

CHAPTER 807

AN ACT

HB 3099

Relating to state information technology; creating new provisions; amending ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014; repealing section 1, chapter 456, Oregon Laws 2015 (Enrolled Senate Bill 515); and declaring an emergency.

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

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

(a) Technologies, resources, systems and services that state agencies use to generate, process, store and secure information for governmental purposes, including geographic information;

(b) Technologies, resources, systems and services that state agencies use to send, receive, process or otherwise facilitate telecommunications for governmental purposes; and

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

(2)(a) Except as otherwise provided in this section, sections 2 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act, the duties, functions and powers that the Oregon Department of Administrative Services has with respect to enterprise information technology and telecommunications are imposed upon, transferred to and vested in the State Chief Information Officer.

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

(A) The duty and function to plan and set standards for, coordinate and oversee enterprise information technology and telecommunications among state agencies; and

(B) The power to specify policies, goals and directives and adopt rules related to enterprise information technology and telecommunications among state agencies.

SECTION 2. (1) The Director of the Oregon Department of Administrative Services shall:

(a) Manage and organize the Oregon Department of Administrative Services to ensure that the department fulfills the duties, implements the functions and exercises the powers that remain to the department with respect to enterprise information technology and telecommunications in a manner that is consistent with the manner in which the State Chief Information Officer fulfills the duties, implements the functions and exercises the powers that are imposed upon, transferred to and vested in the State Chief Information Officer under section 1 of this 2015 Act;

(b) Deliver to the State Chief Information Officer all records and property within the jurisdiction of the director that relate to the duties, functions and powers transferred by section 1 of this 2015 Act; and

(c) Transfer to the State Chief Information Officer those employees engaged primarily in fulfilling the duties, implementing the functions and exercising the powers transferred by section 1 of this 2015 Act.

(2) The State Chief Information Officer shall take possession of the records and property and shall take charge of the employees and employ the employees in fulfilling the duties, implementing the functions and exercising the powers transferred under section 1 of this 2015 Act without a reduction in the employees' compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the State Chief Information Officer and the department that relates to transfers of records, property and employees, or the apportionment of duties, functions and powers under section 1 of this 2015 Act, and with respect to the director's management of the department in accordance with subsection (1)(a) of this section. The Governor's decision under this subsection is final.

SECTION 3. (1) The unexpended balances of amounts the Oregon Department of Administrative Services is authorized to expend during the biennium beginning July 1, 2015, from revenues dedicated, continuously appropriated,

appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2015 Act are transferred to and are available for the State Chief Information Officer to expend during the biennium beginning July 1, 2015, for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2015 Act.

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

SECTION 4. The transfer of duties, functions and powers to the State Chief Information Officer by section 1 of this 2015 Act does not affect any action, proceeding or prosecution involving or with respect to duties, functions and powers that began before and was pending at the time of the transfer, except that the State Chief Information Officer is substituted for the Oregon Department of Administrative Services in the action, proceeding or prosecution.

SECTION 5. (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act do not relieve a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 1 of this 2015 Act. The State Chief Information Officer may collect or enforce any such liability, duty or obligation.

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

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

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

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

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

(2) The Director of the Oregon Department of Administrative Services shall deposit into the State Information Technology Operating Fund moneys for enterprise information technology and telecommunications that are appropriated to the Oregon Department of Administrative Services and that are necessary for the State Chief Information Officer to fulfill the duties, implement the functions and exercise the powers imposed upon, transferred to and vested in the State Chief Information Officer under section 1 of this 2015 Act. Amounts in the fund are continuously appropriated to the State Chief Information Officer for the purposes authorized by law.

SECTION 9. ORS 84.064 is amended to read:
84.064. (1) For purposes of ORS 84.049, 84.052 and 84.055, the [*Oregon Department of Administrative Services*] State Chief Information Officer shall make determinations and adopt standards for state agencies.

(2) The [department] **State Chief Information Officer** shall adopt rules [for the] **to govern state agency** use of electronic signatures [by state agencies]. The rules [shall] **must** include control processes and procedures to ensure adequate integrity, security and confidentiality [of state agency] **for business transactions [conducted] that state agencies conduct** using electronic commerce and to ensure that [those] **the** transactions can be audited as [may be] **is** necessary for the normal conduct of business.

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

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

(b) The Public Defense Services Commission.

SECTION 10. ORS 181.715 is amended to read:

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

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

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

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

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

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

(2) The program shall develop a plan to accelerate data sharing and information integration among criminal justice agencies. The plan [shall] **must** include, but is not limited to **including**, priorities, timelines, development costs, resources needed, the projected ongoing cost of support, critical success factors and any known barriers to accomplishing the plan. **The plan must align with and support the Enterprise Information Resources Management Strategy described in ORS 291.039.** Representatives of criminal justice agencies and public safety

agencies, including but not limited to local law enforcement agencies, courts of criminal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public defender organizations established under ORS chapter 151, community corrections directors, jail managers and county juvenile departments, shall be invited to participate in the planning process. The program shall present the plan to the [Director of the Oregon Department of Administrative Services] **State Chief Information Officer** no later than May 30 of each even-numbered year for development of the Governor’s budget report. The program shall submit the plan to the Joint Legislative Committee on Information Management and Technology no later than December 31 of each even-numbered year.

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

(a) The Judicial Department;

(b) The Attorney General;

(c) The Department of Corrections;

(d) The Department of State Police;

(e) Any other state agency with law enforcement authority designated by order of the Governor;

(f) The Department of Transportation;

(g) The State Board of Parole and Post-Prison Supervision;

(h) The Department of Public Safety Standards and Training;

(i) The State Department of Fish and Wildlife;

(j) The Oregon Liquor Control Commission;

(k) The Oregon Youth Authority;

(l) The Youth Development Division; and

(m) A university that has established a police department under ORS 352.383 or 353.125.

SECTION 11. ORS 181.725 is amended to read:

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

(a) The State Court Administrator or the administrator’s designee;

(b) The Director of the Department of Corrections or the director’s designee;

(c) The Superintendent of State Police or the superintendent’s designee;

(d) The executive director of the Oregon Criminal Justice Commission or the executive director’s designee;

(e) The Director of Transportation or the director’s designee;

(f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chairperson’s designee;

(g) The Director of the Department of Public Safety Standards and Training or the director's designee;

(h) A chief of police designated by the Oregon Association Chiefs of Police;

(i) A sheriff designated by the Oregon State Sheriffs' Association;

(j) A jail manager designated by the Oregon Sheriff's Jail Command Council;

(k) A county juvenile department director designated by the Oregon Juvenile Department Directors' Association;

(L) A community corrections agency director designated by the Oregon Association of Community Corrections Directors;

(m) A district attorney designated by the Oregon District Attorneys Association;

(n) The [administrator of the Enterprise Information Strategy and Policy Division of the Oregon Department of Administrative Services or the administrator's] **State Chief Information Officer** or the **State Chief Information Officer's** designee;

(o) The Director of the Oregon Youth Authority or the director's designee;

(p) The State Fish and Wildlife Director or the director's designee;

(q) The administrator of the Oregon Liquor Control Commission or the administrator's designee; and

(r) The Youth Development Director or the director's designee.

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

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

SECTION 12. ORS 182.122 is amended to read:

182.122. (1) As used in this section:

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

(b) "Information systems" means computers, hardware, software, storage media, networks, operational procedures and processes used in [the collection] **collecting**, processing, [storage] **storing**, sharing or [distribution of] **distributing** information within, or with any access beyond ordinary public access to, the state's shared computing and network infrastructure.

(2) The [Oregon Department of Administrative Services] **State Chief Information Officer** has responsibility for and authority over information systems security in the executive department, including **responsibility for** taking all measures **that are** reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems. The [Oregon Department of Administrative Services] **State Chief Information Officer** shall, after consultation and collaborative development with agencies, establish a state information systems security plan and associated standards, policies and procedures. **The plan must align with and support the**

Enterprise Information Resources Management Strategy described in ORS 291.039.

