

At the request of the Office of the State Chief Information Officer

**PROPOSED AMENDMENTS TO
HOUSE BILL 4023**

1 In line 2 of the printed bill, after “technology” insert “; amending ORS
2 276A.406 and 276A.412; and prescribing an effective date”.

3 Delete lines 4 through 7 and insert:

4 **“SECTION 1.** ORS 276A.406 is amended to read:

5 “276A.406. (1) As used in this section **and ORS 276A.412:**

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

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

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

18 “[*(b)*] (c) ‘Telecommunications provider’ means any person that is capable
19 of providing [*advanced digital communications*] **broadband and communi-**
20 **cations services** including, but not limited to, a telecommunications utility
21 as defined in ORS 759.005, a competitive telecommunications provider as de-

1 fined in ORS 759.005, a cable television provider or an interstate telecom-
2 munications provider.

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

5 “(a) **Shall provide broadband and communications services and op-**
6 **erations to the state government, as defined in ORS 174.111; and**

7 “(b) **May provide the broadband services described in paragraph (a)**
8 **of this subsection to any other public body, as defined in ORS 174.109,**
9 **any federally recognized Indian tribe in Oregon or any nonprofit or-**
10 **ganization that the State Chief Information Officer designates as a**
11 **community of interest under ORS 276A.206.**

12 “(3) **The State Chief Information Officer provides the services and**
13 **operations under subsection (2) of this section if the State Chief In-**
14 **formation Officer:**

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

17 “(b) *[Enter]* **Enters** into an interagency or intergovernmental agreement
18 under ORS chapter 190 to have another state agency or governmental agency
19 provide *[advanced digital communications]* **the** services *[or may]*; **or**

20 “(c) *[Acquire advanced digital communications]* **Acquires the** services by
21 entering into contracts with telecommunications providers or a consortium
22 of telecommunications providers in a manner that is consistent with the
23 State Chief Information Officer’s rules, policies and standards.

24 “[3] *After a telecommunications provider or a consortium of telecommuni-*
25 *cations providers has installed an advanced digital communications network,*
26 *The State Chief Information Officer shall provide all telecommunications ser-*
27 *vices and operations for the state and state agencies directly, or shall enter into*
28 *interagency or intergovernmental agreements under ORS chapter 190 to have*
29 *another state agency or another governmental agency provide the telecommu-*
30 *nications services and operations in a manner that is consistent with the State*

1 *Chief Information Officer's rules, policies and standards.]*

2 “(4) The State Chief Information Officer may not **enter into any con-**
3 **tract or agreement under subsection (3) of this section or** approve the
4 procurement of any [*telecommunications*] **broadband or communications**
5 system or equipment that is incompatible with the network or that is in-
6 consistent with the State Chief Information Officer's rules, policies and
7 standards.

8 “**SECTION 2.** ORS 276A.412 is amended to read:

9 “276A.412. (1) For the purposes of ORS 276A.400 to 276A.412, the State
10 Chief Information Officer may, in a manner that is consistent with the State
11 Chief Information Officer's rules, policies and standards, enter into a con-
12 tract or contracts with telecommunications [*service*] providers and equipment
13 manufacturers for purchasing, using or operating telecommunications equip-
14 ment and services for a period not to exceed 10 years.

15 “(2) **Notwithstanding subsection (1) of this section, the State Chief**
16 **Information Officer may enter into a contract or a configuration of**
17 **agreements related to broadband infrastructure, including leases,**
18 **maintenance and operations of broadband transmission equipment, for**
19 **a period that exceeds 10 years.**

20 “[2)] (3)(a) For purposes of ORS 276A.206, the State Chief Information
21 Officer may extend the benefits of telecommunications contracts for
22 **broadband networks, communications systems,** equipment and services to
23 nonprofit organizations that the State Chief Information Officer designates
24 as communities of interest under ORS 276A.206.

25 “(b) **The State Chief Information Officer may also provide services**
26 **or extend the benefits of contracts for broadband networks to a local**
27 **government, as defined in ORS 174.116, a special government body, as**
28 **defined in ORS 174.117, or any federally recognized Indian tribe in**
29 **Oregon.**

30 “**SECTION 3.** **This 2018 Act takes effect on the 91st day after the**

1 **date on which the 2018 regular session of the Seventy-ninth Legislative**
2 **Assembly adjourns sine die.”**

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