

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1002 By: Leewright of the Senate
3 and
4 Echols of the House
5

6 [Corporation Commission - Electric Cooperative Pole
7 Attachment Partnership Act - noncodification -
8 codification - effective date]
9

10 AUTHOR: Remove Representative Echols as principal House author and
11 substitute with Representative McCall

12 AUTHORS: Add as House Coauthors: Phillips, Roe and Lawson

13 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
entire bill and replace with:

14 "An Act relating to rural broadband expansion;
15 amending Section 3 of Enrolled House Bill No. 4018 of
the 2nd Session of the 57th Oklahoma Legislature,
16 which relates to the Rural Broadband Expansion
Council; modifying membership; providing for
17 appointees by the Speaker of the Oklahoma House of
Representatives and the President Pro Tempore of the
18 Oklahoma State Senate; and declaring an emergency.

19
20
21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY Section 3 of Enrolled House Bill No.
23 4018 of the 2nd Session of the 57th Oklahoma Legislature, is amended
24 to read as follows:

1 A. There is hereby created the Rural Broadband Expansion
2 Council.

3 B. The Council shall consist of ~~twelve (12)~~ fourteen (14)
4 persons to be selected as follows:

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

18 2. ~~Three~~ Four members shall be appointed by the Speaker of the
19 Oklahoma House of Representatives, one of whom shall represent the
20 interests of rural Internet service providers, one of whom shall be
21 a private sector technology professional with expertise in broadband
22 connectivity, access, price and related economic factors, and one of
23 whom shall represent the interests of rural health care, and one of
24 whom shall be a representative of a wireless telecommunications

1 provider not affiliated with an incumbent local exchange carrier in
2 Oklahoma;

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

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

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

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

21 C. The Council shall hold an organizational meeting not later
22 than sixty (60) days from the effective date of this act and shall
23 select from its membership a chair and vice-chair or co-chairs. The
24

1 chair of the Council shall be a person who is not a government
2 employee or public official.

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

6 E. The Council shall be subject to the Oklahoma Open Meeting
7 Act and the Oklahoma Open Records Act.

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

23 G. The Council shall incorporate the information as described
24 in subsection F of this section into a mapping system that depicts

1 resources, broadband coverage, connectivity speeds and such other
2 features as the Council deems relevant.

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

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

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

1 K. The Council shall utilize the geographic areas it
2 establishes pursuant to this act in order to develop its
3 recommendations regarding the implementation of policies that are
4 conducive to establishing or improving rural broadband access in the
5 state.

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

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

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

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

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

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

20 SECTION 2. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval."
24

1 Passed the House of Representatives the 14th day of May, 2020.

2
3
4 Presiding Officer of the House of
Representatives
5

6 Passed the Senate the ____ day of _____, 2020.

7
8
9 Presiding Officer of the Senate
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ENGROSSED SENATE
BILL NO. 1002

By: Leewright of the Senate

and

Echols of the House

[Corporation Commission - Electric Cooperative Pole
Attachment Partnership Act - noncodification -
codification - effective date]

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

SECTION 3. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Electric
Cooperative Pole Attachment Partnership Act".

SECTION 4. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 158.65 of Title 17, unless there
is created a duplication in numbering, reads as follows:

A. Upon request, any rural electric cooperative shall provide
the formula by which they calculate a pole attachment rate to any
entity that pays to attach to a pole owned by the rural electric
cooperative within a reasonable time period. This information shall
include each component of the formula and a description of the
specific costs the particular component of the formula includes with

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 as much detail as practical without disclosing proprietary
2 information.

3 B. Nothing in this act shall be construed as requiring a rural
4 electric cooperative to list the exact costs in dollars of each
5 component of the formula. The rural electric cooperative shall
6 include the total cost per attachment, as determined by the formula.

7 SECTION 5. This act shall become effective November 1, 2019.

8 Passed the Senate the 14th day of March, 2019.

9

10

Presiding Officer of the Senate

11

12 Passed the House of Representatives the ____ day of _____,
13 2019.

14

15

Presiding Officer of the House
of Representatives

16

17

18

19

20

21

22

23

24