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

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

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

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

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

(5) In collaboration with **appropriate** agencies, the [Oregon Department of Administrative Services] **State Chief Information Officer** shall develop and implement policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. In the policies, the [department] **State Chief Information Officer** shall prescribe actions reasonably necessary to:

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

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

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

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

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

(6) After consultation and collaborative development with **appropriate** agencies[,] **and** the Oregon Department of Administrative Services, **the State Chief Information Officer** shall implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. The techniques and controls must include [the use of] **using** specialized expertise, tools and methodologies[,] to investigate events that damage or threaten the availability, integrity or confidentiality of informa-

tion systems or the information stored in information systems. The [department] **State Chief Information Officer** shall consult with the Oregon State Police, the Office of Emergency Management, the Governor and others as necessary in developing forensic techniques and controls under this section.

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

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

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

(9) This section does not apply to:

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

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

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

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

SECTION 13. ORS 182.124 is amended to read:

182.124. (1) Notwithstanding ORS 182.122, the Secretary of State, the State Treasurer and the At-

torney General have sole discretion and authority over information systems security in their respective agencies, including [taking] **the discretion and authority to take** all measures **that are** reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems.

(2) The Secretary of State, the State Treasurer and the Attorney General shall each establish an information systems security plan and associated standards, policies and procedures in collaboration with the [Oregon Department of Administrative Services] **State Chief Information Officer** as provided in ORS 182.122.

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

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

(b) Assign responsibility for:

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

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

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

(d) Prescribe actions reasonably necessary to:

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

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

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

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

(E) Communicate and share information with agencies, using preexisting incident response capabilities; and

(e) Describe and implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure, including the use of specialized expertise, tools and methodologies, to investi-

gate events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems.

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

(5) If **the State Chief Information Officer cannot agree with the Secretary of State, the State Treasurer or the Attorney General** on a joint information systems security plan and associated operational standards and policies [cannot be agreed upon by the Oregon Department of Administrative Services and a statewide elected official named in subsection (1) of this section, the department], **the State Chief Information Officer, in collaboration with the Oregon Department of Administrative Services**, may take steps reasonably necessary to condition, limit or preclude electronic traffic or other vulnerabilities between information systems for which the [official] **Secretary of State, State Treasurer or Attorney General** has authority under subsection (1) of this section and the information systems for which the [department] **State Chief Information Officer** has authority under ORS 182.122 (2).

SECTION 13a. ORS 182.126 is amended to read: 182.126. As used in this section and ORS 182.128 and 182.132:

(1) "Convenience fee" means a fee for using an electronic government portal or governmental services available by means of an electronic government portal that the [Oregon Department of Administrative Services] **State Chief Information Officer** charges or authorizes an electronic government portal provider to charge under ORS 182.132 (3).

(2) "Electronic government portal" means an electronic information delivery system accessible by means of the Internet that a state agency designates officially as a means by which the state agency delivers information, products or services.

(3) "Electronic government portal provider" means a person that on behalf of a state agency provides facilities, goods or services necessary to develop, host, operate, maintain or otherwise implement an electronic government portal or provides facilities, goods or services that assist a state agency in designing, developing, hosting, operating, maintaining or otherwise implementing an electronic government portal.

(4) "State agency" means the executive department, as defined in ORS 174.112.

SECTION 14. ORS 182.128 is amended to read: 182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of 13 members appointed as follows:

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

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

(c) The Governor shall appoint:

(A) Three members who represent state agencies;

(B) Two members who represent the public; and

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

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

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

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

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

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

(3) The advisory board shall:

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

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

(B) The amount, collection methods or other aspects of a convenience fee that the [department] **State Chief Information Officer** or an electronic government portal provider collects;

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

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

(E) Rules necessary to implement electronic government portals.

(b) Monitor the layout, content and usability of electronic government portals and advise **the State Chief Information Officer and the department** on ways to improve the delivery of government services by means of electronic government portals, the accountability of state agencies' use of electronic government portals to provide government services and user satisfaction with electronic government portals.

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

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

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

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

(i) Electronic government portals; and

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

(4) A majority of the members of the advisory board constitutes a quorum for [the transaction of] **transacting** business.

(5) [Official action by the advisory board requires the approval of] A majority of the members of the

advisory board **must approve official action by the advisory board.**

(6) The advisory board shall elect one of the members of the advisory board to serve as chairperson.

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

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

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

(10) The Oregon Department of Administrative Services shall provide staff support to the advisory board.

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

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

SECTION 15. ORS 182.132 is amended to read:

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

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

(3)(a) The *[department]* **State Chief Information Officer** may charge members of the public a convenience fee or may authorize an electronic government portal provider to charge a convenience fee for

an electronic government service if the advisory board recommends that the *[department]* **State Chief Information Officer** charge or authorize a convenience fee for the electronic government service. The convenience fee must reflect the costs incurred in hosting, operating, maintaining or implementing the electronic government portal.

(b) The *[department]* **State Chief Information Officer** shall cooperate with the advisory board to identify the electronic government portals or governmental services to which the convenience fee applies.

(4) The *[department]* **State Chief Information Officer** may adopt rules to implement the provisions of this section.

(5) Not later than the beginning of each odd-numbered year regular legislative session, the *[department]* **State Chief Information Officer** shall prepare and submit to the Legislative Assembly a report in the manner provided in ORS 192.245 that summarizes the *[department's]* **State Chief Information Officer's** activities under the provisions of this section.

SECTION 15a. ORS 184.305 is amended to read:

184.305. The Oregon Department of Administrative Services is created. The purpose of the Oregon Department of Administrative Services is to improve the efficient and effective use of state resources *[through the provision of]* **by providing:**

(1) Government infrastructure services that can best be provided centrally, including but not limited to purchasing, risk management, facilities management, surplus property and motor fleet;

(2) Rules and associated performance reviews of agency compliance with statewide policies;

(3) Leadership in *[the implementation of]* **implementing** a statewide performance measurement program;

(4) State employee workforce development and training;

(5) Personnel systems that promote fair, responsive and cost-effective human resource management;

(6) Objective, credible management information for, and analysis of, statewide issues for policymakers; **and**

(7) Statewide financial administrative systems; *and*.

[(8) Statewide information systems and networks to facilitate the reliable exchange of information and applied technology.]

SECTION 16. ORS 184.473 is amended to read:

184.473. As used in ORS 184.475 and 184.477:

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

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

[(2)] "State agency" includes every state officer, board, commission, department, institution, branch or agency of the state government whose costs are paid

wholly or in part from funds held in the State Treasury, except:]

[(a) The Secretary of State, the State Treasurer, the Legislative Assembly, the courts and their officers and committees; and]

[(b) The Public Defense Services Commission.]

(3) “State agency” means a board, commission, department, division, office or other entity within the executive department of state government, except:

(a) The Secretary of State;

(b) The State Treasurer;

(c) The Oregon State Lottery; and

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

SECTION 16a. If Senate Bill 80 becomes law, ORS 184.473, as amended by section 16 of this 2015 Act, is amended to read:

184.473. As used in ORS 184.475 and 184.477:

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

(2) “Information technology” includes, but is not limited to, all present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(3) “State agency” means a board, commission, department, division, office or other entity within the executive department of state government, except:

(a) The Secretary of State;

(b) The State Treasurer;

(c) The Oregon State Lottery; and

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

SECTION 17. ORS 184.475 is amended to read: 184.475. (1) The purposes of information technology portfolio-based management are to:

(a) Ensure that state agencies link [their] the state agencies’ information technology investments with business plans;

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

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

(d) Ensure that state agencies facilitate development and review of information technology performance related to business operations;

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

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

(2) The [Oregon Department of Administrative Services] State Chief Information Officer shall integrate state agency strategic and business planning, technology planning and budgeting and project ex-

penditure processes into the [department’s information technology] State Chief Information Officer’s portfolio-based management and oversight of state information technology resources.

