

Requested by Representative MORGAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3201**

1 On page 1 of the printed bill, delete lines 5 through 22.

2 On page 2, delete lines 1 through 24 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Broadband service infrastructure’ means physical real or per-**
5 **sonal property used for the transmission of data as part of providing**
6 **broadband services, including facilities, coaxial cable, optical fiber,**
7 **wire or other permanent infrastructure.**

8 **“(b) ‘Served location’ means a street address location of a house-**
9 **hold or business that is currently served by broadband services at**
10 **speeds of at least 100 megabits per second for downloads and 20**
11 **megabits per second for uploads.**

12 **“(c) ‘Underserved location’ means, based on the most recent**
13 **broadband mapping data published by the Federal Communications**
14 **Commission, other federal agencies or the State of Oregon, a street**
15 **address location of a household or business in this state at which no**
16 **service provider offers broadband service at speeds of at least 100**
17 **megabits per second for downloads and 20 megabits per second for**
18 **uploads.**

19 **“(d) ‘Unserved location’ means, based on the most recent broadband**
20 **mapping data published by the Federal Communications Commission,**
21 **other federal agencies or the State of Oregon, a street address location**

1 of a household or business in this state at which no service provider
2 offers broadband service at speeds of at least 25 megabits per second
3 for downloads and three megabits per second for uploads.

4 “(2) The Oregon Business Development Department shall provide
5 financial assistance in the form of loans or grants for the purpose of
6 supporting broadband access, affordability and adoption in a manner
7 that is technology neutral and does not discriminate based on the type
8 of applicant applying for financial assistance.

9 “(3) In making loan or grant award decisions under this section, the
10 department shall prioritize loan and grant awards for proposed
11 projects that serve, first, unserved locations and, second, underserved
12 locations. The requirement to give preference to unserved and under-
13 served locations does not prohibit the department from denying an
14 application based on the merits of the application or viability of a
15 proposed project.

16 “(4) The department may establish one or more programs for pro-
17 viding financial assistance under this section. When establishing a
18 program under this section, the department shall take into consider-
19 ation all federal funding opportunities for the planning and develop-
20 ment of broadband service infrastructure and shall endeavor to
21 administer the program in a manner that serves to maximize the total
22 available state and federal support for broadband development and
23 related planning.

24 “(5) For each program the department establishes, the department
25 shall, by rule, establish:

26 “(a) Criteria for applications and for determining the eligibility of
27 applicants and proposed projects for a loan or grant, including:

28 “(A) Ability of an applicant to demonstrate experience establishing,
29 building, operating or maintaining a proposed project; and

30 “(B) Financial ability of an applicant to establish, build, operate or

1 **maintain a proposed project under the terms of the program;**

2 **“(b) Criteria for the department to evaluate competitive applica-**
3 **tions and for awarding a loan or grant, including:**

4 **“(A) Cost of a proposed project in relation to locations served;**

5 **“(B) Affordability for a consumer to access or benefit from a pro-**
6 **posed project;**

7 **“(C) Long-term viability of a proposed project; and**

8 **“(D) Scalability of a proposed project;**

9 **“(c) Reporting requirements for a loan or grant recipient; and**

10 **“(d) A process for identifying and protecting from disclosure, except**
11 **as permitted by state and federal law, information or data that are**
12 **submitted to the department by an applicant or recipient and that may**
13 **be subject to confidentiality protections provided by law or are exempt**
14 **from public records disclosure.**

15 **“(6)(a) In addition to the rules required under subsection (5) of this**
16 **section, for each program the department establishes to support**
17 **broadband service infrastructure, the department shall, by rule, es-**
18 **tablish:**

19 **“(A) Criteria to be used by the department to identify eligible lo-**
20 **cations for the purpose of giving preference to proposed projects that**
21 **will serve, first, unserved locations and, second, underserved locations;**

22 **“(B) Reporting requirements for a loan or grant recipient to identify**
23 **the unserved and underserved locations that the proposed project will**
24 **serve;**

25 **“(C) A process for providing public notice of pending applications**
26 **that includes posting pending applications on the department’s**
27 **website; and**

28 **“(D) A public process, as described in paragraph (b) of this sub-**
29 **section, for interested persons to submit comments on preapplications**
30 **and applications or challenge an application, including whether the**

1 **locations identified in an application qualify as unserved or under-**
2 **served locations or for material misrepresentation by an applicant.**

3 **“(b) The public process established under paragraph (a)(D) of this**
4 **subsection must provide for a period of at least 30 days from the date**
5 **public notice of a pending application is provided, during which time:**

6 **“(A) The department may not award the loan or grant;**

7 **“(B) A person may submit comments or challenge the application;**

8 **“(C) The department shall determine whether the proposed project**
9 **will serve locations that are served locations and, if so, deny the ap-**
10 **plication while reserving the applicant’s right to resubmit an applica-**
11 **tion; and**

12 **“(D) The department shall consider any additional applications for**
13 **proposed projects that will serve locations that are the same as those**
14 **the pending application proposes to serve, but at a lower cost.**

15 **“(7)(a) The department shall comply with the provisions of ORS**
16 **chapter 183 in adopting rules and awarding loans or grants under a**
17 **program established under this section. Final orders issued under a**
18 **program are subject to judicial review as provided in ORS chapter 183.**

19 **“(b) When awarding a loan or grant under a program to support**
20 **broadband service infrastructure, the department shall provide a no-**
21 **tice of award. The notice of award shall be a final order in an other**
22 **than contested case proceeding and reviewable pursuant to ORS 183.480**
23 **with jurisdiction for judicial review conferred by ORS 183.484.**

24 **“(8) The department may adopt rules necessary to carry out the**
25 **provisions of this section.”.**

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