipality having a population of less than
7 thirty-five thousand (35,000) persons according to the latest
8 Federal Decennial Census or most recent population estimate and
9 which is not part of either the Oklahoma City or Tulsa Metropolitan
10 Statistical Areas, and one of whom shall be a resident of this state
11 and a wireless Internet service provider (WISP);

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

23 3. Five members shall be appointed by the President Pro Tempore
24 of the ~~Oklahoma State~~ Senate, one of whom shall be a professional

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

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

14 C. A quorum of the membership of the Council shall be necessary
15 in order to take any final action pursuant to the provisions of ~~this~~
16 ~~act~~ the Oklahoma Broadband Expansion Act.

17 D. The Council shall be subject to the Oklahoma Open Meeting
18 Act and the Oklahoma Open Records Act.

19 E. The Council shall serve as the advisory board to the
20 Oklahoma Broadband Office.

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

1 1. Identifying geographic areas to be utilized in developing
2 the Office's policies for establishing or improving broadband access
3 in the state pursuant to the Oklahoma Broadband Expansion Act;

4 2. Assessing the financial viability of broadband service
5 providers so that a broadband network is adequately supported in its
6 operations, that needed repairs and upgrades can be undertaken on a
7 timely basis and that the goal of having a quality long-term
8 broadband service delivery system across the state is achieved and
9 maintained;

10 3. Maintaining the viability of the Oklahoma Universal Service
11 Fund and give consideration to whether similar universal funds
12 should be implemented in order to facilitate broadband expansion and
13 operational costs for underserved areas; ~~and~~

14 4. Preventing duplication of facilities and investment when the
15 Office makes grant recommendations. With the input of the Council,
16 the Oklahoma Broadband Office shall establish objective standards in
17 order to determine whether the construction of broadband access
18 constitutes duplication of facilities and investment and also the
19 role of any recommended incentives that would benefit entities in
20 the private sector so that public resources are effectively utilized
21 and that duplication of efforts is avoided; and

22 5. To ensure collaboration and to avoid duplication of efforts,
23 the Council shall, on no less than an annual basis, evaluate and
24 review the Oklahoma Broadband Office's and the Oklahoma Universal

1 Service Fund's processes and procedures to review eligible projects,
2 reimbursements, and policies of each program. The Council shall
3 submit findings and any recommendations for statutory or regulatory
4 updates to the Governor, the President Pro Tempore of the Senate,
5 and the Speaker of the House of Representatives no later than
6 September 1 of a given calendar year.

7 G. The Council shall receive administrative support from the
8 Oklahoma Broadband Office.

9 SECTION 2. This act shall become effective November 1, 2023.

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