

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1123

By: Bashore

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6 AS INTRODUCED

7 An Act relating to broadband; amending Section 3,
8 Chapter 229, O.S.L. 2022 (74 O.S. Supp. 2024, Section
9 9202), which relates to the broadband governing
10 board; modifying certain funding source; amending
11 Section 10, Chapter 229, O.S.L. 2022 (74 O.S. Supp.
2024, Section 9209), which relates to the state
broadband grant program; deleting State Broadband
Grant Program Revolving Fund; and providing an
effective date.

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

15 SECTION 1. AMENDATORY Section 3, Chapter 229, O.S.L.
16 2022 (74 O.S. Supp. 2024, Section 9202), is amended to read as
17 follows:

18 Section 9202. A. 1. There is hereby created until June 30,
19 2028, the Broadband Governing Board. The Board shall oversee the
20 Oklahoma Broadband Office. Effective June 30, 2028, the Board shall
21 terminate. The Board shall utilize the year prior to the
22 termination date for the purpose of ceasing the Board's affairs.

23 2. The Board shall receive regular reports from the Office's
24 Executive Director and the Executive Director's staff on the status

1 of the Statewide Broadband Plan, the State Broadband Grant Program,
2 other developed grant programs, and other projects the Office is
3 undertaking, during regularly scheduled meetings.

4 B. The Board shall consist of nine (9) members. Two members
5 shall be appointed by the Speaker of the Oklahoma House of
6 Representatives, two members shall be appointed by the President Pro
7 Tempore of the Oklahoma State Senate, three members shall be
8 appointed by the Governor, one member shall be the Lieutenant
9 Governor, and one member shall be the State Treasurer. Except as
10 provided in subsection C of this section, appointees shall serve
11 until June 30, 2028. No individual with an official affiliation,
12 paid or unpaid, with any potential recipient of a grant administered
13 under the provisions of this act, shall be appointed to or serve on
14 the Board.

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

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

1 2. The Board shall hold meetings as necessary at a place and
2 time to be fixed by the Board. The Board shall elect, at its first
3 meeting, one of its members to serve as chair and another of its
4 members to serve as vice-chair. At the first meeting in each
5 calendar year thereafter, the chair and vice-chair for the ensuing
6 year shall be elected. Special meetings may be called by the chair
7 or by five members of the Board by delivery of written notice to
8 each member of the Board. A majority of members serving on the
9 Board shall constitute a quorum of the Board.

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

13 F. The Board shall be subject to the Oklahoma Open Meeting Act
14 and the Oklahoma Open Records Act.

15 G. The Board shall employ, evaluate, and maintain an Executive
16 Director of the Office who shall serve at the pleasure of the Board
17 and may be removed or replaced without cause.

18 H. The Board shall promulgate rules as necessary to implement
19 the provisions of the Oklahoma Broadband Expansion Act and for the
20 governance and operation of the Oklahoma Broadband Office.

21 I. The Board shall approve or disapprove all grant and
22 incentive programs created by the Office under the provisions of
23 this act or under law.

1 J. The Board shall oversee the annual budget for the Office,
2 which shall be funded from the allowed administrative expenses of
3 applicable federal programs and funds available for expenditure ~~from~~
4 ~~the State Broadband Grant Program Revolving Fund created pursuant to~~
5 ~~Section 10 of this act.~~

6 K. The Board shall approve the Statewide Broadband Plan and
7 updates to the Plan as necessary.

8 SECTION 2. AMENDATORY Section 10, Chapter 229, O.S.L.
9 2022 (74 O.S. Supp. 2024, Section 9209), is amended to read as
10 follows:

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

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

23 C. In the administration of the grant program authorized by
24 this section, the Office shall secure service testing data to ensure

1 grant recipients provide the service or services proposed by such
2 recipients when applying for such grants.

3 D. All grant awards authorized pursuant to the provisions of
4 this section shall include a clawback provision. For purposes of
5 this subsection, a "clawback provision" shall mean a condition
6 precedent to participate in the program whereby a grant recipient
7 formally agrees to reimburse the program all or part of a grant
8 award upon the failure of the recipient to fulfill contract terms
9 included in the grant award.

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

19 SECTION 3. This act shall become effective November 1, 2025.

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