

HB 4023-A13
(LC 81)
2/21/18 (LAS/ps)

Requested by JOINT COMMITTEE ON INFORMATION MANAGEMENT AND TECHNOLOGY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4023**

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

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

5 On page 2, after line 22, insert:
6

7 **“BROADBAND SERVICES ADVISORY COMMITTEE**
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**
11 **of this 2018 Act:**

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

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

21 **“(b) ‘Communications’ means media that communicate voice, data,**

1 **text or video over a distance using electrical, electronic or light wave**
2 **transmissions.**

3 **“(c) ‘State agency’ has the meaning given that term in ORS**
4 **279A.010.**

5 **“[(b)] (d) ‘Telecommunications provider’ means any person that is capable**
6 **of providing [advanced digital communications] broadband and communi-**
7 **cations services** including, but not limited to, a telecommunications utility
8 as defined in ORS 759.005, a competitive telecommunications provider as de-
9 fined in ORS 759.005, a cable television provider or an interstate telecom-
10 munications provider.

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

13 **“(a) Shall provide broadband and communications services and op-**
14 **erations for the state and state agencies; and**

15 **“(b) Subject to section 6 of this 2018 Act and notwithstanding ORS**
16 **276A.206 (6)(c), may provide broadband services and operations to any**
17 **other public body, as defined in ORS 174.109, any federally recognized**
18 **Indian tribe in Oregon or any nonprofit organization that the State**
19 **Chief Information Officer designates as a community of interest under**
20 **ORS 276A.206.**

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

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

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

29 **“(c) [Acquire advanced digital communications] Acquires the services by**
30 **entering into contracts with telecommunications providers or a consortium**

1 of telecommunications providers in a manner that is consistent with the
2 State Chief Information Officer's rules, policies and standards.

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

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

17 **"SECTION 6. (1)(a) If the State Chief Information Officer deter-**
18 **mines that the broadband services and operations proposed to be pro-**
19 **vided by the State Chief Information Officer under ORS 276A.406 (2)(b)**
20 **would duplicate services already offered by a telecommunications**
21 **provider, the State Chief Information Officer may only provide those**
22 **services pursuant to the rules described in subsection (2) of this sec-**
23 **tion.**

24 **"(b) Paragraph (a) of this subsection does not apply if the governing**
25 **body of a municipality or other public body in the area to be served**
26 **by the State Chief Information Officer adopts a resolution, after a**
27 **public hearing, finding that the proposed broadband services and op-**
28 **erations are necessary and would not otherwise be provided by a for-**
29 **profit entity within a reasonable time and for a reasonable cost.**

30 **"(2) The State Chief Information Officer shall adopt rules governing**

1 how it provides the broadband services and operations under sub-
2 section (1)(a) of this section. The rules must:

3 “(a) Describe the services that the State Chief Information Officer
4 proposes to provide, including specifications for broadband services,
5 such as minimum bandwidth, reliability, redundancy, deployment
6 schedule and comparable cost;

7 “(b) Describe the method by which the State Chief Information Of-
8 ficer will maintain and update its service offerings; and

9 “(c) Describe the situations in which the State Chief Information
10 Officer may not provide the services.

11 “(3) The State Chief Information Officer shall appoint an advisory
12 committee no later than 60 days prior to rulemaking under this section
13 to assist the State Chief Information Officer in the administration of
14 this section.

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

17 “(a) A telecommunications provider in this state.

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

19 “(c) The Association of Oregon Counties.

20 “(d) The League of Oregon Cities.

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

22 “(f) A public university listed in ORS 352.002.

23 “(g) The State Interoperability Executive Council established under
24 ORS 403.450.

25 “(h) The Oregon Broadband Advisory Council established under
26 section 1, chapter 782, Oregon Laws 2009.

27 “(i) The public with an interest in broadband service availability.

28 “(j) A nonprofit entity with an interest in broadband service avail-
29 ability.

30 “(k) Any other public, private or nonprofit entity that the State

1 **Chief Information Officer determines is necessary to assist the advisory committee in performing its duties under this section.**

2
3 **“(5) Before adopting rules described in this section, the State Chief Information Officer shall present the proposed rules to the Joint Legislative Committee on Information Management and Technology.**

4
5
6 **“SECTION 7.** ORS 276A.412 is amended to read:

7 “276A.412. (1) For the purposes of ORS 276A.400 to 276A.412, the State
8 Chief Information Officer may, in a manner that is consistent with the State
9 Chief Information Officer’s rules, policies and standards, enter into a contract or contracts with telecommunications [*service*] providers and equipment
10 manufacturers for purchasing, using or operating telecommunications equipment and services for a period not to exceed 10 years.

11
12
13 **“(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer may enter into a contract or a configuration of agreements related to broadband infrastructure, including leases, maintenance and operations of broadband transmission equipment, for a period that exceeds 10 years.**

14
15
16
17
18 “[~~(2)~~] **(3)** For purposes of ORS 276A.206, the State Chief Information Officer may extend the benefits of telecommunications contracts for **broadband**
19 networks, **communications systems**, equipment and services to nonprofit organizations that the State Chief Information Officer designates as communities of interest under ORS 276A.206.”.

20
21
22
23 In line 25, delete “5” and insert “8”.

24 In line 31, delete “6” and insert “9”.

25