

A-Engrossed
House Bill 3099

Ordered by the House April 21
Including House Amendments dated April 21

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Transfers **certain** duties, functions[,] **and** powers [*and responsibilities*] related to **enterprise** information technology[, *information resources, information systems, geographic information systems, geographic data,*] **and** telecommunications [*and related services*] from Oregon Department of Administrative Services to State Chief Information Officer.

Provides that State Chief Information Officer is primary information technology and telecommunications advisor to Governor and specifies duties, functions and powers of officer.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state information technology; creating new provisions; amending ORS 84.064, 181.715,
3 181.725, 182.122, 182.124, 182.128, 182.132, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486,
4 279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524,
5 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.990, 403.450, 403.455,
6 403.460 and 413.308 and sections 1, 3, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter
7 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws
8 2014; and declaring an emergency.

9 **Be It Enacted by the People of the State of Oregon:**

10 **SECTION 1.** (1) **As used in this section and sections 2 to 8 of this 2015 Act, "enterprise**
11 **information technology and telecommunications" means:**

12 (a) **Technologies, resources, systems and services that state agencies use to generate,**
13 **process, store and secure information for governmental purposes, including geographic in-**
14 **formation;**

15 (b) **Technologies, resources, systems and services that state agencies use to send, re-**
16 **ceive, process or otherwise facilitate telecommunications for governmental purposes; and**

17 (c) **Technologies, resources, systems and services that state agencies use to install,**
18 **maintain, repair, update, replace, remove or otherwise support the technologies, resources,**
19 **systems or services described in paragraphs (a) and (b) of this subsection.**

20 (2)(a) **Except as otherwise provided in this section, sections 2 to 8 of this 2015 Act and**
21 **the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.128, 182.132, 184.473,**
22 **184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143,**
23 **283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039,**
24 **291.042, 291.047, 291.990, 403.450, 403.455, 403.460 and 413.308 and sections 1, 3, 4 and 5, chapter**
25 **782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12,**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act, the du-
2 ties, functions and powers that the Oregon Department of Administrative Services has with
3 respect to enterprise information technology and telecommunications are imposed upon,
4 transferred to and vested in the State Chief Information Officer.

5 (b) The duties, functions and powers described in paragraph (a) of this subsection include,
6 but are not limited to:

7 (A) The duty and function to plan and set standards for, coordinate and oversee enter-
8 prise information technology and telecommunications among state agencies; and

9 (B) The power to specify policies, goals and directives and adopt rules related to enter-
10 prise information technology and telecommunications among state agencies.

11 **SECTION 2.** (1) The Director of the Oregon Department of Administrative Services shall
12 manage and organize the Oregon Department of Administrative Services to ensure that the
13 department fulfills the duties, implements the functions and exercises the powers that re-
14 main to the department with respect to enterprise information technology and telecommu-
15 nications in a manner that is consistent with the manner in which the State Chief
16 Information Officer fulfills the duties, implements the functions and exercises the powers
17 that are imposed upon, transferred to and vested in the State Chief Information Officer un-
18 der section 1 of this 2015 Act.

19 (2) The Governor shall resolve any dispute between the State Chief Information Officer
20 and the department that relates to the apportionment of duties, functions and powers under
21 section 1 of this 2015 Act and as to the director's management and organization of the de-
22 partment under this section. The Governor's decision under this subsection is final.

23 **SECTION 3.** (1) The State Chief Information Officer, in consultation with the Director
24 of the Oregon Department of Administrative Services, shall direct and oversee the expendi-
25 ture of all moneys for enterprise information technology and telecommunications that are
26 appropriated to the Oregon Department of Administrative Services and that are necessary
27 for the State Chief Information Officer to fulfill the duties, implement the functions and
28 exercise the powers imposed upon, transferred to and vested in the State Chief Information
29 Officer under section 1 of this 2015 Act.

30 (2) The expenditure classifications, if any, established by Acts that authorize or limit
31 expenditures by the department remain applicable to expenditures that the State Chief In-
32 formation Officer directs or oversees under this section.

33 **SECTION 4.** The State Chief Information Officer's assumption of duties, functions and
34 powers in accordance with section 1 of this 2015 Act does not affect any action, proceeding
35 or prosecution involving or with respect to the duties, functions and powers that began be-
36 fore and were pending at the time the State Chief Information Officer assumed the duties,
37 functions and powers.

38 **SECTION 5.** (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064,
39 181.715, 181.725, 182.122, 182.124, 182.128, 182.132, 184.473, 184.475, 184.477, 184.483, 184.484,
40 184.486, 279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520,
41 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.990, 403.450,
42 403.455, 403.460 and 413.308 and sections 1, 3, 4 and 5, chapter 782, Oregon Laws 2009, section
43 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87,
44 Oregon Laws 2014, by sections 9 to 60 of this 2015 Act do not relieve a person of a liability,
45 duty or obligation accruing under or with respect to the duties, functions and powers

1 transferred by section 1 of this 2015 Act. The State Chief Information Officer may collect or
2 enforce any such liability, duty or obligation.

3 (2)(a) The rights and obligations that the Oregon Department of Administrative Services
4 legally incurred under contracts, leases and business transactions the department executed,
5 entered into or began before the operative date of section 1 of this 2015 Act and that accrued
6 under or with respect to the duties, functions and powers transferred by section 1 of this
7 2015 Act remain with the department unless the Director of the Oregon Department of Ad-
8 ministrative Services delegates or transfers the rights and obligations to the State Chief
9 Information Officer. For the purpose of succession to rights or obligations that the director
10 delegates or transfers to the State Chief Information Officer, the State Chief Information
11 Officer is a continuation of the department and not a new authority.

12 (b) The rights and obligations that the State Chief Information Officer or the department
13 legally incurs under contracts, leases or business transactions related to enterprise infor-
14 mation technology and telecommunications after the operative date of section 1 of this 2015
15 Act belong to the State Chief Information Officer.

16 **SECTION 6.** Notwithstanding the State Chief Information Officer's assumption of duties,
17 functions and powers in accordance with section 1 of this 2015 Act, the rules of the Oregon
18 Department of Administrative Services, with respect to duties, functions or powers, that are
19 in effect on the operative date of section 1 of this 2015 Act continue in effect until the State
20 Chief Information Officer supersedes or repeals the rules.

21 **SECTION 7.** If an uncodified law or resolution of the Legislative Assembly, or a rule,
22 document, record or proceeding that the Legislative Assembly authorizes, refers to the
23 Oregon Department of Administrative Services in the context of a duty, function or power
24 the State Chief Information Officer assumes under section 1 of this 2015 Act, the reference
25 is a reference to the State Chief Information Officer or an officer or employee of the office
26 of the State Chief Information Officer who by sections 1 to 7 of this 2015 Act is charged with
27 carrying out the duties, functions and powers.

28 **SECTION 8.** (1) There is established the State Information Technology Operating Fund
29 in the State Treasury, separate and distinct from the General Fund. The moneys in the State
30 Information Technology Operating Fund may be invested as provided in ORS 293.701 to
31 293.857. Interest earnings on the fund assets must be credited to the fund.

32 (2) The Director of the Oregon Department of Administrative Services shall deposit into
33 the State Information Technology Operating Fund moneys for enterprise information tech-
34 nology and telecommunications that are appropriated to the Oregon Department of Admin-
35 istrative Services and that are necessary for the State Chief Information Officer to fulfill the
36 duties, implement the functions and exercise the powers imposed upon, transferred to and
37 vested in the State Chief Information Officer under section 1 of this 2015 Act. Amounts in
38 the fund are continuously appropriated to the State Chief Information Officer for the pur-
39 poses authorized by law.

40 **SECTION 9.** ORS 84.064 is amended to read:

41 84.064. (1) For purposes of ORS 84.049, 84.052 and 84.055, the [*Oregon Department of Adminis-*
42 *trative Services*] **State Chief Information Officer** shall make determinations and adopt standards
43 for state agencies.

44 (2) The [*department*] **State Chief Information Officer** shall adopt rules [*for the*] to govern
45 **state agency** use of electronic signatures [*by state agencies*]. The rules [*shall*] **must** include control

1 processes and procedures to ensure adequate integrity, security and confidentiality [*of state agency*]
 2 **for** business transactions [*conducted*] **that state agencies conduct** using electronic commerce and
 3 to ensure that [*those*] **the** transactions can be audited as [*may be*] **is** necessary for the normal con-
 4 duct of business.

5 (3) As used in this section, “state agency” means every state officer and board, commission,
 6 department, institution, branch and agency of the state government [*whose*], **the costs of which** are
 7 paid wholly or in part from funds held in the State Treasury, except:

8 (a) The Legislative Assembly, the courts, the district attorney for each county and [*their*] **the**
 9 officers and committees **of the Legislative Assembly, the courts and the district attorney**; and

10 (b) The Public Defense Services Commission.

11 **SECTION 10.** ORS 181.715 is amended to read:

12 181.715. (1) The Department of State Police or another criminal justice agency [*designated by the*
 13 *Director of the Oregon Department of Administrative Services*] **that the State Chief Information**
 14 **Officer designates** shall operate a Criminal Justice Information Standards program that coordinates
 15 information among state criminal justice agencies. The program [*shall*] **must**:

16 (a) Ensure that in developing new information systems, data can be retrieved to support [*evalu-*
 17 *ation of*] **evaluating** criminal justice planning and programs, including, but not limited to, **evaluat-**
 18 **ing** the ability of the programs to reduce future criminal conduct;

19 (b) Ensure that maximum effort is made for the safety of public safety officers;

20 (c) Establish methods and standards for data interchange and information access between crim-
 21 inal justice information systems, in compliance with [*the*] **information** technology **rules, policies**
 22 **and** standards [*and policies of the Oregon Department of Administrative Services*] **that the State**
 23 **Chief Information Officer adopts**;

24 (d) Design and implement improved applications for exchange of agency information; and

25 (e) Implement the capability to exchange images between criminal justice agencies.

26 (2) The program shall develop a plan to accelerate data sharing and information integration
 27 among criminal justice agencies. The plan [*shall*] **must** include, but is not limited to **including**,
 28 priorities, timelines, development costs, resources needed, the projected ongoing cost of support,
 29 critical success factors and any known barriers to accomplishing the plan. **The plan must align**
 30 **with and support the Enterprise Information Resources Management Strategy described in**
 31 **ORS 291.039.** Representatives of criminal justice agencies and public safety agencies, including but
 32 not limited to local law enforcement agencies, courts of criminal jurisdiction, district attorneys, city
 33 attorneys with criminal prosecutive functions, public defender organizations established under ORS
 34 chapter 151, community corrections directors, jail managers and county juvenile departments, shall
 35 be invited to participate in the planning process. The program shall present the plan to the [*Director*
 36 *of the Oregon Department of Administrative Services*] **State Chief Information Officer** no later than
 37 May 30 of each even-numbered year for development of the Governor’s budget report. The program
 38 shall submit the plan to the Joint Legislative Committee on Information Management and Technol-
 39 ogy no later than December 31 of each even-numbered year.

40 (3) Notwithstanding the meaning given “criminal justice agency” in ORS 181.010, as used in this
 41 section and ORS 181.720, “criminal justice agency” includes, but is not limited to:

42 (a) The Judicial Department;

43 (b) The Attorney General;

44 (c) The Department of Corrections;

45 (d) The Department of State Police;

- 1 (e) Any other state agency with law enforcement authority designated by order of the Governor;
- 2 (f) The Department of Transportation;
- 3 (g) The State Board of Parole and Post-Prison Supervision;
- 4 (h) The Department of Public Safety Standards and Training;
- 5 (i) The State Department of Fish and Wildlife;
- 6 (j) The Oregon Liquor Control Commission;
- 7 (k) The Oregon Youth Authority;
- 8 (L) The Youth Development Division; and
- 9 (m) A university that has established a police department under ORS 352.383 or 353.125.

10 **SECTION 11.** ORS 181.725 is amended to read:

11 181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to
12 advise the Department of State Police or the criminal justice agency [*designated by the Director of*
13 *the Oregon Department of Administrative Services*] **that the State Chief Information Officer des-**
14 **ignates** under ORS 181.715 (1) about the department's or the agency's duties under ORS 181.715.
15 The board consists of the following members:

- 16 (a) The State Court Administrator or the administrator's designee;
- 17 (b) The Director of the Department of Corrections or the director's designee;
- 18 (c) The Superintendent of State Police or the superintendent's designee;
- 19 (d) The executive director of the Oregon Criminal Justice Commission or the executive
20 director's designee;
- 21 (e) The Director of Transportation or the director's designee;
- 22 (f) The chairperson of the State Board of Parole and Post-Prison Supervision or the
23 chairperson's designee;
- 24 (g) The Director of the Department of Public Safety Standards and Training or the director's
25 designee;
- 26 (h) A chief of police designated by the Oregon Association Chiefs of Police;
- 27 (i) A sheriff designated by the Oregon State Sheriffs' Association;
- 28 (j) A jail manager designated by the Oregon Sheriff's Jail Command Council;
- 29 (k) A county juvenile department director designated by the Oregon Juvenile Department
30 Directors' Association;
- 31 (L) A community corrections agency director designated by the Oregon Association of Commu-
32 nity Corrections Directors;
- 33 (m) A district attorney designated by the Oregon District Attorneys Association;
- 34 (n) The [*administrator of the Enterprise Information Strategy and Policy Division of the Oregon*
35 *Department of Administrative Services or the administrator's*] **State Chief Information Officer or**
36 **the State Chief Information Officer's** designee;
- 37 (o) The Director of the Oregon Youth Authority or the director's designee;
- 38 (p) The State Fish and Wildlife Director or the director's designee;
- 39 (q) The administrator of the Oregon Liquor Control Commission or the administrator's designee;
- 40 and
- 41 (r) The Youth Development Director or the director's designee.

42 (2) The board shall meet at such times and places as the board deems necessary.

43 (3) The members of the board are not entitled to compensation but are entitled to expenses as
44 provided in ORS 292.495.

45 **SECTION 12.** ORS 182.122 is amended to read:

1 182.122. (1) As used in this section:

2 (a) “Executive department” has the meaning given that term in ORS 174.112.

3 (b) “Information systems” means computers, hardware, software, storage media, networks, oper-
4 ational procedures and processes used in [*the collection*] **collecting**, processing, [*storage*] **storing**,
5 sharing or [*distribution of*] **distributing** information within, or with any access beyond ordinary
6 public access to, the state’s shared computing and network infrastructure.

7 (2) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** has
8 responsibility for and authority over information systems security in the executive department, in-
9 cluding **responsibility for** taking all measures **that are** reasonably necessary to protect the avail-
10 ability, integrity or confidentiality of information systems or the information stored in information
11 systems. The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall,
12 after consultation and collaborative development with agencies, establish a state information sys-
13 tems security plan and associated standards, policies and procedures. **The plan must align with**
14 **and support the Enterprise Information Resources Management Strategy described in ORS**
15 **291.039.**

16 (3) The [*Oregon Department of Administrative Services, in its sole discretion, shall*] **State Chief**
17 **Information Officer may coordinate with the Oregon Department of Administrative Services**
18 **to:**

19 (a) Review and verify the security of information systems operated by or on behalf of **state**
20 agencies;

21 (b) Monitor state network traffic to identify and react to security threats; and

22 (c) Conduct vulnerability assessments of **state** agency information systems for the purpose of
23 evaluating and responding to the susceptibility of information systems to attack, disruption or any
24 other event that threatens the availability, integrity or confidentiality of information systems or the
25 information stored in information systems.

26 (4) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall
27 contract with qualified, independent consultants for the purpose of conducting vulnerability assess-
28 ments under subsection (3) of this section.

29 (5) In collaboration with **appropriate** agencies, the [*Oregon Department of Administrative Ser-*
30 *vices*] **State Chief Information Officer** shall develop and implement policies for responding to
31 events that damage or threaten the availability, integrity or confidentiality of information systems
32 or the information stored in information systems, whether those systems are within, interoperable
33 with or outside the state’s shared computing and network infrastructure. In the policies, the [*de-*
34 *partment*] **State Chief Information Officer** shall prescribe actions reasonably necessary to:

35 (a) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodol-
36 ogies required to prevent or mitigate the damage caused or threatened by an event;

37 (b) Promptly alert other persons of the event and of the actions reasonably necessary to prevent
38 or mitigate the damage caused or threatened by the event;

39 (c) Implement forensic techniques and controls developed under subsection (6) of this section;

40 (d) Evaluate the event for the purpose of possible improvements to the security of information
41 systems; and

42 (e) Communicate and share information with **appropriate** agencies, using preexisting incident
43 response capabilities.

44 (6) After consultation and collaborative development with **appropriate** agencies, the Oregon
45 Department of Administrative Services, **at the State Chief Information Officer’s direction**, shall

1 implement forensic techniques and controls for the security of information systems, whether those
 2 systems are within, interoperable with or outside the state's shared computing and network
 3 infrastructure. The techniques and controls must include *[the use of]* **using** specialized expertise,
 4 tools and methodologies[,] to investigate events that damage or threaten the availability, integrity
 5 or confidentiality of information systems or the information stored in information systems. The *[de-*
 6 *partment]* **State Chief Information Officer** shall consult with **the Oregon Department of Ad-**
 7 **ministrative Services**, the Oregon State Police, the Office of Emergency Management, the
 8 Governor and others as necessary in developing forensic techniques and controls under this section.