(3) [In cooperation with state agencies, the department] The State Chief Information Officer shall conduct and maintain a continuous inventory of each state agency’s current and planned investments in information technology, a compilation of information about [those assets] the current and planned investments and the total life cycle cost of [those assets.] the current and planned investments. Each state agency shall cooperate with the State Chief Information Officer in conducting and maintaining the inventory. The [department] State Chief Information Officer shall develop and implement state government-wide rules, policies and standards[, processes and procedures] for conducting and maintaining the required inventory and for [the management of] managing the state government-wide information technology portfolio. State agencies shall participate in the State Chief Information Officer’s information technology portfolio-based management program and shall comply with the rules, policies and standards[, processes and procedures established by the department] that the State Chief Information Officer establishes under this subsection. The provisions of this subsection do not relieve any state agency from accountability for equipment, materials, supplies and tangible and intangible personal property under [its] the state agency’s control.

(4) The [department] State Chief Information Officer shall ensure that state agencies implement portfolio-based management of information technology resources in accordance with this section and with rules, policies and standards [adopted by the Director of the Oregon Department of Administrative Services] that the State Chief Information Officer adopts.

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

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

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

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

184.477. (1) The purpose of enterprise information resources management is to create a plan and implement a state government-wide approach for managing distributed information technology assets to minimize total ownership costs from acquisition through retirement, while realizing maximum bene-

fits for transacting the state's business and delivering services to the residents of this state.

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

(3) Following review by the Joint Legislative Committee on Information Management and Technology, the *[department and the]* State Chief Information Officer shall ensure state agency implementation of the Enterprise Information Resources Management Strategy, including the development of appropriate *[standards, processes and procedures]* **rules, policies and standards along with budget, resource and management plans that are necessary to implement the Enterprise Information Resources Management Strategy.**

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

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

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

Chief Information Officer may direct the state agency to take any action in accordance with the terms and conditions of the public contract that the State Chief Information Officer deems necessary or advisable to administer and enforce the public contract, including directing the state agency to suspend performance or terminate the public contract in whole or in part.

SECTION 19. ORS 184.483 is amended to read:

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

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

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

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

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

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

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

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

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

(d) Annual tax expenditures of state agencies, including, when possible, the identity of the recipients of each tax expenditure;

(e) For each state agency, a description of the percentage of expenditures made in this state and the percentage of expenditures made outside this state under all contracts for goods or services *[en-*

tered into by] the state agency **enters into** during each biennium;

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

(g) A description of the mission, function and program categories of the state agency or education service district;

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

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

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

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

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

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

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

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

(c) The [department] **State Chief Information Officer** shall provide links on the Oregon transparency website for information [received by the department regarding] **that the State Chief Information Officer receives concerning** contracts and subcontracts [entered into by] **that** a state agency or education service district **enters into**, to the extent [disclosure of] **that disclosing the** information is allowed by law and the information is already available on websites [maintained by] **that** the state agency or education service district **maintains**. To the extent available, the information [linked] to **which the State Chief Information Officer links** under this section must include:

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

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

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

(D) The names and addresses of vendors.

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

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

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

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

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

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

SECTION 19a. If Senate Bill 515 becomes law, section 1, chapter 456, Oregon Laws 2015 (Enrolled Senate Bill 515), is repealed and ORS 184.483, as amended by section 19 of this 2015 Act, is amended to read:

184.483. (1)(a) The State Chief Information Officer shall maintain and make available an Oregon transparency website. The website must allow any person to view information that is a public record

and is not exempt from disclosure under ORS 192.410 to 192.505, including but not limited to information described in subsection (3) of this section. **The State Chief Information Officer shall provide on the home page of the website a method for users to offer suggestions regarding the form or content of the website.**

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

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

(a) Furnish information to the Oregon transparency website by posting reports and providing links to existing information system applications in accordance with standards that the State Chief Information Officer establishes; and

(b) Provide the information in the format and manner that the State Chief Information Officer requires.

(3) To the extent practicable and subject to laws relating to confidentiality, when at no additional cost, using existing data and existing resources of the state agency or education service district and without reallocation of resources, the Oregon transparency website must contain information about each state agency and education service district, including but not limited to:

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

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

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

(d) Annual tax expenditures of state agencies, including, when possible, the identity of the recipients of each tax expenditure;

(e) For each state agency, a description of the percentage of expenditures made in this state and the percentage of expenditures made outside this state under all contracts for goods or services the state agency enters into during each biennium;

(f) A prominently placed graphic representation of the primary funding categories and approximate number of individuals that the state agency or the education service district serves;

(g) A description of the mission, function and program categories of the state agency or education service district;

(h) A copy of any audit report that the Secretary of State issues for the state agency or the education service district;

(i) The local service plans of the education service districts;

(j) A copy of each report required by statute for education service districts; and

(k) A copy of all notices of public meetings of the education service districts.

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

(a) The State Chief Information Officer shall post on the Oregon transparency website notices of public meetings the state agency must provide under ORS 192.640. If the state agency maintains a website where minutes or summaries of the public meetings are available, the state agency shall provide the State Chief Information Officer with the link to the state agency website for posting on the Oregon transparency website.

(b) The State Chief Information Officer shall post on the Oregon transparency website a link for the website that the Secretary of State maintains for rules that the state agency adopts. If the state agency maintains a website where the state agency posts the rules, or where any information relating to the rules of the agency is posted, the state agency shall provide the State Chief Information Officer with the link to the website for posting on the Oregon transparency website.

(c) The State Chief Information Officer shall provide links on the Oregon transparency website for information that the State Chief Information Officer receives concerning contracts and subcontracts that a state agency or education service district enters into, to the extent that disclosing the information is allowed by law and the information is already available on websites that the state agency or education service district maintains. To the extent available, the information to which the State Chief Information Officer links under this section must include:

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

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

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

(D) The names and addresses of vendors.

(d) The State Chief Information Officer shall provide an economic development section on the Oregon transparency website for posting of information submitted to the State Chief Information Officer by state agencies responsible for administering specific economic development programs. The section shall include, but not be limited to, the following information, if it is already collected or available within an existing database maintained by the state agency in the course of administering the economic development program:

(A) The names of filmmakers or companies that have received reimbursements from the Oregon Production Investment Fund under ORS 284.368 and the amount of each reimbursement;

(B) The amount of revenue bonds issued under ORS 285A.430 for the Beginning and Expanding Farmer Loan Program, the names of persons who received loans under the program and the amount of the loan;

- (b) The address of each taxpayer or applicant.
- (c) The total amount of credit against tax liability, reduction in taxable income or exemption from property taxation granted to each taxpayer or applicant.
- (d) Specific outcomes or results required by the tax expenditure program and information about whether the taxpayer or applicant meets those requirements. This information *[shall]* **must** be based on data **the state agency has** already collected and analyzed *[by the agency]* in the course of administering the tax expenditure. Statistics must be accompanied by a description of the methodology employed in *[their generation]* **the statistics**.
- (e) An explanation of the **state** agency's certification decision for each taxpayer or applicant, if applicable.
- (f) Any additional information *[submitted by]* **that** the taxpayer or applicant **submits** and **that the state agency relies on in certifying the** *[relied upon by the agency in its certification]* determination.
- (g) Any other information that **state** agency personnel deem valuable as providing context for the information described in this subsection.
- (4) The information reported under subsection (3) of this section may not include proprietary information or information that is exempt from disclosure under ORS 192.410 to 192.505 or 314.835.
- (5) No later than September 30 of each year, *[agencies]* **a state agency** described in subsection (1) of this section shall submit to the *[Oregon Department of Administrative Services]* **State Chief Information Officer** the information required under subsection (3) of this section as applicable to applications for allowance of tax expenditures *[approved by]* the **state** agency **approved** during the agency fiscal year ending during the current calendar year. The information *[shall]* **must** then be posted on the Oregon transparency website *[required under]* **described in** ORS 184.483 no later than December 31 of the same year.
- (6) In addition to the information described in subsection (3) of this section, the *[Oregon Department of Administrative Services]* **State Chief Information Officer** shall post on the Oregon transparency website copies of all reports that the *[department]* **State Chief Information Officer**, the Department of Revenue or the Oregon Business Development Department receives from counties and other local governments relating to properties in enterprise zones that have received tax exemptions under ORS 285C.170, 285C.175 or 285C.409, or that are eligible for tax exemptions under ORS 285C.309, 315.507 or 317.124 by reason of being in an enterprise zone. The reports *[shall]* **must** be submitted to the *[Oregon Department of Administrative Services]* **State Chief Information Officer** in a manner and format *[prescribed by the department]* **that the State Chief Information Officer prescribes**.
- (7) The information described in this section that is available on the Oregon transparency website must be accessible in the format and manner re-

