

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2293

By: Hilbert

AS INTRODUCED

An Act relating to the Oklahoma Broadband Office; transferring certain powers, duties, and responsibilities from the Oklahoma Broadband Office to the Oklahoma Department of Commerce by certain date; requiring Department succeed any contractual rights or responsibilities; providing for the transfer of certain rules; requiring certain notice; transferring rulemaking authority; authorizing the transfer of personnel; providing details for personnel transfer; requiring certain coordination for transfer; amending Section 2, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section 9201), which relates to definitions; modifying definitions; amending Section 3, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section 9202), which relates to the broadband governing board; modifying overseeing entity of the Oklahoma Broadband Office; extending termination of the Office; deleting certain board and board requirements; authorizing certain duties of the Oklahoma Department of Commerce; 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 Broadband Expansion Council; removing certain council and council requirements; modifying responsible entity; 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 the Oklahoma Broadband Office; removing sunset provision for Office; making the Oklahoma Broadband Office a division of the Oklahoma Department of Commerce; setting termination date for Office; removing certain assistance to be provided for the Office; modifying title of director; modifying responsible entity;

1 removing certain hiring authority; amending Section  
2 6, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024,  
3 Section 9205), which relates to duties and authority  
4 of the Oklahoma Broadband Office; modifying  
5 responsible entity; removing defunct language;  
6 amending Section 10, Chapter 229, O.S.L. 2022 (74  
7 O.S. Supp. 2024, Section 9209), which relates to the  
8 State Broadband Grant Program Revolving Fund;  
9 modifying responsible entity; amending 17 O.S. 2021,  
10 Section 139.203, as amended by Section 11, Chapter  
11 229, O.S.L. 2022, and as renumbered by Section 14,  
12 Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section  
13 9210), which relates to private providers network  
14 area coverage map data; modifying statutory  
15 reference; repealing 74 O.S. 2021, Section 9207,  
16 which relates to transfer of program; providing for  
17 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 9211 of Title 74, unless there  
is created a duplication in numbering, reads as follows:

A. The applicable powers, duties, and responsibilities  
exercised by the Oklahoma Broadband Office shall be fully  
transferred to the Oklahoma Department of Commerce on December 31,  
2030. The Office shall exist as a division of the Department. All  
records, property, equipment, assets, monies, financial interests,  
liabilities, matters pending, and funds of the Office shall be  
transferred to the Department.

1 B. The Department shall succeed to any contractual rights or  
2 responsibilities incurred by the Office.

3 C. The administrative rules previously promulgated by the  
4 Office shall be transferred to and become a part of the  
5 administrative rules of Department upon the effective date of this  
6 act. The Office of Administrative Rules in the Office of the  
7 Secretary of State shall provide adequate notice in "The Oklahoma  
8 Register" of the transferred rules and shall place the transferred  
9 rules under the Administrative Code section of the Department. On  
10 the effective date of this act, any amendment, repeal, or addition  
11 to the transferred rules shall be under the rulemaking authority of  
12 the Department.

13 D. The Department and the Office may enter into an agreement  
14 for the transfer of personnel from the Office to the Department. No  
15 employee shall be transferred to the Department except on the freely  
16 given written consent of the employee. Any employees who are  
17 transferred to the Department shall not be required to accept a  
18 lesser grade or salary than presently received. All employees shall  
19 retain leave, sick, and annual time earned, and any retirement and  
20 longevity benefits which have accrued during their tenure with the  
21 Department. The transfer of any personnel between the state  
22 agencies shall be coordinated with the Office of Management and  
23 Enterprise Services.

1 E. The Office of Management and Enterprise Services shall  
2 coordinate the transfer of records, property, equipment, assets,  
3 funds, allotments, purchase orders, liabilities, outstanding  
4 financial obligations, or encumbrances provided for in this  
5 subsection.