9 (7) The *[Oregon Department of Administrative Services]* **State Chief Information Officer** shall
 10 ensure that reasonably appropriate remedial actions are undertaken when the *[department]* **State**
 11 **Chief Information Officer** finds that such actions are reasonably necessary by reason of vulner-
 12 ability assessments of information systems under subsection (3) of this section, evaluation of events
 13 under subsection (5) of this section and other evaluations and audits.

14 (8)(a) **State** agencies are responsible for *[the security of]* **securing** computers, hardware, soft-
 15 ware, storage media, networks, operational procedures and processes used in *[the collection]* **col-**
 16 **lecting**, processing, *[storage]* **storing**, sharing or *[distribution of]* **distributing** information outside
 17 the state's shared computing and network infrastructure, following information security standards,
 18 policies and procedures established by the *[Oregon Department of Administrative Services]* **State**
 19 **Chief Information Officer** and developed collaboratively with **the** agencies. Agencies may establish
 20 plans, standards and measures that are more stringent than the standards established by the *[de-*
 21 *partment]* **State Chief Information Officer** to address specific agency needs if *[those]* **the** plans,
 22 standards and measures do not contradict or contravene the state information systems security plan.
 23 Independent agency security plans *[shall]* **must** be developed within the framework of the state in-
 24 formation systems security plan.

25 (b) *[An]* **A state** agency shall report the results of any vulnerability assessment, evaluation or
 26 audit conducted by the agency to the *[department]* **State Chief Information Officer** for the pur-
 27 poses of consolidating statewide security reporting and, when appropriate, to prompt a state incident
 28 response.

29 (9) This section does not apply to:

30 (a) Research and student computer systems used by or in conjunction with the State Board of
 31 Higher Education or any public university listed in ORS 352.002; and

32 (b)(A) Gaming systems and networks operated by the Oregon State Lottery or *[its]* contractors
 33 **of the State Lottery**; or

34 (B) The results of Oregon State Lottery reviews, evaluations and vulnerability assessments of
 35 computer systems outside the state's shared computing and network infrastructure.

36 (10) The *[Oregon Department of Administrative Services]* **State Chief Information Officer** shall
 37 adopt rules to *[carry out its responsibilities under]* **implement the provisions of** this section.

38 **SECTION 13.** ORS 182.124 is amended to read:

39 182.124. (1) Notwithstanding ORS 182.122, the Secretary of State, the State Treasurer and the
 40 Attorney General have sole discretion and authority over information systems security in their re-
 41 spective agencies, including *[taking]* **the discretion and authority to take** all measures **that are**
 42 reasonably necessary to protect the availability, integrity or confidentiality of information systems
 43 or the information stored in information systems.

44 (2) The Secretary of State, the State Treasurer and the Attorney General shall each establish
 45 an information systems security plan and associated standards, policies and procedures in collab-

1 oration with the [*Oregon Department of Administrative Services*] **State Chief Information Officer**
2 as provided in ORS 182.122.

3 (3) The plan established under subsection (2) of this section, at a minimum, must:

4 (a) Be compatible with the state information systems security plan and associated standards,
5 policies and procedures established by the [*department*] **State Chief Information Officer** under
6 ORS 182.122 (2);

7 (b) Assign responsibility for:

8 (A) Reviewing, monitoring and verifying the security of the [*agency's*] **Secretary of State's, the**
9 **State Treasurer's and the Attorney General's** information systems; and

10 (B) Conducting vulnerability assessments of information systems for the purpose of evaluating
11 and responding to the susceptibility of information systems to attack, disruption or any other event
12 that threatens the availability, integrity or confidentiality of information systems or the information
13 stored in information systems;

14 (c) Contain policies for responding to events that damage or threaten the availability, integrity
15 or confidentiality of information systems or the information stored in information systems, whether
16 [*those*] **the** systems are within, interoperable with or outside the state's shared computing and net-
17 work infrastructure;

18 (d) Prescribe actions reasonably necessary to:

19 (A) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodol-
20 ogies required to prevent or mitigate the damage caused or threatened by an event;

21 (B) Promptly alert **the State Chief Information Officer and** other persons of the event and
22 of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the
23 event;

24 (C) Implement forensic techniques and controls developed under paragraph (e) of this subsection;

25 (D) Evaluate the event for the purpose of possible improvements to the security of information
26 systems; and

27 (E) Communicate and share information with agencies, using preexisting incident response ca-
28 pabilities; and

29 (e) Describe and implement forensic techniques and controls for the security of information
30 systems, whether those systems are within, interoperable with or outside the state's shared com-
31 puting and network infrastructure, including the use of specialized expertise, tools and methodol-
32 ogies, to investigate events that damage or threaten the availability, integrity or confidentiality of
33 information systems or the information stored in information systems.

34 (4) The Secretary of State, the State Treasurer and the Attorney General shall participate in the
35 planning process [*conducted by the department*] **that the State Chief Information Officer conducts**
36 under ORS 182.122 (2).

37 (5) If **the State Chief Information Officer cannot agree with the Secretary of State, the**
38 **State Treasurer or the Attorney General on** a joint information systems security plan and asso-
39 ciated operational standards and policies [*cannot be agreed upon by the Oregon Department of Ad-*
40 *ministrative Services and a statewide elected official named in subsection (1) of this section, the*
41 *department*], **the State Chief Information Officer, in collaboration with the Oregon Department**
42 **of Administrative Services,** may take steps reasonably necessary to condition, limit or preclude
43 electronic traffic or other vulnerabilities between information systems for which the [*official*] **Sec-**
44 **retary of State, State Treasurer or Attorney General** has authority under subsection (1) of this
45 section and the information systems for which the [*department*] **State Chief Information Officer**

1 has authority under ORS 182.122 (2).

2 **SECTION 14.** ORS 182.128 is amended to read:

3 182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of 13
4 members appointed as follows:

5 (a) The President of the Senate shall appoint two nonvoting members from among members of
6 the Senate.

7 (b) The Speaker of the House of Representatives shall appoint two nonvoting members from
8 among members of the House of Representatives.

9 (c) The Governor shall appoint:

10 (A) Three members who represent state agencies;

11 (B) Two members who represent the public; and

12 (C) One member who attends a school, community college or university in this state.

13 (d) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information**
14 **Officer** shall appoint two members as follows:

15 (A) [*The*] **A representative of the** State Chief Information Officer; and

16 (B) A representative of the Oregon Department of Administrative Services.

17 (e) The State Treasurer shall appoint one member who represents the State Treasurer.

18 (2) Members of the Legislative Assembly who are members of the advisory board are nonvoting
19 members and may act only in an advisory capacity.

20 (3) The advisory board shall:

21 (a) Advise the **State Chief Information Officer and the** Oregon Department of Administrative
22 Services concerning:

23 (A) The development of electronic government portals for the **State Chief Information Officer,**
24 **the** department and other state agencies;

25 (B) The amount, collection methods or other aspects of a convenience fee that the department
26 or an electronic government portal provider collects;

27 (C) The priority of new governmental service applications that may be provided by means of an
28 electronic government portal;

29 (D) Terms and conditions of contracts between state agencies and electronic government portal
30 providers; and

31 (E) Rules necessary to implement electronic government portals.

32 (b) Monitor the layout, content and usability of electronic government portals and advise **the**
33 **State Chief Information Officer and** the department on ways to improve the delivery of govern-
34 ment services by means of electronic government portals, the accountability of state agencies' use
35 of electronic government portals to provide government services and user satisfaction with elec-
36 tronic government portals.

37 (c) Study, propose, develop or coordinate activities that:

38 (A) Consider the needs of residents of this state;

39 (B) Evaluate the performance and transparency of state agency delivery of government services;
40 and

41 (C) Further the effectiveness of and user satisfaction with:

42 (i) Electronic government portals; and

43 (ii) State agencies' performance and accountability in [*the use of*] **using** electronic government
44 portals to provide government services.

45 (4) A majority of the members of the advisory board constitutes a quorum for [*the transaction*

1 of] **transacting** business.

2 (5) [Official action by the advisory board requires the approval of] A majority of the members of
3 the advisory board **must approve official action by the advisory board.**

4 (6) The advisory board shall elect one of the members of the advisory board to serve as chair-
5 person.

6 (7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall make
7 an appointment [to become] **that becomes** immediately effective.

8 (8) The advisory board shall meet at times and places [specified by the call of] **that** the chair-
9 person or of a majority of the members of the advisory board **specifies.**

10 (9) The advisory board may adopt rules necessary [for the operation of] **to operate** the advisory
11 board.

12 (10) The Oregon Department of Administrative Services shall provide staff support to the advi-
13 sory board.

14 (11) Members of the advisory board who are not members of the Legislative Assembly [are not
15 entitled to] **may not receive** compensation, but may be reimbursed for actual and necessary travel
16 and other expenses the members incur in the performance of the members' official duties in the
17 manner and amounts provided for in ORS 292.495. Claims for expenses [incurred] **the members**
18 **incur** in performing functions of the advisory board shall be paid out of funds appropriated to the
19 Oregon Department of Administrative Services for purposes of the advisory board.

20 (12) All state agencies shall assist the advisory board in the advisory board's performance of the
21 advisory board's duties and, to the extent permitted by laws relating to confidentiality, to furnish
22 information and advice as the members of the advisory board consider necessary to perform the
23 duties of the advisory board.

24 **SECTION 15.** ORS 182.132 is amended to read:

25 182.132. (1) The Oregon Department of Administrative Services, with the **approval of the State**
26 **Chief Information Officer and the** advice of the Electronic Government Portal Advisory Board,
27 shall provide the ability for state agencies to offer government services by means of an electronic
28 government portal. The electronic government portal must be secure and must [meet] **comply with**
29 **the information security rules, policies and standards that the State Chief Information Offi-**
30 **cer adopts under ORS 182.122 and meet the** usability standards developed in cooperation with the
31 advisory board.

32 (2) For the purposes of subsection (1) of this section, the department, under the provisions of the
33 Public Contracting Code, may contract with an electronic government portal provider **in a manner**
34 **that is consistent with the State Chief Information Officer's rules, policies and standards.**

35 (3)(a) The department may charge members of the public a convenience fee or may authorize an
36 electronic government portal provider to charge a convenience fee for an electronic government
37 service if the advisory board recommends that the department charge or authorize a convenience
38 fee for the electronic government service. The convenience fee must reflect the costs incurred in
39 hosting, operating, maintaining or implementing the electronic government portal.

40 (b) The department shall cooperate with the **State Chief Information Officer and the** advisory
41 board to identify the electronic government portals or governmental services to which the conven-
42 ience fee applies.

43 (4) The [department] **State Chief Information Officer** may adopt rules to implement the pro-
44 visions of this section.

45 (5) Not later than the beginning of each odd-numbered year regular legislative session, the de-

1 partment shall prepare and submit to the Legislative Assembly a report in the manner provided in
2 ORS 192.245 that summarizes the department's activities under the provisions of this section.

3 **SECTION 16.** ORS 184.473 is amended to read:

4 184.473. As used in ORS 184.475 and 184.477:

5 **(1) "Executive department" has the meaning given that term in ORS 174.112.**

6 [(1)] **(2) "Information technology"** includes, but is not limited to, all present and future forms
7 of hardware, software and services for data processing, office automation and telecommunications.

8 [(2)] *"State agency" includes every state officer, board, commission, department, institution, branch*
9 *or agency of the state government whose costs are paid wholly or in part from funds held in the State*
10 *Treasury, except:]*

11 [(a)] *The Secretary of State, the State Treasurer, the Legislative Assembly, the courts and their of-*
12 *ficers and committees; and]*

13 [(b)] *The Public Defense Services Commission.]*

14 **(3) "State agency" means a board, commission, department, division, office or other en-**
15 **tity within the executive department of state government, except:**

16 **(a) The Secretary of State;**

17 **(b) The State Treasurer;**

18 **(c) The Oregon State Lottery; and**

19 **(d) The State Board of Higher Education, a public university that is listed in ORS 352.002**
20 **or a public university with a governing board that is listed in ORS 352.054.**

21 **SECTION 17.** ORS 184.475 is amended to read:

22 184.475. (1) The purposes of information technology portfolio-based management are to:

23 (a) Ensure that state agencies link [*their*] **the state agencies'** information technology invest-
24 ments with business plans;

25 (b) Facilitate risk assessment of information technology projects and investments;

26 (c) Ensure that state agencies justify information technology investments on the basis of sound
27 business cases;

28 (d) Ensure that state agencies facilitate development and review of information technology per-
29 formance related to business operations;

30 (e) Identify projects that can cross agency and program lines to leverage resources; and

31 (f) Assist in state government-wide planning for common, shared information technology
32 infrastructure.

33 (2) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall
34 integrate state agency strategic and business planning, technology planning and budgeting and
35 project expenditure processes into the [*department's information technology*] **State Chief Informa-**
36 **tion Officer's** portfolio-based management **and oversight of state information technology re-**
37 **sources.**

38 (3) [*In cooperation with state agencies, the department*] **The State Chief Information Officer**
39 shall conduct and maintain a continuous inventory of each state agency's current and planned in-
40 vestments in information technology, a compilation of information about [*those assets*] **the current**
41 **and planned investments** and the total life cycle cost of [*those assets.*] **the current and planned**
42 **investments. Each state agency shall cooperate with the State Chief Information Officer in**
43 **conducting and maintaining the inventory.** The [*department*] **State Chief Information Officer**
44 shall develop and implement state government-wide **rules, policies and** standards[, *processes and*
45 *procedures*] for **conducting and maintaining** the required inventory and for [*the management of*]

1 **managing** the state government-wide information technology portfolio. State agencies shall partic-
 2 ipate in the **State Chief Information Officer's** information technology portfolio-based management
 3 **program** and shall comply with the **rules, policies and standards**[, *processes and procedures estab-*
 4 *lished by the department*] **that the State Chief Information Officer establishes** under this sub-
 5 section. The provisions of this subsection do not relieve any state agency from accountability for
 6 equipment, materials, supplies and tangible and intangible personal property under [*its*] **the state**
 7 **agency's** control.

8 (4) The [*department*] **State Chief Information Officer** shall ensure that state agencies imple-
 9 ment portfolio-based management of information technology resources in accordance with this sec-
 10 tion and with rules, **policies and standards** [*adopted by the Director of the Oregon Department of*
 11 *Administrative Services*] **that the State Chief Information Officer adopts**.

12 [(5) *This section does not apply to competitive research grants and contracts at public universities*
 13 *listed in ORS 352.002.*]

14 [(6) *In implementing the provisions of this section, the department shall submit state government-*
 15 *wide policies for review to the Joint Legislative Committee on Information Management and Technol-*
 16 *ogy.*]

17 **(5) Before adopting rules to implement the provisions of this section, the State Chief**
 18 **Information Officer shall present the proposed rules to the Joint Legislative Committee on**
 19 **Information Management and Technology.**

20 **SECTION 18.** ORS 184.477, as amended by section 2, chapter 102, Oregon Laws 2014, is
 21 amended to read:

22 184.477. (1) The purpose of enterprise **information resources** management is to create a plan
 23 and implement a state government-wide approach for managing distributed information technology
 24 assets to minimize total ownership costs from acquisition through retirement, while realizing maxi-
 25 mum benefits for transacting the state's business and delivering services to the residents of this
 26 state.

27 (2) With input and recommendations from state agencies, [*the Oregon Department of Adminis-*
 28 *trative Services and*] the State Chief Information Officer each biennium shall [*develop, maintain or*
 29 *update, as appropriate,*] **adopt** an Enterprise Information Resources Management Strategy [*that*] **in**
 30 **accordance with ORS 291.039. The Enterprise Information Resources Management Strategy**
 31 **must**, among other functions, [*enables the department*] **enable the State Chief Information Officer**
 32 to manage **and oversee** distributed information technology assets throughout state government. The
 33 Enterprise Information Resources Management Strategy shall prescribe the state government-wide
 34 infrastructure and services for managing these assets. The [*department and the*] State Chief Infor-
 35 mation Officer shall submit the Enterprise Information Resources Management Strategy to the Joint
 36 Legislative Committee on Information Management and Technology for review.

37 (3) Following review by the Joint Legislative Committee on Information Management and
 38 Technology, the [*department and the*] State Chief Information Officer shall ensure state agency im-
 39 plementation of the Enterprise Information Resources Management Strategy, including the develop-
 40 ment of appropriate [*standards, processes and procedures*] **rules, policies and standards along with**
 41 **budget, resource and management plans that are necessary to implement the Enterprise**
 42 **Information Resources Management Strategy.**

43 (4) State agencies shall participate in managing information technology assets in accordance
 44 with the Enterprise Information Resources Management Strategy and shall comply with the **rules,**
 45 **policies and standards**[, *processes and procedures*] of the [*department and the*] State Chief Informa-

1 tion Officer.

2 [(5) This section does not apply to competitive research grants and contracts at public universities
3 listed in ORS 352.002.]