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

SECTION 21. ORS 184.486 is amended to read:

- 184.486. (1) There is created the Transparency Oregon Advisory Commission consisting of nine members appointed as follows:
- (a) The President of the Senate shall appoint two members from among members of the Senate, one from the majority party and one from the minority party.
 - (b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives, one from the majority party and one from the minority party.
 - (c) The Governor shall appoint one member from an executive branch agency.
 - (d) The *[Director of the Oregon Department of Administrative Services]* **State Chief Information Officer** shall appoint one member.
 - (e) The Legislative Fiscal Officer shall appoint one member.
 - (f) The President of the Senate and the Speaker of the House of Representatives shall each appoint one member of the public with experience or interest in public finance, public relations, measurement of performance outcomes or technology.
- (2) The commission shall advise and make recommendations to the *[Oregon Department of Administrative Services]* **State Chief Information Officer** regarding the creation, contents and operation of, and enhancements to, the Oregon transparency website.
- (3) A majority of the members of the commission constitutes a quorum for *[the transaction of]* **transacting** business.
- (4) *[Official action by the commission requires the approval of]* A majority of the members of the commission **must approve official action by the commission**.
- (5) The commission shall elect one of *[its]* **the commission's** members to serve as chairperson. *The chairperson shall be selected]* not later than October 1 of each odd-numbered year.
- (6) If there is a vacancy for any cause, the appointing authority shall make an appointment *[to become]* **that becomes** immediately effective.
- (7) The commission shall meet at times and places *[specified by the call of]* **that** the chairperson or *[of]* a majority of the members of the commission **specifies**.
- (8) The commission may adopt rules necessary *[for the operation of]* **to operate** the commission.
- (9) The commission shall use the services of permanent staff of the Legislative Fiscal Office to the greatest extent practicable to staff the commis-

sion. The [Oregon Department of Administrative Services] **State Chief Information Officer** may provide additional assistance.

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

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

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

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

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

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

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

(B) State agency bond debt;

(C) State agency expenses for capital improvements;

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

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

(F) Lists of the names of contractors [who] **that** received a contract from a state agency, including the number of contracts and compensation **the contractors** received; and

(G) Lists [by contracting state agency] of the number of contracts **that each state agency** entered into during a biennium and the amount of moneys **each state agency** spent on the contracts; and

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

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

SECTION 22. ORS 279A.050, as amended by section 1, chapter 167, Oregon Laws 2015 (Enrolled Senate Bill 7), is amended to read:

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

(b) If a contracting agency has authority under this section to carry out functions described in this section, or has authority to make procurements under a provision of law other than the Public Contracting Code, the contracting agency need not exercise the contracting agency's authority in accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the contract or contracting agency.

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

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

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

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

(b) Procure or supervise the procurement of all goods, services, public improvements and personal services that relate to operating, maintaining or constructing highways, bridges and other transportation facilities that are subject to the authority of the Department of Transportation; and

(c) Establish standards for, prescribe forms for and conduct the prequalification of prospective bidders on public improvement contracts that relate to operating, maintaining or constructing highways, bridges and other transportation facilities that are subject to the authority of the Department of Transportation.

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

programs under the authority of the Secretary of State.

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

(6) The state agencies listed in this subsection have all the authority to do the following in accordance with the Public Contracting Code:

(a) The Department of Human Services to procure or supervise the procurement of goods, services and personal services under ORS 179.040 for the department's institutions and the procurement of goods, services and personal services for constructing, demolishing, exchanging, maintaining, operating and equipping housing for the purpose of providing care to individuals with intellectual disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

(b) The Oregon Health Authority to procure or supervise the procurement of goods, services and personal services under ORS 179.040 and construction materials, equipment and supplies for the authority's institutions and the procurement of goods, services, personal services, construction materials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating and equipping housing for individuals with chronic mental illness, subject to applicable provisions of ORS 426.504;

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

(d) The State Parks and Recreation Department to procure or supervise the procurement of all goods, services, public improvements and personal services related to state parks;

(e) The Oregon Department of Aviation to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon Department of Aviation;

(f) The Oregon Business Development Department to procure or supervise the procurement of all goods, services, personal services and public improvements related to its foreign trade offices operating outside the state;

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

(h) The Department of Corrections to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is sub-

ject to the authority of the Department of Corrections;

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

(j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate broker and principal real estate broker services related to programs under the department's authority;

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

(L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), to procure or supervise the procurement of goods, services, personal services and information technology related to student assessment; and

(m) Any state agency to conduct a procurement when the agency is specifically authorized by any provision of law other than the Public Contracting Code to enter into a contract.

[(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department of Administrative Services has exclusive authority, unless the director delegates this authority, to procure or supervise the procurement of:]

[(A) All price agreements on behalf of the state agencies identified in subsection (6)(a) to (k) of this section under which more than one state agency may order goods, services or personal services; and]

[(B) All state agency information technology contracts.]

[(b) This subsection does not apply to contracts under which the contractor delivers to the state agency information technology products or services incidental to the performance of personal services contracts described in ORS chapter 279C or construction contracts described in ORS chapter 279C.]

[(c) If the director has established a price agreement for goods, services or personal services, a state agency identified in subsection (3) or (6)(a) to (k) of this section may not establish a price agreement or enter into a contract for the goods, services or personal services without the approval of the director.]

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

(b) The director may delegate to the State Chief Information Officer the exclusive author-

ity to procure or supervise the procurement of all price agreements related to information technology and telecommunications on behalf of the state agencies identified in subsection (6) of this section. Notwithstanding any authority that a state agency may have under subsection (3) or (6) of this section, the state agency may not establish a price agreement or enter into a contract for goods, services or personal services without the approval of the director or the State Chief Information Officer if the director or the State Chief Information Officer has established a price agreement for the goods, services or personal services.

(c) The State Chief Information Officer may review any solicitation document for procuring information technology or telecommunications that a state agency intends to issue before the state agency issues the solicitation document and may require the state agency to name the State Chief Information Officer as a third-party beneficiary with full authority to enforce the terms and conditions of any public contract for information technology or telecommunications. The State Chief Information Officer must approve a state agency's procurement for information technology or telecommunications if the procurement has an anticipated contract price of \$1 million or more. The State Chief Information Officer may require the state agency to name the State Chief Information Officer as the contracting party on behalf of the State of Oregon in a procurement for information technology or telecommunications that has an anticipated contract price of \$1 million or more.

SECTION 23. ORS 279A.075 is amended to read: 279A.075. (1) Unless otherwise provided in the Public Contracting Code, a person or agency that has an authority under the code may delegate and subdelegate the exercise of *[all authorities in the code may be delegated and subdelegated]* the authority in whole or in part. Notwithstanding delegations of authority under this section, the code and rules adopted under the code govern a person's or agency's exercise of the delegated authority *[is governed by the code and rules adopted under the code]*.

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

SECTION 24. ORS 279B.075 is amended to read: 279B.075. (1) A contracting agency may award a contract for goods or services without competition *[when]* if the Director of the Oregon Department of Administrative Services, *[the]* a local contract review board *[or]*, a state contracting agency, if *[it]* the state contracting agency has procurement authority under ORS 279A.050, the State Chief Information Officer, with respect to goods or services described in subsection (2)(b) of this section and if the director has delegated the necessary authority to the State Chief Information Officer, or a person designated in writing by the director, board or state contracting agency with procurement authority under ORS 279A.050, determines in writing, in accordance with rules adopted under ORS 279A.065, that the goods or services, or class of goods or services, are available from only one source.

