

**B-Engrossed**  
**House Bill 4023**

Ordered by the House February 27  
Including House Amendments dated February 15 and February 27

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Economic Development and Trade)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Oregon Broadband Advisory Council to submit report to interim legislative committee, no later than December 1, 2018, regarding proposed local broadband champion program structure.

Establishes Connecting Oregon Schools Fund and continuously appropriates moneys in fund to Department of Education for purpose of providing matching funds for federal moneys received by school districts for providing broadband access to eligible schools.

**Permits State Chief Information Officer to provide broadband services and operations to additional public bodies, Indian tribes and communities of interest. Requires State Chief Information Officer to adopt rules, in consultation with broadband services advisory committee, for providing broadband services and operations to additional public bodies, Indian tribes and communities of interest if services would duplicate services already offered by telecommunications provider. Provides exceptions.**

**Permits State Chief Information Officer to enter into contract related to broadband infrastructure for period exceeding 10 years.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to broadband technology; creating new provisions; amending ORS 276A.406 and 276A.412;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

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6 **LOCAL BROADBAND CHAMPIONS**

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8 **SECTION 1. (1) As used in this section, "local broadband champion" means a local gov-**  
9 **ernment official, elected official, educator, business, organization, resident, community**  
10 **leader or other person that advocates for local broadband infrastructure improvements in**  
11 **the person's community.**

12 **(2) The Oregon Broadband Advisory Council, established under section 1, chapter 782,**  
13 **Oregon Laws 2009, shall conduct a study to identify options for a local broadband champion**  
14 **program to foster and support local broadband champions. No later than December 1, 2018,**  
15 **the council shall report to the interim legislative committees on economic development with**  
16 **a proposed local broadband champion program structure that identifies potential public or**  
17 **private partnerships and anticipated funding needs and sources.**

18 **SECTION 2. Section 1 of this 2018 Act is repealed on January 2, 2019.**

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20 **CONNECTING OREGON SCHOOLS FUND**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.



1 (2) Notwithstanding ORS chapters 279A, 279B and 279C, the State Chief Information Officer  
2 *[may]*:

3 (a) **Shall provide broadband and communications services and operations for the state**  
4 **and state agencies; and**

5 (b) **Subject to section 6 of this 2018 Act and notwithstanding ORS 276A.206 (6)(c), may**  
6 **provide broadband services and operations to any other public body, as defined in ORS**  
7 **174.109, any federally recognized Indian tribe in Oregon or any nonprofit organization that**  
8 **the State Chief Information Officer designates as a community of interest under ORS**  
9 **276A.206.**

10 (3) **The State Chief Information Officer provides the services and operations under sub-**  
11 **section (2) of this section if the State Chief Information Officer:**

12 (a) *[Provide advanced digital communications]* **Provides the** services directly~~, may~~;

13 (b) *[Enter]* **Enters** into an interagency or intergovernmental agreement under ORS chapter 190  
14 to have another state agency or governmental agency provide *[advanced digital communications]* **the**  
15 services *[or may]*; **or**

16 (c) *[Acquire advanced digital communications]* **Acquires the** services by entering into contracts  
17 with telecommunications providers or a consortium of telecommunications providers in a manner  
18 that is consistent with the State Chief Information Officer's rules, policies and standards.

19 *[(3) After a telecommunications provider or a consortium of telecommunications providers has in-*  
20 *stalled an advanced digital communications network, The State Chief Information Officer shall provide*  
21 *all telecommunications services and operations for the state and state agencies directly, or shall enter*  
22 *into interagency or intergovernmental agreements under ORS chapter 190 to have another state agency*  
23 *or another governmental agency provide the telecommunications services and operations in a manner*  
24 *that is consistent with the State Chief Information Officer's rules, policies and standards.]*

25 (4) The State Chief Information Officer may not **enter into any contract or agreement under**  
26 **subsection (3) of this section or** approve the procurement of any *[telecommunications]* **broadband**  
27 **or communications** system or equipment that is incompatible with the network or that is incon-  
28 sistent with the State Chief Information Officer's rules, policies and standards.

