

Requested by Representative KENY-GUYER

**PROPOSED AMENDMENTS TO
HOUSE BILL 3268**

1 On page 1 of the printed bill, after the first semicolon delete the rest of
2 the line and lines 3 and 4 and insert “and amending sections 7 and 16,
3 chapter 290, Oregon Laws 1987.”.

4 Delete lines 6 through 31 and delete pages 2 through 7 and insert:

5 **“SECTION 1. (1) As used in this section, ‘the plan of assistance’**
6 **means the plan of assistance established by the Public Utility Com-**
7 **mission under section 6, chapter 290, Oregon Laws 1987.**

8 **“(2) The Oregon Telephone Assistance Program Advisory Commit-**
9 **tee is established as an advisory committee to the commission for the**
10 **purposes described in subsection (4) of this section.**

11 **“(3) The committee consists of the following nine members ap-**
12 **pointed by the Governor:**

13 **“(a) A person who represents the Public Utility Commission who is**
14 **knowledgeable about telecommunications;**

15 **“(b) A person who represents the Citizens’ Utility Board;**

16 **“(c) A person who represents the Oregon Health Authority;**

17 **“(d) A person who represents telecommunications carriers, includ-**
18 **ing cellular phone carriers;**

19 **“(e) A person who represents coordinated care organizations, as**
20 **defined in ORS 414.025;**

21 **“(f) A person who represents individuals who are homeless;**

1 “(g) A person who represents individuals who are deaf, deaf-blind
2 or hard of hearing;

3 “(h) A person who is a low income customer who receives assist-
4 ance under section 6, chapter 290, Oregon Laws 1987; and

5 “(i) A resident of this state with a background in marketing and
6 outreach.

7 “(4) The committee shall:

8 “(a) Establish goals for participation by low income customers in
9 the plan of assistance;

10 “(b) Advise the commission on the eligibility process for partic-
11 ipating in the plan of assistance;

12 “(c) Advise the commission on the regulation of the plan of assist-
13 ance, including:

14 “(A) Advice on streamlining eligibility processes;

15 “(B) Advice on improving handset activations;

16 “(C) Advice on use of Social Security numbers and other identifying
17 documents; and

18 “(D) Advice on use of a comprehensive human services outreach
19 approach to encourage participation in the plan of assistance;

20 “(d) Review the participation rates in programs offered by other
21 states that are similar to the plan of assistance, particularly programs
22 that have a higher participation rate than the plan of assistance;

23 “(e) Develop a strategic plan to increase the participation rate in
24 the plan of assistance;

25 “(f) Annually review the participation rate in the plan of assistance
26 and any annual increase in the participation rate in the plan of as-
27 sistance; and

28 “(g) Make recommendations as to the use of available funds for the
29 following activities:

30 “(A) Marketing and outreach;

1 **“(B) Developing partnerships with low income constituency groups;**
2 **and**

3 **“(C) Coordinating with state agencies that serve the low income**
4 **customers eligible to participate in the plan of assistance.**

5 **“(5) A majority of the members of the committee constitutes a**
6 **quorum for the transaction of business.**

7 **“(6) Official action by the committee requires the approval of a**
8 **majority of the members of the committee.**

9 **“(7) The committee shall elect one of its members to serve as**
10 **chairperson.**

11 **“(8) The term of office of each member of the committee is four**
12 **years, but a member serves at the pleasure of the Governor. Before**
13 **the expiration of the term of a member, the Governor shall appoint a**
14 **successor whose term begins on January 1 of the following year. A**
15 **member is eligible for reappointment. If there is a vacancy for any**
16 **cause, the Governor shall make an appointment to become imme-**
17 **diately effective for the unexpired term.**

18 **“(9) The committee shall meet at times and places specified by the**
19 **call of the chairperson or of a majority of the members of the com-**
20 **mittee.**

21 **“(10) The committee shall adopt rules necessary for the operation**
22 **of the committee.**

23 **“(11) Members of the committee are not entitled to compensation,**
24 **but may be reimbursed for actual and necessary travel and other ex-**
25 **penses incurred by them in the performance of their official duties in**
26 **the manner and amounts provided for in ORS 292.495. Claims for ex-**
27 **penses shall be paid out of funds appropriated to the commission for**
28 **purposes of the committee.**

29 **“(12) The commission shall provide staff support and perform other**
30 **services for the committee as is necessary for the effective operation**

1 of the committee.