4 (5) A state agency that implements an information technology initiative, as defined in
5 section 1, chapter 77, Oregon Laws 2014, that the State Chief Information Officer estimates
6 will cost more than \$1 million shall implement the information technology initiative under
7 rules, policies and standards that the State Chief Information Officer develops, sets or
8 adopts. The information technology initiative is subject to the State Chief Information
9 Officer's oversight and the State Chief Information Officer may require the state agency to
10 obtain approval to implement the information technology initiative or may direct the state
11 agency to stop or modify the implementation, cancel or modify a procurement related to the
12 information technology initiative, modify the scope of the information technology initiative
13 or take another action before awarding a public contract. After a state agency executes a
14 public contract related to the information technology initiative, the State Chief Information
15 Officer may direct the state agency to suspend the public contract or terminate the public
16 contract in accordance with the public contract's terms and conditions.

17 **SECTION 19.** ORS 184.483 is amended to read:

18 184.483. (1)(a) The [*Oregon Department of Administrative Services*] **State Chief Information**
19 **Officer** shall [*develop*] **maintain** and make available an Oregon transparency website. The website
20 [*shall*] **must** allow any person to view information that is a public record and is not exempt from
21 disclosure under ORS 192.410 to 192.505, including but not limited to information described in sub-
22 section (3) of this section.

23 **(b) The Oregon Department of Administrative Services shall assist the State Chief In-**
24 **formation Officer in performing duties under paragraph (a) of this subsection to the extent**
25 **the State Chief Information Officer deems the assistance necessary.**

26 (2) State agencies and education service districts, to the extent practicable and subject to laws
27 relating to confidentiality, when at no additional cost, using existing data and existing resources of
28 the state agency or education service district and without reallocation of resources, shall:

29 (a) Furnish information to the Oregon transparency website by posting reports and providing
30 links to existing information system applications in accordance with standards [*established by the*
31 *Oregon Department of Administrative Services*] **that the State Chief Information Officer estab-**
32 **lishes;** and

33 (b) Provide the information in the format and manner [*required by the Oregon Department of*
34 *Administrative Services*] **that the State Chief Information Officer requires.**

35 (3) To the extent practicable and subject to laws relating to confidentiality, when at no addi-
36 tional cost, using existing data and existing resources of the state agency or education service dis-
37 trict and without reallocation of resources, the Oregon transparency website [*shall*] **must** contain
38 information about each state agency and education service district, including but not limited to:

39 (a) Annual revenues of state agencies and education service districts;

40 (b) Annual expenditures of state agencies and education service districts;

41 (c) Annual human resources expenses, including compensation, of state agencies and education
42 service districts;

43 (d) Annual tax expenditures of state agencies, including, when possible, the identity of the re-
44 cipients of each tax expenditure;

45 (e) For each state agency, a description of the percentage of expenditures made in this state and

1 the percentage of expenditures made outside this state under all contracts for goods or services
2 *[entered into by]* the state agency **enters into** during each biennium;

3 (f) A prominently placed graphic representation of the primary funding categories and approxi-
4 mate number of individuals *[served by]* **that** the state agency or the education service district
5 **serves**;

6 (g) A description of the mission, function and program categories of the state agency or educa-
7 tion service district;

8 *[(h) Information about the state agency from the Oregon Progress Board;]*

9 *[(i)]* (h) A copy of any audit report *[issued by]* **that** the Secretary of State **issues** for the state
10 agency or *[of any audit reports issued for]* the education service district;

11 *[(j)]* (i) The local service plans of the education service districts;

12 *[(k)]* (j) A copy of each report required by statute for education service districts; and

13 *[(L)]* (k) A copy of all notices of public meetings of the education service districts.

14 (4) In addition to the information described in subsection (3) of this section:

15 (a) The *[department]* **State Chief Information Officer** shall post on the Oregon transparency
16 website notices of public meetings *[required to be provided by]* the state agency **must provide** under
17 ORS 192.640. If the state agency maintains a website where minutes or summaries of the public
18 meetings are available, the state agency shall provide the *[department]* **State Chief Information**
19 **Officer** with the link to *[that]* **the state agency** website for posting on the Oregon transparency
20 website.

21 (b) The *[department]* **State Chief Information Officer** shall post on the Oregon transparency
22 website a link for the website *[maintained by]* **that** the Secretary of State **maintains** for rules
23 *[adopted by]* **that** the state agency **adopts**. If the state agency maintains a website where the **state**
24 **agency posts the** rules *[of the agency are posted]*, or where any information relating to the rules
25 of the agency is posted, the state agency shall provide the *[department]* **State Chief Information**
26 **Officer** with the link to *[that]* **the** website for posting on the Oregon transparency website.

27 (c) The *[department]* **State Chief Information Officer** shall provide links on the Oregon trans-
28 parency website for information *[received by the department regarding]* **that the State Chief Infor-**
29 **mation Officer receives concerning** contracts and subcontracts *[entered into by]* **that** a state
30 agency or education service district **enters into**, to the extent *[disclosure of]* that **disclosing the**
31 information is allowed by law and the information is already available on websites *[maintained by]*
32 **that** the state agency or education service district **maintains**. To the extent available, the infor-
33 mation *[linked]* to **which the State Chief Information Officer links** under this section must in-
34 clude:

35 (A) Information on professional, personal and material contracts;

36 (B) The date of each contract and the amount payable under the contract;

37 (C) The period during which the contract is or was in effect; and

38 (D) The names and addresses of vendors.

39 (5) In *[creating,]* operating, refining and recommending enhancements to the Oregon transpar-
40 ency website, the *[Oregon Department of Administrative Services]* **State Chief Information Officer**
41 and the Transparency Oregon Advisory Commission created in ORS 184.486 shall consider and, to
42 the extent practicable, adhere to the following principles:

43 (a) The website must be accessible without cost and be easy to use;

44 (b) Information included on the Oregon transparency website must be presented using plain,
45 easily understandable language; and

1 (c) The website should teach users about how state government and education service districts
2 work and provide users with the opportunity to learn something about how state government and
3 education service districts raise and spend revenue.

4 (6) If a state agency or an education service district is not able to include information described
5 in this section on the Oregon transparency website because of the lack of availability of information
6 or cost in acquiring *[it]* **information**, the Transparency Oregon Advisory Commission created in
7 ORS 184.486 shall list the information that is not included for *[that]* **the** state agency or education
8 service district in the commission's report to the Legislative Assembly required under ORS 184.486.

9 (7) The *[Oregon Department of Administrative Services]* **State Chief Information Officer** shall
10 include on the Oregon transparency website a page that provides links to websites established by
11 local governments, as defined in ORS 174.116, and by special government bodies, as defined in ORS
12 174.117, for the purpose of providing transparency in the revenues, expenditures and budgets of the
13 *[public bodies]* **local governments and special government bodies**. The *[department]* **State Chief**
14 **Information Officer** shall include a link to the **local government's or special government body's**
15 website *[of the public body upon]* **after** receiving a request from the *[public body]* **local government**
16 **or special government body**, and shall consider recommendations from the Transparency Oregon
17 Advisory Commission for *[the inclusion of]* **including** other links to local **government** and special
18 government body websites. The *[department]* **office of the State Chief Information Officer** shall
19 include a prominent link on the home page of the Oregon transparency website for information
20 posted to the page described in this subsection.

21 **SECTION 20.** ORS 184.484 is amended to read:

22 184.484. (1) For each statute *[authorizing]* **that authorizes** a tax expenditure *[that has]* **with** a
23 purpose connected to economic development and **that** is listed in subsection (2) of this section, the
24 state agency charged with certifying or otherwise administering the tax expenditure shall submit a
25 report to the *[Oregon Department of Administrative Services]* **State Chief Information Officer**. If
26 *[no agency is authorized by]* **a statute does not exist to authorize a state agency to certify or**
27 **otherwise administer the tax expenditure**, or if *[the]* **a statute** does not provide for certification
28 or administration of the tax expenditure, the Department of Revenue shall submit the report.

29 (2) This section applies to:

30 (a) ORS 285C.175, 285C.309, 285C.362, 307.123, 307.455, 307.462, 315.141, 315.331, 315.336, 315.341,
31 315.507, 315.514, 315.533, 316.698, 316.778, 317.124, 317.391 and 317.394.

32 (b) Grants awarded under ORS 469B.256 in any tax year in which certified renewable energy
33 contributions are received as provided in ORS 315.326.

34 (c) ORS 315.354 except as applicable in ORS 469B.145 (2)(a)(L) or (N).

35 (d) ORS 316.116, if the allowed credit exceeds \$2,000.

36 (3) The following information, if *[it]* **the information** is already available in an existing database
37 *[maintained by]* the **state agency maintains**, must be included in the report required under this
38 section:

39 (a) The name of each taxpayer or applicant approved for the allowance of a tax expenditure or
40 a grant award under ORS 469B.256.

41 (b) The address of each taxpayer or applicant.

42 (c) The total amount of credit against tax liability, reduction in taxable income or exemption
43 from property taxation granted to each taxpayer or applicant.

44 (d) Specific outcomes or results required by the tax expenditure program and information about
45 whether the taxpayer or applicant meets those requirements. This information *[shall]* **must** be based

1 on data **the state agency has** already collected and analyzed [*by the agency*] in the course of ad-
 2 ministering the tax expenditure. Statistics must be accompanied by a description of the methodology
 3 employed in [*their generation*] **the statistics**.

4 (e) An explanation of the **state** agency's certification decision for each taxpayer or applicant,
 5 if applicable.

6 (f) Any additional information [*submitted by*] **that** the taxpayer or applicant **submits** and **that**
 7 **the state agency relies on in certifying the** [*relied upon by the agency in its certification*] deter-
 8 mination.

9 (g) Any other information that **state** agency personnel deem valuable as providing context for
 10 the information described in this subsection.

11 (4) The information reported under subsection (3) of this section may not include proprietary
 12 information or information that is exempt from disclosure under ORS 192.410 to 192.505 or 314.835.

13 (5) No later than September 30 of each year, [*agencies*] **a state agency** described in subsection
 14 (1) of this section shall submit to the [*Oregon Department of Administrative Services*] **State Chief**
 15 **Information Officer** the information required under subsection (3) of this section as applicable to
 16 applications for allowance of tax expenditures [*approved by*] the **state** agency **approved** during the
 17 agency fiscal year ending during the current calendar year. The information [*shall*] **must** then be
 18 posted on the Oregon transparency website [*required under*] **described in** ORS 184.483 no later than
 19 December 31 of the same year.

20 (6) In addition to the information described in subsection (3) of this section, the [*Oregon De-*
 21 *partment of Administrative Services*] **State Chief Information Officer** shall post on the Oregon
 22 transparency website copies of all reports that the [*department*] **State Chief Information Officer**,
 23 the Department of Revenue or the Oregon Business Development Department receives from counties
 24 and other local governments relating to properties in enterprise zones that have received tax ex-
 25 emptions under ORS 285C.170, 285C.175 or 285C.409, or that are eligible for tax exemptions under
 26 ORS 285C.309, 315.507 or 317.124 by reason of being in an enterprise zone. The reports [*shall*] **must**
 27 be submitted to the [*Oregon Department of Administrative Services*] **State Chief Information Offi-**
 28 **cer** in a manner and format [*prescribed by the department*] **that the State Chief Information Of-**
 29 **ficer prescribes**.

30 (7) The information described in this section that is available on the Oregon transparency
 31 website must be accessible in the format and manner required by the [*Oregon Department of Ad-*
 32 *ministrative Services*] **State Chief Information Officer**.

33 (8) The information described in this section [*shall be furnished*] **must be provided** to the
 34 Oregon transparency website by posting reports and providing links to existing information systems
 35 applications in accordance with standards established by the [*Oregon Department of Administrative*
 36 *Services*] **the State Chief Information Officer**.

37 **SECTION 21.** ORS 184.486 is amended to read:

38 184.486. (1) There is created the Transparency Oregon Advisory Commission consisting of nine
 39 members appointed as follows:

40 (a) The President of the Senate shall appoint two members from among members of the Senate,
 41 one from the majority party and one from the minority party.

42 (b) The Speaker of the House of Representatives shall appoint two members from among mem-
 43 bers of the House of Representatives, one from the majority party and one from the minority party.

44 (c) The Governor shall appoint one member from an executive branch agency.

45 (d) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information**

1 **Officer** shall appoint one member.

2 (e) The Legislative Fiscal Officer shall appoint one member.

3 (f) The President of the Senate and the Speaker of the House of Representatives shall each ap-
4 point one member of the public with experience or interest in public finance, public relations,
5 measurement of performance outcomes or technology.

6 (2) The commission shall advise and make recommendations to the [*Oregon Department of Ad-*
7 *ministrative Services*] **State Chief Information Officer** regarding the creation, contents and opera-
8 tion of, and enhancements to, the Oregon transparency website.

9 (3) A majority of the members of the commission constitutes a quorum for [*the transaction of*]
10 **transacting** business.

11 (4) [*Official action by the commission requires the approval of*] A majority of the members of the
12 commission **must approve official action by the commission**.

13 (5) The commission shall elect one of [*its*] **the commission's** members to serve as
14 chairperson[. *The chairperson shall be selected*] not later than October 1 of each odd-numbered year.

15 (6) If there is a vacancy for any cause, the appointing authority shall make an appointment [*to*
16 *become*] **that becomes** immediately effective.

17 (7) The commission shall meet at times and places [*specified by the call of*] **that** the chairperson
18 or of a majority of the members of the commission **specifies**.

19 (8) The commission may adopt rules necessary [*for the operation of*] **to operate** the commission.

20 (9) The commission shall use the services of permanent staff of the Legislative Fiscal Office to
21 the greatest extent practicable to staff the commission. The [*Oregon Department of Administrative*
22 *Services*] **State Chief Information Officer** may provide additional assistance.

23 (10) Notwithstanding ORS 171.072, members of the commission who are members of the Legis-
24 lative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the
25 commission.

26 (11) Members of the commission who are not members of the Legislative Assembly are not en-
27 titled to compensation or reimbursement for expenses and serve as volunteers on the commission.

28 (12) All agencies of state government, as defined in ORS 174.111, [*are directed to*] **shall** assist
29 the commission in [*the performance of its*] **performing the commission's** duties and, to the extent
30 permitted by laws relating to confidentiality, to furnish such information and advice as the members
31 of the commission consider necessary to perform [*their*] **the members'** duties.

32 (13) The commission shall report to the Legislative Assembly not later than February 15 of each
33 odd-numbered year. The report [*shall*] **must** describe:

34 (a) Enhancements made to the Oregon transparency website during the previous two calendar
35 years;

36 (b) Possible future enhancements to the website, including but not limited to [*the inclusion of*]
37 **including** information [*relating*] **that relates** to:

38 (A) Performance outcomes that measure the success of state agency programs in achieving
39 goals;

40 (B) State agency bond debt;

41 (C) State agency expenses for capital improvements;

42 (D) Numbers and descriptions of jobs created through state agency contracts and subcontracts;

43 (E) Lists of businesses and individuals [*receiving*] **that receive** tax credits, deductions, refunds,
44 rebates and other subsidies from a state agency;

45 (F) Lists of the names of contractors [*who*] **that** received a contract from a state agency, in-

1 cluding the number of contracts and compensation **the contractors** received; and

2 (G) Lists [*by contracting state agency*] of the number of contracts **that each state agency** en-
3 tered into during a biennium and the amount of moneys **each state agency** spent on the contracts;
4 and

5 (c) The feasibility of including an interactive application where citizens can simulate balancing
6 a biennial budget for the state.

7 (14) The term of office of each member is four years, but a member serves at the pleasure of the
8 appointing authority. Before [*the expiration of the term of a member*] **a member's term expires**, the
9 appointing authority shall appoint a successor whose term begins on January 1 next following. A
10 member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority
11 shall make an appointment [*to become*] **that becomes** immediately effective for the unexpired term.

12 **SECTION 22.** ORS 279A.050 is amended to read:

13 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting
14 agency shall exercise all **of the contracting agency's** procurement authority in accordance with
15 the provisions of the Public Contracting Code.

16 (b) [*When*] **If** a contracting agency has authority under this section to carry out functions de-
17 scribed in this section, or has authority to make procurements under a provision of law other than
18 the Public Contracting Code, the contracting agency [*is*] **need** not [*required to*] exercise that au-
19 thority in accordance with the provisions of the code if, under ORS 279A.025, the code does not
20 apply to the contract or [*contracting*] authority.

21 (2)(a) Except as otherwise provided in **paragraph (b) of this subsection and** the Public Con-
22 tracting Code, for state agencies the Director of the Oregon Department of Administrative Services
23 has all the authority **available** to carry out the provisions of the Public Contracting Code.

