

HB 4040-4
(LC 6)
2/14/24 (ASD/ps)

Requested by HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND SMALL BUSINESS
(at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4040**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 285A.154 and section 10, chapter 546, Oregon Laws 2023; and declaring an
3 emergency”.

4 Delete lines 4 through 8 and insert:

5 **“SECTION 1.** ORS 285A.154 is amended to read:

6 “285A.154. (1) The Oregon Broadband Advisory Council is established
7 within the Oregon Business Development Department. The council consists
8 of 13 members appointed as follows:

9 “(a) The Governor shall appoint 11 members who, to the extent possible,
10 represent geographically diverse regions of this state, as follows:

11 “(A) One member to represent the counties of this state.

12 “(B) One member to represent the cities of this state.

13 “(C) Two members to represent telecommunications service providers. At
14 least one member must represent a service provider that provides telecom-
15 munications services in rural Oregon with preference for appointment given
16 to a service provider that is headquartered in rural Oregon.

17 “(D) One member to represent Oregon tribes.

18 “(E) One member to represent education or public libraries.

19 “(F) One member to represent rural business or economic development
20 districts.

21 “(G) One member to represent urban business or economic development

1 districts.

2 “(H) One member to represent telehealth.

3 “(I) One member to represent the digital equity interests of historically
4 disadvantaged communities.

5 “(J) One member to represent consumers and the public at large.

6 “(b) The Speaker of the House of Representatives shall appoint one non-
7 voting member who is a member of the House of Representatives.

8 “(c) The President of the Senate shall appoint one nonvoting member who
9 is a member of the Senate.

10 “(2) The term of office of each voting member is four years, but a voting
11 member serves at the pleasure of the Governor. Before the term of a voting
12 member expires, the Governor shall appoint a successor whose term begins
13 on January 1 next following. A voting member is eligible for reappointment
14 for one additional term. If there is a vacancy for any cause, the Governor
15 shall make an appointment that becomes immediately effective for the unex-
16 pired term.

17 “(3) The nonvoting legislative members shall serve two-year terms and are
18 eligible for reappointment.

19 “(4) Members of the council who are not members of the Legislative As-
20 sembly are not entitled to compensation, but voting members may be paid
21 expenses if funding is available from contributions the Oregon Business De-
22 velopment Department accepts under ORS 285A.157 (2).

23 “(5) Members of the council who are members of the Legislative Assembly
24 are entitled to compensation and expense reimbursement as provided in ORS
25 171.072.

26 “(6) The council shall select one of the council’s voting members as
27 chairperson and another voting member as vice chairperson, for a two-year
28 term. The chairperson and vice chairperson may not serve for more than two
29 consecutive terms.

30 “(7) A majority of the voting members of the council constitutes a quorum

1 for transacting business.

2 “(8) The council shall meet every three months at a place, day and hour
3 determined by the council. The council may also meet at other times and
4 places specified by the call of the chairperson or of a majority of the mem-
5 bers of the council.

6 “(9) A majority of the voting members of the council must approve official
7 action by the council. The council may recommend legislation, public policy
8 and solutions to address the state’s broadband needs and goals.

9 “(10) The council shall:

10 “(a) Advise the Oregon Broadband Office on the development and imple-
11 mentation of Oregon’s broadband strategy.

12 “(b) Advise the Oregon Broadband Office on the scalability, resilience and
13 sustainability of Oregon’s broadband infrastructure.

14 “(c) Assist the Oregon Broadband Office in developing ideas to streamline
15 deployment of broadband infrastructure and in ensuring continual progress
16 toward achieving state goals.

17 “(d) Review and update state goals regarding broadband service speeds in
18 consideration of federal requirements and to ensure that Oregon residents
19 and businesses are prepared for future needs.

20 “(e) Advise the Oregon Broadband Office on best practices to guide the
21 development and implementation of state grant programs, including project
22 review, opportunities for appeal and project accountability.

23 “(f) Support local governments, providers and stakeholders in project
24 planning and development.

25 “(g) Champion equitable statewide access and adoption of broadband ser-
26 vices.

