

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2293 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kyle Hilbert

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2293

By: Hilbert

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Broadband Office; amending Section 3, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section 9202), which relates to the Broadband Governing Board; extending date of termination of Board; amending 17 O.S. 2021, Section 139.202, as amended by Section 4, Chapter 229, O.S.L. 2022, and as renumbered by Section 13, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section 9203), which relates to the Oklahoma Broadband Council; extending date of termination of Council; amending Section 5, Chapter 229, O.S.L. 2022, as amended by Section 1, Chapter 336, O.S.L. 2023 (74 O.S. Supp. 2024, Section 9204), which relates to Oklahoma Broadband Office; extending date of termination of Office; amending Section 6, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section 9205), which relates to duties and authority of the Oklahoma Broadband Office; extending date of certain goal; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section 9202), is amended to read as follows:

1 Section 9202. A. 1. There is hereby created until ~~June 30,~~
2 ~~2028~~ December 31, 2030, the Broadband Governing Board. The Board
3 shall oversee the Oklahoma Broadband Office. Effective ~~June 30,~~
4 ~~2028~~ December 31, 2030, the Board shall terminate. The Board shall
5 utilize the year prior to the termination date for the purpose of
6 ceasing the Board's affairs.

7 2. The Board shall receive regular reports from the Office's
8 Executive Director and the Executive Director's staff on the status
9 of the Statewide Broadband Plan, the State Broadband Grant Program,
10 other developed grant programs, and other projects the Office is
11 undertaking, during regularly scheduled meetings.

12 B. The Board shall consist of nine (9) members. Two members
13 shall be appointed by the Speaker of the Oklahoma House of
14 Representatives, two members shall be appointed by the President Pro
15 Tempore of the Oklahoma State Senate, three members shall be
16 appointed by the Governor, one member shall be the Lieutenant
17 Governor, and one member shall be the State Treasurer. Except as
18 provided in subsection C of this section, appointees shall serve
19 until ~~June 30, 2028~~ December 31, 2030. No individual with an
20 official affiliation, paid or unpaid, with any potential recipient
21 of a grant administered under the provisions of this act, shall be
22 appointed to or serve on the Board.

23 C. Each appointee shall serve at the pleasure of his or her
24 appointing authority and may be removed or replaced without cause.

1 D. 1. The Board shall hold an organizational meeting not later
2 than thirty (30) days from the effective date of this act. At such
3 meeting, the Board shall adopt qualifications and a salary range for
4 an Executive Director for the Oklahoma Broadband Office based on the
5 recommendations of the Human Capital Management Division of the
6 Office of Management and Enterprise Services, and provide for the
7 process of filling the position in a reasonable time in accordance
8 with the laws of this state.

9 2. The Board shall hold meetings as necessary at a place and
10 time to be fixed by the Board. The Board shall elect, at its first
11 meeting, one of its members to serve as chair and another of its
12 members to serve as vice-chair. At the first meeting in each
13 calendar year thereafter, the chair and vice-chair for the ensuing
14 year shall be elected. Special meetings may be called by the chair
15 or by five members of the Board by delivery of written notice to
16 each member of the Board. A majority of members serving on the
17 Board shall constitute a quorum of the Board.

18 E. If a Board member is unable to fulfill his or her term for
19 any reason, the appointing authority of such member may appoint a
20 replacement to complete the remainder of the term.

21 F. The Board shall be subject to the Oklahoma Open Meeting Act
22 and the Oklahoma Open Records Act.
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1 G. The Board shall employ, evaluate, and maintain an Executive
2 Director of the Office who shall serve at the pleasure of the Board
3 and may be removed or replaced without cause.

4 H. The Board shall promulgate rules as necessary to implement
5 the provisions of the Oklahoma Broadband Expansion Act and for the
6 governance and operation of the Oklahoma Broadband Office.

7 I. The Board shall approve or disapprove all grant and
8 incentive programs created by the Office under the provisions of
9 this act or under law.

10 J. The Board shall oversee the annual budget for the Office,
11 which shall be funded from the allowed administrative expenses of
12 applicable federal programs and funds available for expenditure from
13 the State Broadband Grant Program Revolving Fund created pursuant to
14 Section ~~10 of this act~~ 9209 of this title.