24 **(b) Except as otherwise provided in the Public Contracting Code, for state agencies the**
25 **director may delegate to the State Chief Information Officer the authority to procure or**
26 **supervise the procurement of all goods, services and personal services related to information**
27 **technology and telecommunications for state contracting agencies. This paragraph does not**
28 **apply to contracts under which the contractor delivers to the state agency information**
29 **technology products or services incidentally in performing a personal services contract de-**
30 **scribed in ORS chapter 279C or a construction contract described in ORS chapter 279C.**

31 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation
32 has all the authority **available** to:

33 (a) Procure or supervise the procurement of all services and personal services to construct, ac-
34 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking
35 facilities in connection with any public transportation system, in accordance with ORS 184.689 (5);

36 (b) Procure or supervise the procurement of all goods, services, public improvements and per-
37 sonal services [*relating to the operation, maintenance or construction of*] **that are related to oper-**
38 **ating, maintaining or constructing** highways, bridges and other transportation facilities that are
39 subject to the authority of the Department of Transportation; and

40 (c) Establish standards for, prescribe forms for and conduct the prequalification of prospective
41 bidders on public improvement contracts **that are** related to [*the operation, maintenance or con-*
42 *struction of*] **operating, maintaining or constructing** highways, bridges and other transportation
43 facilities that are subject to the authority of the Department of Transportation.

44 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all
45 the authority **available** to procure or supervise the procurement of goods, services and personal

1 services related to programs under the authority of the Secretary of State.

2 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the
3 authority **available** to procure or supervise the procurement of goods, services and personal services
4 **that are** related to programs under the authority of the State Treasurer.

5 (6) The state agencies listed in this subsection have all the authority **available, in accordance**
6 **with the Public Contracting Code**, to *[do the following in accordance with the Public Contracting*
7 *Code]* **procure or supervise the procurement of the goods, services, personal services, con-**
8 **struction materials, equipment or supplies specified in each of the following paragraphs:**

9 (a) The Department of Human Services *[to procure or supervise the procurement of goods, services*
10 *and personal services]* under ORS 179.040 for the department's institutions and *[the procurement of*
11 *goods, services and personal services for the construction, demolition, exchange, maintenance,*
12 *operation]* **for constructing, demolishing, exchanging, maintaining, operating** and equipping
13 *[of]* housing for the purpose of providing care to individuals with intellectual disabilities or other
14 developmental disabilities, subject to applicable provisions of ORS 427.335;

15 (b) The Oregon Health Authority *[to procure or supervise the procurement of]* **for** goods, services
16 and personal services under ORS 179.040, *[and]* **for** construction materials, equipment and supplies
17 for the authority's institutions and **for** *[the procurement of]* goods, services, personal services, con-
18 struction materials, equipment and supplies for *[the construction, demolition, exchange, maintenance,*
19 *operation]* **constructing, demolishing, exchanging, maintaining, operating** and equipping *[of]*
20 housing for *[persons]* **individuals** with chronic mental illness, subject to applicable provisions of ORS
21 426.504;

22 (c) The State Department of Fish and Wildlife *[to procure or supervise the procurement of]* **for**
23 construction materials, equipment, supplies, services and personal services for public improvements,
24 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
25 of the State Department of Fish and Wildlife;

26 (d) The State Parks and Recreation Department *[to procure or supervise the procurement of]* **for**
27 all goods, services, public improvements and personal services *[relating]* **related** to state parks;

28 (e) The Oregon Department of Aviation *[to procure or supervise the procurement of]* **for** con-
29 struction materials, equipment, supplies, services and personal services for public improvements,
30 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
31 of the Oregon Department of Aviation;

32 (f) The Oregon Business Development Department *[to procure or supervise the procurement of]*
33 **for** all goods, services, personal services and public improvements related to *[its]* **the Oregon**
34 **Business Development Department's** foreign trade offices operating outside the state;

35 (g) The Housing and Community Services Department *[to procure or supervise the procurement*
36 *of]* **for** goods, services and personal services as provided in ORS 279A.025 (2)(n);

37 (h) The Department of Corrections *[to procure or supervise the procurement of]* **for** construction
38 materials, equipment, supplies, services and personal services for public improvements, public works
39 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-
40 ment of Corrections;

41 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,
42 279A.125, 279A.145 and 283.110 to 283.395, *[to procure or supervise the procurement of]* **for** goods,
43 services and personal services under ORS 179.040 for *[its]* **Department of Corrections** institutions;

44 (j) The Department of Veterans' Affairs *[to procure or supervise the procurement of]* **for** real es-
45 tate broker and principal real estate broker services related to programs under the department's

1 authority;

2 (k) The Oregon Military Department [*to procure or supervise the procurement of*] **for** construction
3 materials, equipment, supplies, services and personal services for public improvements, public works
4 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
5 Military Department;

6 (L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085
7 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), [*to pro-*
8 *curate or supervise the procurement of*] **for** goods, services, personal services and information technol-
9 ogy [*relating*] **related** to student assessment; and

10 (m) Any state agency [*to conduct a procurement when the agency is specifically authorized by*] **for**
11 **goods, services, personal services, construction materials, equipment or supplies** if any pro-
12 vision of law other than the Public Contracting Code **specifically authorizes the state agency** to
13 enter into a contract.

14 [(7) *Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department*
15 *of Administrative Services has exclusive authority, unless the director delegates this authority, to pro-*
16 *curate or supervise the procurement of all price agreements on behalf of the state agencies identified in*
17 *subsection (6)(a) to (k) of this section under which more than one state agency may order goods, ser-*
18 *vices or personal services and, except for contracts procured by the Oregon Health Authority, all state*
19 *agency information technology contracts. This subsection does not apply to contracts under which the*
20 *contractor delivers to the state agency information technology products or services incidental to the*
21 *performance of personal services contracts described in ORS chapter 279C or construction contracts*
22 *described in ORS chapter 279C. A state agency identified in subsection (3) or (6)(a) to (k) of this section*
23 *may not establish a price agreement or enter into a contract for goods, services, personal services,*
24 *construction materials, equipment or supplies without the approval of the director if the director has*
25 *established a price agreement for the goods, services or personal services.]*

26 **(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon**
27 **Department of Administrative Services has exclusive authority, unless the director delegates**
28 **the authority, to procure or supervise the procurement of all price agreements on behalf of**
29 **the state agencies identified in subsection (6) of this section under which more than one**
30 **state agency may order goods, services or personal services.**

31 **(b) The director may delegate to the State Chief Information Officer the exclusive au-**
32 **thority to procure or supervise the procurement of all price agreements related to informa-**
33 **tion technology and telecommunications on behalf of the state agencies identified in**
34 **subsection (6) of this section. Notwithstanding any authority that a state agency may have**
35 **under subsection (3) or (6) of this section, the state agency may not establish a price agree-**
36 **ment or enter into a contract for goods, services, personal services, construction materials,**
37 **equipment or supplies without the approval of the director or the State Chief Information**
38 **Officer if the director or the State Chief Information Officer has established a price agree-**
39 **ment for the goods, services, personal services, construction materials, equipment or sup-**
40 **plies.**

41 **(c) The State Chief Information Officer may review any solicitation document for pro-**
42 **curring information technology or telecommunications that a state contracting agency in-**
43 **tends to issue before the state contracting agency issues the solicitation document and may**
44 **require the state contracting agency to name the State Chief Information Officer as a**
45 **third-party beneficiary with full authority to enforce the terms and conditions of any public**

1 **contract for information technology or telecommunications. The State Chief Information**
 2 **Officer must approve a state contracting agency's procurement for information technology**
 3 **or telecommunications if the procurement has an anticipated contract price of \$1 million or**
 4 **more. The State Chief Information Officer may require the state contracting agency to name**
 5 **the State Chief Information Officer as the contracting party on behalf of the State of Oregon**
 6 **in a procurement for information technology or telecommunications that has an anticipated**
 7 **contract price of \$1 million or more.**

8 **SECTION 23.** ORS 279A.075 is amended to read:

9 279A.075. (1) Unless otherwise provided in the Public Contracting Code, **a person or agency**
 10 **that has an authority under the code may delegate and subdelegate** the exercise of [*all au-*
 11 *thorities in the code may be delegated and subdelegated*] **the authority** in whole or in part.
 12 Notwithstanding delegations of authority under this section, **the code and rules adopted under the**
 13 **code govern** a person's or agency's exercise of the delegated authority [*is governed by the code and*
 14 *rules adopted under the code*].

15 (2) The Secretary of State, State Treasurer, Director of the Oregon Department of Administra-
 16 tive Services, **State Chief Information Officer** and Director of Transportation and other heads of
 17 state agencies with specific limited authority identified in ORS 279A.050 (6) may delegate [*their*]
 18 authority to contract for and manage public contracts for their offices or agencies. **The State Chief**
 19 **Information Officer may require the Director of the Oregon Department of Administrative**
 20 **Services to obtain the State Chief Information Officer's review and approval before the di-**
 21 **rector delegates authority to a state contracting agency to conduct a procurement for in-**
 22 **formation technology or telecommunications.**

23 **SECTION 24.** ORS 279B.075 is amended to read:

24 279B.075. (1) A contracting agency may award a contract for goods or services without compe-
 25 tition [*when*] **if** the Director of the Oregon Department of Administrative Services, [*the*] **a local**
 26 **contract review board [or], a state contracting agency, if [it] the state contracting agency** has
 27 **procurement authority under ORS 279A.050, the State Chief Information Officer, with respect**
 28 **to goods or services described in subsection (2)(b) of this section and if the director has de-**
 29 **legated the necessary authority to the State Chief Information Officer,** or a person designated
 30 in writing by the director, board or state contracting agency with procurement authority under ORS
 31 279A.050, determines in writing, in accordance with rules adopted under ORS 279A.065, that the
 32 goods or services, or class of goods or services, are available from only one source.

33 (2) The determination of a sole source must be based on written findings that may include:

34 (a) That the efficient utilization of existing goods requires [*the acquisition of*] **acquiring** com-
 35 **patible goods or services;**

36 (b) That the goods or services required [*for the*] **to** exchange [*of*] software or data with other
 37 **public or private agencies are available from only one source;**

38 (c) That the goods or services are for use in a pilot or an experimental project; or

39 (d) Other findings that support the conclusion that the goods or services are available from only
 40 one source.

41 (3) To the extent reasonably practical, the contracting agency shall negotiate with the sole
 42 source to obtain contract terms **that are** advantageous to the contracting agency.

43 **SECTION 25.** ORS 283.120 is amended to read:

44 283.120. Subject to rules [*prescribed by*] **that** the Oregon Department of Administrative Services
 45 **prescribes, or that the State Chief Information Officer prescribes for information technology**

1 **and telecommunications**, any state agency may establish a service unit within the agency to fur-
 2 nish to other units of [*such*] **the** agency the services, facilities and materials that the **agency es-**
 3 **tablishes the** service unit [*is established*] to provide. The **state agency shall charge the service**
 4 **unit's** expenses [*of the service unit shall be charged*] to the units served and, except as provided in
 5 ORS 283.076 (3), the amounts [*so charged*] **the state agency charges must** [*shall*] be credited to the
 6 miscellaneous receipts account established pursuant to ORS 279A.290. [*and*] **The moneys in the**
 7 **account are** hereby [*are*] appropriated continuously for expenditure by the state agency subject to
 8 the allotment system provided by ORS 291.234 to 291.260.

9 **SECTION 26.** ORS 283.140 is amended to read:

10 283.140. [(1) *The Oregon Department of Administrative Services shall exercise budgetary manage-*
 11 *ment, supervision and control over all telephone and telecommunications service for all state agencies.*
 12 *The department may operate central mail, shuttle bus or messenger services for agencies located in*
 13 *Salem, Portland or other cities, where it would be economical so to do. The cost of maintaining and*
 14 *operating any central telephone exchange, switching system, network service and facility, intercity or*
 15 *intracity network trunk or line or switchboard, or the cost of mail, shuttle bus and messenger services,*
 16 *shall be charged to the various agencies served and paid to the department in the same manner as other*
 17 *claims against the agencies are paid.*]

18 (1) **The Oregon Department of Administrative Services shall exercise budgetary man-**
 19 **agement, supervision and control over all telephone and telecommunications service for all**
 20 **state agencies in a manner that is consistent with plans, standards, policies, goals, directives**
 21 **and rules that the State Chief Information Officer sets, specifies or adopts. The department**
 22 **may operate central mail, shuttle bus or messenger services for state agencies located in**
 23 **Salem, Portland or other cities, if doing so is economical. The department may charge the**
 24 **cost of maintaining and operating any central telephone exchange, switching system, net-**
 25 **work service and facility, intercity or intracity network trunk or line or switchboard to the**
 26 **state agencies that the department serves and the department shall charge the cost of pro-**
 27 **viding mail, shuttle bus and messenger services to the state agencies that the department**
 28 **serves. The state agencies shall pay the costs to the department in the same manner in**
 29 **which the state agencies pay other claims.**

30 (2) If the department operates central mail service, [*it*] **the department** shall:

31 (a) Approve or disapprove all state agency mail equipment or mail service acquisitions.

32 (b) Report biennially to the Director of the Oregon Department of Administrative Services on
 33 opportunities for savings through state agency mail room centralization, consolidation and auto-
 34 mation and through mail route coordination.

35 [(3)] (c) [*The department shall*] Adopt rules [*pursuant to*] **under** which persons associated with
 36 government either temporarily or otherwise, including but not limited to unsalaried volunteers,
 37 part-time employees, contractors with the state and employees of contractors, political subdivisions
 38 and the federal government may use shuttle bus services.

39 [(4)] (3) [*For the purposes of*] **As used in** this section, "telecommunications" means media that
 40 communicate voice, data, text, images or video over a distance using electrical, electronic or light
 41 wave transmission media.

42 **SECTION 27.** ORS 283.143 is amended to read:

43 283.143. [(1) *To encourage utilization of statewide integrated videoconferencing and statewide on-*
 44 *line access services, the Oregon Department of Administrative Services shall, in addition to any other*
 45 *charge or assessment for providing telecommunications services to state agencies, impose upon each*

1 agency and public corporation a surcharge, in an amount established by the department. All surcharge
 2 moneys collected shall be deposited in the Oregon Department of Administrative Services Operating
 3 Fund, and may be expended only for state agency and public corporation telecommunication and
 4 videoconferencing activities, under such terms and conditions as the department may prescribe.]

5 [(2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Ser-
 6 vices shall not impose the surcharge established by this section on the Oregon University System or the
 7 Oregon Health and Science University. The Oregon Department of Administrative Services shall enter
 8 into an agreement with the Oregon University System and the Oregon Health and Science University
 9 on the amounts to be paid by the Oregon University System and the Oregon Health and Science Uni-
 10 versity to the Oregon Department of Administrative Services in lieu of the surcharge provided for in
 11 this section.]

12 **(1) To encourage utilization of statewide integrated videoconferencing and statewide on-**
 13 **line access services, the Oregon Department of Administrative Services may, in addition to**
 14 **any other charge or assessment for providing telecommunications services to state agencies,**
 15 **impose upon each state agency and public corporation a surcharge, in an amount the de-**
 16 **partment establishes. The department shall deposit all surcharge moneys into the Oregon**
 17 **Department of Administrative Services Operating Fund. The department may expend moneys**
 18 **in the fund for state agency and public corporation telecommunication and videoconferencing**
 19 **activities, under such terms and conditions as the department may prescribe and in a man-**
 20 **ner that is consistent with plans, standards, policies, goals, directives and rules that the**
 21 **State Chief Information Officer sets, specifies or adopts.**

22 **(2) Notwithstanding subsection (1) of this section, the Oregon Department of Adminis-**
 23 **trative Services may not impose the surcharge established by this section on the Oregon**
 24 **University System or the Oregon Health and Science University. The Oregon Department of**
 25 **Administrative Services shall enter into an agreement with the Oregon University System**
 26 **and the Oregon Health and Science University on the amounts that the Oregon University**
 27 **System and the Oregon Health and Science University must pay to the Oregon Department**
 28 **of Administrative Services in lieu of the surcharge provided for in this section.**

29 **SECTION 28.** ORS 283.505 is amended to read:

30 283.505. [(1) *The Oregon Department of Administrative Services shall coordinate the consolidation*
 31 *and operation of all telecommunications systems used by the state and state agencies. Notwithstanding*
 32 *any other provision of law, no agent or agency of the state shall construct, purchase or otherwise gain*
 33 *access to a telecommunications system without the prior approval of the department.*]

34 **(1) The Oregon Department of Administrative Services shall coordinate, in a manner that**
 35 **is consistent with plans, standards, policies, goals, directives and rules that the State Chief**
 36 **Information Officer sets, specifies or adopts, the consolidation and operation of all telecom-**
 37 **munications systems, including emergency telecommunications systems, that the state and**
 38 **state agencies use. Notwithstanding any other provision of law, an agent or agency of the**
 39 **state may not construct, purchase or otherwise gain access to a telecommunications system**
 40 **without the prior approval of the State Chief Information Officer.**

41 **(2) [The department shall coordinate the consolidation and operation of emergency telecommuni-**
 42 **cations systems used by the state and state agencies. The provisions of this section shall not be con-**
 43 **strued to require consolidation of] The provisions of this section do not require emergency**
 44 **service providers, as defined by the State Chief Information Officer, to consolidate telecom-**
 45 **munications systems [used by] that emergency service providers use[, as defined by the**

1 *department,]* into nonemergency networks.

2 **SECTION 29.** ORS 283.510 is amended to read:

3 283.510. (1) As used in this section:

4 (a) “Advanced digital communications” means equipment, facilities and capability to distribute
5 digital communications signals for [*the transmission of*] **transmitting** voice, data, image and video
6 over distance.