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

(a) That the efficient utilization of existing goods requires *[the acquisition of]* acquiring compatible goods or services;

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

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

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

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

SECTION 24a. ORS 283.100 is amended to read: 283.100. (1) The Oregon Department of Administrative Services shall provide general government administrative functions *[to]* for state agencies. *[The cost of these services, or portions thereof, as determined by the department shall be allocated to state agencies as determined by the department and paid to the department in the same manner as other claims against the agency are paid.]* The State Chief Information Officer shall provide information technology and telecommunications functions for state agencies. The department or the State Chief Information Officer shall allocate the costs that the department or the State Chief Information Officer determines for the services, or a portion of the services, to state agencies, which shall pay the costs to the department or the State Chief Information Officer, as appropriate, in the same manner as the state agency pays other claims. The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.

[(2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Services shall not impose the surcharge established by this section on the Oregon University System or the Oregon Health and Science University. The Oregon Department of Administrative Services shall enter into an agreement with the Oregon University System and the Oregon Health and Science University on the amounts to be paid by the Oregon University System and the Oregon Health and Science University to the Oregon Department of Administrative Services in lieu of the surcharge provided for in this section.]

(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the State Chief Information Officer may, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each state agency and public corporation a surcharge, in an amount the State Chief Information Officer establishes. The State Chief Information Officer shall deposit all surcharge moneys into the State Information Technology Operating Fund. The State Chief Information Officer may expend moneys in the fund for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the State Chief Information Officer may prescribe and in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts.

(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer may not impose the surcharge established by this section on the Oregon University System or the Oregon Health and Science University. The State Chief Information Officer shall enter into an agreement with the Oregon University System and the Oregon Health and Science University on the amounts that the Oregon University System and the Oregon Health and Science University must pay to the State Chief Information Officer in lieu of the surcharge provided for in this section.

SECTION 27a. If Senate Bill 80 becomes law, section 27 of this 2015 Act (amending ORS 283.143) is repealed and ORS 283.143, as amended by section 84, chapter 767, Oregon Laws 2015 (Enrolled Senate Bill 80), is amended to read:

283.143. *[(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the Oregon Department of Administrative Services shall, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each agency and public corporation a surcharge, in an amount established by the department. All surcharge moneys collected shall be deposited in the Oregon Department of Administrative Services Operating Fund, and may be expended only for state agency and public corporation*

telecommunication and videoconferencing activities, under such terms and conditions as the department may prescribe.]

[(2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Services shall not impose the surcharge established by this section on the Oregon Health and Science University. The Oregon Department of Administrative Services shall enter into an agreement with the Oregon Health and Science University on the amounts to be paid by the Oregon Health and Science University to the Oregon Department of Administrative Services in lieu of the surcharge provided for in this section.]

(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the State Chief Information Officer may, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each state agency and public corporation a surcharge, in an amount the State Chief Information Officer establishes. The State Chief Information Officer shall deposit all surcharge moneys into the State Information Technology Operating Fund. The State Chief Information Officer may expend moneys in the fund for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the State Chief Information Officer may prescribe and in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts.

(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer may not impose the surcharge established by this section on the Oregon Health and Science University. The State Chief Information Officer shall enter into an agreement with the Oregon Health and Science University on the amount that the Oregon Health and Science University must pay to the State Chief Information Officer in lieu of the surcharge provided for in this section.

SECTION 28. ORS 283.505 is amended to read: 283.505. *[(1) The Oregon Department of Administrative Services shall coordinate the consolidation and operation of all telecommunications systems used by the state and state agencies. Notwithstanding any other provision of law, no agent or agency of the state shall construct, purchase or otherwise gain access to a telecommunications system without the prior approval of the department.]*

(1) The State Chief Information Officer shall coordinate, in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts, the consolidation and operation of all telecommunications systems, including emergency telecommunications systems, that the state and state agencies use.

Notwithstanding any other provision of law, an agent or agency of the state may not construct, purchase or otherwise gain access to a telecommunications system without the prior approval of the State Chief Information Officer.

(2) *[The department shall coordinate the consolidation and operation of emergency telecommunications systems used by the state and state agencies. The provisions of this section shall not be construed to require consolidation of]* **The provisions of this section do not require emergency service providers, as defined by the State Chief Information Officer, to consolidate telecommunications systems [used by] that emergency service providers use [, as defined by the department,] into nonemergency networks.**

SECTION 29. ORS 283.510 is amended to read: 283.510. (1) As used in this section:

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

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

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

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

(2) Notwithstanding ORS chapters 279A, 279B and 279C, the State Chief Information Officer may provide advanced digital communications services directly, may enter into an interagency or intergovernmental agreement under ORS chapter 190 to have another state agency or governmental agency provide advanced digital communications services or may acquire advanced digital communications services by entering into contracts with telecommunications providers or a consortium of telecommunications providers in a manner that is consistent with the State Chief Information Officer's rules, policies and standards.

(3) After a telecommunications provider or a consortium of telecommunications providers

has installed an advanced digital communications network, the State Chief Information Officer shall provide all telecommunications services and operations for the state and state agencies directly, or shall enter into interagency or intergovernmental agreements under ORS chapter 190 to have another state agency or another governmental agency provide the telecommunications services and operations in a manner that is consistent with the State Chief Information Officer's rules, policies and standards. The State Chief Information Officer may not approve the procurement of any telecommunications system or equipment that is incompatible with the network or that is inconsistent with the State Chief Information Officer's rules, policies and standards.

SECTION 30. ORS 283.515 is amended to read:

283.515. The *[Oregon Department of Administrative Services]* **State Chief Information Officer** annually shall review **each state agency's budget**, in conjunction with *[each]* **the** state agency, *[the budget of that agency]* to identify *[agency funds to be used for]* **funds that the state agency uses for** travel and transportation that *[may be used]* **the state agency could instead use** for telecommunications. If the *[department]* **State Chief Information Officer** determines that a **state agency could use** a portion of the **state agency's** *[agency]* travel and transportation funds *[can be used]* more effectively *[through use of]* **by instead using** telecommunications, without diminishing the affected agency's existing internal and external communications, the *[department]* **State Chief Information Officer** shall *[make recommendations]* **recommend** to the Emergency Board as described in ORS 291.326 *[for such action as the department]* **action that the State Chief Information Officer** determines is necessary to dedicate the identified state agency travel and transportation funds for use in telecommunications. The *[department]* **State Chief Information Officer** shall make *[its]* **the** recommendations to the Emergency Board not later than January 1.

SECTION 31. ORS 283.520 is amended to read:

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

(2) For purposes of ORS 291.038, the *[Oregon Department of Administrative Services]* **State Chief Information Officer** may extend the benefits of telecommunications contracts for networks, equipment and services to nonprofit organizations that *[have been designated]* **the State Chief Information**

Officer designates as communities of interest under ORS 291.038.

SECTION 32. ORS 283.524 is amended to read: 283.524. The [Oregon Department of Administrative Services may] **State Chief Information Officer may, in a manner that is consistent with the State Chief Information Officer's rules, policies and standards,** enter into an agreement or agreements to fund or otherwise acquire telecommunications equipment and services by installment purchase or lease purchase contracts [as provided by ORS 276.218].

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

Sec. 1. (1) The Oregon Broadband Advisory Council is established within the Oregon Business Development Department. The council [shall consist] **consists** of 14 members, of whom:

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

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

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

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

(D) One member to represent Oregon tribes.

(E) One member to represent education.

(F) One member to represent economic development.

(G) One member to represent public safety.

(H) One member to represent health.

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

(J) One member from the Public Utility Commission.

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

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

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

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

(4) Members of the council who are not members of the Legislative Assembly are not entitled to compensation, but voting members may be paid expenses

if funding is available from contributions [accepted] **the Oregon Business Development Department accepts** under section 3 (2), chapter 782, Oregon Laws 2009.

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

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

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

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

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

(10) The Oregon Business Development Department shall provide staff or facilities to the council.

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

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

NOTE: Section 34 was deleted by amendment. Subsequent sections were not renumbered.

