

HB 3201 A -11, -12 STAFF MEASURE SUMMARY

Senate Committee On Veterans, Emergency Management, Federal and World Affairs

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Meeting Dates: 5/2, 5/4

WHAT THE MEASURE DOES:

Requires the Oregon Business Development Department to provide financial assistance in the form of loans or grants for purposes of supporting broadband access, affordability, and adoption. Allows Department rulemaking. Requires the Department to give preference to proposed projects that serve unserved or underserved areas. Provides process for challenging applications. Provides judicial review of final orders. Requires the Department to consult with the Oregon Broadband Advisory Council to establish goals for broadband service speeds provided in the state to determine unserved or underserved areas. Makes Oregon Broadband Fund permanent and consists of loans; donations; transfers to the fund from federal, state and local agencies; lottery bonds allocated by the Legislative Assembly; and earnings received on money in the fund. Removes existing statutory definitions for 'unserved' or 'underserved' populations. Removes existing rules regarding the use of the Fund; including provisions requiring the Department identify and notify broadband service providers within or near the geographic area that would be benefit by a project proposed by an eligible applicant and the right of first refusal by existing broadband providers for new projects in nonresidential areas. Declares emergency, effective on passage.

FISCAL: Minimal fiscal impact

REVENUE: No revenue impact

SENATE VOTE: 43-15-2

ISSUES DISCUSSED:

- Addressing internet deficiencies in rural, unserved, and underserved areas
- Federal grant funds for broadband improvements
- Impact of broadband access on daily activities, from classwork to employment

EFFECT OF AMENDMENT:

-11 Establishes the Oregon Broadband Access Point Investment Acceleration Study Act 2023

Directs the Oregon Broadband Office to identify and examine investment and efficient deployment of wireline and wireless broadband access points, including any support facilities, building, structures, and equipment, on private and public real property, buildings, structures, and public rights of way. Requires Office to identify and examine barriers to and opportunities for mobile access and fixed broadband Internet service infrastructure by unserved and undeserved communities, including low-income urban, rural and tribal communities. Directs Office to consider and examine the extent certain factors are barriers to the investment and deployment of broadband access points and requires the Office to provide recommendations on how to accelerate deployment of broadband access points to serve unserved and underserved communities.

Requires the Office to consult with relevant state agencies, stakeholders and representatives of: law enforcement agencies, public safety community members, first responder providers and personnel; wireless service and infrastructure providers and trade associations; cable communications providers and trade associations; wireline communications providers and trade associations; tribes; municipal and local governments and associations; investor-owned utilities; publicly owned utilities; labor organizations; consumer advocacy organizations; and

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technology associations. Sets reporting requirement of the Office’s findings, which may include legislative recommendations, to the Governor and Legislative Assembly interim committees related to economic development no later than September 1, 2025.

-12 Replaces certain references to underserved or unserved “area” with “location”. Modifies process for challenging an application to programs established by the Oregon Business Development Department. Directs the Oregon Business Development Department, (OBDD) in consultation with the Oregon Broadband Advisory Council (OBAC), to set goals for broadband service speeds in Oregon consistent with federal requirements. Outlines parameters for a broadband service infrastructure program established by the OBDD, if the Department establishes a program utilizing moneys from the federal Coronavirus Capital Projects Fund. Establishes definitions for “underserved” and “unserved” location. Sets eligibility requirement for a loan or grant under the broadband service infrastructure program.

BACKGROUND:

During the First Special Session of 2020, the Legislative Assembly created the Oregon Broadband Fund (Fund) in recognition of the need to address the digital divide between rural and urban areas, as well as in historically underserved and unserved areas in Oregon. During the pandemic, Congress passed the Infrastructure Investment and Jobs Act (IIJA), which included funding to address broadband access. The federal funds are intended to target unserved, underserved, and tribal communities and improve digital equity in historically marginalized communities across the state.

House Bill 3201 A requires the Oregon Business Development Department provide grants and loans for supporting broadband access, affordability, and adoption. The measure updates current provisions for the Fund and makes it permanent.