

# House Bill 2083

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## 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 **as introduced**.

Alters membership of Oregon Telecommunications Coordinating Council. Extends sunset date for council. Requires council to report to Legislative Assembly on certain date during each regular session of Legislative Assembly until 2017.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to Oregon Telecommunications Coordinating Council; amending sections 1 and 2, chapter  
3 699, Oregon Laws 2001, and section 3, chapter 350, Oregon Laws 2005; and declaring an emer-  
4 gency.

5 Whereas the Legislative Assembly has declared that it is the goal of this state to promote access  
6 to broadband services for all Oregonians in order to improve the Oregon economy; and

7 Whereas the Legislative Assembly has found that the improvement, expansion and new con-  
8 struction of the state's telecommunications infrastructure provide the basic framework for continu-  
9 ing and expanding economic activity in this state, which provides jobs and economic opportunity for  
10 the people of Oregon; and

11 Whereas the Legislative Assembly has declared that it is the policy of the State of Oregon to  
12 encourage and support the rapid deployment of broadband telecommunications services in areas of  
13 the state where such services do not exist, to support redundancy in critical telecommunications  
14 assets in order to ensure homeland security protections in the state and to ensure that a secure  
15 conduit is available for emergency communications and public safety networks in all Oregon com-  
16 munities; and

17 Whereas broadband telecommunications networks and technologies are emerging as an  
18 infrastructure necessary for the conduct of commerce and communication and necessary to establish  
19 and maintain Oregon's global competitiveness; now, therefore,

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

21 **SECTION 1.** Section 1, chapter 699, Oregon Laws 2001, as amended by section 3, chapter 775,  
22 Oregon Laws 2003, and section 1, chapter 350, Oregon Laws 2005, is amended to read:

23 **Sec. 1.** (1) There is established the Oregon Telecommunications Coordinating Council [*consisting*  
24 *of 20 members*].

25 (2) The Governor shall appoint one member to represent each of the following entities, and in  
26 making the appointments under this subsection shall give consideration to recommendations made  
27 by the entity the member is to represent:

28 [(a) *The Central Oregon Telecommunications Task Force.*]

29 [(b)] (a) CoastNet.

30 [(c) *The Eastern Oregon Telecommunications Consortium.*]

**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 [(d) *The Fiber South Consortium.*]

2 [(e)] (b) Frontier Telenet.

3 [(f)] (c) The Gorge Teleconsortium.

4 [(g)] (d) The Regional Fiber Consortium [(Lane and Klamath Counties)].

5 [(h) *The North Coast Telecommunications Consortium.*]

6 [(i) *The South Coast Telecommunications Consortium.*]

7 [(j) *The Southern Oregon Telecommunications and Technology Council.*]

8 (3) The Governor shall appoint two members of the Oregon Telecommunications Coordinating  
9 Council to represent the counties of this state. The Governor shall give consideration to recom-  
10 mendations made by the Association of Oregon Counties in making the appointments under this  
11 subsection.

12 (4) The Governor shall appoint two members of the Oregon Telecommunications Coordinating  
13 Council to represent the cities of this state. The Governor shall give consideration to recommen-  
14 dations made by the League of Oregon Cities in making the appointments under this subsection.

15 (5) The Governor shall appoint [two] **up to six** members of the Oregon Telecommunications Co-  
16 ordinating Council to represent telecommunication [utilities] **service providers** and Internet service  
17 providers in this state. The Governor shall give consideration to recommendations made by [the  
18 *Oregon Telecommunications Association*] **industry associations** in making the appointments under  
19 this subsection.

20 (6) The Governor shall appoint one member of the Oregon Telecommunications Coordinating  
21 Council to represent Oregon tribes. The Governor shall give consideration to recommendations made  
22 by the Commission on Indian Services in making the appointment under this subsection.

23 (7) The Governor shall appoint one member of the Oregon Telecommunications Coordinating  
24 Council to represent elementary and secondary schools. The Governor shall give consideration to  
25 recommendations made by the Oregon School Boards Association in making the appointment under  
26 this subsection.

27 (8) The Governor shall appoint one member of the Oregon Telecommunications Coordinating  
28 Council to represent community colleges. The Governor shall give consideration to recommendations  
29 made by the Oregon Community College Association in making the appointment under this sub-  
30 section.

31 (9) The Governor shall appoint one member of the Oregon Telecommunications Coordinating  
32 Council to represent the Oregon University System. The Governor shall give consideration to rec-  
33 ommendations made by the Chancellor of the Oregon University System in making the appointment  
34 under this subsection.

35 **(10) The Governor shall appoint one member from the Economic and Community Devel-**  
36 **opment Department.**

37 **(11) The Governor shall appoint one member from the Oregon Department of Adminis-**  
38 **trative Services.**

39 **(12) The Governor shall appoint one member from the Office of the Governor.**

40 [(10)] (13) The Oregon Telecommunications Coordinating Council may by a majority vote of the  
41 council add members **at large** to the council to represent [telecommunication consortia coming into  
42 existence after January 1, 2003, or to represent] **other organizations or** citizen groups recognized  
43 by the council.

44 [(11)] (14) If no additional funds are required, the Economic and Community Development De-  
45 partment, the Oregon Department of Administrative Services, **the Department of Education**, the

1 League of Oregon Cities and the Association of Oregon Counties may provide staff **or facilities** to  
2 the Oregon Telecommunications Coordinating Council.

3 [(12)] (15) Members of the Oregon Telecommunications Coordinating Council are not entitled to  
4 compensation, but may be paid expenses if funding is available from contributions **accepted** under  
5 subsection [(15)] (18) of this section.

