SB1002 FA1 McCallCh-MAH
5/14/2020 3:03:02 pm

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1002 Of the printed Bill

Page _____ Section _____ Lines _____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Charles McCall

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1002 By: Leewright of the Senate

and

Echols of the House

FLOOR SUBSTITUTE

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

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

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

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

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

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

2. ~~Three~~ Four members shall be appointed by the Speaker of the Oklahoma House of Representatives, one of whom shall represent the interests of rural Internet service providers, one of whom shall be a private sector technology professional with expertise in broadband connectivity, access, price and related economic factors, ~~and~~ one of whom shall represent the interests of rural health care, and one of whom shall be a representative of a wireless telecommunications provider not affiliated with an incumbent local exchange carrier in Oklahoma;

3. ~~Three~~ Four members shall be appointed by the President Pro Tempore of the Oklahoma State Senate, one of whom shall be a

professional having academic expertise in large-scale information technology infrastructure with emphasis on rural broadband access, one of whom shall represent the interests of rural business enterprises, ~~and~~ one of whom shall be a citizen from a community of less than fifty thousand (50,000) persons which is not part of either the Oklahoma City or Tulsa Metropolitan Statistical Areas, and one of whom shall be a rural electric cooperative representative;

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

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

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

C. The Council shall hold an organizational meeting not later than sixty (60) days from the effective date of this act and shall select from its membership a chair and vice-chair or co-chairs. The chair of the Council shall be a person who is not a government employee or public official.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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