

HOUSE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES EDGMON, Hopkins, Zulkosky, Foster, Schrage, Rasmussen, Ortiz, Spohnholz, Johnson, Merrick, Tarr, Drummond, Nelson, Fields, Josephson, Tuck, Patkotak, Cronk

Introduced: 2/22/22

Referred: Labor and Commerce, Finance

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 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 and rates for the broadband parity
23 adjustment program under AS 44.33.915;

24 (6) streamline permitting to support broadband deployment;

25 (7) encourage local workforce development with in-state partners; and

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

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

30 (e) In this section,

31 (1) "anchor institution" means a school, library, health care facility,

1 health care provider, public safety entity, institution of higher education, public
 2 housing organization, community support organization, or other entity that facilitates
 3 greater use of broadband service by low-income individuals, unemployed individuals,
 4 or elderly individuals;

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

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

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

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

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

18 (b) The office of broadband shall set the criteria and rates for offsetting the
 19 costs of broadband services for consumers in the state by regulation.

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

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

26 (1) money appropriated by the legislature;
 27 (2) gifts, bequests, contributions from other sources, and federal
 28 money; and

29 (3) interest earned on the fund balance.

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

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

2 (g) In this section,

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

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

5 **Sec. 44.33.920. Statewide Broadband Advisory Board.** (a) The Statewide
6 Broadband Advisory Board is established.

7 (b) The purpose of the advisory board is to provide input, recommendations,
8 and advice regarding

9 (1) state broadband policy, goals, and objectives;

10 (2) project proposal processes and criteria for project selection;

11 (3) mapping and data collection and sharing efforts; and

12 (4) progress made on the recommendations of the Governor's Task
13 Force on Broadband established under Administrative Order No. 322.

14 (c) The advisory board is composed of

15 (1) the commissioner of education and early development or the
16 commissioner's designee;

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

19 (3) nine additional members appointed by the governor representing

20 (A) a local government;

21 (B) an Alaska Native corporation;

22 (C) a tribal government;

23 (D) a school district;

24 (E) the University of Alaska;

25 (F) the health care community;

26 (G) the business community;

27 (H) the broadband industry; and

28 (I) a broadband consumer.

29 (d) Members of the advisory board shall elect a chair from among the
30 members listed in or appointed under (c) of this section.

31 (e) Members of the advisory board are not entitled to compensation, per diem,

1 or reimbursement of travel expenses.

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

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