

B-Engrossed
House Bill 3415

Ordered by the Senate May 31
Including House Amendments dated April 23 and Senate Amendments
dated May 31

Sponsored by Representative WEIDNER

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.

Requires public body [*acting as radio common carrier*] to charge **private business** market rate for access to radio tower for delivery **for hire** of radio communications service, radio paging or cellular communications service [*for hire*].

Creates exception.

A BILL FOR AN ACT

Relating to proprietary transactions of public bodies.

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

SECTION 1. (1) As used in this section:

(a) **"Market rate" means a price, lease rate or other form of compensation for goods or services provided by a public body, when participating in a proprietary transaction, that is comparable to the average price, lease rate or other form of compensation in the same market for the same goods or services provided by a private-sector provider.**

(b) **"Private business" does not include a nonprofit emergency services organization.**

(c) **"Public body" has the meaning given that term in ORS 174.109.**

(d) **"Radio tower" means a lattice tower that is generally 60 to 200 feet tall with three or four steel support legs, or a monopole that is generally 25 to 125 feet tall, to which multiple antennae may be attached to accommodate a variety of communication services, including radio communications service, radio paging and cellular communications service.**

(2) **A public body shall charge a private business a market rate for access to a radio tower if the private business uses the radio tower to deliver any of the following communication services for hire:**

(a) **Radio communications service;**

(b) **Radio paging; or**

(c) **Cellular communications service.**

(3) **Subsection (2) of this section does not prohibit a public body, when participating in a proprietary transaction, from charging or receiving compensation in the form of an exchange of goods or services or in any other nonmonetary form.**

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.