

HOUSE AMENDMENTS TO HOUSE BILL 4040

By COMMITTEE ON ECONOMIC DEVELOPMENT AND SMALL BUSINESS

February 15

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

3 Delete lines 4 through 8 and insert:

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

5 “285A.154. (1) The Oregon Broadband Advisory Council is established within the Oregon Busi-
6 ness Development Department. The council consists of 13 members appointed as follows:

7 “(a) The Governor shall appoint 11 members who, to the extent possible, represent geograph-
8 ically diverse regions of this state, as follows:

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

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

11 “(C) Two members to represent telecommunications service providers. At least one member must
12 represent a service provider that provides telecommunications services in rural Oregon with pref-
13 erence for appointment given to a service provider that is headquartered in rural Oregon.

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

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

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

17 “(G) One member to represent urban business or economic development districts.

18 “(H) One member to represent telehealth.

19 “(I) One member to represent the digital equity interests of historically disadvantaged commu-
20 nities.

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

22 “(b) The Speaker of the House of Representatives shall appoint one nonvoting member who is
23 a member of the House of Representatives.

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

26 “(2) The term of office of each voting member is four years, but a voting member serves at the
27 pleasure of the Governor. Before the term of a voting member expires, the Governor shall appoint
28 a successor whose term begins on January 1 next following. A voting member is eligible for reap-
29 pointment for one additional term. If there is a vacancy for any cause, the Governor shall make an
30 appointment that becomes immediately effective for the unexpired term.

31 “(3) The nonvoting legislative members shall serve two-year terms and are eligible for reap-
32 pointment.

33 “(4) Members of the council who are not members of the Legislative Assembly are not entitled
34 to compensation, but voting members may be paid expenses if funding is available from contributions
35 the Oregon Business Development Department accepts under ORS 285A.157 (2).

1 “(5) Members of the council who are members of the Legislative Assembly are entitled to com-
2 pensation and expense reimbursement as provided in ORS 171.072.

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

6 “(7) A majority of the voting members of the council constitutes a quorum for transacting busi-
7 ness.

8 “(8) The council shall meet every three months at a place, day and hour determined by the
9 council. The council may also meet at other times and places specified by the call of the chairperson
10 or of a majority of the members of the council.

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

14 “(10) The council shall:

15 “(a) Advise the Oregon Broadband Office on the development and implementation of Oregon’s
16 broadband strategy.

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

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

21 “(d) Review and update state goals regarding broadband service speeds in consideration of fed-
22 eral requirements and to ensure that Oregon residents and businesses are prepared for future needs.

23 “(e) Advise the Oregon Broadband Office on best practices to guide the development and im-
24 plementation of state grant programs, including project review, opportunities for appeal and project
25 accountability.

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

27 “(g) Champion equitable statewide access and adoption of broadband services.

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

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

32 “[*(b) Subject to grant rules, a grant application review committee shall review grant applications
33 and submit directly to the Oregon Broadband Office recommendations.*]

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

37 “[*(12)*] **(11)** All agencies of state government, as defined in ORS 174.111, shall assist the council
38 in the performance of the council’s duties and, to the extent permitted by laws relating to
39 confidentiality, to furnish such information and advice as the members of the council consider nec-
40 essary to perform the members’ duties.

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

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

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

44 “(b) ‘County fair operator’ means a county fair board, fair association or fair district that oper-
45 ates a county fair.

1 “(c)(A) ‘Earned revenue’ means revenue from the sale of goods or services, including, but not
2 limited to, admission tickets, charges for services, rentals, permits and fees, merchandise, food and
3 beverages, advertising and contracted services and performances.

4 “(B) ‘Earned revenue’ does not include other sources of revenue, including, but not limited to,
5 donations, federal, state and local governmental grants or returns on investments.

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

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

8 “(f) **‘Fair operator’ means a county fair operator or the Oregon State Fair and Expo**
9 **Center.**

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

11 “(h) **‘State fairgrounds’ means fairground properties and facilities, as defined in ORS**
12 **565.451.**

13 “(2) The Oregon Business Development Department shall develop and implement a program for
14 awarding grants directly to:

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

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

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

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

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

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

29 “(A) The applicant’s federal tax return for the periods to which the application relates; and

30 “(B) Financial documentation, including, but not limited to, audited financial statements or fi-
31 nancial statements that have been approved by a certified public accountant.

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

35 “(6) The department shall award grants to reimburse [county] fair operators for lost earned re-
36 venue supported by their applications as follows:

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

40 “(b) If the total of all grant award amounts is less than \$3 million, less any amount withheld
41 under subsection (5) of this section, the amounts shall be increased proportionally until they equal
42 \$3 million, less any amount withheld under subsection (5) of this section.

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