6 SECTION 2. AMENDATORY Section 2, Chapter 229, O.S.L.  
7 2022 (74 O.S. Supp. 2024, Section 9201), is amended to read as  
8 follows:

9 Section 9201. As used in this act:

10 1. ~~"Board" means the Broadband Governing Board;~~

11 2. ~~"Council" means the Broadband Expansion Council;~~

12 3. ~~"Director" means the Executive Director of the Oklahoma~~  
13 ~~Broadband Office;~~

14 4. 2. "FCC" means the Federal Communications Commission;

15 5. 3. "Joint Committee" means the Legislature's Joint Committee  
16 on Pandemic Relief Funding, created by the Legislature to give  
17 legislative oversight to the disbursing of the American Rescue Plan  
18 Act's State and Local Fiscal Recovery Fund, Capital Projects Fund,  
19 and any future federal recovery funds as identified by the  
20 Legislature;

21 6. 4. "Map" means the statewide map showing broadband access,  
22 adoption, speed capabilities, and all other information the Office  
23 deems necessary;

24 7. 5. "Office" means the Oklahoma Broadband Office;

1       ~~8.~~ 6. "Plan" means the Statewide Broadband Plan;

2       ~~9.~~ 7. "Program" means the State Broadband Grant Program; and

3       ~~10.~~ 8. "Revolving fund" means the State Broadband Grant Program  
4 Revolving Fund.

5       SECTION 3.       AMENDATORY       Section 3, Chapter 229, O.S.L.  
6 2022 (74 O.S. Supp. 2024, Section 9202), is amended to read as  
7 follows:

8       Section 9202. A. 1. ~~There is hereby created until June 30,~~  
9 ~~2028, the Broadband Governing Board. The Board Beginning December~~  
10 ~~31, 2030, the Oklahoma Department of Commerce shall oversee the~~  
11 ~~Oklahoma Broadband Office. Effective June 30, 2028, the Board shall~~  
12 ~~terminate. The Board shall utilize the year prior to the~~  
13 ~~termination date for the purpose of ceasing the Board's affairs.~~

14       2. The ~~Board~~ Chief Executive Officer of the Oklahoma Department  
15 of Commerce shall receive regular reports from the Office's  
16 ~~Executive~~ Director and the ~~Executive~~ Director's staff on the status  
17 of the Statewide Broadband Plan, the State Broadband Grant Program,  
18 other developed grant programs, and other projects the Office is  
19 undertaking, during regularly scheduled meetings.

20       B. ~~The Board shall consist of nine (9) members. Two members~~  
21 ~~shall be appointed by the Speaker of the Oklahoma House of~~  
22 ~~Representatives, two members shall be appointed by the President Pro~~  
23 ~~Tempore of the Oklahoma State Senate, three members shall be~~  
24 ~~appointed by the Governor, one member shall be the Lieutenant~~

1 ~~Governor, and one member shall be the State Treasurer. Except as~~  
2 ~~provided in subsection C of this section, appointees shall serve~~  
3 ~~until June 30, 2028. No individual with an official affiliation,~~  
4 ~~paid or unpaid, with any potential recipient of a grant administered~~  
5 ~~under the provisions of this act, shall be appointed to or serve on~~  
6 ~~the Board.~~

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

9 ~~D. 1. The Board shall hold an organizational meeting not later~~  
10 ~~than thirty (30) days from the effective date of this act. At such~~  
11 ~~meeting, the Board shall adopt qualifications and a salary range for~~  
12 ~~an Executive Director for the Oklahoma Broadband Office based on the~~  
13 ~~recommendations of the Human Capital Management Division of the~~  
14 ~~Office of Management and Enterprise Services, and provide for the~~  
15 ~~process of filling the position in a reasonable time in accordance~~  
16 ~~with the laws of this state.~~

17 ~~2. The Board shall hold meetings as necessary at a place and~~  
18 ~~time to be fixed by the Board. The Board shall elect, at its first~~  
19 ~~meeting, one of its members to serve as chair and another of its~~  
20 ~~members to serve as vice chair. At the first meeting in each~~  
21 ~~calendar year thereafter, the chair and vice-chair for the ensuing~~  
22 ~~year shall be elected. Special meetings may be called by the chair~~  
23 ~~or by five members of the Board by delivery of written notice to~~

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1 ~~each member of the Board. A majority of members serving on the~~  
2 ~~Board shall constitute a quorum of the Board.~~

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

6 ~~F. The Board shall be subject to the Oklahoma Open Meeting Act~~  
7 ~~and the Oklahoma Open Records Act.~~

8 ~~G. The Board Department shall employ, evaluate, and maintain an~~  
9 ~~Executive a~~ Director of the Office who shall serve at the pleasure  
10 of the ~~Board~~ Department and may be removed or replaced without  
11 cause.

