**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑4‑140 SO AS TO ESTABLISH THE OFFICE OF BROADBAND DEVELOPMENT, TO PROVIDE DUTIES OF THE OFFICE, AND TO PROVIDE FOR ANNUAL REPORTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 4, Title 58 of the 1976 Code is amended by adding:

“Section 58‑4‑140. (A) The Office of Broadband Development is established within the Office of Regulatory Staff. The mission of the Office of Broadband Development is to improve both the adoption and availability of broadband service in South Carolina. The goal of the State is to achieve universal broadband even in areas where it is not considered economically feasible, to the extent funding is available, at the highest possible speeds.

(B) The Executive Director of the Office of Regulatory Staff shall appoint a Director of the Office of Broadband Development and hire any staff necessary to carry out the office’s duties.

(C) The Office of Broadband Development shall:

(1) serve as the central broadband planning body for the State;

(2) coordinate with state, regional, local, and private entities to develop, to the maximum extent practicable, a uniform statewide broadband access and usage policy;

(3) develop, recommend, and implement a statewide plan to encourage broadband access and to make recommendations for increased adoption, particularly in rural and other underserved areas;

(4) coordinate efforts, in consultation and cooperation with the Secretary of Commerce, local governments, and private entities, to meet the state’s broadband goals;

(5) develop state‑owned, statewide, detailed broadband maps to:

(a) identify broadband technology and service levels by structure; and

(b) identify broadband adoption by area;

(6) encourage development and implementation of the state’s broadband infrastructure;

(7) provide information and technical assistance to local government or other project sponsors in connection with the planning, acquisition, improvement, construction, or development of any broadband deployment project;

(8) encourage public‑private partnerships designed to increase deployment and adoption of broadband services and applications, and in cooperation with the other appropriate entities, examine and consider the desirability and feasibility of mechanisms for tax incentives, low‑interest loans, and other financing means to encourage public‑private partnerships designed to increase deployment and adoption of broadband services and applications, and advocate their implementation when considered appropriate;

(9) monitor the broadband development efforts of other states and nations in business, education, public safety, and health;

(10) monitor broadband‑related activities at the federal level, including regulatory and policy changes and the potential impact on broadband in the State;

(11) serve as a central resource to collect and publish information regarding federal programs providing financial assistance to entities located in rural areas seeking to obtain access to high‑speed broadband service;

(12) coordinate an ongoing collaborative effort of stakeholders to evaluate and address the reliability of broadband networks; and

(13) perform any other activities consistent with the office’s purpose.

(D) Beginning in 2022, by December of each year, a report must be provided to the General Assembly and the Governor and must include:

(1) an analysis of the current availability and adoption of broadband, and to the extent information is available, the average broadband speeds, within the State;

(2) information gathered from schools, libraries, hospitals, and public safety facilities across the State, determining the actual speed and capacity of broadband currently available, and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(3) an analysis of existing broadband infrastructure within the State and its ability to prompt economic development as recommended by the Department of Commerce;

(4) an analysis of the degree to which new, additional, or improved broadband infrastructure would prompt economic development in the State as recommended by the Department of Commerce;

(5) a summary of the office’s activities in coordinating broadband infrastructure development; and

(6) if necessary, suggested policies and incentives designed to accelerate the achievement of the goal set forth in this section.

(E)(1) The Office of Broadband Development may request information from all broadband providers in the State in developing a map or making the determination as to the percentage of locations within a census block to which broadband services are not available.

(2) All information provided by a broadband services provider pursuant to this section is presumed to be confidential, proprietary, a trade secret as such term is defined in Section 39‑8‑10, et seq., and subject to exemption from disclosure under state and federal law and may not be subject to disclosure under Section 30‑4‑10, et seq., except in the form of a map where information that could be used to determine provider‑specific information about the network of the broadband services provider is not disclosed. Except as otherwise provided in this section, such provider‑specific information may not be released to any person other than to the submitting broadband services provider, the Office of Broadband Development, the Department of Commerce, and the Department of Administration, or the agents designated to assist in developing the map provided for in this section, employees of the Office of Broadband Development, Commerce, and Administration, and consultants and attorneys employed by or under contract of these state agencies without express permission of the submitting broadband services provider. Such information may be used solely for the purposes stated under this section.

(F)(1) The Office of Broadband Development is authorized and directed to establish and implement such policies and programs as are necessary to coordinate statewide efforts to promote and facilitate deployment of broadband services and other emerging communications technologies throughout the State. Such policies and programs may include coordination between state agencies, local governments, industry representatives, community organizations, and other persons that control access to resources, such as facilities and rights of way, that may be used for the deployment of broadband services and other emerging communications technologies, that apply for or receive federal funds for the deployment of broadband services and other emerging communications technologies, and that promote economic and community development.

(2) All state agencies shall cooperate with the Office of Broadband Development and its designated agents by providing requested information to assist in the development and administration of policies and programs and the annual report provided for in this section.

(G) Monies in the operating fund for the Office of Broadband Development must include appropriations made by the General Assembly for the purpose of funding the office. The office also may be funded by grants from other governmental or private entities, and contributions or donations received for the purpose of expanding broadband availability and adoption. All monies in the operating fund must be used solely for the administration and operation of the office in accomplishing its mission and goal.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