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**HOUSE BILL NO. 2214**

Offered January 13, 2021

Prefiled January 13, 2021

A *BILL to amend and reenact § 2.2-205.2 of the Code of Virginia, relating to Commonwealth Broadband Chief Advisor; broadband service territory maps.*

Patrons—O'Quinn, Aird, Avoli, Batten, Brewer, Campbell, J.L., Cole, M.L., Fowler, Kilgore, LaRock, Marshall and Wampler; Senator: Pillion

Referred to Committee on Communications, Technology and Innovation

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-205.2 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-205.2. Commonwealth Broadband Chief Advisor.**

A. The position of Commonwealth Broadband Chief Advisor (Chief Advisor) is hereby established within the office of the Secretary of Commerce and Trade.

1. The purpose of the Chief Advisor is to serve as Virginia's single point of contact and integration for broadband issues, efforts, and initiatives and to increase the availability and affordability of broadband throughout all regions of the Commonwealth.

2. The Chief Advisor shall be selected for his knowledge of, background in, and experience with information technology, broadband telecommunications, and economic development in a private, for-profit, or not-for-profit organization.

B. The Chief Advisor shall be designated by the Secretary of Commerce and Trade. Staff for the Chief Advisor shall be provided by the Center for Innovative Technology (CIT) and the Department of Housing and Community Development (DHCD). All agencies of the Commonwealth shall provide assistance to the Chief Advisor, upon request.

C. The Chief Advisor shall:

1. Integrate activities among different federal and state agencies and departments, and localities, and coordinate with Internet service providers in the Commonwealth;

2. Provide continual research into public grants and loans, in addition to private and nonprofit funding opportunities, available to provide incentives and help defray the costs of broadband infrastructure buildouts and upgrades;

3. Maintain broadband maps, the Integrated Broadband Planning and Analysis Toolbox, and other data to help decision makers understand where broadband needs exist and help develop strategies to address these needs. *This shall include the development of a map indicating private broadband provider service territories, including accurate average broadband speeds in such territories, in the Commonwealth. Private broadband providers shall provide this data annually and the Chief Advisor shall make the map available to the public by July 1;*

4. Continually monitor and analyze broadband legislative and policy activities, as well as investments, in other nations, states, and localities to ensure that the Commonwealth remains competitive and up to date on best practices to address the Commonwealth's unique broadband needs, create efficiencies, target funding, and streamline operations;

5. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential;

6. Research and evaluate emerging technologies to determine the most effective applications for these technologies and their benefits to the Commonwealth;

7. Monitor federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for broadband development programs, including but not limited to the Connect America Fund program;

8. Coordinate with Virginia agencies and departments to target funding activities for the purpose of ensuring that Commonwealth funds are spent effectively to increase economic and social opportunities through widespread and affordable broadband deployment;

9. Coordinate with Virginia agencies and departments, including, but not limited to, DHCD, the Virginia Tobacco Region Revitalization Commission, and the Virginia Resources Authority, to review funding proposals and provide recommendations for Virginia grants and loans for the purpose of ensuring that Commonwealth funds are spent effectively on projects most likely to result in a solid return on investment for broadband deployment throughout the Commonwealth;

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58 10. Serve as a central coordinating position and repository for any broadband-related projects and  
59 grants related to the mission herein, including, but not limited to, information from DHCD, the Virginia  
60 Tobacco Region Revitalization Commission, the CIT, the Virginia Growth and Opportunity Board, and  
61 the Virginia Resources Authority;

62 11. Support the efforts of both public and private entities within the Commonwealth to enhance or  
63 facilitate the deployment of and access to competitively priced advanced electronic communications  
64 services and Internet access services of general application throughout the Commonwealth;

65 12. Specifically work toward establishing affordable, accessible broadband services to unserved areas  
66 of the Commonwealth and monitor advancements in communication that will facilitate this goal;

67 13. Advocate for and facilitate the development and deployment of applications, programs, and  
68 services, including but not limited to telework, telemedicine, and e-learning, that will bolster the usage  
69 of and demand for broadband level telecommunications;

70 14. Serve as a broadband information and applications clearinghouse for the Commonwealth and a  
71 coordination point for broadband-related services and programs in the Commonwealth;

72 15. After consultation with the Virginia Growth and Opportunity Board, the Broadband Advisory  
73 Council, and the Joint Commission on Technology and Science, (i) develop a strategic plan that includes  
74 specific objectives, metrics, and benchmarks for developing and deploying broadband communications,  
75 including in rural areas, which minimize the risk to the Commonwealth's assets and encourage  
76 public-private partnerships, across the Commonwealth; such strategic plan and any changes thereto shall  
77 be submitted to the Governor, the Chairman of the House Appropriations Committee, the Chairman of  
78 the Senate Finance Committee, the Chairman of the Joint Commission on Technology and Science, the  
79 Chairman of the Broadband Advisory Council, and the Chairman of the Virginia Growth and  
80 Opportunity Board and (ii) present to these organizations annually on updates, changes, and progress  
81 made relative to this strategic plan, other relevant broadband activities in the Commonwealth, and  
82 suggestions to further the objectives of increased broadband development and deployment, including  
83 areas such as, but not limited to, the following: education, telehealth, economic development, and  
84 workforce development, as well as policies that may facilitate broadband deployment at the state and  
85 local level; and

86 16. Submit to the Governor and the General Assembly an annual report for publication as a report  
87 document as provided in the procedures of the Division of Legislative Automated Systems for the  
88 processing of legislative documents and reports on broadband development and deployment activities  
89 that shall include, but not be limited to, the following areas: education, telehealth, workforce  
90 development, and economic development in regard to (i) broadband deployment and program successes,  
91 (ii) obstacles to program and resource coordination, (iii) strategies for improving such programs and  
92 resources needed to help close the Commonwealth's rural digital divide, and (iv) progress made on the  
93 objectives detailed in the strategic plan. The Chief Advisor shall submit to the Governor and the General  
94 Assembly an annual executive summary of the interim activity and work of the Chief Advisor no later  
95 than the first day of each regular session of the General Assembly. The executive summary shall be  
96 submitted for publication as a report document as provided in the procedures of the Division of  
97 Legislative Automated Systems for the processing of legislative documents and reports and shall be  
98 posted on the General Assembly's website.

99 D. The Chief Advisor may form such advisory panels and commissions as deemed necessary,  
100 convenient, or desirable to advise and assist in exercising the powers and performing the duties  
101 conferred by this section. Persons appointed to advisory committees shall be selected for their  
102 knowledge of, background in, or experience with information technology, broadband  
103 telecommunications, or economic development in a private, for-profit, or not-for-profit organization.

104 E. The disclosure requirements of Article 5 (§ 2.2-3113 et seq.) of the State and Local Government  
105 Conflict of Interests Act shall apply to members of the advisory committees.