12 ~~H. C.~~ The ~~Board~~ Department shall promulgate rules as necessary  
13 to implement the provisions of the Oklahoma Broadband Expansion Act  
14 and for the governance and operation of the Oklahoma Broadband  
15 Office.

16 ~~I. D.~~ The ~~Board~~ Department shall approve or disapprove all  
17 grant and incentive programs created by the Office under the  
18 provisions of this act or under law.

19 ~~J. E.~~ The ~~Board~~ Department shall oversee the annual budget for  
20 the Office, which shall be funded from the allowed administrative  
21 expenses of applicable federal programs and funds available for  
22 expenditure from the State Broadband Grant Program Revolving Fund  
23 created pursuant to Section ~~10 of this act~~ 9209 of this title.

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1        ~~K. F.~~ The ~~Board~~ Department shall approve the Statewide  
2 Broadband Plan and updates to the Plan as necessary.

3        SECTION 4.        AMENDATORY        17 O.S. 2021, Section 139.202, as  
4 amended by Section 4, Chapter 229, O.S.L. 2022, and as renumbered by  
5 Section 13, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section  
6 9203), is amended to read as follows:

7        Section 9203.    A. ~~There is hereby created, until June 30, 2028,~~  
8 ~~the Broadband Expansion Council. Effective June 30, 2028, the~~  
9 ~~Council shall terminate. The Council shall utilize the year prior~~  
10 ~~to the termination date for the purpose of ceasing the Council's~~  
11 ~~affairs.~~

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

14        1. ~~Three members shall be appointed by the Governor, one of~~  
15 ~~whom shall be the individual serving as the Executive Director of~~  
16 ~~the Oklahoma Broadband Office, one of whom shall be a current or~~  
17 ~~past mayor of a municipality having a population of less than~~  
18 ~~thirty five thousand (35,000) persons according to the latest~~  
19 ~~Federal Decennial Census or most recent population estimate and~~  
20 ~~which is not part of either the Oklahoma City or Tulsa Metropolitan~~  
21 ~~Statistical Areas, and one of whom shall be a resident of this state~~  
22 ~~and a wireless Internet service provider (WISP);~~

23        2. ~~Five members shall be appointed by the Speaker of the~~  
24 ~~Oklahoma House of Representatives, one of whom shall represent the~~



1 ~~interests of rural Internet service providers, one of whom shall be~~  
2 ~~a private sector technology professional with expertise in broadband~~  
3 ~~connectivity, access, price and related economic factors, one of~~  
4 ~~whom shall represent the interests of rural health care, one of whom~~  
5 ~~shall be a representative of a wireless telecommunications provider~~  
6 ~~not affiliated with an incumbent local exchange carrier in Oklahoma~~  
7 ~~and one who shall be a representative of a wireless~~  
8 ~~telecommunications provider with operations in Oklahoma and at least~~  
9 ~~twenty-four other states;~~

10 ~~3. Five members shall be appointed by the President Pro Tempore~~  
11 ~~of the Oklahoma State Senate, one of whom shall be a professional~~  
12 ~~having academic expertise in large-scale information technology~~  
13 ~~infrastructure with emphasis on rural broadband access, one of whom~~  
14 ~~shall represent the interests of rural business enterprises, one of~~  
15 ~~whom shall be a citizen from a community of less than fifty thousand~~  
16 ~~(50,000) persons which is not part of either the Oklahoma City or~~  
17 ~~Tulsa Metropolitan Statistical Areas, one of whom shall be a rural~~  
18 ~~electric cooperative representative and one who shall be an Oklahoma~~  
19 ~~resident and Tribal Leader of a tribe recognized in this state; and~~

20 ~~4. One nonvoting member to be selected by the Oklahoma~~  
21 ~~Corporation Commission who has expertise in administration of the~~  
22 ~~Universal Service Fund, but who is not an elected member of the~~  
23 ~~Commission.~~

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1 ~~C. A quorum of the membership of the Council shall be necessary~~  
2 ~~in order to take any final action pursuant to the provisions of this~~  
3 ~~act.~~

4 ~~D. The Council shall be subject to the Oklahoma Open Meeting~~  
5 ~~Act and the Oklahoma Open Records Act.~~

6 ~~E. The Council shall serve as the advisory board to the~~  
7 ~~Oklahoma Broadband Office.~~

