

**Enrolled**  
**House Bill 3158**

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

CHAPTER .....

AN ACT

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

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

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

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

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

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

**SECTION 1. (1) The Oregon Broadband Advisory Council is established within the Economic and Community Development Department. The council shall consist of 14 members, of whom:**

- (a) The Governor shall appoint 12 members as follows:**
  - (A) One member to represent the counties of this state.**
  - (B) One member to represent the cities of this state.**
  - (C) Three members to represent telecommunications service providers and Internet service providers in this state. At least one member must represent rural telecommunications consortia.**
  - (D) One member to represent Oregon tribes.**
  - (E) One member to represent education.**
  - (F) One member to represent economic development.**
  - (G) One member to represent public safety.**

- (H) One member to represent health.
- (I) One member to represent government's electronic interface with the public.
- (J) One member from the Public Utility Commission.
- (b) The Speaker of the House of Representatives shall appoint one nonvoting member who is a member of the House of Representatives.
- (c) The President of the Senate shall appoint one nonvoting member who is a member of the Senate.
- (2) The term of office of each voting member is four years, but a voting member serves at the pleasure of the Governor. Before the expiration of the term of a voting member, the Governor shall appoint a successor whose term begins on January 1 next following. A voting member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.
- (3) The nonvoting legislative members shall serve two-year terms and are eligible for reappointment.
- (4) Members of the council are not entitled to compensation, but voting members may be paid expenses if funding is available from contributions accepted under section 3 (2) of this 2009 Act.
- (5) The council shall select one of its voting members as chairperson and another voting member as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the council determines.
- (6) A majority of the voting members of the council constitutes a quorum for the transaction of business.
- (7) The council shall meet at least once every three months at a place, day and hour determined by the council. The council may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the council.
- (8) Official action by the council requires the approval of a majority of the voting members. The council may recommend legislation, which must be prepared in time for pre-session filing at the next regular session of the Legislative Assembly.
- (9) The Economic and Community Development Department shall provide staff or facilities to the council.
- (10) The Oregon Department of Administrative Services, the Public Utility Commission and the Department of Education may provide staff or facilities to the council.
- (11) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the council consider necessary to perform their duties.

**SECTION 2.** (1) Notwithstanding the term of office specified by section 1 of this 2009 Act, of the voting members first appointed to the Oregon Broadband Advisory Council:

- (a) Six shall serve for a term ending January 1, 2011.
- (b) Six shall serve for a term ending January 1, 2013.
- (2) The two nonvoting members first appointed to the council shall serve terms ending January 1, 2011.

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

(2) The department, on behalf of the council, may accept contributions of funds and assistance from the United States Government or agencies of the United States Government or from any other source, public or private, and agree to conditions not inconsistent with the purposes of the council. All such funds are to aid in financing the functions of the council

and must be deposited in the Oregon Broadband Advisory Council Fund to the credit of separate accounts for the council to disburse for the purposes for which the funds were contributed.

(3) The council shall encourage:

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

(b) State agencies to utilize broadband telecommunications;

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

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

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

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

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

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

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

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

(2) The extent of broadband technology use in this state in the telehealth industry, energy management, education and government.

**SECTION 5.** Sections 1 to 4 of this 2009 Act are repealed on January 2, 2016.

**SECTION 6.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

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**Passed by House June 18, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate June 27, 2009**

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President of Senate

**Received by Governor:**

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**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State