15 K. The Board shall approve the Statewide Broadband Plan and
16 updates to the Plan as necessary.

17 SECTION 2. AMENDATORY 17 O.S. 2021, Section 139.202, as
18 amended by Section 4, Chapter 229, O.S.L. 2022, and as renumbered by
19 Section 13, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section
20 9203), is amended to read as follows:

21 Section 9203. A. There is hereby created, until ~~June 30, 2028~~
22 December 31, 2030, the Broadband Expansion Council. Effective ~~June~~
23 ~~30, 2028~~ December 31, 2030, the Council shall terminate. The
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1 Council shall utilize the year prior to the termination date for the
2 purpose of ceasing the Council's affairs.

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

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

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

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

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

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

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

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

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

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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.

22 G. The Council shall receive administrative support from the
23 Oklahoma Broadband Office.

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1 SECTION 3. AMENDATORY Section 5, Chapter 229, O.S.L.
2 2022, as amended by Section 1, Chapter 336, O.S.L. 2023 (74 O.S.
3 Supp. 2024, Section 9204), is amended to read as follows:

4 Section 9204. A. There is hereby created until ~~June 30, 2028~~
5 December 31, 2030, the Oklahoma Broadband Office, to serve as the
6 state's sole administrator of the functions, powers, and duties
7 assigned to the Office in the Oklahoma Broadband Expansion Act or
8 under law. Effective ~~June 30, 2028~~ December 31, 2030, the Office
9 shall terminate and all personnel positions shall be abolished. The
10 Office shall utilize the year prior to the termination date for the
11 purpose of ceasing the Office's affairs.

12 B. The Office shall receive administrative assistance from the
13 Office of Management and Enterprise Services (OMES), which shall
14 provide, through existing OMES resources, administrative assistance
15 upon request in writing or electronic correspondence from the
16 Office's Executive Director. OMES shall provide assistance in the
17 manner requested within thirty (30) days of determination by the
18 Agency that the request is able to be fulfilled. If for any reason
19 the request cannot be fulfilled within thirty (30) days, the Office
20 and OMES shall enter into a written agreement expressing an agreed
21 upon timeline for fulfilling the needs of the Office. In the event
22 that the request cannot be fulfilled, OMES shall respond in writing
23 within ten (10) days of the request providing the reasoning for
24 denial. If the request cannot be fulfilled utilizing existing

1 resources, OMES may charge the Office for the actual cost to fulfill
2 the request.

3 C. The Office shall be governed by the Broadband Governing
4 Board, created pursuant to Section 9202 of this title.

5 D. The Office shall be advised by the Broadband Expansion
6 Council, created pursuant to Section 9203 of this title.

7 E. The Office shall have an Executive Director who shall
8 oversee the operations of the Office including, but not limited to:

9 1. Overseeing the creation, maintenance, and completion of the
10 Statewide Broadband Plan;

11 2. Communicating the state's progress in achieving the goals
12 and implementation of the Statewide Broadband Plan;

13 3. The creation, housing, and updating of a statewide broadband
14 services map;

15 4. Overseeing of grant applications and awards for connectivity
16 and affordability projects;

17 5. Making recommendations to the Board regarding procedural and
18 administrative rules for the Office; and

19 6. Employment and management of Office staff subject to the
20 limitations and requirements of the Oklahoma Broadband Expansion Act
21 and subject to the limitations and requirements of the Broadband
22 Governing Board.

23 F. The Executive Director shall regularly report to the Council
24 and the Board and shall submit an annual report to the Office of the

1 Speaker of the House of Representatives and the Office of the
2 President Pro Tempore of the Senate.

3 G. The Office may hire legal counsel as it is deemed necessary
4 by the hiring entity. The Office shall be subject to the provisions
5 of Section 20i of this title.

6 SECTION 4. AMENDATORY Section 6, Chapter 229, O.S.L.
7 2022 (74 O.S. Supp. 2024, Section 9205), is amended to read as
8 follows:

9 Section 9205. A. The Oklahoma Broadband Office shall:

10 1. Conduct a study of and continually monitor broadband access
11 in the state to assess:

- 12 a. existing capabilities to access broadband
- 13 telecommunication services,
- 14 b. the costs of obtaining broadband services from
- 15 existing providers,
- 16 c. the estimated cost to improve broadband access, and
- 17 d. the likelihood of changes in broadband access in the
- 18 near and intermediate future based on available
- 19 information regarding public and private programs to
- 20 enhance access and adoption; and

21 2. Maintain, update, and execute the Statewide Broadband Plan
22 as necessary.