8 F. The Council Oklahoma Department of Commerce shall advise the  
9 Oklahoma Broadband Office in developing and continually monitoring  
10 the Office's Plan related to:

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

14 2. Assessing the financial viability of broadband service  
15 providers so that a broadband network is adequately supported in its  
16 operations, that needed repairs and upgrades can be undertaken on a  
17 timely basis and that the goal of having a quality long-term  
18 broadband service delivery system across the state is achieved and  
19 maintained;

20 3. Maintaining the viability of the Oklahoma Universal Service  
21 Fund and give consideration to whether similar universal funds  
22 should be implemented in order to facilitate broadband expansion and  
23 operational costs for underserved areas; and  
24

1 4. Preventing duplication of facilities and investment when the  
2 Office makes grant recommendations. With the input of the ~~Council~~  
3 Department, the Oklahoma Broadband Office shall establish objective  
4 standards in order to determine whether the construction of  
5 broadband access constitutes duplication of facilities and  
6 investment and also the role of any recommended incentives that  
7 would benefit entities in the private sector so that public  
8 resources are effectively utilized and that duplication of efforts  
9 is avoided.

10 ~~G. The Council shall receive administrative support from the~~  
11 ~~Oklahoma Broadband Office.~~

12 SECTION 5. AMENDATORY Section 5, Chapter 229, O.S.L.  
13 2022, as amended by Section 1, Chapter 336, O.S.L. 2023 (74 O.S.  
14 Supp. 2024, Section 9204), is amended to read as follows:

15 Section 9204. A. ~~There is hereby created until June 30, 2028,~~  
16 ~~the~~ The Oklahoma Broadband Office, a division of the Oklahoma  
17 Department of Commerce, to shall serve as the state's sole  
18 administrator of the functions, powers, and duties assigned to the  
19 Office in the Oklahoma Broadband Expansion Act or under law.  
20 ~~Effective June 30, 2028, the Office shall terminate and all~~  
21 ~~personnel positions shall be abolished. The Office shall utilize~~  
22 ~~the year prior to the termination date for the purpose of ceasing~~  
23 ~~the Office's affairs.~~

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1       ~~B. The Office shall receive administrative assistance from the~~  
2 ~~Office of Management and Enterprise Services (OMES), which shall~~  
3 ~~provide, through existing OMES resources, administrative assistance~~  
4 ~~upon request in writing or electronic correspondence from the~~  
5 ~~Office's Executive Director. OMES shall provide assistance in the~~  
6 ~~manner requested within thirty (30) days of determination by the~~  
7 ~~Agency that the request is able to be fulfilled. If for any reason~~  
8 ~~the request cannot be fulfilled within thirty (30) days, the Office~~  
9 ~~and OMES shall enter into a written agreement expressing an agreed~~  
10 ~~upon timeline for fulfilling the needs of the Office. In the event~~  
11 ~~that the request cannot be fulfilled, OMES shall respond in writing~~  
12 ~~within ten (10) days of the request providing the reasoning for~~  
13 ~~denial. If the request cannot be fulfilled utilizing existing~~  
14 ~~resources, OMES may charge the Office for the actual cost to fulfill~~  
15 ~~the request.~~

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

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

20       ~~E. The Office shall have an Executive~~ a Director who shall  
21 oversee the operations of the Office including, but not limited to:

22       1. Overseeing the creation, maintenance, and completion of the  
23 Statewide Broadband Plan;  
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1        2. Communicating the state's progress in achieving the goals  
2 and implementation of the Statewide Broadband Plan;

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

5        4. Overseeing of grant applications and awards for connectivity  
6 and affordability projects;

7        5. Making recommendations to the ~~Board~~ Oklahoma Department of  
8 Commerce regarding procedural and administrative rules for the  
9 Office; and

10       6. Employment and management of Office staff subject to the  
11 limitations and requirements of the Oklahoma Broadband Expansion Act  
12 and subject to the limitations and requirements of the ~~Broadband~~  
13 ~~Governing Board~~ Oklahoma Department of Commerce.

14       ~~F. C.~~ The ~~Executive~~ Director shall regularly report to the  
15 ~~Council and the Board and shall~~ Chief Executive Officer of the  
16 Department and submit an annual report to the Office of the Speaker  
17 of the Oklahoma House of Representatives and the Office of the  
18 President Pro Tempore of the Oklahoma Senate.

