

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1021

6 By: Jett

7 [ Oklahoma Broadband Expansion Act - Council -  
8 processes and procedures - submission - effective  
9 date ]

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 17 O.S. 2021, Section 139.202, as  
13 amended by Section 4, Chapter 229, O.S.L. 2022, and as renumbered by  
14 Section 13, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2022, Section  
15 9203), is amended to read as follows:

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

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

23 1. Three members shall be appointed by the Governor, one of  
24 whom shall be the individual serving as the Executive Director of

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

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

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

1 (50,000) persons which is not part of either the Oklahoma City or  
2 Tulsa Metropolitan Statistical Areas, one of whom shall be a rural  
3 electric cooperative representative and one who shall be an Oklahoma  
4 resident and ~~Tribal Leader~~ tribal leader of a tribe recognized in  
5 this state; and

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

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

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

15 E. The Council shall serve as the advisory board to the  
16 Oklahoma Broadband Office.

17 F. The Council shall advise the Office in developing and  
18 continually monitoring the Office's Statewide Broadband Plan related  
19 to:

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

23 2. Assessing the financial viability of broadband service  
24 providers so that a broadband network is adequately supported in its

1 operations, that needed repairs and upgrades can be undertaken on a  
2 timely basis and that the goal of having a quality long-term  
3 broadband service delivery system across the state is achieved and  
4 maintained;

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

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

17 5. To ensure collaboration and to avoid duplication of efforts,  
18 the Council shall, on no less than an annual basis, evaluate and  
19 review the Oklahoma Broadband Office's and the Oklahoma Universal  
20 Service Fund's processes and procedures to review eligible projects,  
21 reimbursements, and policies of each program. The Council shall  
22 submit findings and any recommendations for statutory or regulatory  
23 updates to the Governor, the President Pro Tempore of the Senate,  
24

1 and the Speaker of the House of Representatives no later than  
2 September 1 of a given calendar year.

3 G. The Council shall receive administrative support from the  
4 Oklahoma Broadband Office.

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

6 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TELECOMMUNICATIONS  
7 March 2, 2023 - DO PASS AS AMENDED BY CS

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