6 [(13)] (16) The Oregon Telecommunications Coordinating Council shall study [*alternative ap-*  
7 *proaches to providing coordinated statewide, regional and local*] **needs and issues related to**  
8 **broadband** telecommunication services, including providing services to unserved or underserved  
9 areas of the state. In addition, the council shall study the manner in which [*telecommunication*] in-  
10 vestments **in broadband telecommunications infrastructure** can be [*coordinated*] **encouraged**  
11 **and how** to facilitate partnerships between the public sector and the private sector and between  
12 state and local governments **to enhance broadband infrastructure investment**. The council shall  
13 report [*its*] **the council's** findings and recommendations to the Governor and to the [*Joint Legislative*  
14 *Committee on Information Management and Technology*] **Legislative Assembly** before each legisla-  
15 tive session.

16 [(14)] (17) All agencies of state government, as defined in ORS 174.111, are directed to assist the  
17 Oregon Telecommunications Coordinating Council in the performance of [*its*] **the functions of the**  
18 **council** and, to the extent permitted by laws relating to confidentiality, to furnish such information  
19 and advice as the members of the council consider necessary to perform [*their*] **the members'**  
20 functions.

21 [(15)] (18) The Oregon Telecommunications Coordinating Council may accept contributions of  
22 funds and assistance from the United States or [*its*] agencies **of the United States** or from any  
23 other source, public or private, and agree to conditions thereon not inconsistent with the purposes  
24 of the council. All such funds are to aid in financing the functions of the council and shall be de-  
25 posited in the General Fund of the State Treasury to the credit of separate accounts for the council  
26 to disburse for the purpose for which contributed in the same manner as funds appropriated for the  
27 council.

28 [(16)] (19) Official action by the Oregon Telecommunications Coordinating Council requires the  
29 approval of a majority of the members. The council may recommend legislation, and all legislation  
30 recommended by the council must indicate that [*it*] **the legislation** is introduced at the request of  
31 the council. [*Legislation recommended by the council must be submitted to the Joint Legislative*  
32 *Committee on Information Management and Technology.*] The legislation shall be prepared in time for  
33 pre-session filing at regular sessions of the Legislative Assembly.

34 [(17)] (20) The Oregon Telecommunications Coordinating Council shall:

35 (a) Encourage the work of regional telecommunications consortia **and community interest**  
36 **groups in** [*that have emerged throughout*] the state.

37 (b) Encourage state agencies to utilize telecommunications.

38 (c) Encourage efforts to provide cost-effective, quality workforce development training using  
39 telecommunications infrastructure and facilities to access distance learning opportunities.

40 (d) Encourage schools, education service districts and local education agencies in unserved  
41 areas to promote broadband access for the surrounding community.

42 (e) Encourage public and private entities to seek opportunities for partnership with educational  
43 institutions that will stimulate the use of broadband technologies through community projects and  
44 public education.

45 (f) Recommend ways for the State of Oregon to support innovative efforts that build effective

1 and cost-efficient delivery of distance education supported by telecommunications.

2 (g) Encourage the **use of broadband telecommunications technologies for telehealth and**  
 3 **telemedicine.** [*Oregon Telehealth Alliance to continue the work of the council's Telehealth*  
 4 *Committee.*]

5 (h) Facilitate public and private organizations working together in partnership to promote the  
 6 use of telecommunications infrastructure and new technology.

7 **SECTION 2.** Section 2, chapter 699, Oregon Laws 2001, as amended by section 6, chapter 775,  
 8 Oregon Laws 2003, and section 2, chapter 350, Oregon Laws 2005, is amended to read:

9 **Sec. 2.** Section 1, chapter 699, Oregon Laws 2001, is repealed on January 2, [2010] **2018.**

10 **SECTION 3.** Section 3, chapter 350, Oregon Laws 2005, is amended to read:

11 **Sec. 3.** [(1) *The Oregon Telecommunications Coordinating Council shall report to the Seventy-*  
 12 *fourth Legislative Assembly, in the manner provided by ORS 192.245, no later than February 1, 2007.*  
 13 *The report shall include information on the implementation of the plan described in section 4, chapter*  
 14 *775, Oregon Laws 2003.*]

15 [(2)] (1) The Oregon Telecommunications Coordinating Council shall report to the Seventy-fifth  
 16 Legislative Assembly, in the manner provided by ORS 192.245, no later than February 1, 2009. The  
 17 report shall include information on the implementation of the plan described in section 4, chapter  
 18 775, Oregon Laws 2003.

19 (2) **The Oregon Telecommunications Coordinating Council shall report to the Seventy-**  
 20 **sixth Legislative Assembly, in the manner provided by ORS 192.245, no later than February**  
 21 **1, 2011. The report shall include information on the implementation of the plan described in**  
 22 **section 4, chapter 775, Oregon Laws 2003.**

23 (3) **The Oregon Telecommunications Coordinating Council shall report to the Seventy-**  
 24 **seventh Legislative Assembly, in the manner provided by ORS 192.245, no later than Febru-**  
 25 **ary 1, 2013. The report shall include information on the implementation of the plan described**  
 26 **in section 4, chapter 775, Oregon Laws 2003.**

27 (4) **The Oregon Telecommunications Coordinating Council shall report to the Seventy-**  
 28 **eighth Legislative Assembly, in the manner provided by ORS 192.245, no later than February**  
 29 **1, 2015. The report shall include information on the implementation of the plan described in**  
 30 **section 4, chapter 775, Oregon Laws 2003.**

31 (5) **The Oregon Telecommunications Coordinating Council shall report to the Seventy-**  
 32 **ninth Legislative Assembly, in the manner provided by ORS 192.245, no later than February**  
 33 **1, 2017. The report shall include information on the implementation of the plan described in**  
 34 **section 4, chapter 775, Oregon Laws 2003.**

35 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public  
 36 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
 37 on its passage.