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

22       SECTION 6.        AMENDATORY        Section 6, Chapter 229, O.S.L.  
23 2022 (74 O.S. Supp. 2024, Section 9205), is amended to read as  
24 follows:

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

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

- 4 a. existing capabilities to access broadband
- 5 telecommunication services,
- 6 b. the costs of obtaining broadband services from
- 7 existing providers,
- 8 c. the estimated cost to improve broadband access, and
- 9 d. the likelihood of changes in broadband access in the
- 10 near and intermediate future based on available
- 11 information regarding public and private programs to
- 12 enhance access and adoption; and

13 2. Maintain, update, and execute the Statewide Broadband Plan  
14 as necessary.

15 B. The Office shall incorporate the information as described in  
16 subsection A of this section into a mapping system that depicts  
17 resources, broadband coverage, connectivity speeds, and other such  
18 features as the Office deems relevant. The Office may also purchase  
19 data sets it deems necessary to complete such mapping system.

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

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

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

8 E. The Office shall perform and maintain a study of existing  
9 grants, incentives, and programs that may improve physical access to  
10 broadband along with adoption of broadband technologies. The  
11 grants, incentives, and programs may include federal funds, state  
12 funds or resources, tribal funds or resources, donated funds, or  
13 funding available from foundations, endowments or similar resources,  
14 state or local tax incentives, state or local financing incentives  
15 or options, or federal, tribal, state or local regulatory policies  
16 that would be conducive to improving existing broadband access or  
17 establishing access where it does not currently exist. The Office  
18 shall regularly report on ~~the~~ currently available grants,  
19 incentives, and programs and how best to utilize each.

20 F. The Office shall create, and update no less than biannually,  
21 a Statewide Broadband Plan. The Plan shall detail what areas are  
22 served, underserved, or unserved according to the prevailing  
23 definitions of the FCC, and how best to improve the infrastructure  
24 and connectivity in underserved and unserved areas. The Plan shall

1 include, but shall not be limited to, detailing a pathway for  
2 ninety-five percent (95%) of the state's population to be adequately  
3 served by June 30, 2028.

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

13 H. Additionally, the Office is authorized to seek, apply for,  
14 and administer funding through grant opportunities. The Office is  
15 also authorized to administer grant funding awards to recipients and  
16 subrecipients.

17 ~~I. On or before October 31, 2022, the Office, with the advice~~  
18 ~~of the Council, shall develop a set of broadband grants or incentive~~  
19 ~~awards guidelines to be approved by the Board. The grants and~~  
20 ~~incentive awards shall be for unserved and underserved areas. The~~  
21 ~~Office shall submit a copy of the guidelines to the Office of the~~  
22 ~~Speaker of the Oklahoma House of Representatives, the Office of the~~  
23 ~~President Pro Tempore of the Oklahoma State Senate, and to the~~

24



1 ~~offices of the chairs of the appropriate legislative committees.~~

2 ~~The guidelines shall:~~

3 ~~1. Consider a weighted approach for awards based upon the~~  
4 ~~following:~~

5 ~~a. the area's need for services, including, but not~~  
6 ~~limited to, whether the area is underserved or~~  
7 ~~unserved,~~

8 ~~b. whether there are existing broadband assets in the~~  
9 ~~area, based on the statewide map,~~

10 ~~c. whether existing federal, state, local, tribal, or~~  
11 ~~private resources have been allocated to broadband~~  
12 ~~services in the area,~~

13 ~~d. a preference for federal, state, local, tribal, or~~  
14 ~~private partnerships, and~~

15 ~~e. the capacity of the provider to maintain assets for an~~  
16 ~~extended period of time;~~

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

22 ~~3. Include annual reporting requirements of award recipients to~~  
23 ~~assess effectiveness of such incentives which shall include, but not~~  
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1 ~~be limited to, changes in coverage resulting from implementing~~  
2 ~~awarded grants and incentives.~~

3 SECTION 7. AMENDATORY Section 10, Chapter 229, O.S.L.  
4 2022 (74 O.S. Supp. 2024, Section 9209), is amended to read as  
5 follows:

6 Section 9209. A. The Office, with the participation and advice  
7 of the ~~Broadband Expansion Council and approval from the Board~~  
8 Oklahoma Department of Commerce, shall establish the State Broadband  
9 Grant Program. The Program shall include development of competitive  
10 grants to be awarded to applicants seeking to expand access to  
11 broadband Internet services in this state, focusing on areas  
12 considered unserved and underserved by the FCC. The Office~~r~~  
13 ~~Council, and Board~~ shall examine best practices in other states to  
14 facilitate the framework of the Program. The Office shall  
15 administer the Program.