2 **“SECTION 2.** (1) From moneys collected as a surcharge under sec-
3 tion 7, chapter 290, Oregon Laws 1987, the Public Utility Commission
4 shall expend moneys on marketing and outreach activities as is nec-
5 essary to increase the participation rate in the plan of assistance es-
6 tablished by the commission under section 6, chapter 290, Oregon Laws
7 1987.

8 **“(2)** The Oregon Telephone Assistance Program Advisory Commit-
9 tee established under section 1 of this 2017 Act will annually review
10 use of moneys collected as a surcharge under section 7, chapter 290,
11 Oregon Laws 1987, and make recommendations to the commission on
12 the amount of moneys to expend on marketing and outreach activities.

13 **“(3)** Notwithstanding subsections (1) and (2) of this section, moneys
14 expended on marketing and outreach activities under this section may
15 not exceed 15 percent of moneys collected as a surcharge under section
16 7, chapter 290, Oregon Laws 1987.

17 **“(4)** A coordinated care organization, as defined in ORS 414.025, may
18 not directly receive moneys expended under this section.

19 **“SECTION 3.** Section 7, chapter 290, Oregon Laws 1987, as amended by
20 section 2, chapter 622, Oregon Laws 1991, section 8, chapter 872, Oregon
21 Laws 1991, section 1, chapter 231, Oregon Laws 1993, section 387, chapter 79,
22 Oregon Laws 1995, section 1, chapter 451, Oregon Laws 1995, section 2,
23 chapter 408, Oregon Laws 2001, and section 1, chapter 78, Oregon Laws 2011,
24 is amended to read:

25 **“Sec. 7.** (1) In order to fund the [*programs provided in sections 2 to 6*
26 *and*] **program described in sections 9 to 14**, chapter 290, Oregon Laws 1987,
27 the Public Utility Commission shall develop and implement a system for as-
28 sessing a surcharge in an amount not to exceed 35 cents per month against
29 each paying retail subscriber who has telecommunications service with ac-
30 cess to the telecommunications relay service. The surcharge shall be applied

1 on a telecommunications circuit designated for a particular subscriber. One
2 subscriber line shall be counted for each circuit that is capable of generating
3 usage on the line side of the switched network regardless of the quantity of
4 customer premises equipment connected to each circuit. For providers of
5 central office based services, the surcharge shall be applied to each line that
6 has unrestricted connection to the telecommunications relay service. These
7 central office based service lines that have restricted access to the telecom-
8 munications relay service shall be charged based on software design. For
9 cellular, wireless or other radio common carriers, the surcharge shall be
10 applied on a per instrument basis, but applies only to subscribers whose
11 place of primary use, as defined and determined under 4 U.S.C. 116 to 126,
12 is within this state.

13 “(2) The surcharge imposed by subsection (1) of this section does not ap-
14 ply to:

15 “(a) Services upon which the state is prohibited from imposing the sur-
16 charge by the Constitution or laws of the United States or the Constitution
17 or laws of the State of Oregon.

18 “(b) Interconnection between telecommunications utilities, telecommuni-
19 cations cooperatives, competitive telecommunications services providers cer-
20 tified pursuant to ORS 759.020, radio common carriers and interexchange
21 carriers.

22 “(3) The commission annually shall review the surcharge and the balance
23 in the Residential Service Protection Fund and may make adjustments to the
24 amount of the surcharge to ensure that the fund has adequate resources but
25 that the fund balance does not exceed six months of projected expenses.

26 “(4) Moneys collected pursuant to the surcharge shall not be considered
27 in any proceeding to establish rates for telecommunication service.

28 “(5) The commission shall direct telecommunications public utilities to
29 identify separately in bills to customers for service the surcharge imposed
30 pursuant to this section.

1 “(6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue
2 may disclose information received under ORS 403.200 to 403.230 to the Public
3 Utility Commission to carry out the provisions of **sections 9 to 14**, chapter
4 290, Oregon Laws 1987.

