

CHAPTER 166

AN ACT

HB 2906

Relating to sharing geographic information; and prescribing an effective date.

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

SECTION 1. As used in sections 1 to 6 of this 2017 Act:

(1) “Critical infrastructure information” means information about infrastructure that is so vital to this state or the United States that the incapacity or destruction of the infrastructure would detrimentally affect the personal and economic security, health or safety of residents of this state, including information about the security of items listed in ORS 192.502 (33).

(2) “Custodian” has the meaning given that term in ORS 192.410 (1)(b).

(3) “Geographic information” means geographic data as that term is defined in ORS 291.039 (4)(b).

(4) “Geographic information system” has the meaning given that term in ORS 291.039 (4)(b).

(5) “Geospatial framework data” means geographic information that a public body, under applicable provisions of law or on the basis of scientific methodology, technical standards or technical expertise, creates, generates, provides or aggregates and that the Oregon Geographic Information Council, in consultation with the public body, identifies as necessary to support the business processes of a governmental agency.

(6) “Public body” has the meaning given that term in ORS 174.109.

SECTION 2. (1) The Oregon Geographic Information Council is established within the office of the State Chief Information Officer. The State Chief Information Officer shall provide administrative and staff support and facilities that are necessary for the council to carry out the purposes set forth in this section. The purposes of the council are to:

(a) Serve as the statewide governing body for sharing and managing geospatial framework data;

(b) Oversee the preparation and maintenance of a plan to enhance geographic framework information sharing and management and to enhance coordination with respect to geographic framework information among public bodies within this state; and

(c) Coordinate geospatial framework data sharing and management that occurs among public bodies.

(2) The membership of the council consists of:

(a) Two members of the Legislative Assembly appointed as follows:

(A) The President of the Senate shall appoint one member from the Senate who has an interest in geographic information systems and in enhancing geospatial framework data sharing among public bodies; and

(B) The Speaker of the House of Representatives shall appoint one member from the House of Representatives who has an interest in geographic information systems and in enhancing geospatial framework data sharing among public bodies.

(b) The following members appointed by the Governor:

(A) One member who represents Indian tribes, as defined in ORS 97.740;

(B) One member who represents the Association of Oregon Counties;

(C) One member who represents the League of Oregon Cities;

(D) One member who represents the Special Districts Association of Oregon;

(E) One member who represents regional governments or councils of government within this state;

(F) One member who represents the Oregon State Association of County Assessors;

(G) One member who represents a public safety answering point, as defined in ORS 403.105, within this state;

(H) One member who represents the public universities listed in ORS 352.002;

(I) One member who represents a federal agency that is concerned with collecting, managing or disseminating geospatial framework data;

(J) One member who represents a public utility within this state;

(K) One member who is a geographic information systems manager for a county or city in this state;

(L) One member who represents the public and who has an interest in geographic information systems and in enhancing geospatial framework data sharing among public bodies;

(M) The state geographic information officer that the State Chief Information Officer appoints under section 6 of this 2017 Act;

(N) One member who represents a nonprofit professional organization with an interest in geographic information systems and in enhancing geospatial data sharing among public bodies;

(O) Three members from state agencies with responsibility for water, land, air quality, natural resources or infrastructure;

(P) Two members from state agencies with responsibilities for public health, human services, education or economic or community development; and

(Q) Two members from state agencies with responsibility for public safety or emergency management.

(3) Each group or entity identified in subsection (2)(b) of this section may recommend an

individual from the group or entity for membership on the council.

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

(5)(a) A majority of the voting members of the council constitutes a quorum for transacting business.

(b) A majority of the voting members of the council must approve the council's official actions.

(6) The council shall elect one of the council's members to serve as chairperson and one member to serve as vice chairperson. The council shall specify in the charter described in section 3 (1)(d) of this 2017 Act a process by which the council selects the chairperson and vice chairperson and the terms of office for the chairperson and vice chairperson.

(7)(a) The term of office for each voting member of the council is four years, but the member serves at the pleasure of the Governor.

(b) Before a voting member's term expires, the Governor shall appoint a successor, whose term begins on January 1 following the Governor's appointment. A voting member is eligible for reappointment.

(c) A nonvoting member's term of office is two years. A nonvoting member is eligible for reappointment.

(d) If a vacancy occurs on the council for any reason, the appointing authority shall make an appointment to become immediately effective and the new member shall serve for the remainder of the term.

(8) The council shall meet at times and places that the chairperson or a majority of the voting members of the council specifies.

(9) Members of the council who are not members of the Legislative Assembly may not receive compensation, but the State Chief Information Officer, at the State Chief Information Officer's discretion, may reimburse council members for actual and necessary travel and other expenses the members incur in performing the members' official duties, in the manner and amounts provided for in ORS 292.495, from funds appropriated to the State Chief Information Officer for carrying out the council's purposes.

(10) All agencies of state government, as defined in ORS 174.111, shall assist the council in performing the council's duties and, to the extent permitted by laws relating to confidentiality, shall furnish information and advice the council considers necessary to perform the council's duties.

