

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4023

By JOINT COMMITTEE ON INFORMATION MANAGEMENT AND TECHNOLOGY

February 27

1 On page 1 of the printed A-engrossed bill, line 2, after “technology;” insert “creating new pro-
2 visions; amending ORS 276A.406 and 276A.412;”.

3 In line 11, after “Council” insert “, established under section 1, chapter 782, Oregon Laws
4 2009,”.

5 On page 2, after line 21, insert:
6

“BROADBAND SERVICES ADVISORY COMMITTEE

7
8

9 “**SECTION 5.** ORS 276A.406 is amended to read:

10 “276A.406. (1) As used in this section **and ORS 276A.412 and section 6 of this 2018 Act:**

11 “[*(a) ‘Advanced digital communications’ means equipment, facilities and capability to distribute*
12 *digital communications signals for transmitting voice, data, image and video over distance.*]

13 “**(a) ‘Broadband’ means wide bandwidth communications transmissions over coaxial ca-**
14 **ble, optical fiber, radio or twisted pair with an ability to simultaneously transport multiple**
15 **signals and traffic types at a minimum transmission speed established by the State Chief**
16 **Information Officer by rule, but in no event less than 25 megabits per second for downloads**
17 **and three megabits per second for uploads.**

18 “**(b) ‘Communications’ means media that communicate voice, data, text or video over a**
19 **distance using electrical, electronic or light wave transmissions.**

20 “**(c) ‘State agency’ has the meaning given that term in ORS 279A.010.**

21 “[*(b)*] **(d) ‘Telecommunications provider’ means any person that is capable of providing [advanced**
22 **digital communications] broadband and communications services** including, but not limited to, a
23 telecommunications utility as defined in ORS 759.005, a competitive telecommunications provider as
24 defined in ORS 759.005, a cable television provider or an interstate telecommunications provider.

25 “(2) Notwithstanding ORS chapters 279A, 279B and 279C, the State Chief Information Officer
26 [*may*]:

27 “**(a) Shall provide broadband and communications services and operations for the state**
28 **and state agencies; and**

29 “**(b) Subject to section 6 of this 2018 Act and notwithstanding ORS 276A.206 (6)(c), may**
30 **provide broadband services and operations to any other public body, as defined in ORS**
31 **174.109, any federally recognized Indian tribe in Oregon or any nonprofit organization that**
32 **the State Chief Information Officer designates as a community of interest under ORS**
33 **276A.206.**

34 “**(3) The State Chief Information Officer provides the services and operations under**
35 **subsection (2) of this section if the State Chief Information Officer:**

1 “(a) *[Provide advanced digital communications]* **Provides the** services directly[, *may*];

2 “(b) *[Enter]* **Enters** into an interagency or intergovernmental agreement under ORS chapter 190

3 to have another state agency or governmental agency provide *[advanced digital communications]* **the**

4 services *[or may]*; **or**

5 “(c) *[Acquire advanced digital communications]* **Acquires the** services by entering into contracts

6 with telecommunications providers or a consortium of telecommunications providers in a manner

7 that is consistent with the State Chief Information Officer’s rules, policies and standards.

8 “*[(3) After a telecommunications provider or a consortium of telecommunications providers has in-*

9 *stalled an advanced digital communications network, The State Chief Information Officer shall provide*

10 *all telecommunications services and operations for the state and state agencies directly, or shall enter*

11 *into interagency or intergovernmental agreements under ORS chapter 190 to have another state agency*

12 *or another governmental agency provide the telecommunications services and operations in a manner*

13 *that is consistent with the State Chief Information Officer’s rules, policies and standards.]*

14 “(4) The State Chief Information Officer may not **enter into any contract or agreement under**

15 **subsection (3) of this section or** approve the procurement of any *[telecommunications]* **broadband**

16 **or communications** system or equipment that is incompatible with the network or that is incon-

17 sistent with the State Chief Information Officer’s rules, policies and standards.

18 “**SECTION 6.** (1)(a) **If the State Chief Information Officer determines that the broadband**

19 **services and operations proposed to be provided by the State Chief Information Officer under**

20 **ORS 276A.406 (2)(b) would duplicate services already offered by a telecommunications pro-**

21 **vider, the State Chief Information Officer may only provide those services pursuant to the**

22 **rules described in subsection (2) of this section.**

23 “(b) Paragraph (a) of this subsection does not apply if the governing body of a municipi-

24 **ty or other public body in the area to be served by the State Chief Information Officer**

25 **adopts a resolution, after a public hearing, finding that the proposed broadband services and**

26 **operations are necessary and would not otherwise be provided by a for-profit entity within**

27 **a reasonable time and for a reasonable cost.**

28 “(2) The State Chief Information Officer shall adopt rules governing how it provides the

29 **broadband services and operations under subsection (1)(a) of this section. The rules must:**

30 “(a) **Describe the services that the State Chief Information Officer proposes to provide,**

31 **including specifications for broadband services, such as minimum bandwidth, reliability, re-**

32 **dundancy, deployment schedule and comparable cost;**

33 “(b) **Describe the method by which the State Chief Information Officer will maintain and**

34 **update its service offerings; and**

35 “(c) **Describe the situations in which the State Chief Information Officer may not provide**

36 **the services.**

37 “(3) **The State Chief Information Officer shall appoint an advisory committee no later**

38 **than 60 days prior to rulemaking under this section to assist the State Chief Information**

39 **Officer in the administration of this section.**

40 “(4) **The advisory committee must include one representative from each of the following:**

41 “(a) **A telecommunications provider in this state.**

42 “(b) **A rural telecommunications consortium in this state.**

43 “(c) **The Association of Oregon Counties.**

44 “(d) **The League of Oregon Cities.**

45 “(e) **A public school or education service district.**

1 “(f) A public university listed in ORS 352.002.
2 “(g) The State Interoperability Executive Council established under ORS 403.450.
3 “(h) The Oregon Broadband Advisory Council established under section 1, chapter 782,
4 Oregon Laws 2009.
5 “(i) The public with an interest in broadband service availability.
6 “(j) A nonprofit entity with an interest in broadband service availability.
7 “(k) Any other public, private or nonprofit entity that the State Chief Information Officer
8 determines is necessary to assist the advisory committee in performing its duties under this
9 section.
10 “(5) Before adopting rules described in this section, the State Chief Information Officer
11 shall present the proposed rules to the Joint Legislative Committee on Information Man-
12 agement and Technology.
13 “**SECTION 7.** ORS 276A.412 is amended to read:
14 “276A.412. (1) For the purposes of ORS 276A.400 to 276A.412, the State Chief Information Officer
15 may, in a manner that is consistent with the State Chief Information Officer’s rules, policies and
16 standards, enter into a contract or contracts with telecommunications [*service*] providers and
17 equipment manufacturers for purchasing, using or operating telecommunications equipment and
18 services for a period not to exceed 10 years.
19 “(2) **Notwithstanding subsection (1) of this section, the State Chief Information Officer**
20 **may enter into a contract or a configuration of agreements related to broadband**
21 **infrastructure, including leases, maintenance and operations of broadband transmission**
22 **equipment, for a period that exceeds 10 years.**
23 “[(2)] (3) For purposes of ORS 276A.206, the State Chief Information Officer may extend the
24 benefits of telecommunications contracts for **broadband** networks, **communications systems,**
25 equipment and services to nonprofit organizations that the State Chief Information Officer desig-
26 nates as communities of interest under ORS 276A.206.”
27 In line 25, delete “5” and insert “8”.
28 In line 31, delete “6” and insert “9”.
29
