

CS FOR HOUSE BILL NO. 363(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/20/22

Referred: Rules

Sponsor(s): REPRESENTATIVES EDGMON, Hopkins, Zulkosky, Foster, Schrage, Rasmussen, Ortiz, Spohnholz, Johnson, Merrick, Tarr, Drummond, Nelson, Fields, Josephson, Tuck, Patkotak, Cronk

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the office of broadband; creating the broadband parity adjustment**
2 **fund; establishing the Statewide Broadband Advisory Board; and providing for an**
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 44.33 is amended by adding new sections to read:

6 **Article 16A. Broadband.**

7 **Sec. 44.33.910. Office of broadband; purpose, powers, and duties.** (a) The
8 office of broadband is established in the Department of Commerce, Community, and
9 Economic Development.

10 (b) The purpose of the office of broadband is to

11 (1) expand broadband access and digital equity in the state through
12 federal, tribal, and local partnerships;

13 (2) focus on broadband infrastructure projects that meet certain speed,
14 latency, reliability, and scalability requirements, while maintaining technological

1 neutrality within those requirements;

2 (3) identify scalable and sustainable technologies that meet the needs
3 of state residents into the future; and

4 (4) support broadband equity and affordability for all state residents.

5 (c) The office of broadband shall

6 (1) prioritize broadband service expansion in the following order of
7 priority:

8 (A) unserved areas;

9 (B) underserved areas; and

10 (C) anchor institutions;

11 (2) make grants to eligible grantees and prioritize grants to grantees
12 with in-state experience, qualifications, and expertise needed to deploy, operate,
13 repair, and maintain broadband infrastructure;

14 (3) develop a procedure for issuance of grants;

15 (4) develop a procedure for adoption of broadband service maps that

16 (A) incorporates the Federal Communications Commission
17 maps developed in accordance with P.L. 116-130 (Broadband DATA Act) to
18 define unserved and underserved areas;

19 (B) allows for broadband parity adjustments; and

20 (C) provides for a process to challenge adoption of broadband
21 service maps, including a public notice and comment period;

22 (5) administer and set criteria for the broadband parity adjustment
23 program under AS 44.33.915;

24 (6) streamline permitting to support broadband deployment;

25 (7) encourage local workforce development with in-state partners
26 through the University of Alaska, technical, vocational, or trade schools, and
27 apprenticeship programs; and

28 (8) review and consider the recommendations of the Statewide
29 Broadband Advisory Board established under AS 44.33.920.

30 (d) The office of broadband shall adopt regulations under AS 44.62
31 (Administrative Procedure Act) to carry out its duties.

1 (e) In this section, "anchor institution" means a school, library, health care
 2 facility, health care provider, public safety entity, institution of higher education,
 3 public housing organization, community support organization, or other entity that
 4 facilitates greater use of broadband service by low-income individuals, unemployed
 5 individuals, or elderly individuals.

6 **Sec. 44.33.915. Broadband parity adjustment fund.** (a) The broadband
 7 parity adjustment fund is created as a separate fund in the treasury for the purpose of

8 (1) offsetting the costs of broadband services for consumers under (b)
 9 of this section; and

10 (2) making grants to eligible beneficiaries under (c) of this section to
 11 improve the performance of and access to broadband across the state.

12 (b) The office of broadband shall set the criteria for offsetting the costs of
 13 broadband services for consumers in the state by regulation.

14 (c) An eligible beneficiary may include a resident, business, nonprofit
 15 organization, local government, tribal organization as defined in 25 U.S.C. 5304(l), or
 16 Native entity as defined in 15 U.S.C. 9501(10) in the state, but may not include a
 17 school district, library, or health care facility.

18 (d) The broadband parity adjustment fund shall be administered by the office
 19 of broadband. The fund consists of

20 (1) money appropriated by the legislature;

21 (2) gifts, bequests, contributions from other sources, and federal
 22 money; and

23 (3) interest earned on the fund balance.

24 (e) The legislature may appropriate money from the broadband parity
 25 adjustment fund to the office of broadband to carry out the purposes of the fund.

26 (f) The broadband parity adjustment fund is not a dedicated fund.

27 (g) In this section,

28 (1) "health care facility" has the meaning given in AS 18.23.400(n).

29 (2) "school district" has the meaning given in AS 14.30.350.

30 **Sec. 44.33.920. Statewide Broadband Advisory Board.** (a) The Statewide
 31 Broadband Advisory Board is established.

1 (b) The purpose of the advisory board is to provide technology-neutral input,
2 recommendations, and advice regarding

- 3 (1) state broadband policy, goals, and objectives;
- 4 (2) project proposal processes and criteria for project selection;
- 5 (3) mapping and data collection and sharing efforts; and
- 6 (4) progress made on the recommendations of the Governor's Task
7 Force on Broadband established under Administrative Order No. 322.

8 (c) The advisory board is composed of

9 (1) the commissioner of education and early development or the
10 commissioner's designee;

11 (2) the commissioner of commerce, community, and economic
12 development or the commissioner's designee;

13 (3) two members from the legislature, serving as ex officio nonvoting
14 members, one of whom shall be appointed by the president of the senate and one by
15 the speaker of the house of representatives; and

16 (4) nine additional members, at least two of whom live in an unserved
17 or underserved area, appointed by the governor to three-year terms representing

18 (A) a local government;

19 (B) an Alaska Native corporation;

20 (C) a tribal government;

21 (D) a school district;

22 (E) the University of Alaska;

23 (F) the health care community;

24 (G) the business community;

25 (H) the broadband industry; and

26 (I) a broadband consumer.

27 (d) The advisory board shall establish a broadband technical working group to
28 provide technical recommendations to the advisory board. The advisory board shall
29 appoint individuals to the technical working group who collectively have expertise in
30 the different technologies that provide broadband service in the state and who manage
31 and deliver projects in the state. The broadband industry representative on the advisory

1 board shall also serve on the broadband technical working group.

2 (e) Members of the advisory board shall elect a chair from among the
3 members listed in or appointed under (c)(1), (2), or (4) of this section.

4 (f) Members of the advisory board are not entitled to compensation, per diem,
5 or reimbursement of travel expenses.

6 **Sec. 44.33.930. Definitions.** In AS 44.33.910 - 44.33.930,

7 (1) "underserved area" means an area that does not have broadband
8 speeds of at least 100 Megabits per second downstream and at least 20 Megabits per
9 second upstream with a latency sufficient to support real-time interactive applications;

10 (2) "unserved area" means an area that does not have broadband
11 speeds of at least 25 Megabits per second downstream and at least 3 Megabits per
12 second upstream with a latency sufficient to support real-time interactive applications.

13 * **Sec. 2.** AS 44.33.910, 44.33.915, 44.33.920, and 44.33.930 are repealed June 30, 2030.

14 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).