SECTION 3. (1) The Oregon Geographic Information Council has the exclusive power to:

(a) Serve as the statewide governing body for sharing and managing geospatial framework data that public bodies share under sections 1 to 6 of this 2017 Act;

(b) Develop and update every four years a strategic plan to manage geospatial framework data that aligns as closely as possible with the Enterprise Information Resources Management Strategy described in ORS 291.039 and oversee the implementation of the plan;

(c) Adopt, in consultation with the State Chief Information Officer, rules, policies and standards that identify geospatial framework data that public bodies must share and that specify how frequently public bodies must share the geospatial framework data;

(d) Recommend an allocation of responsibilities among public bodies for collecting, using, managing, sharing and maintaining geospatial framework data and devise and recommend terms under which public bodies share geospatial framework data;

(e) Adopt charters, rules, policies and procedures for carrying out the council's purposes under section 2 of this 2017 Act;

(f) Establish subcommittees, work groups and other bodies or methods of organization that the council deems necessary to carry out the council's purposes under section 2 of this 2017 Act; and

(g) Establish and appoint members to advisory committees for the purposes described in subsection (3) of this section.

(2) The Oregon Geographic Information Council shall:

(a) Lead and coordinate efforts to accumulate, disseminate, analyze and manage geographic information, including efforts that:

(A) Provide a statewide forum for discussing and resolving issues related to geographic information management;

(B) Develop and maintain partnerships for managing geographic information among public bodies; and

(C) Identify best practices for managing geographic information and geographic information systems and determine whether and how to apply the best practices within this state.

(b) Recommend laws, rules, policies and strategies for improving geographic information collection, dissemination, analysis and management to the Legislative Assembly, the United States Congress, public bodies and other individuals and entities.

(c) Develop and submit each biennium to the State Chief Information Officer for approval a plan and a budget for collecting, using, managing, sharing and maintaining geospatial framework data and for maintaining a geospatial data library within the office of the State Chief Information Officer.

(d) Work with public bodies to:

(A) Coordinate the activities of public bodies that relate to collecting, using, managing, sharing and maintaining geospatial framework data;

(B) Develop strategies to improve geospatial framework data sharing, to reduce duplication

of effort and to improve the coordination described in subparagraph (A) of this paragraph;

(C) Identify the types, categories, forms and other classifications of geospatial framework data that public bodies, private entities and the public need;

(D) Disseminate information about projects that various public bodies are undertaking with respect to geospatial framework data and other geographic information;

(E) Invite participation in developing, reviewing and updating the strategic plan described in subsection (1)(b) of this section;

(F) Recommend legislation to enhance geospatial framework data management and sharing among public bodies; and

(G) Recommend to the Legislative Assembly strategies for eliminating the fees that public bodies charge to other public bodies for geospatial framework data under ORS 190.050 or 192.440.

(e) Review periodically plans, grant proposals and budget requests that public bodies make for the purpose of digital mapping and identify opportunities for collaboration and shared investment that reduce unnecessary duplication of effort.

(f) Report on the plan described in paragraph (c) of this subsection and the council's other activities to the State Chief Information Officer, the Governor and the Joint Legislative Committee on Information Management and Technology on or before March 1 of each odd-numbered year.

(3)(a) The council may establish an advisory committee for any purpose, and, subject to paragraph (b) of this subsection, membership on an advisory committee is open to any person.

(b) If the council establishes one or more advisory committees for the purpose of advising the council concerning the development, collection, sharing or aggregation of geospatial framework data, the council shall establish each advisory committee with reference to the committee members' expertise or ability to advise the council concerning a particular category of geospatial framework data.

(c) Each advisory committee the council establishes under paragraph (b) of this subsection shall:

(A) Identify particular geospatial framework data that public bodies should share;

(B) Recommend a schedule for sharing the geospatial framework data that the committee identifies in subparagraph (A) of this paragraph;

(C) Recommend processes, work flow, procedures and necessary funding for collecting, using, managing, sharing and maintaining geospatial framework data; and

(D)(i) Recommend and coordinate recommendations from other sources for data formats, security standards and other standards

for collecting, storing, transferring, maintaining and managing geospatial framework data;

(ii) Submit the recommendations to the council and the State Chief Information Officer; and

(iii) Update and revise the recommendations periodically to account for new circumstances.

(d) Members of an advisory committee may not receive compensation, but the State Chief Information Officer, at the State Chief Information Officer's discretion, may reimburse members of an advisory committee for actual and necessary travel and other expenses the members incur in performing the members' duties, in the manner and amounts provided for in ORS 292.495, from funds appropriated to the State Chief Information Officer for the carrying out the council's purposes.

SECTION 4. (1)(a) Subject to ORS 192.410 to 192.505 and except as provided in paragraph (b) of this subsection, a public body shall share all geospatial framework data that the Oregon Geographic Information Council designates for sharing if:

(A) The public body does not incur costs other than the costs that the public body would incur as a custodian of the geospatial framework data; and

(B) The public body uses existing data and existing resources to share the geospatial framework data.