7 (b) “Telecommunications provider” means any person **that is** capable of providing advanced
8 digital communications including, but not limited to, a telecommunications utility as defined in ORS
9 759.005, a competitive telecommunications provider as defined in ORS 759.005, a cable television
10 provider or an interstate telecommunications provider.

11 [*(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon Department of Administra-*
12 *tive Services by contract shall acquire advanced digital communications services from telecommuni-*
13 *cations providers or a consortium of such providers. Contracts under this section shall provide that*
14 *all responsibility for construction, installation, operation and maintenance of the network shall remain*
15 *with the contracting provider.]*

16 [*(3) Upon installation of an advanced digital communications network, the Oregon Department of*
17 *Administrative Services shall provide all telecommunications services and operations for the state and*
18 *its agencies. The department shall not approve the procurement of any telecommunications system or*
19 *equipment that is incompatible with the network.]*

20 **(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon Department of Ad-**
21 **ministrative Services may provide advanced digital communications services directly, may**
22 **enter into an interagency or intergovernmental agreement under ORS chapter 190 to have**
23 **another state agency or governmental agency provide advanced digital communications ser-**
24 **VICES or may acquire advanced digital communications services by entering into contracts**
25 **with telecommunications providers or a consortium of telecommunications providers in a**
26 **manner that is consistent with the State Chief Information Officer’s rules, policies and**
27 **standards.**

28 **(3) After a telecommunications provider or a consortium of telecommunications provid-**
29 **ers has installed an advanced digital communications network, the Oregon Department of**
30 **Administrative Services shall provide all telecommunications services and operations for the**
31 **state and state agencies directly, or shall enter into interagency or intergovernmental**
32 **agreements under ORS chapter 190 to have another state agency or another governmental**
33 **agency provide the telecommunications services and operations in a manner that is consist-**
34 **ent with the State Chief Information Officer’s rules, policies and standards. The department**
35 **may not approve the procurement of any telecommunications system or equipment that is**
36 **incompatible with the network or that is inconsistent with the State Chief Information**
37 **Officer’s rules, policies and standards.**

38 **SECTION 30.** ORS 283.515 is amended to read:

39 283.515. The [*Oregon Department of Administrative Services*] **State Chief Information Officer**
40 annually shall review **each state agency’s budget**, in conjunction with [*each*] **the** state agency, [*the*
41 *budget of that agency*] to identify [*agency funds to be used for*] **funds that the state agency uses**
42 **for** travel and transportation that [*may be used*] **the state agency could instead use** for telecom-
43 munications. If the [*department*] **State Chief Information Officer** determines that a **state agency**
44 **could use a** portion of the **state agency’s** [*agency*] travel and transportation funds [*can be used*]
45 more effectively [*through use of*] **by instead using** telecommunications, without diminishing the af-

1 fected agency's existing internal and external communications, the *[department]* **State Chief Infor-**
 2 **mation Officer** shall *[make recommendations]* **recommend** to the Emergency Board as described in
 3 ORS 291.326 *[for such action as the department]* **action that the State Chief Information Officer**
 4 determines **is** necessary to dedicate the identified **state** agency travel and transportation funds for
 5 use in telecommunications. The *[department]* **State Chief Information Officer** shall make *[its]* **the**
 6 recommendations to the Emergency Board not later than January 1.

7 **SECTION 31.** ORS 283.520 is amended to read:

8 283.520. (1) For the purposes of ORS 283.500 to 283.520, the Oregon Department of Administra-
 9 tive Services may, **in a manner that is consistent with the State Chief Information Officer's**
 10 **rules, policies and standards**, enter into a contract or contracts with telecommunications service
 11 providers and equipment manufacturers for *[the purchase, use or operation of]* **purchasing, using**
 12 **or operating** telecommunications equipment and services for a period not to exceed 10 years.

13 (2) For purposes of ORS 291.038, the Oregon Department of Administrative Services may extend
 14 the benefits of telecommunications contracts for networks, equipment and services to nonprofit or-
 15 ganizations that *[have been designated]* **the State Chief Information Officer designates** as com-
 16 munities of interest **under ORS 291.038**.

17 **SECTION 32.** ORS 283.524 is amended to read:

18 283.524. The Oregon Department of Administrative Services may, **in a manner that is con-**
 19 **sistent with the State Chief Information Officer's rules, policies and standards**, enter into an
 20 agreement or agreements to fund or otherwise acquire telecommunications equipment and services
 21 by installment purchase or lease purchase contracts as provided by ORS 276.218.

22 **SECTION 33.** Section 1, chapter 782, Oregon Laws 2009, is amended to read:

23 **Sec. 1.** (1) The Oregon Broadband Advisory Council is established *[within the Oregon Business*
 24 *Development Department]* **under the State Chief Information Officer**. The council *[shall consist]*
 25 **consists** of 14 members, of whom:

26 (a) The Governor shall appoint 12 members as follows:

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

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

29 (C) Three members to represent telecommunications service providers and Internet service pro-
 30 viders in this state. At least one member must represent rural telecommunications consortia.

31 (D) One member to represent Oregon tribes.

32 (E) One member to represent education.

33 (F) One member to represent economic development.

34 (G) One member to represent public safety.

35 (H) One member to represent health.

36 (I) One member to represent *[government's electronic interface with the public]* **the State Chief**
 37 **Information Officer**.

38 (J) One member from the Public Utility Commission.

39 (b) The Speaker of the House of Representatives shall appoint one nonvoting member who is a
 40 member of the House of Representatives.

41 (c) The President of the Senate shall appoint one nonvoting member who is a member of the
 42 Senate.

43 (2) The term of office of each voting member is four years, but a voting member serves at the
 44 pleasure of the Governor. Before *[the expiration of]* the term of a voting member **expires**, the Gov-
 45 ernor shall appoint a successor whose term begins on January 1 next following. A voting member

1 is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an ap-
2 pointment *[to become]* **that becomes** immediately effective for the unexpired term.

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

5 (4) Members of the council who are not members of the Legislative Assembly are not entitled
6 to compensation, but voting members may be paid expenses if funding is available from contributions
7 *[accepted]* **the State Chief Information Officer accepts** under section 3 (2), chapter 782, Oregon
8 Laws 2009.

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

11 (6) The council shall select one of *[its]* **the council's** voting members as chairperson and another
12 voting member as vice chairperson, for such terms and with duties and powers necessary for *[the*
13 *performance of]* **performing** the functions of *[such]* **the** offices as the council determines.

14 (7) A majority of the voting members of the council constitutes a quorum for *[the transaction*
15 *of]* **transacting** business.

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

19 (9) *[Official action by the council requires the approval of]* A majority of the voting members **of**
20 **the council must approve official action by the council.** The council may recommend legislation,
21 which must be prepared in time for pre-session filing by December 15 of the year preceding an odd-
22 numbered year regular session of the Legislative Assembly.

23 (10) The *[Oregon Business Development Department]* **State Chief Information Officer** shall
24 provide staff or facilities to the council.

25 (11) The *[Oregon Department of Administrative Services, the]* Public Utility Commission and the
26 Department of Education may provide staff or facilities to the council.

27 (12) All agencies of state government, as defined in ORS 174.111, *[are directed to]* **shall** assist
28 the council in the performance of *[its]* **the council's** duties and, to the extent permitted by laws
29 relating to confidentiality, to furnish such information and advice as the members of the council
30 consider necessary to perform *[their]* **the members'** duties.

31 **SECTION 34.** Section 3, chapter 782, Oregon Laws 2009, is amended to read:

32 **Sec. 3.** (1) The Oregon Broadband Advisory Council Fund is established, separate and distinct
33 from the General Fund. Interest earned by the Oregon Broadband Advisory Council Fund *[shall]*
34 **must** be credited to the fund. Moneys in the Oregon Broadband Advisory Council Fund are contin-
35 uously appropriated to the *[Oregon Business Development Department]* **State Chief Information**
36 **Officer** for the purposes of carrying out the duties of the Oregon Broadband Advisory Council.

37 (2) The *[department]* **State Chief Information Officer**, on behalf of the council, may accept
38 contributions of funds and assistance from the United States Government or agencies of the United
39 States Government or from any other source, public or private, and agree to conditions *[not incon-*
40 *sistent]* **that are consistent** with the purposes of the council. **The State Chief Information Officer**
41 **shall accept the funds** *[All such funds are]* to aid in financing the functions of the council and
42 *[must be deposited]* **shall deposit the funds** in the Oregon Broadband Advisory Council Fund to the
43 credit of separate accounts for the council to disburse for the purposes for which the funds were
44 contributed.

45 (3) The council shall encourage:

1 (a) Coordination between existing organizations and sectors that can leverage broadband to
2 *[their] the organizations' or sectors'* advantage;

3 (b) State agencies to utilize broadband telecommunications;

4 (c) The development and support of digital inclusion and education programs to encourage
5 broadband adoption and provide citizens with institutions to teach digital skills necessary for suc-
6 cess in the workplace;

7 (d) Efforts to provide cost-effective quality workforce development training using telecommuni-
8 cations infrastructure and facilities to access distance learning opportunities;

9 (e) Schools, education service districts and local education agencies in unserved areas to pro-
10 mote broadband access for the surrounding community;

11 (f) Public and private entities to seek opportunities for partnership with educational institutions
12 that will stimulate the use of broadband technologies through community projects and public edu-
13 cation;

14 (g) The use of broadband communications technologies for telehealth and telemedicine; and

15 (h) Public and private organizations to work together in partnership to promote the use of
16 telecommunications infrastructure and new technology.

17 **SECTION 35.** Section 4, chapter 782, Oregon Laws 2009, is amended to read:

18 **Sec. 4.** The Oregon Broadband Advisory Council shall submit a report by November 1 of each
19 even-numbered year to *[an appropriate interim committee of the Legislative Assembly]* **the Joint**
20 **Legislative Committee on Information Management and Technology** on the following subjects:

21 (1) The affordability and accessibility of broadband technology in all areas of this state; and

22 (2) The extent of broadband technology use in this state in the telehealth industry, energy
23 management, education and government.

24 **SECTION 36.** Section 5, chapter 782, Oregon Laws 2009, as amended by section 5, chapter 87,
25 Oregon Laws 2014, is amended to read:

26 **Sec. 5.** (1) Sections 1 to 4, chapter 782, Oregon Laws 2009, are repealed on January 2, *[2016]*
27 **2020.**

28 (2) The amendments to ORS 403.450 by section 4, **chapter 87, Oregon Laws 2014**, *[of this 2014*
29 *Act]* become operative on January 2, *[2016]* **2020.**

30 **SECTION 37.** ORS 291.016 is amended to read:

31 291.016. The Oregon Department of Administrative Services, **or the State Chief Information**
32 **Officer for purposes related to information and telecommunications technology**, may make or
33 cause to be made administrative and organizational surveys of the state agencies for the purpose
34 of determining the feasibility of improving the administration of the state government by *[the elimi-*
35 *nation of]* **eliminating** unnecessary positions and activities, *[the improvement of]* **improving** internal
36 operating forms, *[the avoidance of]* **avoiding** duplication, and increasing efficiency and economical
37 operation.

38 **SECTION 38.** ORS 291.018 is amended to read:

39 291.018. The Oregon Department of Administrative Services, **or the State Chief Information**
40 **Officer for purposes related to information and telecommunications technology**, shall conduct
41 research for use in administrative planning, policy review and organization and methods improve-
42 ment. Periodic administrative reports to the department, **the State Chief Information Officer** and
43 the Governor[,] **that are** designed to outline factually the quantitative and qualitative aspects of
44 work performance by operating units[,] may be required of state agencies. The department **and the**
45 **State Chief Information Officer** may require *[submission of such]* **state agencies to submit in-**

1 formation in reports [as] **that** will permit sound analysis and will provide the basis for detecting
 2 administrative weaknesses, correcting performance difficulties and permitting better planning and
 3 management of state services.

4 **SECTION 39.** ORS 291.032 is amended to read:

5 291.032. The Oregon Department of Administrative Services, **or the State Chief Information**
 6 **Officer for purposes related to information and telecommunications technology**, may provide
 7 technical services to state agencies for management improvement development and the development
 8 of economies in the organization and administration of state agencies. The technical services may
 9 include consulting studies in work simplification, work measurement, equipment utilization and other
 10 management improvement concepts. The **department or the State Chief Information Officer**
 11 **shall determine and charge the** cost of the technical services, or portions [*thereof, as determined*
 12 *by the department, shall be charged*] **of the technical services**, to the **state** agency served [*and*
 13 *paid*]. **The state agency shall pay the cost** to the department **or the State Chief Information**
 14 **Officer, as appropriate**, in the same manner [as] **that the state agency pays** other claims against
 15 the **state** agency [*are paid*].

16 **SECTION 40.** ORS 291.034 is amended to read:

17 291.034. [*The Oregon Department of Administrative Services may provide technical services to state*
 18 *agencies for data processing systems development and the development of data processing methods and*
 19 *applications. The technical services may include consulting and programming services and assistance*
 20 *in locating electronic data processing installations. The cost of the technical services, or portions*
 21 *thereof, as determined by the department, shall be charged to the agency served and paid to the de-*
 22 *partment in the same manner as other claims against the agency are paid.*] **The Oregon Department**
 23 **of Administrative Services may provide technical services to state agencies for data pro-**
 24 **cessing systems development and developing data processing methods and applications in a**
 25 **manner that is consistent with the State Chief Information Officer's rules, policies and**
 26 **standards. The technical services may include consulting and programming services and as-**
 27 **sistance in locating electronic data processing installations. The department shall determine**
 28 **and charge the cost of the technical services, or portions of the technical services, to the**
 29 **state agency that the department serves. The state agency shall pay the cost to the depart-**
 30 **ment in the same manner that the state agency pays other claims against the state agency.**

31 **SECTION 41.** ORS 291.038, as amended by section 4, chapter 102, Oregon Laws 2014, is
 32 amended to read:

33 291.038. (1) The State Chief Information Officer shall oversee [*policy for*] and coordinate **the**
 34 **planning, budgeting, architecture and standardization, consolidation, acquisition and oversight**
 35 of all information and telecommunications technology by state government and agencies of state
 36 government so that statewide and individual state agencies' plans and activities are addressed in the
 37 most integrated, economic and efficient manner, in a manner that minimizes duplication, fragmenta-
 38 tion, redundancy and cost in state [*agency*] **government** operations and in a manner that most ef-
 39 fectively meets state **government and state** agency program needs.

40 (2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the
 41 State Chief Information Officer shall:

42 (a) Adopt rules, policies and standards to plan for, develop architecture for and standardize the
 43 state's information resources and technologies. In developing rules, policies and standards, the State
 44 Chief Information Officer shall consult with state agencies that have needs that information re-
 45 sources may satisfy. State agencies shall cooperate with the State Chief Information Officer in pre-

1 paring and complying with rules, policies and standards **that the State Chief Information Officer**
2 **adopts.**

3 (b) Formulate rules, policies and standards to promote electronic communication and information
4 sharing among state agencies and programs, between state and local governments and with the
5 public where appropriate.

6 [(c) *Seek to minimize duplicative or redundant advisory boards by recommending streamlined*
7 *governance structures for information technology projects that involve more than one state agency,*
8 *board or commission.*]

9 **(c) Adopt and maintain an information technology governance program for the executive**
10 **branch.**

11 [(3)] **(d)** [*The State Chief Information Officer shall*] Formulate rules, policies, plans, standards and
12 specifications to ensure that information resources and technologies fit together in a statewide sys-
13 tem capable of providing ready access to information, [*computing*] **information technology** or tele-
14 communication resources. Plans and specifications that the State Chief Information Officer adopts
15 must be based on industry standards for open systems to the greatest extent possible.

16 **(3)** Before adopting rules described in subsection (2) of this section, the State Chief Information
17 Officer shall present the proposed rules to the Joint Legislative Committee on Information Man-
18 agement and Technology.

19 **(4)** The State Chief Information Officer has the responsibility to review, oversee and ensure that
20 state agencies' rules and planning, acquisition and implementation activities **related to information**
21 **technology and telecommunications** align with and support the [*statewide information resources*
22 *management plan*] **Enterprise Information Resources Management Strategy. State agencies**
23 **shall cooperate with the State Chief Information Officer to ensure that the state agencies'**
24 **rules and planning, acquisition and implementation activities align with and support the En-**
25 **terprise Information Resources Management Strategy. If the Oregon Department of Admin-**
26 **istrative Services procures information technology or the Director of the Oregon**
27 **Department of Administrative Services delegates authority under ORS 279A.075 to procure**
28 **information technology,** the [*Oregon Department of Administrative Services is responsible for pro-*
29 *curing*] **department and a state contracting agency, as defined in ORS 279A.010, shall procure**
30 information technology fairly, competitively and in a manner that is consistent with the State Chief
31 Information Officer's rules, **policies and standards.**

32 [(4)(a)] **(5)(a)** The policy of the State of Oregon is that state government telecommunications
33 networks should be designed to provide state-of-the-art services where economically and technically
34 feasible, using shared, rather than dedicated, lines and facilities.