29 **SECTION 6.** (1)(a) **If the State Chief Information Officer determines that the broadband**  
30 **services and operations proposed to be provided by the State Chief Information Officer under**  
31 **ORS 276A.406 (2)(b) would duplicate services already offered by a telecommunications pro-**  
32 **vider, the State Chief Information Officer may only provide those services pursuant to the**  
33 **rules described in subsection (2) of this section.**

34 (b) **Paragraph (a) of this subsection does not apply if the governing body of a municipality**  
35 **or other public body in the area to be served by the State Chief Information Officer adopts**  
36 **a resolution, after a public hearing, finding that the proposed broadband services and oper-**  
37 **ations are necessary and would not otherwise be provided by a for-profit entity within a**  
38 **reasonable time and for a reasonable cost.**

39 (2) **The State Chief Information Officer shall adopt rules governing how it provides the**  
40 **broadband services and operations under subsection (1)(a) of this section. The rules must:**

41 (a) **Describe the services that the State Chief Information Officer proposes to provide,**  
42 **including specifications for broadband services, such as minimum bandwidth, reliability, re-**  
43 **dundancy, deployment schedule and comparable cost;**

44 (b) **Describe the method by which the State Chief Information Officer will maintain and**  
45 **update its service offerings; and**

1 (c) Describe the situations in which the State Chief Information Officer may not provide  
2 the services.

3 (3) The State Chief Information Officer shall appoint an advisory committee no later than  
4 60 days prior to rulemaking under this section to assist the State Chief Information Officer  
5 in the administration of this section.

6 (4) The advisory committee must include one representative from each of the following:

7 (a) A telecommunications provider in this state.

8 (b) A rural telecommunications consortium in this state.

9 (c) The Association of Oregon Counties.

10 (d) The League of Oregon Cities.

11 (e) A public school or education service district.

12 (f) A public university listed in ORS 352.002.

13 (g) The State Interoperability Executive Council established under ORS 403.450.

14 (h) The Oregon Broadband Advisory Council established under section 1, chapter 782,  
15 Oregon Laws 2009.

16 (i) The public with an interest in broadband service availability.

17 (j) A nonprofit entity with an interest in broadband service availability.

18 (k) Any other public, private or nonprofit entity that the State Chief Information Officer  
19 determines is necessary to assist the advisory committee in performing its duties under this  
20 section.

21 (5) Before adopting rules described in this section, the State Chief Information Officer  
22 shall present the proposed rules to the Joint Legislative Committee on Information Man-  
23 agement and Technology.

24 **SECTION 7.** ORS 276A.412 is amended to read:

25 276A.412. (1) For the purposes of ORS 276A.400 to 276A.412, the State Chief Information Officer  
26 may, in a manner that is consistent with the State Chief Information Officer's rules, policies and  
27 standards, enter into a contract or contracts with telecommunications [*service*] providers and  
28 equipment manufacturers for purchasing, using or operating telecommunications equipment and  
29 services for a period not to exceed 10 years.

30 (2) Notwithstanding subsection (1) of this section, the State Chief Information Officer  
31 may enter into a contract or a configuration of agreements related to broadband  
32 infrastructure, including leases, maintenance and operations of broadband transmission  
33 equipment, for a period that exceeds 10 years.

34 [(2)] (3) For purposes of ORS 276A.206, the State Chief Information Officer may extend the  
35 benefits of telecommunications contracts for **broadband** networks, **communications systems**,  
36 equipment and services to nonprofit organizations that the State Chief Information Officer desig-  
37 nates as communities of interest under ORS 276A.206.

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39 **CAPTIONS**

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41 **SECTION 8.** The unit captions used in this 2018 Act are provided only for the convenience  
42 of the reader and do not become part of the statutory law of this state or express any leg-  
43 islative intent in the enactment of this 2018 Act.

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45 **EMERGENCY CLAUSE**

1        **SECTION 9. This 2018 Act being necessary for the immediate preservation of the public**  
2        **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**  
3        **on its passage.**

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