

A-Engrossed
House Bill 3158

Ordered by the House May 4
Including House Amendments dated May 4

Sponsored by Representatives J SMITH, CLEM; Representatives DEMBROW, STIEGLER

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.

Creates Oregon Broadband Advisory Council for purposes relating to broadband communication and technology.

Establishes Oregon Broadband Advisory Council Fund. Continuously appropriates monies in fund to council for purpose of carrying out duties.

Directs council to submit report on broadband technology by November 1 of each even-numbered year to appropriate committee of Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to broadband; appropriating money; and declaring an emergency.

3 Whereas the deployment and adoption of high-speed Internet services and technology advances
4 enhance economic development and public safety for the state's communities, use leverage to create
5 efficiencies and offer improved health care, provide access to consumer and legal services, increase
6 educational and civic participation opportunities and provide a better quality of life for the state's
7 residents; and

8 Whereas improvements in the deployment and adoption of high-speed Internet services and the
9 strategic inclusion of technology advancements and technology education are critical to ensuring
10 that this state remains competitive and continues to provide a skilled workforce, attract businesses
11 and stimulate job growth; and

12 Whereas this state must encourage and support strategic partnerships in the public, private and
13 nonprofit sectors for the continued improvement and adoption of high-speed Internet services and
14 information technology for state residents and businesses, so that all residents of this state are able
15 to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age,
16 disability, size of business or business entity structure; and

17 Whereas in light of the importance of broadband deployment and adoption to the economy,
18 health, safety and welfare of the people of this state, it is essential that the Legislative Assembly
19 authorize a broadband program management structure and create an advisory council capable of
20 developing and ensuring the implementation of statewide broadband strategies; now, therefore,

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

22 **SECTION 1. (1) The Oregon Broadband Advisory Council is established, consisting of 14**
23 **members, of whom:**

24 **(a) The Governor shall appoint 12 members as follows:**

25 **(A) One member to represent the counties of this state.**

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 (B) One member to represent the cities of this state.

2 (C) Three members to represent telecommunications service providers and Internet ser-
3 vice providers in this state. At least one member must represent rural telecommunications
4 consortia.

5 (D) One member to represent Oregon tribes.

6 (E) One member to represent education.

7 (F) One member to represent economic development.

8 (G) One member to represent public safety.

9 (H) One member to represent health.

10 (I) One member to represent government's electronic interface with the public.

11 (J) One member from the Public Utility Commission.

12 (b) The Speaker of the House of Representatives shall appoint one nonvoting member
13 who is a member of the House of Representatives.

14 (c) The President of the Senate shall appoint one nonvoting member who is a member
15 of the Senate.

16 (2) The term of office of each voting member is four years, but a voting member serves
17 at the pleasure of the Governor. Before the expiration of the term of a member, the Gover-
18 nor shall appoint a successor whose term begins on January 1 next following. A member is
19 eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an
20 appointment to become immediately effective for the unexpired term.

21 (3) The nonvoting legislative members shall serve two-year terms and are eligible for
22 reappointment.

23 (4) Members of the council are not entitled to compensation, but voting members may
24 be paid expenses if funding is available from contributions accepted under section 3 (2) of this
25 2009 Act.

26 (5) The council shall select one of its voting members as chairperson and another voting
27 member as vice chairperson, for such terms and with duties and powers necessary for the
28 performance of the functions of such offices as the council determines.

29 (6) A majority of the members of the council constitutes a quorum for the transaction
30 of business.

31 (7) The council shall meet at least once every three months at a place, day and hour
32 determined by the council. The council may also meet at other times and places specified by
33 the call of the chairperson or of a majority of the members of the council.

34 (8) Official action by the council requires the approval of a majority of the members. The
35 council may recommend legislation, which must be prepared in time for pre-session filing at
36 the next regular session of the Legislative Assembly.

37 (9) The Economic and Community Development Department shall provide staff or facili-
38 ties to the council.

39 (10) The Oregon Department of Administrative Services, the Public Utility Commission
40 and the Department of Education may provide staff or facilities to the council.

41 (11) All agencies of state government, as defined in ORS 174.111, are directed to assist
42 the council in the performance of its duties and, to the extent permitted by laws relating to
43 confidentiality, to furnish such information and advice as the members of the council con-
44 sider necessary to perform their duties.

45 **SECTION 2.** (1) Notwithstanding the term of office specified by section 1 of this 2009 Act,

1 of the voting members first appointed to the Oregon Broadband Advisory Council:

2 (a) Six shall serve for a term ending January 1, 2011.

3 (b) Six shall serve for a term ending January 1, 2013.

4 (2) The two nonvoting members first appointed to the council shall serve terms ending
5 January 1, 2011.

6 **SECTION 3.** (1) The Oregon Broadband Advisory Council Fund is established, separate
7 and distinct from the General Fund. Interest earned by the Oregon Broadband Advisory
8 Council Fund shall be credited to the fund. Moneys in the Oregon Broadband Advisory
9 Council Fund are continuously appropriated to the Oregon Broadband Advisory Council for
10 the purposes of carrying out the duties of the council.

11 (2) The council may accept contributions of funds and assistance from the United States
12 Government or agencies of the United States Government or from any other source, public
13 or private, and agree to conditions not inconsistent with the purposes of the council. All such
14 funds are to aid in financing the functions of the council and must be deposited in the Oregon
15 Broadband Advisory Council Fund to the credit of separate accounts for the council to dis-
16 burse for the purposes for which the funds were contributed.

17 (3) The council shall encourage:

18 (a) Coordination between existing organizations and sectors that can leverage broadband
19 to their advantage;

20 (b) State agencies to utilize broadband telecommunications;

21 (c) The development and support of digital inclusion and education programs to encour-
22 age broadband adoption and provide citizens with institutions to teach digital skills necessary
23 for success in the workplace;

24 (d) Efforts to provide cost-effective quality workforce development training using tele-
25 communications infrastructure and facilities to access distance learning opportunities;

26 (e) Schools, education service districts and local education agencies in unserved areas to
27 promote broadband access for the surrounding community;

28 (f) Public and private entities to seek opportunities for partnership with educational in-
29 stitutions that will stimulate the use of broadband technologies through community projects
30 and public education;

31 (g) The use of broadband communications technologies for telehealth and telemedicine;
32 and

33 (h) Public and private organizations to work together in partnership to promote the use
34 of telecommunications infrastructure and new technology.

35 **SECTION 4.** The Oregon Broadband Advisory Council shall submit a report by November
36 1 of each even-numbered year to an appropriate committee of the Legislative Assembly on
37 the following subjects:

38 (1) The affordability and accessibility of broadband technology in all areas of this state;
39 and

40 (2) The extent of broadband technology use in this state in the telehealth industry, en-
41 ergy management, education and government.

42 **SECTION 5.** This 2009 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
44 on its passage.