35 (b) The department shall, when procuring telecommunications network services, consider
36 [*achieving the economic development and quality of life outcomes set forth in the Oregon benchmarks*]
37 **the goals and objectives outlined within the Enterprise Information Resources Management**
38 **Strategy and the policy, acquisition, coordination and consolidation objectives for informa-**
39 **tion technology that are specified in ORS 283.500 to 283.520 and 283.524.**

40 [(5)(a)] **(6)(a)** The department, upon request, may furnish and deliver statewide integrated
41 videoconferencing and statewide online access service to a public or private entity that primarily
42 conducts activities for the direct good or benefit of the public or community at large in providing
43 educational, economic development, health care, human services, public safety, library or other
44 public services. The [*department*] **State Chief Information Officer** shall adopt rules with respect
45 to [*furnishing*] **the department's furnishing of** the service.

1 (b) The department shall establish statewide integrated videoconferencing and statewide online
2 access user fees, services, delivery, rates and long range plans. The rates must reflect the
3 department's cost in providing the service.

4 (c) The [department] **State Chief Information Officer** by rule shall restrict the [department's
5 *furnishing or delivery of*] Internet access service **that the department furnishes or delivers** to
6 private entities if the service would directly compete with two or more local established providers
7 of Internet access services within the local exchange telecommunications service area.

8 (d) The rates and services established and provided under this section are not subject to the
9 Public Utility Commission's regulation or authority.

10 [(6)] (7) An organization or organizations recognized as tax exempt under section 501(c)(3) of the
11 Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public
12 or community at large in providing educational, economic development, health care, human services,
13 public safety, library or other public services and **that** have formed an affiliation with one or more
14 federal, state or local governmental units within this state may apply to the [department] **State**
15 **Chief Information Officer** for designation as a community of interest. The application must be in
16 the form that the [department] **State Chief Information Officer** prescribes and contain information
17 [regarding] **about** the governmental affiliation relationship, the tax exempt status of each organiza-
18 tion and the public benefit services the organization provides or intends to provide. The
19 [department] **State Chief Information Officer** shall establish an application review and appeal
20 process to ensure that designating the organizations as a community of interest for the purposes of
21 including the organization in telecommunications contracts under ORS 283.520 will result in pro-
22 viding educational, medical, library or other services for public benefit.

23 [(7)] (8) This section does not apply to the State Board of Higher Education, [or] any public
24 university listed in ORS 352.002 **or a public university with a governing board that is listed in**
25 **ORS 352.054.**

26 [(8)] (9) As used in this section **and ORS 291.039:**

27 (a) "Information resources" means media, instruments, **plans** and methods for [planning,] col-
28 lecting, processing, transmitting and storing data and information, including telecommunications.

29 (b) "Information technology" [includes, but is not limited to,] **means** present and future forms of
30 hardware, software and services for data processing, office automation and telecommunications.

31 (c) "Internet access service" means electronic connectivity to the Internet and the services of
32 the Internet.

33 (d) "Open systems" means systems that allow state agencies freedom of choice by providing a
34 vendor-neutral operating environment where different computers, applications, system software and
35 networks operate together easily and reliably.

36 (e) "State-of-the-art services" [includes] **means the highest level at which** equipment, facilities
37 and the capability to distribute digital communication signals that transmit voice, data, video and
38 images over a distance **have developed at the time during which the equipment, facility or**
39 **capability was installed or operating.**

40 (f) "Statewide integrated videoconferencing" means a statewide electronic system capable of
41 transmitting video, voice and data communications.

42 (g) "Statewide online access" means electronic connectivity to information resources such as
43 computer conferencing, electronic mail, databases and Internet access.

44 (h) "Telecommunications" means hardware, software and services for transmitting voice, data,
45 video and images over a distance.

1 **SECTION 42.** ORS 291.039, as amended by section 5, chapter 102, Oregon Laws 2014, is
2 amended to read:

3 291.039. (1) The office of the State Chief Information Officer is established in the Oregon De-
4 partment of Administrative Services for the purpose of directing, coordinating and overseeing [*policy*
5 *related to*] **state** information technology **and telecommunications** in accordance with ORS 291.038
6 and other statutes, rules and policies that govern the state's or state agencies' [*use of*] **budgeting,**
7 **planning, acquiring, managing, overseeing and using** telecommunications and information tech-
8 nology.

9 (2) The Governor shall appoint the State Chief Information Officer, who [*shall serve*] **serves** at
10 the pleasure of the Governor. The State Chief Information Officer may adopt rules in accordance
11 with ORS chapter 183 to exercise and carry out the duties, functions and powers committed to the
12 State Chief Information Officer under ORS 291.038 and other statutes, rules or policies that commit
13 functions to the State Chief Information Officer.

14 (3) The State Chief Information Officer must be a person who, by training and experience, is
15 well qualified to:

16 (a) Perform the duties [*of the office, as determined by the Governor, in consultation with the Di-*
17 *rector of the Oregon Department of Administrative Services*] **that the Governor specifies;** and

18 (b) Carry out the functions specified in ORS 291.038 and in other statutes, rules or policies that
19 commit functions to the State Chief Information Officer.

20 **(4)(a) The State Chief Information Officer shall:**

21 **(A) Serve as the Governor's chief advisor concerning information resources, information**
22 **technology, information systems, geographic information systems, information systems se-**
23 **curity and telecommunications.**

24 **(B) Implement and maintain an information technology governance program for the**
25 **executive department.**

26 **(C) Adopt rules, policies and standards for budgeting, planning, acquiring, installing, op-**
27 **erating and overseeing telecommunications and information technology for the executive**
28 **department.**

29 **(D) Review and make recommendations to the Governor and the Legislative Assembly**
30 **concerning state agency information technology budget requests.**

31 **(E) Adopt plans, rules, policies and standards for the executive department concerning**
32 **geographic information systems and geographic data.**

33 **(F) Adopt state information systems security plans, rules, policies and standards for the**
34 **executive department.**

35 **(G) Assess state agencies each biennium to evaluate compliance with the State Chief**
36 **Information Officer's rules, policies and standards and provide results of the assessments to**
37 **the Governor and to the Joint Legislative Committee on Information Management and**
38 **Technology.**

39 **(H) Develop and promote training programs in information technology, information sys-**
40 **tems security, geographic information systems, enterprise architecture and project and**
41 **portfolio management.**

42 **(I) Enhance sharing and coordination among federal, tribal, regional, state government**
43 **and local government entities in this state with respect to geographic information systems**
44 **and geographic data.**

45 **(J) Oversee information technology and telecommunications procurements as provided**

1 in ORS 279A.050 (7).

2 (K) Conduct a market analysis each biennium to determine whether the state data center
3 is the most effective and efficient method for providing information technology and infor-
4 mation resources to state agencies and other users. In conducting the market analysis, the
5 State Chief Information Officer shall consider best practices and trends among federal, state
6 and local government entities and the extent to which new or emerging technologies affect
7 how the state provides information technology and information resources. The State Chief
8 Information Officer shall provide the results of the analysis to the Governor and to the Joint
9 Legislative Committee on Information Management and Technology and may recommend
10 changes in the information technology and information resources that the state data center
11 provides or in methods that the state data center uses to provide information technology and
12 information resources.

13 (L) Identify information technology services that the State Chief Information Officer re-
14 commends for design, delivery and management as enterprise or shared information tech-
15 nology services and, each biennium, report to the Governor and the Joint Legislative
16 Committee on Information Management and Technology concerning the status of new en-
17 terprise or shared information technology services.

18 [(4)(a)] (M) [Each biennium the State Chief Information Officer, in collaboration with the depart-
19 ment, shall develop, maintain or update, as appropriate,] **Adopt or update each biennium** an En-
20 terprise Information Resources Management Strategy for the state. In addition to the functions
21 described in ORS 184.477, the Enterprise Information Resources Management Strategy must provide
22 for integrating statewide technology initiatives, ensuring compliance with information technology
23 **rules**, policies and standards, promoting **coordination, consolidation and** alignment of information
24 resources and technologies and effectively managing **the state's and** state agencies' information
25 technology portfolios. In developing the Enterprise Information Resources Management Strategy,
26 the [department and the] State Chief Information Officer shall consult with and consider advice and
27 suggestions from **the department**, state agencies and local governments, from private sector infor-
28 mation technology experts, from the Legislative Fiscal Officer, from the Joint Legislative Committee
29 on Information Management and Technology or from individual members of the Legislative Assembly
30 that the President of the Senate and the Speaker of the House of Representatives appoint for the
31 purpose of consulting with the State Chief Information Officer under this subsection.

32 [(b)] (N) [The State Chief Information Officer shall] Identify and recommend to the [director the]
33 **Governor, within the State Chief Information Officer's biennial budget request**, resources that
34 are necessary to implement the Enterprise Information Resources Management Strategy. [The di-
35 rector, in developing a biennial budget for the department, shall consider the recommendations that the
36 State Chief Information Officer makes under this paragraph.]

37 (b) As used in this subsection:

38 (A) "Executive department" has the meaning given that term in ORS 174.112.

39 (B) "Geographic data" means digital data that consist of geographic or projected map
40 coordinate values, identification codes and associated descriptive data to locate and describe
41 boundaries or features on, above or below the surface of the earth, demographic data or re-
42 lated data.

43 (C) "Geographic information system" means hardware, software, and data for capturing,
44 managing, analyzing and displaying geographic data.

45 (D) "Information system" means computers, hardware, software, storage media, net-

1 works, operational procedures and processes used in collecting, processing, storing, sharing
2 or distributing information within, or with any access beyond ordinary public access to, the
3 state's shared computing and network infrastructure.

4 (E) "State government" has the meaning given that term in ORS 174.111.

5 (5) The State Chief Information Officer may:

6 (a) Organize and reorganize the office of the State Chief Information Officer in the
7 manner the State Chief Information Officer considers necessary to conduct the work of the
8 office of the State Chief Information Officer properly.

9 (b) Divide the office of the State Chief Information Officer into administrative programs,
10 units or sections and appoint, subject to the Governor's approval, an individual to administer
11 each program, unit or section that the State Chief Information Officer establishes under this
12 subsection. The individual the State Chief Information Officer appoints serves at the pleasure
13 of the State Chief Information Officer, is not subject to the provisions of ORS chapter 240
14 and must be well qualified by technical training and experience in the functions the individual
15 will perform.

16 (c) Appoint subordinate officers and employees of the office of the State Chief Informa-
17 tion Officer, prescribe the officers' and employees' duties and fix compensation for the offi-
18 cers and employees. The State Chief Information Officer's actions under this paragraph are
19 subject to ORS chapter 240.

20 (d) Delegate to an employee of the office of the State Chief Information Officer or to
21 another individual any duty, function or power that the State Chief Information Officer may
22 exercise or perform under ORS 291.038 or under other statutes, rules or policies that commit
23 functions to the State Chief Information Officer. For the purpose of performing an official
24 act in the State Chief Information Officer's name, the State Chief Information Officer may
25 delegate a duty, function or power by means of an interagency agreement, an intergovern-
26 mental agreement in accordance with ORS chapter 190 or a contract. An official act that an
27 individual performs in the name of the State Chief Information Officer under a delegation
28 from the State Chief Information Officer under this paragraph is an official act of the State
29 Chief Information Officer.

30 **SECTION 43.** ORS 291.042 is amended to read:

31 291.042. (1) Except as provided in subsection (2) of this section, the [*Oregon Department of Ad-*
32 *ministrative Services*] **State Chief Information Officer:**

33 (a) May hold copyrights and obtain patents on copyrightable or patentable data processing
34 programs, information or materials [*developed, published or produced by*] **that a state agency de-**
35 **velops, publishes or produces.**

36 (b) May cause to have sold, leased or otherwise made available the data processing programs,
37 information or materials to any agency, judicial body or legislative body of any unit of local gov-
38 ernment, any state or the federal government under terms and conditions [*agreed to by*] **to which**
39 the state agency that developed, published or produced the **data processing** programs, information
40 or materials **agrees.**

41 (2) The Secretary of State, the State Treasurer, the judicial department as defined in ORS
42 174.113 and the legislative department as defined in ORS 174.114:

43 (a) May hold copyrights and obtain patents on copyrightable or patentable data processing
44 programs, information or materials [*developed, published or produced by*] **that the Secretary of State,**
45 **State Treasurer, judicial department or legislative department develops, publishes or produces.**

1 (b) May cause to have sold, leased or otherwise made available the data processing programs,
 2 information or materials to any agency, judicial body or legislative body of any unit of local gov-
 3 ernment, any state or the federal government under terms and conditions [*agreed to by*] **to which**
 4 the Secretary of State, State Treasurer, judicial department or legislative department **agrees**.

5 (3) Except as provided in this subsection, moneys **that a state agency** collected under sub-
 6 section (1) of this section, less [*state agency expenses accrued*] **expenses that the state agency in-**
 7 **curred** in developing, producing and distributing software and in training software users, [*shall*]
 8 **must** be deposited in the General Fund and are available for general governmental purposes. If **the**
 9 resources **that a state agency** expended for the [*development, production, distribution and training*
 10 *activities were*] **activities described in subsection (1) of this section came** from fees or assess-
 11 ments **that the state agency** charged and collected [*by the state agency*], the **state agency shall**
 12 **deposit the** net proceeds of moneys collected under subsection (1) of this section [*shall be deposited*
 13 *in*] **into** the same accounts [*in*] **into** which the **state agency deposits the** fees or assessments [*are*
 14 *deposited and shall be used*]. **The state agency shall use the moneys** to reduce the fees or as-
 15 sessments [*charged by*] the state agency **charges** to the extent permitted by law.

16 (4) Except as provided in this subsection, moneys **that the Secretary of State, State Treas-**
 17 **urer, judicial department or legislative department** collected under subsection (2) of this section,
 18 less expenses [*of*] **that** the Secretary of State, State Treasurer, judicial department or legislative
 19 department [*accrued*] **incurred** in developing, producing and distributing software and in training
 20 software users, [*shall*] **must** be deposited in the General Fund and are available for general gov-
 21 ernmental purposes. If **the** resources **that the Secretary of State, State Treasurer, judicial de-**
 22 **partment or legislative department** expended for the [*development, production, distribution and*
 23 *training activities were*] **activities described in subsection (2) of this section came** from fees or
 24 assessments [*charged and collected by*] **that** the secretary, treasurer, judicial department or legisla-
 25 tive department **charged and collected**, the **secretary, treasurer, judicial department or legis-**
 26 **lative department shall deposit the** net proceeds of moneys collected under subsection (2) of this
 27 section [*shall be deposited in*] **into** the same accounts [*in*] **into** which the **secretary, treasurer,**
 28 **judicial department or legislative department deposits the** fees or assessments [*are deposited and*
 29 *shall be used*]. **The Secretary of State, State Treasurer, judicial department or legislative de-**
 30 **partment shall use the moneys** to reduce the fees or assessments [*charged by*] the secretary,
 31 treasurer, judicial department or legislative department **charges** to the extent permitted by law.

32 (5) As used in this section:

33 (a) “Data processing programs” [*includes*] **means** software programs **and other automated**
 34 **means for processing data**.

35 (b) “State agency” has the meaning given that term in ORS 291.002.

36 **SECTION 44.** ORS 291.047 is amended to read:

37 291.047. (1) The Attorney General shall approve for legal sufficiency all personal services
 38 contracts[,] **and** all architectural and engineering services contracts **with an estimated contract**
 39 **price of \$75,000 or more** and all information technology contracts [*calling for payment in excess of*
 40 *\$75,000 entered into by*] **with an estimated contract price of \$150,000 or more into which** a state
 41 agency **enters** before [*any such*] **the** contract [*becomes binding on*] **binds** the State of Oregon and
 42 before [*any service may be performed or payment may be made*] **a party to the contract performs**
 43 **a service or makes a payment** under the contract.

44 [(2) *The Attorney General shall approve for legal sufficiency all public contracts not subject to*
 45 *subsection (1) of this section that are entered into by a state agency and that provide for payment in*

1 *excess of \$100,000 before any such contract becomes binding on the State of Oregon and before any*
2 *service may be performed or payment may be made under the contract.]*

3 **(2) The Attorney General shall approve for legal sufficiency all contracts into which a**
4 **state agency enters before the contract binds the State of Oregon and before a party to the**
5 **contract performs a service or makes a payment if the contract:**

6 **(a) Is not subject to subsection (1) of this section; and**

7 **(b) Has an estimated contract price of \$100,000 or more.**

8 (3) The Attorney General shall impose by rule requirements necessary to carry out the pro-
9 visions of this section. [*Such rules shall*] **The rules must** include, but are not limited to, a re-
10 quirement that state agencies submit to the Attorney General procurement and other contract
11 documents for review of the anticipated contract before **the state agency publicly advertises** a
12 procurement of goods or services [*is publicly advertised*] if the anticipated contract is reasonably
13 expected to require review for legal sufficiency. A state agency may request that the Attorney
14 General assist the agency in developing requests for proposals, invitations to bid and requests for
15 qualifications or information that are suitable to the needs of the agency.

