

HOUSE BILL 28

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 6; Title 7; Title 10; Title 11; Title 65; Title 67  
and Title 68, relative to telecommunications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-52-103, is amended by adding the following as a new subsection:

(i)

(1) Notwithstanding any law to the contrary, a municipality operating an electric plant has the power and is authorized, acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to provide broadband internet service, or to construct and maintain infrastructure and equipment necessary to provide broadband internet service, either on its own or by joint venture or other business relationship with one (1) or more third parties and in a geographical area that is outside the electric plant's service area if the area is located in a distressed county.

(2) For purposes of this subsection (i):

(A) "Broadband internet service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and twenty-five megabits per second (25 Mbps) for upload transmission (25 symmetrical), or the current definition of "broadband" according to the federal communications commission (FCC) if the FCC definition establishes faster minimum transmission speeds; and

(B) "Distressed county" means a county that qualifies as an "eligible county" under § 67-6-104(b)(3)(B) on or after the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 65-25-104(a)(2), is amended by adding the following language as a new subdivision:

(D)

(i) Providing broadband internet service, or constructing and maintaining infrastructure and equipment necessary for providing broadband internet service, in a geographical area that is outside the cooperative's service area if the area is located in a distressed county.

(ii) For purposes of this subdivision (a)(2)(D):

(a) "Broadband internet service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and twenty-five megabits per second (25 Mbps) for upload transmission (25 symmetrical), or the current definition of "broadband" according to the federal communications commission (FCC) if the FCC definition establishes faster minimum transmission speeds; and

(b) "Distressed county" means a county that qualifies as an "eligible county" under § 67-6-104(b)(3)(B) on or after the effective date of this act.

SECTION 3. Tennessee Code Annotated, Section 65-25-105, is amended by adding the following new subsection:

(e)

(1) In addition to all other powers set forth in this chapter, a cooperative has the power and is authorized, acting through the authorization of its supervisory body, to provide broadband internet service, pursuant to this title, either on its own or by joint venture or other business relationship with one (1) or more third parties and in a geographical area that is outside the cooperative's service area if the area is located in a distressed county.

(2) For purposes of this subsection (e):

(A) "Broadband internet service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and twenty-five megabits per second (25 Mbps) for upload transmission (25 symmetrical), or the current definition of "broadband" according to the federal communications commission (FCC) if the FCC definition establishes faster minimum transmission speeds; and

(B) "Distressed county" means a county that qualifies as an "eligible county" under § 67-6-104(b)(3)(B) on or after the effective date of this act.

SECTION 4. Tennessee Code Annotated, Section 65-29-104, is amended by adding the following language as a new subdivision:

(16)

(A) Provide broadband internet service, or construct and maintain infrastructure and equipment necessary to provide broadband internet service, either on its own or by joint venture or other business relationship with one (1) or more third parties and in a geographical area that is outside the cooperative's service area if the area is located in a distressed county.

(B) For purposes of this subdivision (16):

(i) "Broadband internet service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and twenty-five megabits per second (25 Mbps) for upload transmission (25 symmetrical), or the current definition of "broadband" according to the federal communications commission (FCC) if the FCC definition establishes faster minimum transmission speeds; and

(ii) "Distressed county" means a county that qualifies as an "eligible county" under § 67-6-104(b)(3)(B) on or after the effective date of this act.

SECTION 5. Tennessee Code Annotated, Title 11, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Broadband internet service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and twenty-five megabits per second (25 Mbps) for upload transmission (25 symmetrical), or the current definition of "broadband" according to the federal communications commission (FCC) if the FCC definition establishes faster minimum transmission speeds; and

(2) "Distressed county" means any county that qualifies as an "eligible county" under § 67-6-104(b)(3)(B) as of the effective date of this act.

(b) The department of environment and conservation shall make broadband internet service available to visitors at all state parks located in distressed counties. If the department determines that providing broadband internet service throughout the

entire area of a state park is not technologically feasible, then the department may designate areas of that state park within which the department will make broadband internet service available to visitors.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.