27 **“(h) For competitive broadband grant programs, review grant ap-
28 plications for compliance with the program’s legal requirements and
29 make recommendations to the Oregon Broadband Office at a council
30 meeting held pursuant to subsection (8) of this section.**

1 “[(11)(a) *The council shall establish a grant application review committee*
2 *for each grant cycle.*]

3 “[(b) *Subject to grant rules, a grant application review committee shall re-*
4 *view grant applications and submit directly to the Oregon Broadband Office*
5 *recommendations.*]

6 “[(c) *An individual may not serve on a grant application review committee*
7 *if the individual is employed by or receives compensation from an entity that*
8 *is under consideration for a grant through the Oregon Broadband Office.*]

9 “[(12)] **(11)** All agencies of state government, as defined in ORS 174.111,
10 shall assist the council in the performance of the council’s duties and, to the
11 extent permitted by laws relating to confidentiality, to furnish such infor-
12 mation and advice as the members of the council consider necessary to per-
13 form the members’ duties.

14 “**SECTION 2.** Section 10, chapter 546, Oregon Laws 2023, is amended to
15 read:

16 “**Sec. 10.** (1) As used in this section:

17 “(a) ‘County fair’ and ‘county fairgrounds’ have the meanings given those
18 terms in ORS 565.010.

19 “(b) ‘County fair operator’ means a county fair board, fair association or
20 fair district that operates a county fair.

21 “(c)(A) ‘Earned revenue’ means revenue from the sale of goods or services,
22 including, but not limited to, admission tickets, charges for services, rentals,
23 permits and fees, merchandise, food and beverages, advertising and con-
24 tracted services and performances.

25 “(B) ‘Earned revenue’ does not include other sources of revenue, includ-
26 ing, but not limited to, donations, federal, state and local governmental
27 grants or returns on investments.

28 “(d) ‘Fair association’ has the meaning given that term in ORS 565.268.

29 “(e) ‘Fair district’ means an entity described in ORS 565.275.

30 “(f) **‘Fair operator’ means a county fair operator or the Oregon**

1 **State Fair and Expo Center.**

2 **“(g) ‘Oregon State Fair’ has the meaning given that term in ORS**
3 **565.451.**

4 **“(h) ‘State fairgrounds’ means fairground properties and facilities,**
5 **as defined in ORS 565.451.**

6 **“(2) The Oregon Business Development Department shall develop and im-**
7 **plement a program for awarding grants directly to:**

8 **“(a) County fair operators for the operation of county fairs and the**
9 **maintenance and repair of county fairgrounds[.]; and**

10 **“(b) The Oregon State Fair and Expo Center for the operation of the**
11 **Oregon State Fair and the maintenance and repair of state**
12 **fairgrounds.**

13 **“(3) To be eligible for a grant, a [county] fair operator must demonstrate**
14 **to the department’s satisfaction that, at any time after February 29, 2020, and**
15 **before June 30, 2023, the fair operator experienced a significant loss in**
16 **earned revenue from the operation of a county fair or county fairgrounds,**
17 **or the operation of the Oregon State Fair or state fairgrounds, because**
18 **of statewide mandates, or guidance of the Oregon Health Authority, in re-**
19 **sponse to the COVID-19 pandemic.**

20 **“(4)(a) The department shall prescribe the form and process, including the**
21 **application period, by which [county] fair operators may apply for and be**
22 **awarded grants under the program.**

23 **“(b) Applications must, at a minimum, require applicants to state their**
24 **lost earned revenue as described in subsection (3) of this section.**

25 **“(c) For purposes of reviewing applications, the department may require**
26 **applicants to provide:**

27 **“(A) The applicant’s federal tax return for the periods to which the ap-**
28 **plication relates; and**

29 **“(B) Financial documentation, including, but not limited to, audited fi-**
30 **nancial statements or financial statements that have been approved by a**

1 certified public accountant.

2 “(5) Before awarding grants, the department may withhold an amount not
3 to exceed five percent of the total amount allocated under section 9 [*of this*
4 *2023 Act*], **chapter 546, Oregon Laws 2023**, to reimburse the department for
5 the actual costs of developing and implementing the program.

6 “(6) The department shall award grants to reimburse [*county*] fair opera-
7 tors for lost earned revenue supported by their applications as follows:

8 “(a) If the total of all grant award amounts exceeds \$3 million, less any
9 amount withheld under subsection (5) of this section, the amounts shall be
10 reduced proportionally until they equal \$3 million, less any amount withheld
11 under subsection (5) of this section; or

12 “(b) If the total of all grant award amounts is less than \$3 million, less
13 any amount withheld under subsection (5) of this section, the amounts shall
14 be increased proportionally until they equal \$3 million, less any amount
15 withheld under subsection (5) of this section.

16 **“SECTION 3. This 2024 Act being necessary for the immediate**
17 **preservation of the public peace, health and safety, an emergency is**
18 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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