16 (4) The Attorney General may exempt by rule classes of contracts from the requirements of this
17 section if the Attorney General determines that **legal review of individual contracts within the**
18 **class will not materially reduce** the degree of risk [*assumed by*] **that** state agencies **assume** under
19 [*such*] **the** contracts [*is not materially reduced by legal review of individual contracts within the*
20 *class*].

21 (5) The Attorney General may, by rule, set forth a process to exempt contracts or classes of
22 contracts from the requirements of this section [*when*] **if:**

23 (a) The contract is substantially composed of forms, terms or conditions that [*have been preap-*
24 *proved by*] the Attorney General **has preapproved;** or

25 (b) Circumstances exist that create a substantial risk of loss, damage, interruption of services
26 or threat to public health or safety and that require prompt execution of a contract to deal with the
27 risk.

28 (6) Notwithstanding subsections (1) and (2) of this section, the Attorney General may authorize
29 services to be performed under a contract described in subsection (1) or (2) of this section before
30 approval for legal sufficiency if the Attorney General determines that the authorization will not
31 result in undue risk to this state. An authorization under this subsection [*shall*] **must** be limited to
32 specific classes of contracts or to contracts for specific agency programs. The Attorney General may
33 condition an authorization on a finding by the Director of the Oregon Department of Administrative
34 Services, or a designee of the director, **the State Chief Information Officer, or a designee of the**
35 **State Chief Information Officer,** [*and*] **or** by any other agency with a role in approving such
36 contracts that the contract administration practices of the requesting agency are adequate to man-
37 age the proposed contract and that the mission of the agency will be significantly impaired without
38 such authorization.

39 **SECTION 45.** ORS 291.990 is amended to read:

40 291.990. (1) If a person incurs or orders or votes to incur an obligation in violation of a provision
41 of the statutes listed in subsection (4) of this section, the person and the sureties on the person's
42 bond are jointly and severally liable for the violation to the person in whose favor the obligation
43 was incurred.

44 (2) Upon certification by the Oregon Department of Administrative Services **or the State Chief**
45 **Information Officer** that a state officer or employee of a state agency has failed or refused to

1 comply with a statute listed in subsection (4) of this section or an order, rule, policy or regu-
 2 lation the department or the State Chief Information Officer made in accordance with the stat-
 3 utes listed in subsection (4) of this section, the salary of the officer or employee may not be paid
 4 until the officer or employee complies with the statute, order, rule, policy or regulation [*is*
 5 *complied with*]. A state officer or employee who fails to comply with a statute listed in sub-
 6 section (4) of this section or with an order, rule, policy or regulation the department or the
 7 State Chief Information Officer made in accordance with a statute listed in subsection (4)
 8 of this section is subject to discipline or termination in accordance with ORS chapter 240 or
 9 otherwise as provided by law or under the personnel rules and policies of the state agency
 10 that employs the officer or employee. The state agency that employs the officer or employee
 11 may consult with the State Chief Information Officer before imposing a disciplinary measure.

12 (3) A violation of a provision of a statute listed in subsection (4) of this section is a Class A
 13 violation.

14 (4) Subsections (1) to (3) of this section apply to ORS **84.064, 182.122, 182.124, 184.475, 184.477,**
 15 **279A.050, 279A.140, 279A.280, 279B.270, 283.020, 283.110, 283.140, 283.143, 283.305 to 283.390, 283.505,**
 16 **283.510, 283.520, 283.524, 291.001 to 291.034, 291.038, 291.039, 291.047, 291.201 to 291.222, 291.232 to**
 17 **291.260, 291.307, 292.220 and 292.230 and section 1, chapter 77, Oregon Laws 2014.**

18 **SECTION 46.** Section 1, chapter 77, Oregon Laws 2014, is amended to read:

19 **Sec. 1.** (1) As used in this section:

20 (a)(A) "Information technology initiative" means a project to develop or provide, with [*the*] a
 21 state contracting agency's or public corporation's own personnel and resources, or to obtain by
 22 means of a procurement or set of related procurements:

23 (i) New hardware, software or services for data processing, office automation or telecommuni-
 24 cations;

25 (ii) An overhaul, upgrade or replacement of a substantial portion of the hardware or software
 26 in an existing data processing, office automation or telecommunications system; or

27 (iii) A substantial expansion of existing data processing, office automation or telecommuni-
 28 cations services.

29 (B) "Information technology initiative" does not include:

30 (i) A procurement for preliminary quality assurance services or quality management services;

31 (ii) A routine update to or purchase of hardware or software within an existing data processing,
 32 office automation or telecommunications system;

33 (iii) A renewal of an existing contract for data processing, office automation or telecommuni-
 34 cations services under terms and conditions that are substantially the same as in the existing con-
 35 tract; or

36 (iv) A replacement of a component of an existing data processing, office automation or tele-
 37 communications system that is not essential for the system to function as designed or that occurs
 38 at the end of the component's anticipated life cycle.

39 (b) "Preliminary quality assurance services" means a set of services in which a contractor pro-
 40 vides an independent and objective review of a state contracting agency's or a public corporation's
 41 plans, specifications, estimates, documentation, available resources and overall purpose for an in-
 42 formation technology initiative, including services in which the contractor evaluates a proposed in-
 43 formation technology initiative against applicable quality standards and best practices from private
 44 industry and other sources.

45 (c) "Procurement" has the meaning given that term in ORS 279A.010.

1 (d)(A) "Public corporation" means a corporation:

2 (i) The operations of which are subject to control by this state or by an agency or
3 instrumentality of this state, or by officers of this state or of an agency or instrumentality of this
4 state;

5 (ii) That is organized, at least in part, to serve a public purpose; and

6 (iii) That receives public funds or other support from an entity described in sub-subparagraph
7 (i) of this subparagraph.

8 (B) "Public corporation" does not include:

9 (i) A person or entity described in ORS 174.108 (3);

10 (ii) A city, county, local service district, school district, education service district, community
11 college district or community college service district or a university with a governing board listed
12 in ORS 352.054; or

13 (iii) An administrative subdivision of an entity described in sub-subparagraph (ii) of this sub-
14 paragraph.

15 (e) "Quality management services" means a set of services in which a contractor provides an
16 independent and objective review and evaluation of a state contracting agency's, a public
17 corporation's or another contractor's performance with respect to an information technology initi-
18 ative, such as services in which the contractor:

19 (A) Identifies quality standards that apply or should apply to the information technology initi-
20 ative;

21 (B) Suggests methods and means by which the state contracting agency, the public corporation
22 or the other contractor may meet quality standards identified in subparagraph (A) of this paragraph;

23 (C) Reviews and evaluates the state contracting agency's, the public corporation's or the other
24 contractor's performance regularly as the information technology initiative progresses from start to
25 finish;

26 (D) Identifies omissions or gaps in the state contracting agency's, the public corporation's or the
27 other contractor's planning, execution, control, methodology, communication or reporting as the in-
28 formation technology initiative progresses from start to finish;

29 (E) Identifies risks in the state contracting agency's, the public corporation's or the other
30 contractor's plans or approach to designing, developing or implementing the information technology
31 initiative and suggests methods to reduce, mitigate or eliminate the risks;

32 (F) Assists the state contracting agency or the public corporation in testing or otherwise eval-
33 uating the hardware, software or services that are developed, provided or obtained as part of an
34 information technology initiative to determine whether the hardware, software or services conform
35 with the quality standards identified in subparagraph (A) of this paragraph;

36 (G) Advises the **State Chief Information Officer**, the state contracting agency or the public
37 corporation as to whether the hardware, software or services that are developed, provided or ob-
38 tained as part of an information technology initiative meet the contracting agency's or the public
39 corporation's needs, specifications or expectations and otherwise enable the state contracting
40 agency or the public corporation to achieve the objectives for the information technology initiative;
41 or

42 (H) Identifies unsatisfactory performance and suggests methods the **State Chief Information**
43 **Officer**, the state contracting agency, the public corporation or the other contractor might use to
44 eliminate the causes of unsatisfactory performance.

45 (f) "State contracting agency" has the meaning given that term in ORS 279A.010.

1 (2)(a) A state contracting agency or a public corporation that implements an information tech-
2 nology initiative shall obtain quality management services from a qualified contractor if the value
3 of the information technology initiative exceeds \$5 million or if the information technology initiative
4 meets criteria or standards that the State Chief Information Officer [*or the Director of the Oregon*
5 *Department of Administrative Services*] specifies by rule or policy.

6 (b) A state contracting agency or public corporation may, subject to ORS 279B.040, procure
7 preliminary quality assurance services from a contractor if the information technology initiative
8 meets the standards set forth in paragraph (a) of this subsection or if the state contracting agency
9 or public corporation otherwise believes that the preliminary quality assurance services will enable
10 the contracting agency or public corporation to implement an information technology initiative
11 successfully.

12 (3) A state contracting agency or public corporation may not artificially divide or fragment an
13 information technology initiative so as to avoid the application of this section.

14 ~~[(4)(a)]~~ (4) Notwithstanding any procurement authority that a state contracting agency or a
15 public corporation has that is not subject to the authority of the Director of the Oregon Department
16 of Administrative Services **or the State Chief Information Officer** under ORS 279A.050 (2), (3) or
17 (7), the state contracting agency or public corporation is subject to the provisions of subsection (2)
18 of this section and shall consult with and follow the rules, policies and procedures of the State Chief
19 Information Officer [*and the Oregon Department of Administrative Services*] in determining the extent
20 of preliminary quality assurance services or quality management services that the state contracting
21 agency or public corporation will require for an information technology initiative.

22 ~~[(b) Notwithstanding the Oregon Health Authority's exemption in ORS 279A.050 (7) from the au-~~
23 ~~thority that the Oregon Department of Administrative Services has over all state agency information~~
24 ~~technology procurements, the Oregon Health Authority shall consult with and follow the rules, policies~~
25 ~~and procedures of the State Chief Information Officer and the Oregon Department of Administrative~~
26 ~~Services in determining the extent of preliminary quality assurance services or quality management~~
27 ~~services that the state contracting agency or public corporation will require for an information tech-~~
28 ~~nology initiative.]~~

29 (5)(a) If a state contracting agency or a public corporation awards a contract for preliminary
30 quality assurance services or quality management services, the contract must provide that at the
31 same time a contractor provides a preliminary or final report to the contract administrator, the
32 contractor shall also provide a copy of the report to:

33 (A) The State Chief Information Officer;

34 (B) The Director of the Oregon Department of Administrative Services; [*and*]

35 **(C) The Legislative Fiscal Officer; and**

36 ~~[(C)]~~ (D) As appropriate for the specific information technology initiative, to:

37 (i) The director of the state contracting agency or, if a board or commission sets policy for the
38 state contracting agency, to the board or commission; or

39 (ii) The governing body of the public corporation.

40 (b) The state contracting agency or public corporation shall provide the contractor with names,
41 addresses and other contact information the contractor needs to comply with paragraph (a) of this
42 subsection.

43 (6) This section does not apply to the Secretary of State or the State Treasurer.

44 **SECTION 47.** ORS 403.450, as amended by section 3, chapter 87, Oregon Laws 2014, is amended
45 to read:

1 403.450. (1) The State Interoperability Executive Council is created under the [*Oregon Department of Administrative Services*] **State Chief Information Officer** to be the statewide interoperability governing body serving as the primary steering group for the Oregon Statewide
2
3
4 Communication Interoperability Plan. The membership of the council consists of:

5 (a) Two members from the Legislative Assembly, as follows:

6 (A) The President of the Senate shall appoint one member from the Senate with an interest in
7 public safety communications infrastructure; and

8 (B) The Speaker of the House of Representatives shall appoint one member from the House of
9 Representatives with an interest in public safety and emergency communications infrastructure.

10 (b) The following members appointed by the Governor:

11 (A) One member from the Department of State Police;

12 (B) One member from the Office of Emergency Management;

13 (C) One member from the State Forestry Department;

14 (D) One member from the Department of Corrections;

15 (E) One member from the Department of Transportation;

16 (F) One member from the [*Oregon Department of Administrative Services*] **office of the State**
17 **Chief Information Officer**;

18 (G) One member from the Oregon Health Authority;

19 (H) One member from the Oregon Military Department;

20 (I) One member from the Department of Public Safety Standards and Training;

21 (J) One member from the Oregon Broadband Advisory Council;

22 (K) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe;
23 and

24 (L) One member of the public.

25 (c) The following members appointed by the Governor with the concurrence of the President of
26 the Senate and the Speaker of the House of Representatives:

27 (A) One member from the Oregon Fire Chiefs Association;

28 (B) One member from the Oregon Association Chiefs of Police;

29 (C) One member from the Oregon State Sheriffs' Association;

30 (D) One member from the Association of Oregon Counties;

31 (E) One member from the League of Oregon Cities;

32 (F) One member from the Special Districts Association of Oregon;

33 (G) One member who is an information technology officer of an Oregon city;

34 (H) One member who is an information technology officer of an Oregon county;

35 (I) One member who represents a nonprofit professional organization interested in the enhance-
36 ment of public safety communications systems; and

37 (J) One member of the public who works or resides in Federal Communications Commission
38 Region 35.

39 (2) Each agency or organization identified in subsection (1)(b)(A) to (J) and (1)(c)(A) to (H) of this
40 section shall recommend an individual from the agency or organization for membership on the
41 council.

42 (3) Members of the council are not entitled to compensation, but in the discretion of the [*Di-*
43 *rector of the Oregon Department of Administrative Services*] **State Chief Information Officer** may
44 be reimbursed from funds available to the [*Oregon Department of Administrative Services*] **office of**
45 **the State Chief Information Officer** for actual and necessary travel and other expenses [*incurred*

1 *by them in the performance of their] the members incur in performing the members' official du-*
2 *ties in the manner and amount provided in ORS 292.495.*

3 (4) Members of the Legislative Assembly appointed to the council are nonvoting members and
4 may act in an advisory capacity only.

5 **SECTION 48.** ORS 403.450, as amended by sections 3 and 4, chapter 87, Oregon Laws 2014, is
6 amended to read:

7 403.450. (1) The State Interoperability Executive Council is created under the [*Oregon Depart-*
8 *ment of Administrative Services]* **State Chief Information Officer** to be the statewide interoper-
9 ability governing body serving as the primary steering group for the Oregon Statewide
10 Communication Interoperability Plan. The membership of the council consists of:

11 (a) Two members from the Legislative Assembly, as follows:

12 (A) The President of the Senate shall appoint one member from the Senate with an interest in
13 public safety communications infrastructure; and

14 (B) The Speaker of the House of Representatives shall appoint one member from the House of
15 Representatives with an interest in public safety and emergency communications infrastructure.

16 (b) The following members appointed by the Governor:

17 (A) One member from the Department of State Police;

18 (B) One member from the Office of Emergency Management;

19 (C) One member from the State Forestry Department;

20 (D) One member from the Department of Corrections;

21 (E) One member from the Department of Transportation;

22 (F) One member from the [*Oregon Department of Administrative Services]* **office of the State**
23 **Chief Information Officer;**

24 (G) One member from the Oregon Health Authority;

25 (H) One member from the Oregon Military Department;

26 (I) One member from the Department of Public Safety Standards and Training;

27 (J) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe;
28 and

29 (K) One member of the public.

30 (c) The following members appointed by the Governor with the concurrence of the President of
31 the Senate and the Speaker of the House of Representatives:

32 (A) One member from the Oregon Fire Chiefs Association;

33 (B) One member from the Oregon Association Chiefs of Police;

34 (C) One member from the Oregon State Sheriffs' Association;

35 (D) One member from the Association of Oregon Counties;

36 (E) One member from the League of Oregon Cities;

37 (F) One member from the Special Districts Association of Oregon;

38 (G) One member who is an information technology officer of an Oregon city;

39 (H) One member who is an information technology officer of an Oregon county;

40 (I) One member who represents a nonprofit professional organization interested in the enhance-
41 ment of public safety communications systems; and

42 (J) One member of the public who works or resides in Federal Communications Commission
43 Region 35.

44 (2) Each agency or organization identified in subsection (1)(b)(A) to (I) and (1)(c)(A) to (H) of this
45 section shall recommend an individual from the agency or organization for membership on the

1 council.

2 (3) Members of the council are not entitled to compensation, but in the discretion of the [*Di-*
3 *rector of the Oregon Department of Administrative Services*] **State Chief Information Officer** may
4 be reimbursed from funds available to the [*Oregon Department of Administrative Services*] **office of**
5 **the State Chief Information Officer** for actual and necessary travel and other expenses [*incurred*
6 *by them in the performance of their*] **the members incur in performing the members'** official du-
7 ties in the manner and amount provided in ORS 292.495.

8 (4) Members of the Legislative Assembly appointed to the council are nonvoting members and
9 may act in an advisory capacity only.