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

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

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

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

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

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

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

SECTION 37. ORS 291.016 is amended to read:

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

SECTION 38. ORS 291.018 is amended to read:

291.018. The Oregon Department of Administrative Services, **or the State Chief Information Officer for purposes related to information and telecommunications technology**, shall conduct research for use in administrative planning, policy review and organization and methods improvement. Periodic administrative reports to the department, **the State Chief Information Officer** and the Governor[,] **that are** designed to outline factually the quantitative and qualitative aspects of work performance by operating units[,] may be required of state agencies. The department **and the State Chief Information Officer** may require [*submission of such*] **state agencies to submit** information in reports [*as*] **that will** permit sound analysis and will provide the basis for detecting administrative weaknesses, correcting performance difficulties and permitting better planning and management of state services.

SECTION 39. ORS 291.032 is amended to read:

291.032. The Oregon Department of Administrative Services, **or the State Chief Information Officer for purposes related to information and telecommunications technology**, may provide technical services to state agencies for management improvement development and the development of economies in the organization and administration of state agencies. The technical services may include consulting studies in work simplification, work measurement, equipment utilization and other management improvement concepts. **The department or the State Chief Information Officer shall determine and charge** the cost of the technical services, or portions [*thereof, as determined by the department, shall be charged*] **of the technical services**, to the state agency served [*and paid*]. **The state agency shall pay the cost** to the department **or the State Chief Information Officer, as appropriate**, in the

same manner [*as*] **that the state agency pays** other claims against the state agency [*are paid*]. **The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.**

SECTION 40. ORS 291.034 is amended to read:

291.034. [*The Oregon Department of Administrative Services may provide technical services to state agencies for data processing systems development and the development of data processing methods and applications. The technical services may include consulting and programming services and assistance in locating electronic data processing installations. The cost of the technical services, or portions thereof, as determined by the department, shall be charged to the agency served and paid to the department in the same manner as other claims against the agency are paid.*] **The State Chief Information Officer may provide technical services to state agencies for data processing systems development and developing data processing methods and applications in a manner that is consistent with the State Chief Information Officer's rules, policies and standards. The technical services may include consulting and programming services and assistance in locating electronic data processing installations. The State Chief Information Officer shall determine and charge the cost of the technical services, or portions of the technical services, to the state agency that the State Chief Information Officer serves. The state agency shall pay the cost to the State Chief Information Officer in the same manner that the state agency pays other claims against the state agency. The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.**

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

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

(b)(A) Except as otherwise provided by law, **the office of the Secretary of State and the office of the State Treasurer, in collaboration with**

the State Chief Information Officer, shall develop and adopt plans, policies, standards and procedures for budgeting, planning, procuring, managing, overseeing and using information technology and telecommunications for the Secretary of State or the State Treasurer, as appropriate. Each office shall ensure that the office's plans, policies, standards and procedures are, to the extent possible, compatible with the plans, policies, standards and procedures that the State Chief Information Officer develops and adopts for other state agencies within the executive department.

(B) The Secretary of State and the State Treasurer shall submit to the Legislative Fiscal Office:

(i) Copies of plans, policies, standards and procedures that the Secretary of State and the State Treasurer develop and adopt under subparagraph (A) of this paragraph. The Secretary of State and the State Treasurer shall submit copies of the plans, policies, standards and procedures within 30 calendar days after adopting or amending the plans, policies, standards or procedures.

(ii) Copies of any independent information technology audits or quality assurance reports that are public records and are not exempt from disclosure under ORS 192.410 to 192.505. The Secretary of State and the State Treasurer shall submit copies of the audits or reports within 30 calendar days after receiving the audits or reports.

(iii) An annual report on all information technology initiatives, as defined in section 1, chapter 77, Oregon Laws 2014, and all procurements with an estimated contract price that exceeds \$1 million. The Secretary of State and the State Treasurer shall submit the report not later than December 31 of each calendar year.

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

(a) Adopt rules, policies and standards to plan for, develop architecture for and standardize the state's information resources and technologies. In developing rules, policies and standards, the State Chief Information Officer shall consult with state agencies that have needs that information resources may satisfy. State agencies shall cooperate with the State Chief Information Officer in preparing and complying with rules, policies and standards that the State Chief Information Officer adopts.

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

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

[(3)] (c) *[The State Chief Information Officer shall]* Formulate rules, policies, plans, standards and specifications to ensure that information resources and technologies fit together in a statewide system capable of providing ready access to information, *[computing]* **information technology** or telecommunication resources. Plans and specifications that the State Chief Information Officer adopts must be based on industry standards for open systems to the greatest extent possible.

(3) Before adopting rules described in subsection (2) of this section, the State Chief Information Officer shall present the proposed rules to the Joint Legislative Committee on Information Management and Technology.

(4) The State Chief Information Officer has the responsibility to review, oversee and ensure that state agencies' rules and planning, acquisition and implementation activities **related to information technology and telecommunications** align with and support the *[statewide information resources management plan]* **Enterprise Information Resources Management Strategy**. State agencies shall cooperate with the State Chief Information Officer to ensure that the state agencies' rules and planning, acquisition and implementation activities align with and support the **Enterprise Information Resources Management Strategy**. If the Oregon Department of Administrative Services procures information technology or the Director of the Oregon Department of Administrative Services delegates authority under ORS 279A.075 to procure information technology, the *[Oregon Department of Administrative Services is responsible for procuring]* **department and a state contracting agency, as defined in ORS 279A.010, shall procure** information technology fairly, competitively and in a manner that is consistent with the State Chief Information Officer's rules, **policies and standards**.

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

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

[(5)(a)] (6)(a) The *[department]* **State Chief Information Officer**, upon request, may furnish and deliver statewide integrated videoconferencing and statewide online access service to a public or private entity that primarily conducts activities for the direct good or benefit of the public or community at large in providing educational, economic develop-

ment, health care, human services, public safety, library or other public services. The [department] **State Chief Information Officer** shall adopt rules with respect to [furnishing] **the State Chief Information Officer's furnishing of the service.**

(b) The [department] **State Chief Information Officer** shall establish statewide integrated videoconferencing and statewide online access user fees, services, delivery, rates and long range plans. The rates must reflect the [department's] **State Chief Information Officer's** cost in providing the service.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 41a. If Senate Bill 80 becomes law, section 41 of this 2015 Act (amending ORS 291.038) is repealed and ORS 291.038, as amended by section 4, chapter 102, Oregon Laws 2014, and section 90, chapter 767, Oregon Laws 2015 (Enrolled Senate Bill 80), is amended to read:

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

(b)(A) **Except as otherwise provided by law, the office of the Secretary of State and the office of the State Treasurer, in collaboration with the State Chief Information Officer, shall develop and adopt plans, policies, standards and procedures for budgeting, planning, procuring, managing, overseeing and using information technology and telecommunications for the Secretary of State or the State Treasurer, as appropriate. Each office shall ensure that the office's plans, policies, standards and procedures are, to the extent possible, compatible with the plans, policies, standards and procedures that the State Chief Information Officer develops and adopts for other state agencies within the executive department.**

(B) **The Secretary of State and the State Treasurer shall submit to the Legislative Fiscal Office:**

(i) **Copies of plans, policies, standards and procedures that the Secretary of State and the State Treasurer develop and adopt under subparagraph (A) of this paragraph. The Secretary of State and the State Treasurer shall submit copies of the plans, policies, standards and procedures within 30 calendar days after adopting or amending the plans, policies, standards or procedures.**

(ii) **Copies of any independent information technology audits or quality assurance reports that are public records and are not exempt from disclosure under ORS 192.410 to 192.505. The Secretary of State and the State Treasurer shall submit copies of the audits or reports within 30 calendar days after receiving the audits or reports.**

(iii) **An annual report on all information technology initiatives, as defined in section 1, chapter 77, Oregon Laws 2014, and all procurements with an estimated contract price that exceeds \$1 million. The Secretary of State and the State Treasurer shall submit the report not later than December 31 of each calendar year.**

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

(a) Adopt rules, policies and standards to plan for, develop architecture for and standardize the state's information resources and technologies. In developing rules, policies and standards, the State Chief Information Officer shall consult with state agencies that have needs that information resources may satisfy. State agencies shall cooperate with the State Chief Information Officer in preparing and complying with rules, policies and standards **that the State Chief Information Officer adopts.**

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

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

[(3)] (c) *[The State Chief Information Officer shall]* Formulate rules, policies, plans, standards and specifications to ensure that information resources and technologies fit together in a statewide system capable of providing ready access to information, *[computing]* **information technology** or telecommunication resources. Plans and specifications that the State Chief Information Officer adopts must be based on industry standards for open systems to the greatest extent possible.

