

HB 4040-1  
(LC 6)  
2/2/24 (ASD/ps)

Requested by HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND SMALL BUSINESS  
(at the request of Fawn Barrie)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4040**

1 In line 2 of the printed bill, before the period insert “; amending ORS  
2 285A.154; 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  
6 within the Oregon Business Development Department. The council consists  
7 of 13 members appointed as follows:

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

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

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

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

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

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

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

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

1 “(H) One member to represent telehealth.

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

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

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

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

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

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

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

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

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

29 “(7) A majority of the voting members of the council constitutes a quorum  
30 for transacting business.

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

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

8 “(10) The council shall:

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

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

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

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

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

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

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

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

30 “[11)(a) *The council shall establish a grant application review committee*

1 *for each grant cycle.]*

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

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

8 *“[(12)] (11) All agencies of state government, as defined in ORS 174.111,*  
9 *shall assist the council in the performance of the council’s duties and, to the*  
10 *extent permitted by laws relating to confidentiality, to furnish such infor-*  
11 *mation and advice as the members of the council consider necessary to per-*  
12 *form the members’ duties.*

13 **“SECTION 2. This 2024 Act being necessary for the immediate**  
14 **preservation of the public peace, health and safety, an emergency is**  
15 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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