10 **SECTION 49.** ORS 403.455, as amended by section 6, chapter 87, Oregon Laws 2014, is amended
11 to read:

12 403.455. The State Interoperability Executive Council created under ORS 403.450 shall:

13 (1) Develop, annually update and monitor implementation of the Oregon Statewide Communi-
14 cation Interoperability Plan, the goal of which is to achieve statewide interoperability of public
15 safety communications systems. **To the maximum extent possible, the Oregon Statewide Com-**
16 **munication Interoperability Plan shall align with and support the Enterprise Information**
17 **Resources Management Strategy described in ORS 291.039.** As part of the executive council's
18 duties under this subsection, the executive council shall:

19 (a) Recommend strategies to improve public safety communications interoperability among state,
20 local, tribal and federal public safety agencies;

21 (b) Develop standards to promote consistent design and development of public safety communi-
22 cations infrastructures and recommend changes in existing public safety infrastructures that are
23 necessary or appropriate for implementation of the interoperability plan;

24 (c) Identify immediate short-term technological and policy solutions to tie existing public safety
25 communications infrastructures together into an interoperable communications system;

26 (d) Develop long-term technological and policy recommendations to establish a statewide public
27 safety communications system to improve emergency response and day-to-day public safety oper-
28 ations; and

29 (e) Develop recommendations for legislation and for the development of state and local policies
30 that promote public safety communications interoperability in [*Oregon*] **this state.**

31 (2) Recommend to the Governor, for inclusion in the Governor's recommended budget, invest-
32 ments by the State of Oregon in public safety communications systems.

33 (3) Coordinate state, local and, as appropriate, tribal and federal activities related to obtaining
34 federal grants for support of interoperability and request technical assistance related to interoper-
35 ability.

36 (4) Conduct and submit an annual update of the interoperability plan to the United States De-
37 partment of Homeland Security, Office of Emergency Communications, aligning the update with
38 standards established in the National Emergency Communications Plan and by the federal office.

39 (5) Coordinate statewide interoperability activities among state, local and, as appropriate, tribal
40 and federal agencies.

41 (6) Advise the **State Chief Information Officer, the** Governor and the Legislative Assembly
42 on implementation of the interoperability plan.

43 (7) Serve as the Governor's Public Safety Broadband Advisory Group.

44 (8) Report to the Joint Committee on Ways and Means[,] or to the Joint Interim Committee on
45 Ways and Means, **and to the Joint Legislative Committee on Information Management and**

1 **Technology**, on or before February 1 of each odd-numbered year, on the development of the inter-
2 operability plan and the executive council's other activities.

3 (9) Adopt rules necessary to carry out *[its]* **the council's** duties and powers.

4 **SECTION 50.** ORS 403.460, as amended by section 7, chapter 87, Oregon Laws 2014, is amended
5 to read:

6 403.460. (1) The *[Oregon Department of Administrative Services]* **State Chief Information Offi-**
7 **cer** shall establish and fill a full-time equivalent position for a statewide interoperability coordinator
8 to serve as the central coordination point for the Oregon Statewide Communication Interoperability
9 Plan and, through coordination and collaboration with agencies and entities in the emergency re-
10 sponse community, to implement the interoperability plan.

11 (2) The statewide interoperability coordinator:

12 (a) Is the primary staff support provided by the *[Oregon Department of Administrative Services]*
13 **State Chief Information Officer** for the State Interoperability Executive Council created under
14 ORS 403.450;

15 (b) Shall assist the executive council in conducting and submitting annual updates to the inter-
16 operability plan, in coordination and collaboration with the emergency responders in this state;

17 **(c) Shall ensure that the interoperability plan aligns with and supports the Enterprise**
18 **Information Resources Management Strategy;**

19 *[(c)] (d)* Shall identify funding opportunities for planned interoperability improvements and co-
20 ordinate efforts to acquire funding;

21 *[(d)] (e)* Shall engage stakeholders to coordinate strategic interoperability plans;

22 *[(e)] (f)* Shall serve as a member of the National Council of Statewide Interoperability Coordi-
23 nators; and

24 *[(f)] (g)* Shall represent the State of Oregon in local, regional and national efforts to plan and
25 implement changes required to ensure communications operability, interoperability and continuity
26 of communications for emergency responders in this state.

27 (3) Public bodies, as defined in ORS 174.109, that own or operate public safety communications
28 infrastructure may collaborate and coordinate *[their]* **the public bodies'** efforts and investments to
29 achieve the statewide interoperability goal *[set by]* the executive council **sets** and implement the
30 interoperability plan *[approved by]* the executive council **approves**.

31 (4) Under the direction of the executive council **and the State Chief Information Officer**, the
32 statewide interoperability coordinator may mediate disputes between public bodies collaborating to
33 implement interoperable public safety communications systems.

34 **SECTION 51.** ORS 413.308 is amended to read:

35 413.308. The duties of the Health Information Technology Oversight Council are to:

36 (1) Set specific health information technology goals and develop a strategic health information
37 technology plan for this state. **The plan must align with and support the Enterprise Informa-**
38 **tion Resources Management Strategy described in ORS 291.039. Each biennium, the council**
39 **shall submit the plan to the State Chief Information Officer and the Joint Legislative Com-**
40 **mittee on Information Management and Technology for review.**

41 (2) Monitor progress in achieving the goals established in subsection (1) of this section and
42 provide oversight for the implementation of the strategic health information technology plan.

43 (3) Maximize the distribution of resources expended on health information technology across this
44 state.

45 (4) Create and provide oversight for a public-private purchasing collaborative or alternative

1 mechanism to help small health care practices, primary care providers, rural providers and providers
2 whose practices include a large percentage of medical assistance recipients to obtain affordable
3 rates for high-quality electronic health records hardware, software and technical support for plan-
4 ning, installation, use and maintenance of health information technology.

5 (5) Identify and select, **in consultation with the State Chief Information Officer**, the indus-
6 try standards for all health information technology promoted by the purchasing collaborative de-
7 scribed in subsection (4) of this section, including standards for:

8 (a) Selecting, supporting and monitoring health information technology vendors, hardware, soft-
9 ware and technical support services; and

10 (b) Ensuring that health information technology applications have appropriate privacy and se-
11 curity controls and that data cannot be used for purposes other than patient care or as otherwise
12 allowed by law.

13 (6) Enlist and leverage community resources to advance the adoption of health information
14 technology.

15 (7) Educate the public and health care providers on the benefits and risks of information tech-
16 nology infrastructure investment.

17 (8) Coordinate health care sector activities that move the adoption of health information tech-
18 nology forward and achieve health information technology interoperability.

19 (9) Support and provide oversight for efforts by the Oregon Health Authority to implement a
20 personal health records bank for medical assistance recipients and assess its potential to serve as
21 a fundamental building block for a statewide health information exchange that:

22 (a) Ensures that patients' health information is available and accessible when and where *[they]*
23 **the patients** need *[it]* **the health information**;

24 (b) Applies only to patients who choose to participate in the exchange; and

25 (c) Provides meaningful remedies if security or privacy policies are violated.

26 (10) Determine a fair, appropriate method to reimburse providers for *[their]* **the providers'** use
27 of electronic health records to improve patient care, starting with providers whose practices consist
28 of a large percentage of medical assistance recipients.

29 (11) Determine whether to establish a health information technology loan program and if so, to
30 implement the program.

31 **SECTION 52.** Section 8, chapter 87, Oregon Laws 2014, is amended to read:

32 **Sec. 8.** In consultation with the State Interoperability Executive Council created in ORS
33 403.450, the *[Oregon Department of Administrative Services]* **State Chief Information Officer** shall:

34 (1) Facilitate decision making and planning for potential implementation of the FirstNet net-
35 work; and

36 (2) Make recommendations to the state agency responsible for administering federal funds from
37 the United States Department of Commerce, National Telecommunications and Information Admin-
38 istration.

39 **SECTION 53.** Section 9, chapter 87, Oregon Laws 2014, is amended to read:

40 **Sec. 9.** (1) The duties, functions and powers of the Department of Transportation relating to the
41 Oregon Statewide Communication Interoperability Plan, the State Interoperability Executive Council
42 and ORS 403.450, 403.455 and 403.460 are imposed upon, transferred to and vested in the *[Oregon*
43 *Department of Administrative Services]* **State Chief Information Officer**.

44 (2) This section does not apply to duties, functions or powers related to the completion, opera-
45 tion or maintenance of the State Radio Project, which is the land-mobile radio system of the State

1 of Oregon, for voice communications, formerly known as the Oregon Wireless Interoperability Net-
2 work.

3 **SECTION 54.** Section 10, chapter 87, Oregon Laws 2014, is amended to read:

4 **Sec. 10.** (1) The Director of Transportation shall:

5 (a) Deliver to the [*Oregon Department of Administrative Services*] **State Chief Information Of-**
6 **ficer** all records and property within the jurisdiction of the Director of Transportation that relate
7 to the duties, functions and powers transferred by section 9, **chapter 87, Oregon Laws 2014** [*of this*
8 *2014 Act*]; and

9 (b) Transfer to the [*Oregon Department of Administrative Services*] **State Chief Information**
10 **Officer** those employees, including the statewide interoperability coordinator, **who are** engaged
11 primarily in [*the exercise of*] **exercising** the duties, functions and powers transferred by section 9,
12 **chapter 87, Oregon Laws 2014** [*of this 2014 Act*].

13 (2) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information**
14 **Officer** shall take possession of the records and property and shall take charge of the employees
15 and employ the employees in the exercise of the duties, functions and powers transferred by section
16 **9, chapter 87, Oregon Laws 2014** [*of this 2014 Act*], without reduction of compensation but subject
17 to change or termination of employment or compensation as provided by law.

18 (3) The Governor shall resolve any dispute between the Department of Transportation and the
19 [*Oregon Department of Administrative Services*] **State Chief Information Officer** relating to the
20 transfer of records, property and employees under this section. The Governor's decision is final.

21 **SECTION 55.** Section 11, chapter 87, Oregon Laws 2014, is amended to read:

22 **Sec. 11.** (1) The unexpended balances of amounts authorized to be expended by the Department
23 of Transportation for the biennium beginning July 1, 2013, from revenues dedicated, continuously
24 appropriated, appropriated or otherwise made available for the purpose of administering and en-
25 forcing the duties, functions and powers transferred by section 9, **chapter 87, Oregon Laws 2014,**
26 [*of this 2014 Act*] are transferred to and are available for expenditure by the [*Oregon Department of*
27 *Administrative Services*] **State Chief Information Officer** for the biennium beginning July 1, 2013,
28 for the purpose of administering and enforcing the duties, functions and powers transferred by sec-
29 tion 9, **chapter 87, Oregon Laws 2014** [*of this 2014 Act*].

30 (2) The unexpended balances of amounts authorized to be expended by the Department of
31 Transportation for a six-year period beginning July 1, 2009, or beginning July 1, 2011, from revenues
32 dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of
33 administering and enforcing the duties, functions and powers transferred by section 9, **chapter 87,**
34 **Oregon Laws 2014,** [*of this 2014 Act*] by acquiring land and by acquiring, planning, constructing,
35 altering, repairing, furnishing and equipping buildings and facilities, are transferred to and are
36 available for expenditure by the [*Oregon Department of Administrative Services*] **State Chief Infor-**
37 **mation Officer** for the six-year period specified in section 54, chapter 107, Oregon Laws 2010, or
38 in section 2, chapter 79, Oregon Laws 2012, for the purpose of administering and enforcing the du-
39 ties, functions and powers transferred by section 9, **chapter 87, Oregon Laws 2014** [*of this 2014*
40 *Act*].

41 (3) The expenditure classifications, if any, established by Acts authorizing or limiting expen-
42 ditures by the Department of Transportation remain applicable to expenditures by the [*Oregon De-*
43 *partment of Administrative Services*] **State Chief Information Officer** under this section.

44 **SECTION 56.** Section 12, chapter 87, Oregon Laws 2014, is amended to read:

45 **Sec. 12.** The transfer of duties, functions and powers to the [*Oregon Department of Administra-*

1 *tive Services*] **State Chief Information Officer** by section 9, **chapter 87, Oregon Laws 2014**, [of
2 *this 2014 Act*] does not affect any action, proceeding or prosecution involving or with respect to the
3 duties, functions and powers begun before and pending at the time of the transfer, except that the
4 [*Oregon Department of Administrative Services*] **State Chief Information Officer** is substituted for
5 the Department of Transportation in the action, proceeding or prosecution.

6 **SECTION 57.** Section 13, chapter 87, Oregon Laws 2014, is amended to read:

7 **Sec. 13.** (1) Nothing in sections 9 to 15, **chapter 87, Oregon Laws 2014**, [of *this 2014 Act*] re-
8 lieves a person of a liability, duty or obligation accruing under or with respect to the duties, func-
9 tions and powers transferred by section 9, **chapter 87, Oregon Laws 2014**. **The State Chief**
10 **Information Officer** [of *this 2014 Act*. *The Oregon Department of Administrative Services*] may
11 undertake the collection or enforcement of the liabilities, duties or obligations.

12 (2) The rights and obligations of the Department of Transportation legally incurred under con-
13 tracts, leases and business transactions executed, entered into or begun before [*the effective date of*
14 *this 2014 Act*] **July 1, 2014**, accruing under or with respect to the duties, functions and powers
15 transferred by section 9, **chapter 87, Oregon Laws 2014**, [of *this 2014 Act*] are transferred to the
16 [*Oregon Department of Administrative Services*] **State Chief Information Officer**. For the purpose
17 of succession to these rights and obligations, the [*Oregon Department of Administrative Services*]
18 **State Chief Information Officer** is a continuation of the Department of Transportation and not a
19 new authority.

20 **SECTION 58.** Section 14, chapter 87, Oregon Laws 2014, is amended to read:

21 **Sec. 14.** Notwithstanding the transfer of duties, functions and powers by section 9, **chapter 87,**
22 **Oregon Laws 2014** [of *this 2014 Act*], the rules of the Department of Transportation with respect
23 to the duties, functions or powers that are in effect on [*the effective date of this 2014 Act*] **July 1,**
24 **2014**, continue in effect until superseded or repealed by rules of the [*Oregon Department of Admin-*
25 *istrative Services*] **State Chief Information Officer**. References in the rules of the Department of
26 Transportation to the Department of Transportation or an officer or employee of the Department
27 of Transportation are considered to be references to the [*Oregon Department of Administrative Ser-*
28 *vices*] **State Chief Information Officer** or an officer or employee of the [*Oregon Department of*
29 *Administrative Services*] **State Chief Information Officer**.

30 **SECTION 59.** Section 15, chapter 87, Oregon Laws 2014, is amended to read:

31 **Sec. 15.** Whenever, in any uncodified law or resolution of the Legislative Assembly or in any
32 rule, document, record or proceeding authorized by the Legislative Assembly, in the context of the
33 duties, functions and powers transferred by section 9, **chapter 87, Oregon Laws 2014** [of *this 2014*
34 *Act*], reference is made to the Department of Transportation, or an officer or employee of the De-
35 partment of Transportation, whose duties, functions or powers are transferred by section 9, **chapter**
36 **87, Oregon Laws 2014** [of *this 2014 Act*], the reference is considered to be a reference to the
37 [*Oregon Department of Administrative Services*] **State Chief Information Officer** or an officer or
38 employee of the [*Oregon Department of Administrative Services*] **State Chief Information Officer**
39 who by sections 9 to 15, **chapter 87, Oregon Laws 2014**, [of *this 2014 Act*] is charged with carrying
40 out the duties, functions and powers.

41 **SECTION 60.** Section 17, chapter 87, Oregon Laws 2014, is amended to read:

42 **Sec. 17.** Notwithstanding any other law limiting expenditures, the limitation on expenditures
43 established by section 2 (3), chapter 627, Oregon Laws 2013, for the biennium beginning July 1, 2013,
44 as the maximum limit for payment of expenses from fees, moneys or other revenues, including Mis-
45 cellaneous Receipts and federal funds received from charges, but excluding lottery funds and federal

1 funds not described in section 2, chapter 627, Oregon Laws 2013, collected or received by the
2 Oregon Department of Administrative Services for the [*Chief Information Office*] **office of the State**
3 **Chief Information Officer**, is increased by \$654,298.

4 **SECTION 61. (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064,**
5 **181.715, 181.725, 182.122, 182.124, 182.128, 182.132, 184.473, 184.475, 184.477, 184.483, 184.484,**
6 **184.486, 279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520,**
7 **283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.990, 403.450,**
8 **403.455, 403.460 and 413.308, sections 1, 3, 4 and 5, chapter 782, Oregon Laws 2009, section 1,**
9 **chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87,**
10 **Oregon Laws 2014, by sections 9 to 60 of this 2015 Act become operative January 1, 2016.**

11 **(2) The State Chief Information Officer and the Director of the Oregon Department of**
12 **Administrative Services may take any action before the operative date specified in subsection**
13 **(1) of this section that is necessary to enable the State Chief Information Officer or the di-**
14 **rector to exercise, on or after the operative date specified in subsection (1) of this section,**
15 **all of the duties, functions and powers conferred on the State Chief Information Officer or**
16 **the director by sections 1 to 8 of this 2015 Act, the amendments to ORS 84.064, 181.715,**
17 **181.725, 182.122, 182.124, 182.128, 182.132, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486,**
18 **279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524,**
19 **291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.990, 403.450, 403.455,**
20 **403.460 and 413.308, sections 1, 3, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter**
21 **77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws**
22 **2014, by sections 9 to 60 of this 2015 Act.**

23 **SECTION 62. This 2015 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
25 **on its passage.**

26