16 B. No grants shall be developed or awarded under the provisions  
17 of this program that would duplicate existing broadband Internet  
18 services in this state.

19 C. In the administration of the grant program authorized by  
20 this section, the Office shall secure service testing data to ensure  
21 grant recipients provide the service or services proposed by such  
22 recipients when applying for such grants.

23 D. All grant awards authorized pursuant to the provisions of  
24 this section shall include a clawback provision. For purposes of

1 this subsection, a "clawback provision" shall mean a condition  
2 precedent to participate in the program whereby a grant recipient  
3 formally agrees to reimburse the program all or part of a grant  
4 award upon the failure of the recipient to fulfill contract terms  
5 included in the grant award.

6 E. There is hereby created in the State Treasury a revolving  
7 fund for the Office to be designated the "State Broadband Grant  
8 Program Revolving Fund". The revolving fund shall be a continuing  
9 fund, not subject to fiscal year limitations, and shall consist of  
10 all monies designated for deposit to said fund. All monies accruing  
11 to the credit of said revolving fund are hereby appropriated and may  
12 be budgeted and expended by the Office for purposes of awarding  
13 grants by and through the Office pursuant to subsection A of this  
14 section and for the operating expenses of the Office.

15 SECTION 8. AMENDATORY 17 O.S. 2021, Section 139.203, as  
16 amended by Section 11, Chapter 229, O.S.L. 2022, and as renumbered  
17 by Section 14, Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section  
18 9210), is amended to read as follows:

19 Section 9210. A. On or before October 31, 2022, and annually  
20 thereafter, in accordance with the FCC Data Collection and  
21 Methodology, private broadband service providers operating in this  
22 state and satellite-based broadband private providers that have been  
23 designated as an eligible telecommunications carrier pursuant to 47  
24 U.S.C., Section 214(e) (6) for any portion of Oklahoma, hereinafter

1 referred to as "private providers", shall submit to the Oklahoma  
2 Broadband Office the broadband network area coverage map data the  
3 private providers are required to submit to the FCC pursuant to the  
4 federal Broadband Deployment Accuracy and Technological Availability  
5 Act, 47 U.S.C., Section 641 et seq. The map data shall be updated  
6 annually through a supplemental submission by the private providers  
7 that reflects changes in area coverage from the preceding year,  
8 including updates that are the result of incentives and grants  
9 created, administered, or awarded by the Office. The Office is  
10 authorized to promulgate rules for the collection of the broadband  
11 network area coverage map reports from the private providers.

12 B. On or before October 31 of each year, OneNet, the Office of  
13 Management and Enterprise Services, the Oklahoma Corporation  
14 Commission, and the Oklahoma Department of Transportation,  
15 hereinafter referred to as "public entities", shall submit to the  
16 Office and the ~~Broadband Expansion Council~~ Oklahoma Department of  
17 Commerce broadband network area coverage map data of all assets and  
18 network coverage in the format requested by the Office.

19 C. Private providers and public entities shall disclose to the  
20 Office the properties they serve and the maximum advertised download  
21 and upload speeds at which they provide any Internet services to  
22 those properties.

23 D. The reports and information required to be disclosed  
24 pursuant to this section by private providers shall remain

1 confidential pursuant to Section 24A.10 of Title 51 of the Oklahoma  
2 Statutes. The Office shall determine the required submission format  
3 of the data submitted under the provisions of this act.

4 E. On or before December 1 of each year, the Office shall  
5 update the statewide broadband services map required by subsection E  
6 of Section ~~5 of this act~~ 9204 of this Title title using the data  
7 collected under the provisions of this act in a manner that  
8 identifies the assets and service areas of the public entities while  
9 displaying anonymized information, without reference to any specific  
10 private provider, of the assets and service areas of private  
11 providers.

12 SECTION 9. REPEALER 74 O.S. 2021, Section 9207, is  
13 hereby repealed.

14 SECTION 10. This act shall become effective December 31, 2030.

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16 60-1-11627 JBH 01/14/25  
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