5 “(7) The Public Utility Commission may disclose information obtained
6 pursuant to **sections 9 to 14**, chapter 290, Oregon Laws 1987, to the De-
7 partment of Revenue to administer the tax imposed under ORS 403.200 to
8 403.230.

9 **“SECTION 4.** Section 16, chapter 290, Oregon Laws 1987, as amended by
10 section 4, chapter 622, Oregon Laws 1991, section 1, chapter 481, Oregon
11 Laws 1997, section 1, chapter 408, Oregon Laws 2001, and section 1, chapter
12 544, Oregon Laws 2009, is amended to read:

13 **“Sec. 16.** [*Chapter 290, Oregon Laws 1987, is repealed January 1, 2020.*]

14 **“(1)(a) Sections 1, 2, 3, 4, 5 and 15, chapter 290, Oregon Laws 1987,**
15 **are repealed on January 1, 2023.**

16 **“(b) Section 6, chapter 290, Oregon Laws 1987, as amended by sec-**
17 **tion 1, chapter 622, Oregon Laws 1991, section 1, chapter 29, Oregon**
18 **Laws 2007, section 25, chapter 599, Oregon Laws 2009, section 1, chapter**
19 **77, Oregon Laws 2011, and section 1, chapter 29, Oregon Laws 2013, is**
20 **repealed on January 1, 2023.**

21 **“(c) Section 2, chapter 204, Oregon Laws 2005, as amended by sec-**
22 **tion 359, chapter 70, Oregon Laws 2007, is repealed on January 1, 2023.**

23 **“(2) Notwithstanding subsection (1) of this section, if the partic-**
24 **ipation rate in the plan of assistance established by the Public Utility**
25 **Commission under section 6, chapter 290, Oregon Laws 1987, increases**
26 **by at least 26 percent between January 1, 2018, and January 1, 2023:**

27 **“(a) Sections 1, 2, 3, 4, 5 and 15, chapter 290, Oregon Laws 1987, are**
28 **repealed on January 1, 2030.**

29 **“(b) Section 6, chapter 290, Oregon Laws 1987, as amended by sec-**
30 **tion 1, chapter 622, Oregon Laws 1991, section 1, chapter 29, Oregon**

1 Laws 2007, section 25, chapter 599, Oregon Laws 2009, section 1, chapter
2 77, Oregon Laws 2011, and section 1, chapter 29, Oregon Laws 2013, is
3 repealed on January 1, 2030.

4 “(c) Section 2, chapter 204, Oregon Laws 2005, as amended by sec-
5 tion 359, chapter 70, Oregon Laws 2007, is repealed on January 1, 2030.

6 **“SECTION 5. On or before September 30, 2022, the Public Utility**
7 **Commission shall report to the interim committees of the Legislative**
8 **Assembly related to health and business the following:**

9 “(1) The average annual participation rate in the plan of assistance
10 established by the commission under section 6, chapter 290, Oregon
11 Laws 1987, for 2017, 2018, 2019, 2020, 2021 and 2022;

12 “(2) The annual moneys expended on marketing and outreach ac-
13 tivities under section 2 of this 2017 Act during 2017, 2018, 2019, 2020, 2021
14 and 2022;

15 “(3) A description of marketing and outreach activities funded un-
16 der section 2 of this 2017 Act and an assessment of the quantitative
17 or qualitative impact of those marketing and outreach activities; and

18 “(4) The amount of benefits provided through the plan of assistance
19 established by the commission under section 6, chapter 290, Oregon
20 Laws 1987, for 2017, 2018, 2019, 2020, 2021 and 2022.

21 **“SECTION 6. (1) The amendments to section 7, chapter 290, Oregon**
22 **Laws 1987, by section 3 of this 2017 Act become operative on January**
23 **2, 2023.**

24 “(2) Notwithstanding subsection (1) of this section, if the partic-
25 ipation rate in the plan of assistance established by the Public Utility
26 Commission under section 6, chapter 290, Oregon Laws 1987, increases
27 by at least 26 percent between January 1, 2018, and January 1, 2023, the
28 amendments to section 7, chapter 290, Oregon Laws 1987, by section 3
29 of this 2017 Act become operative on January 2, 2030.”.

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