

House Bill 3158

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 **as introduced**.

Creates Oregon Broadband Advisory Council.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to broadband; and declaring an emergency.

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

4 **SECTION 1. (1) There is established the Oregon Broadband Advisory Council, consisting**
5 **of 12 members appointed by the Governor, as follows:**

6 (a) **One member to represent the counties of this state. In making the appointment under**
7 **this paragraph, the Governor shall give consideration to recommendations made by the As-**
8 **sociation of Oregon Counties.**

9 (b) **One member to represent the cities of this state. In making the appointment under**
10 **this paragraph, the Governor shall give consideration to recommendations made by the**
11 **League of Oregon Cities.**

12 (c) **Three members to represent telecommunications service providers and Internet ser-**
13 **vice providers in this state. One member must represent incumbent wireline providers, one**
14 **must represent competitive wireline providers and one must represent wireless providers.**
15 **In making the appointments under this paragraph, the Governor shall give consideration to**
16 **recommendations made by industry associations.**

17 (d) **One member to represent Oregon tribes. In making the appointment under this par-**
18 **agraph, the Governor shall give consideration to recommendations made by the Commission**
19 **on Indian Services.**

20 (e) **One member to represent elementary and secondary schools. In making the ap-**
21 **pointment under this paragraph, the Governor shall give consideration to recommendations**
22 **made by the Oregon School Boards Association.**

23 (f) **One member to represent community colleges and universities in this state. In mak-**
24 **ing the appointment under this paragraph, the Governor shall give consideration to recom-**
25 **mendations made by the Oregon Community College Association and the Chancellor of the**
26 **Oregon University System.**

27 (g) **One member from the Economic and Community Development Department.**

28 (h) **One member from the Oregon Department of Administrative Services.**

29 (i) **One member from a telehealth advocacy group.**

30 (j) **One member from the Department of Transportation.**

31 (2) **The term of office of each member is four years, but a member serves at the pleasure**

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 of the Governor. Before the expiration of the term of a member, the Governor shall appoint
 2 a successor whose term begins on January 1 next following. A member is eligible for reap-
 3 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to
 4 become immediately effective for the unexpired term.

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

7 (4) The council shall select one of its members as chairperson and another as vice
 8 chairperson, for such terms and with duties and powers necessary for the performance of
 9 the functions of such offices as the council determines.

10 (5) A majority of the members of the council constitutes a quorum for the transaction
 11 of business.

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

15 (7) Official action by the council requires the approval of a majority of the members. The
 16 council may recommend legislation, which must be prepared in time for presession filing at
 17 regular sessions of the Legislative Assembly.

18 (8) The Economic and Community Development Department, the Oregon Department of
 19 Administrative Services, the Department of Education, the League of Oregon Cities and the
 20 Association of Oregon Counties may provide staff or facilities to the council.

21 **SECTION 2.** Notwithstanding the term of office specified by section 1 of this 2009 Act,
 22 of the members first appointed to the council:

- 23 (1) Six shall serve for a term ending January 1, 2011.
- 24 (2) Six shall serve for a term ending January 1, 2013.

25 **SECTION 3.** (1) In addition to state funded programs the Oregon Broadband Advisory
 26 Council may apply for and oversee implementation of federally funded or mandated programs
 27 and may promulgate rules to administer these programs. The subjects of these programs
 28 include, but are not limited to:

- 29 (a) Tracking residential, nonprofit, and business adoption of high-speed Internet, com-
 30 puters and related information technology through publicly available sources;
- 31 (b) Studying the needs and issues related to broadband telecommunications services, in-
 32 cluding:
 - 33 (A) Providing services to unserved or underserved areas of the state;
 - 34 (B) Identifying broadband demand opportunities in communities by working cooperatively
 35 with local organizations, government agencies and businesses; and
 - 36 (C) Identifying barriers to the adoption of broadband service and related information
 37 technology services by individuals, nonprofit organizations and businesses, including whether
 38 or not demand for these services is absent and whether the supply for these services is ca-
 39 pable of meeting demand;
 - 40 (c) Monitoring and tracking prices charged to consumers, including promotional and
 41 nonpromotional pricing and service quality, to ensure comparable and affordable broadband
 42 and information services are provided throughout all regions of the state;
 - 43 (d) Addressing the management of proprietary and competitively sensitive data related
 44 to telecommunications data collection;
 - 45 (e) Studying the manner in which investments in broadband telecommunications

1 infrastructure can be coordinated with existing agencies and encouraged, including how to
2 facilitate partnerships between the public sector and the private sector and between state
3 and local governments, to enhance broadband infrastructure investment;

4 (f) Creating, implementing and administering programs to improve computer ownership,
5 technology literacy and high-speed Internet access for populations not currently served in
6 the state, including programs to provide low-income families and nonprofit entities with
7 low-cost Internet access;

8 (g) Creating additional programs to spur the development of high-speed Internet re-
9 sources in the state, including but not limited to:

10 (A) Soliciting funding in the form of grants or donations;

11 (B) Establishing technology literacy and digital inclusion programs and establishing low-
12 cost hardware and software purchasing programs;

13 (C) Developing loan programs targeting small businesses or businesses located in under-
14 served areas; and

15 (D) Including community technology organizations in state hardware and software pur-
16 chasing programs;

17 (h) Establishing a matching grant program to encourage private and public telecommu-
18 nications deployment in unserved and underserved areas; and

19 (i) Studying the feasibility of creating a state universal service fund to provide ongoing
20 funding for broadband adoption and deployment.

21 (2) The council may accept contributions of funds and assistance from the United States
22 Government or agencies of the United States Government or from any other source, public
23 or private, and agree to conditions not inconsistent with the purposes of the council. All such
24 funds are to aid in financing the functions of the council and must be deposited in the Gen-
25 eral Fund of the State Treasury to the credit of separate accounts for the council to disburse
26 for the purposes for which the funds were contributed.

27 (3) The council shall encourage:

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

30 (b) State agencies to utilize broadband telecommunications;

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

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

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

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

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

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

45 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
2 **on its passage.**

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