23 B. The Office shall incorporate the information as described in
24 subsection A of this section into a mapping system that depicts

1 resources, broadband coverage, connectivity speeds, and other such
2 features as the Office deems relevant. The Office may also purchase
3 data sets it deems necessary to complete such mapping system.

4 C. The Office shall establish policies and regulations as may
5 be necessary to implement the provisions of this act.

6 D. The Office shall establish policy as needed to implement a
7 process whereby impacted parties may challenge or protest data and
8 information published on the Office's mapping system. The process
9 shall include, but not be limited to, features that:

- 10 1. Are heard and ruled on at the Office level;
- 11 2. Provide for a ruling by the Office within sixty (60) days of
12 the submitted challenge or protest; and
- 13 3. Upon successful protest action, result in a timely
14 correction of the map.

15 E. The Office shall perform and maintain a study of existing
16 grants, incentives, and programs that may improve physical access to
17 broadband along with adoption of broadband technologies. The
18 grants, incentives, and programs may include federal funds, state
19 funds or resources, tribal funds or resources, donated funds, or
20 funding available from foundations, endowments or similar resources,
21 state or local tax incentives, state or local financing incentives
22 or options, or federal, tribal, state or local regulatory policies
23 that would be conducive to improving existing broadband access or
24 establishing access where it does not currently exist. The Office

1 shall regularly report on the currently available grants,
2 incentives, and programs and how best to utilize each.

3 F. The Office shall create, and update no less than biannually,
4 a Statewide Broadband Plan. The Plan shall detail what areas are
5 served, underserved, or unserved according to the prevailing
6 definitions of the FCC, and how best to improve the infrastructure
7 and connectivity in underserved and unserved areas. The Plan shall
8 include, but shall not be limited to, detailing a pathway for
9 ninety-five percent (95%) of the state's population to be adequately
10 served by ~~June 30, 2028~~ December 31, 2030.

11 G. The Office shall create the Capital Projects Fund Grant
12 Report or provide the necessary information to the state entity
13 drafting the Report. The Report shall be submitted to the
14 Department of the Treasury no later than September 24, 2022. The
15 Office shall maintain the Report and submit any and all additional
16 information as required. The Office shall work with the Joint
17 Committee to ensure all approved broadband projects utilizing funds
18 from the Capital Projects Fund follow the correct reporting
19 requirements based on Department of Treasury guidance.

20 H. Additionally, the Office is authorized to seek, apply for,
21 and administer funding through grant opportunities. The Office is
22 also authorized to administer grant funding awards to recipients and
23 subrecipients.

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1 I. On or before October 31, 2022, the Office, with the advice
2 of the Council, shall develop a set of broadband grants or incentive
3 awards guidelines to be approved by the Board. The grants and
4 incentive awards shall be for unserved and underserved areas. The
5 Office shall submit a copy of the guidelines to the Office of the
6 Speaker of the Oklahoma House of Representatives, the Office of the
7 President Pro Tempore of the Oklahoma State Senate, and to the
8 offices of the chairs of the appropriate legislative committees.
9 The guidelines shall:

10 1. Consider a weighted approach for awards based upon the
11 following:

- 12 a. the area's need for services, including, but not
13 limited to, whether the area is underserved or
14 unserved,
- 15 b. whether there are existing broadband assets in the
16 area, based on the statewide map,
- 17 c. whether existing federal, state, local, tribal, or
18 private resources have been allocated to broadband
19 services in the area,
- 20 d. a preference for federal, state, local, tribal, or
21 private partnerships, and
- 22 e. the capacity of the provider to maintain assets for an
23 extended period of time;

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1 2. Recommend any necessary controls including, but not limited
2 to, capping the dollar amount of awards, allowing for an auditing
3 process, and a process that allows for award clawbacks. These
4 controls shall be in place to ensure the maximum efficiency of the
5 incentive award and to protect against waste, fraud, or abuse; and

6 3. Include annual reporting requirements of award recipients to
7 assess effectiveness of such incentives which shall include, but not
8 be limited to, changes in coverage resulting from implementing
9 awarded grants and incentives.

10 SECTION 5. This act shall become effective November 1, 2025.

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