(3) Before adopting rules described in subsection (2) of this section, the State Chief Information Officer shall present the proposed rules to the Joint

Legislative Committee on Information Management and Technology.

(4) The State Chief Information Officer has the responsibility to review, oversee and ensure that state agencies' rules and planning, acquisition and implementation activities **related to information technology and telecommunications** align with and support the *[statewide information resources management plan]* **Enterprise Information Resources Management Strategy. State agencies shall cooperate with the State Chief Information Officer to ensure that the state agencies' rules and planning, acquisition and implementation activities align with and support the Enterprise Information Resources Management Strategy. If the Oregon Department of Administrative Services procures information technology or the Director of the Oregon Department of Administrative Services delegates authority under ORS 279A.075 to procure information technology, the [Oregon Department of Administrative Services is responsible for procuring] department and a state contracting agency, as defined in ORS 279A.010, shall procure information technology fairly, competitively and in a manner that is consistent with the State Chief Information Officer's rules, policies and standards.**

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

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

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

(b) The *[department]* **State Chief Information Officer** shall establish statewide integrated videoconferencing and statewide online access user fees, services, delivery, rates and long range plans. The rates must reflect the *[department's]* **State Chief Information Officer's** cost in providing the service.

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

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

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

[(7)] (8) This section does not apply to any public university listed in ORS 352.002.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Serve as the Governor's chief advisor concerning information resources, information technology, information systems, geographic information systems, information systems security and telecommunications.

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

(C) Adopt rules, policies and standards for budgeting, planning, acquiring, installing, operating and overseeing telecommunications and information technology for the executive department.

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

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

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

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

(H) Develop and promote training programs in information technology, information systems security, geographic information systems, enterprise architecture and project and portfolio management.

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

(J) Oversee information technology and telecommunications procurements as provided in ORS 279A.050 (7).

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

(L) Identify information technology services that the State Chief Information Officer recommends for design, delivery and management as enterprise or shared information technology services and, each biennium, report to the Governor and the Joint Legislative Committee on Information Management and Technology concerning the status of new enterprise or shared information technology services.

[(4)(a)] (M) *[Each biennium the State Chief Information Officer, in collaboration with the department, shall develop, maintain or update, as appropriate,]* Adopt or update each biennium an Enterprise Information Resources Management Strategy for the state. In addition to the functions described in ORS

184.477, the Enterprise Information Resources Management Strategy must provide for integrating statewide technology initiatives, ensuring compliance with information technology rules, policies and standards, promoting coordination, consolidation and alignment of information resources and technologies and effectively managing the state's and state agencies' information technology portfolios. In developing the Enterprise Information Resources Management Strategy, the *[department and the]* State Chief Information Officer shall consult with and consider advice and suggestions from the department, state agencies and local governments, from private sector information technology experts, from the Legislative Fiscal Officer, from the Joint Legislative Committee on Information Management and Technology or from individual members of the Legislative Assembly that the President of the Senate and the Speaker of the House of Representatives appoint for the purpose of consulting with the State Chief Information Officer under this subsection.

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

(b) As used in this subsection:

(A) "Executive department" has the meaning given that term in ORS 174.112, except that 'executive department' does not include the Secretary of State in performing the duties of the constitutional office of Secretary of State or the State Treasurer in performing the duties of the constitutional office of State Treasurer.

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

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

(D) "Information system" means computers, hardware, software, storage media, networks, operational procedures and processes used in collecting, processing, storing, sharing or distributing information within, or with any access beyond ordinary public access to, the state's shared computing and network infrastructure.

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

(5) The State Chief Information Officer may:

(a) Organize and reorganize the office of the State Chief Information Officer in the manner the State Chief Information Officer considers

necessary to conduct the work of the office of the State Chief Information Officer properly.

(b) Divide the office of the State Chief Information Officer into administrative programs, units or sections and appoint an individual to administer each program, unit or section that the State Chief Information Officer establishes under this subsection. The individual the State Chief Information Officer appoints serves at the pleasure of the State Chief Information Officer and must be well qualified by technical training and experience in the functions the individual will perform. The State Chief Information Officer's actions under this paragraph are subject to ORS chapter 240.

(c) Appoint subordinate officers and employees of the office of the State Chief Information Officer, prescribe the officers' and employees' duties and fix compensation for the officers and employees. The State Chief Information Officer's actions under this paragraph are subject to ORS chapter 240.

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

SECTION 43. ORS 291.042 is amended to read: 291.042. (1) Except as provided in subsection (2) of this section, the [*Oregon Department of Administrative Services*] **State Chief Information Officer:**

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

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

(2) The Secretary of State, the State Treasurer, the judicial department as defined in ORS 174.113

and the legislative department as defined in ORS 174.114:

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

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

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

(4) Except as provided in this subsection, moneys **that the Secretary of State, State Treasurer, judicial department or legislative department** collected under subsection (2) of this section, less expenses [*of*] **that the Secretary of State, State Treasurer, judicial department or legislative department** [*accrued*] **incurred** in developing, producing and distributing software and in training software users, [*shall*] **must** be deposited in the General Fund and are available for general governmental purposes. If the resources **that the Secretary of State, State Treasurer, judicial department or legislative department** expended for the [*development, production, distribution and training activities were*] **activities described in subsection (2) of this section came** from fees or assessments [*charged and collected by*] **that the secretary, treasurer, judicial department or legislative department charged and collected, the secretary, treasurer, judicial department or legislative department shall deposit** the net proceeds of moneys collected under subsection (2) of this section [*shall be deposited in*] **into** the same accounts [*in*] **into** which the **secretary, treasurer, judicial department or legislative department deposits** the fees or assessments [*are deposited and shall be used*]. **The Secretary of State, State Treasurer,**

judicial department or legislative department shall use the moneys to reduce the fees or assessments [charged by] the secretary, treasurer, judicial department or legislative department **charges** to the extent permitted by law.

(5) As used in this section:

(a) "Data processing programs" [includes] **means** software programs **and other automated means for processing data.**

(b) "State agency" has the meaning given that term in ORS 291.002.

SECTION 44. ORS 291.047 is amended to read:

291.047. (1) The Attorney General shall approve for legal sufficiency all personal services contracts, all architectural and engineering services contracts and all information technology contracts calling for payment in excess of \$75,000 entered into by a state agency before any such contract becomes binding on the State of Oregon and before any service may be performed or payment may be made under the contract.

(2) The Attorney General shall approve for legal sufficiency all public contracts not subject to subsection (1) of this section that are entered into by a state agency and that provide for payment in excess of \$100,000 before any such contract becomes binding on the State of Oregon and before any service may be performed or payment may be made under the contract.

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

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

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

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

(b) Circumstances exist that create a substantial risk of loss, damage, interruption of services or

threat to public health or safety and that require prompt execution of a contract to deal with the risk.

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

SECTION 44a. ORS 291.055 is amended to read:

291.055. (1) Notwithstanding any other law that grants to a state agency the authority to establish fees, all new state agency fees or fee increases adopted during the period beginning on the date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly:

(a) Are not effective for agencies in the executive department of government unless approved in writing by the Director of the Oregon Department of Administrative Services;

(b) Are not effective for agencies in the judicial department of government unless approved in writing by the Chief Justice of the Supreme Court;

(c) Are not effective for agencies in the legislative department of government unless approved in writing by the President of the Senate and the Speaker of the House of Representatives;

(d) Shall be reported by the state agency to the Oregon Department of Administrative Services within 10 days of their adoption; and

(e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly as described in this subsection, unless otherwise authorized by enabling legislation setting forth the approved fees.

(2) This section does not apply to:

(a) Any tuition or fees charged by a public university listed in ORS 352.002.

