

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 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:

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

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

15 **“(c) ‘Private entity’ has the meaning given that term in ORS**
16 **367.802.**

17 “[*(b)*] **(d) ‘Telecommunications provider’ means any person that is capable**
18 **of providing advanced digital communications including, but not limited to,**
19 **a telecommunications utility as defined in ORS 759.005, a competitive tele-**
20 **communications provider as defined in ORS 759.005, a cable television pro-**
21 **vider or an interstate telecommunications provider.**

1 “(e) ‘Unit of government’ has the meaning given that term in ORS
2 **367.802.**

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

5 “(a) **Shall provide broadband and telecommunications services and**
6 **operations 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 de-**
13 **scribed in subsection (2) of this section if the State Chief Information**
14 **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*];

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[.]; **or**

24 “(d) **Enters into any partnership agreement or any configuration**
25 **of partnership agreements relating to broadband services with any**
26 **private entity or unit of government or any configuration of private**
27 **entities and units of government. The subject of agreements entered**
28 **into under this paragraph may include planning, acquisition, financ-**
29 **ing, development, design, construction, reconstruction, replacement,**
30 **improvement, maintenance, management, repair, leasing and opera-**

1 **tion of broadband.**

2 “[(3) *After a telecommunications provider or a consortium of telecommuni-*
3 *cations providers has installed an advanced digital communications network,*
4 *The State Chief Information Officer shall provide all telecommunications ser-*
5 *vices and operations for the state and state agencies directly, or shall enter into*
6 *interagency or intergovernmental agreements under ORS chapter 190 to have*
7 *another state agency or another governmental agency provide the telecommu-*
8 *nications services and operations in a manner that is consistent with the State*
9 *Chief Information Officer’s rules, policies and standards.]*

10 “(4) The State Chief Information Officer may not **enter into any agree-**
11 **ment or contract under subsection (3) of this section or** approve the
12 procurement of any telecommunications system or equipment that is incom-
13 patible with the network or that is inconsistent with the State Chief Infor-
14 mation Officer’s rules, policies and standards.

15 “**SECTION 2. This 2018 Act takes effect on the 91st day after the**
16 **date on which the 2018 regular session of the Seventy-ninth Legislative**
17 **Assembly adjourns sine die.”**

18 _____