(b) Taxes or other payments made or collected from employers for unemployment insurance required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contributions and assessments calculated by cents per hour for workers' compensation coverage required by ORS 656.506.

(c) Fees or payments required for:

gon Forest Land Protection Fund fees established by ORS 477.760.

(h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

(i) Assessments on premiums charged by the Department of Consumer and Business Services pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS 706.530 and 723.114.

(j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

(k) Fees charged by the Housing and Community Services Department for intellectual property pursuant to ORS 456.562.

(L) New or increased fees that are anticipated in the legislative budgeting process for an agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted budget or the legislatively approved budget for the agency.

(m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

(n) Convenience fees as defined in ORS 182.126 and established by the [Oregon Department of Administrative Services] **State Chief Information Officer** under ORS 182.132 (3) and recommended by the Electronic Government Portal Advisory Board.

(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unexpected and temporary revenue surpluses may be increased to not more than their prior level without compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency specifies the following:

(A) The reason for the fee decrease; and

(B) The conditions under which the fee will be increased to not more than its prior level.

(b) Fees that are decreased for reasons other than those described in paragraph (a) of this subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

SECTION 45. ORS 291.990 is amended to read:

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

(2) Upon certification by the Oregon Department of Administrative Services **or the State Chief Information Officer** that a state officer or employee of a state agency has failed or refused to comply with **a statute listed in subsection (4) of this section** or an order, rule, **policy** or regulation the department **or the State Chief Information Officer** made in accordance with the statutes listed in subsection (4) of this section, the salary of the officer or employee may not be paid until **the officer or employee complies with the statute, order,**

rule, policy or regulation [*is complied with*]. **A state officer or employee who fails to comply with a statute listed in subsection (4) of this section or with an order, rule, policy or regulation the department or the State Chief Information Officer made in accordance with a statute listed in subsection (4) of this section is subject to discipline or termination in accordance with ORS chapter 240 or otherwise as provided by law or under the personnel rules and policies of the state agency that employs the officer or employee. The state agency that employs the officer or employee may consult with the State Chief Information Officer before imposing a disciplinary measure.**

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

(4) Subsections (1) to (3) of this section apply to **ORS 84.064, 182.122, 182.124, 184.475, 184.477, 279A.050, 279A.140, 279A.280, 279B.270, 283.020, 283.110, 283.140, 283.143, 283.305 to 283.390, 283.505, 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 291.260, 291.307, 292.220 and 292.230 and section 1, chapter 77, Oregon Laws 2014.**

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

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

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

(i) New hardware, software or services for data processing, office automation or telecommunications;

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

(iii) A substantial expansion of existing data processing, office automation or telecommunications services.

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

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

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

(iii) A renewal of an existing contract for data processing, office automation or telecommunications services under terms and conditions that are substantially the same as in the existing contract; or

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

(b) "Preliminary quality assurance services" means a set of services in which a contractor provides an independent and objective review of a state

contracting agency's or a public corporation's plans, specifications, estimates, documentation, available resources and overall purpose for an information technology initiative, including services in which the contractor evaluates a proposed information technology initiative against applicable quality standards and best practices from private industry and other sources.

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

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

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

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

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

(B) "Public corporation" does not include:

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

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

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

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

(A) Identifies quality standards that apply or should apply to the information technology initiative;

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

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

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

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

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

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

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

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

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

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

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

[(4)(a)] (4) Notwithstanding any procurement authority that a state contracting agency or a public corporation has that is not subject to the authority of the Director of the Oregon Department of Administrative Services **or the State Chief Information Officer** under ORS 279A.050 (2) or (7), the state contracting agency or public corporation is subject to the provisions of subsection (2) of this section and shall consult with and follow the rules, policies and procedures of the State Chief Information Officer [*and the Oregon Department of Administrative Services*] in determining the extent of preliminary quality assurance services or quality management

services that the state contracting agency or public corporation will require for an information technology initiative.

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

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

(A) The State Chief Information Officer;

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

(C) The Legislative Fiscal Officer; and

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

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

(ii) The governing body of the public corporation.

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

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

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

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 Communication Interoperability Plan. The membership of the council consists of:

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

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

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

(b) The following members appointed by the Governor:

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

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

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

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

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

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

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

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

(L) One member of the public.

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

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

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

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

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

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

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

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

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

(I) One member who represents a nonprofit professional organization interested in the enhancement of public safety communications systems; and

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

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

(3) Members of the council are not entitled to compensation, but in the discretion of the *[Director of the Oregon Department of Administrative Services]* **State Chief Information Officer** may be reimbursed from funds available to the *[Oregon Department of Administrative Services]* **office of the State Chief Information Officer** for actual and necessary travel and other expenses *[incurred by them in the performance of their]* **the members**

incur in performing the members' official duties in the manner and amount provided in ORS 292.495.

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

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

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 Communication Interoperability Plan. The membership of the council consists of:

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

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

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

(b) The following members appointed by the Governor:

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

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

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

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

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

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

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

(K) One member of the public.

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

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

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

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

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

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

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

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

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

(I) One member who represents a nonprofit professional organization interested in the enhancement of public safety communications systems; and

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

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

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

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

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

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

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

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

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

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

(d) Develop long-term technological and policy recommendations to establish a statewide public

safety communications system to improve emergency response and day-to-day public safety operations; and

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

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

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

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

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

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

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

(8) Report to the Joint Committee on Ways and Means[,] or to the Joint Interim Committee on Ways and Means, **and to the Joint Legislative Committee on Information Management and Technology**, on or before February 1 of each odd-numbered year, on the development of the interoperability plan and the executive council's other activities.

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

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

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

(2) The statewide interoperability coordinator:

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

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

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

[c] (d) Shall identify funding opportunities for planned interoperability improvements and coordinate efforts to acquire funding;

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

[e] (f) Shall serve as a member of the National Council of Statewide Interoperability Coordinators; and

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

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

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

NOTE: Section 51 was deleted by amendment. Subsequent sections were not renumbered.

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

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

(1) Facilitate decision making and planning for potential implementation of the FirstNet network; and

(2) Make recommendations to the state agency responsible for administering federal funds from the United States Department of Commerce, National Telecommunications and Information Administration.

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

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

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

for voice communications, formerly known as the Oregon Wireless Interoperability Network.

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

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

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

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

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

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

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

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

(2) The unexpended balances of amounts authorized to be expended by the Department of Transportation for a six-year period beginning July 1, 2009, or beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 9, **chapter 87, Oregon Laws 2014**,

[*of this 2014 Act*] by acquiring land and by acquiring, planning, constructing, altering, repairing, furnishing and equipping buildings and facilities, are transferred to and are available for expenditure by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** for the six-year period specified in section 54, chapter 107, Oregon Laws 2010, or in section 2, chapter 79, Oregon Laws 2012, for the purpose of administering and enforcing the duties, functions and powers transferred by section 9, **chapter 87, Oregon Laws 2014** [*of this 2014 Act*].

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

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

Sec. 12. The transfer of duties, functions and powers to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** by section 9, **chapter 87, Oregon Laws 2014**, [*of this 2014 Act*] does not affect any action, proceeding or prosecution involving or with respect to the duties, functions and powers begun before and pending at the time of the transfer, except that the [*Oregon Department of Administrative Services*] **State Chief Information Officer** is substituted for the Department of Transportation in the action, proceeding or prosecution.

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

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

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

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

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

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

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

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

Sec. 17. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter 627, Oregon Laws 2013, for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received from charges, but excluding lottery funds and federal funds not described in section 2, chapter 627, Oregon Laws

2013, collected or received by the Oregon Department of Administrative Services for the [Chief Information Office] **office of the State Chief Information Officer**, is increased by \$654,298.

SECTION 61. (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act become operative January 1, 2016.

(2) The State Chief Information Officer and the Director of the Oregon Department of Administrative Services may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the State Chief Information Officer or the director to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the State Chief Information Officer or the director by sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act.

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

Approved by the Governor August 12, 2015
Filed in the office of Secretary of State August 13, 2015
Effective date August 12, 2015