(b) Critical infrastructure information is not subject to the requirement under paragraph (a) of this subsection to share geospatial framework data, but a public body may choose to share with other public bodies critical infrastructure information of which the public body is a custodian under conditions the public body specifies.

(2)(a) A public body that shares geospatial framework data in accordance with subsection (1) of this section shall:

(A) Share the geospatial framework data in compliance with standards for data interchange, data formatting and data storage that the Oregon Geographic Information Council adopts by rule. If the council has not adopted standards or if the public body does not ordinarily maintain the geospatial framework data in accordance with the standards the council adopts, the public body shall share the geospatial framework data in the format in which the public body ordinarily maintains the geospatial framework data.

(B) Share the geospatial framework data at intervals that the council specifies by rule or, if the council does not specify an interval by rule, share the geospatial framework data annually.

(C) Retain custody of the public body's geospatial framework data.

(b) A public body that shares geospatial framework data in accordance with subsection (1) of this section may:

(A) Transfer copies of the geospatial framework data to the State Chief Information Officer for storage in the geospatial data library described in section 3 (2)(c) of this 2017 Act and direct requests for the geospatial framework data to the individual that the State Chief Information Officer appoints under section 6 of this 2017 Act.

(B) Share the geospatial framework data without entering into a written agreement with another public body.

(C) Prohibit the sharing or redistribution of the public body's geospatial framework data if the public body notifies the Oregon Geographic Information Council in writing that the geospatial framework data is exempt from disclosure under ORS 192.410 to 192.505 because the public body claims a copyright or other proprietary interest in the geospatial framework data or for another reason the public body specifies in the notice.

(D) Withhold from public disclosure geospatial framework data that the council designates by rule as critical infrastructure information.

(c) A public body that receives geospatial framework data from another public body may not redistribute the geospatial framework data without specific authorization from the public body that shared the geospatial framework data.

(3) A public body that shares geospatial framework data in accordance with subsection (1) of this section is not liable for:

(a) Omissions, inaccuracies or other errors or defects in the geospatial framework data; or

(b) Damages, losses or claims that arise from receiving or using the geospatial framework data.

(4) The individual that the State Chief Information Officer appoints under section 6 of this 2017 Act shall:

(a) Take all reasonably necessary measures to:

(A) Secure information in the geospatial data library described in section 3 (2)(c) of this 2017 Act in accordance with standards, policies and procedures established or rules adopted by the State Chief Information Officer under ORS 182.122;

(B) Protect the availability, integrity and confidentiality of the geospatial data library; and

(C) Ensure that a recipient of geospatial framework data complies with the prohibitions a public body places on sharing or redistributing the geospatial framework data under subsection (2)(b)(C) of this section.

(b) Provide secure electronic means by which a public body may transmit geospatial framework data to and obtain geospatial framework data from the geospatial data library.

SECTION 5. (1) The Oregon Geographic Information Council Fund is established in the State Treasury separate and distinct from the General Fund. All moneys that the State Chief Information Officer collects or receives for the purposes set forth in sections 1 to 6 of this 2017 Act must be paid into the State Treasury and credited to the Oregon Geographic Information Council Fund. Moneys in the fund may be invested in the same manner as other state moneys and the earnings of any investments must be credited to the fund.

(2) The State Chief Information Officer shall keep a record of all moneys deposited into the fund that indicates, by separate account, the source from which the moneys are derived, the interest earned and the activity or program against which any withdrawal is charged.

(3) Moneys in the fund are continuously appropriated to the State Chief Information Officer for:

(a) Developing, acquiring and maintaining geospatial framework data and activities related to sharing geospatial framework data among public bodies; and

(b) Paying the costs associated with the Oregon Geographic Information Council.

(4) The State Chief Information Officer may accept gifts, grants, donations and contributions from the federal government or agencies of the federal government or from any other public or private source and may agree to any conditions placed on the gift, grant, donation or contribution that is in accordance with applicable law and sections 1 to 6 of this 2017 Act.

(5) The State Chief Information Officer and the Oregon Geographic Information Council shall submit to the Legislative Assembly and the Governor by December 31 of each even-numbered year a report that summarizes the balance in the fund, lists the deposits into and expenditures from the fund and provides such other details as are necessary to enable the Legislative Assembly and the Governor to understand the operations of the fund.

SECTION 6. (1) The State Chief Information Officer shall establish and appoint an individual as a state geographic information officer to fill a full-time equivalent position that manages and oversees the daily operations of the office of the State Chief Information Officer that concern or are related to geographic information and geospatial framework data.

(2) The individual that the State Chief Information Officer appoints under subsection (1) of this section must be, by training and experience, well qualified for and capable of performing the following duties:

(a) Serving as the State Chief Information Officer's principal advisor concerning geographic information systems, geospatial

framework data and other programs and issues that concern geographic information;

(b) Communicating and coordinating with tribal, regional and local governments in this state, state agencies, the federal government and other public bodies on issues that concern geospatial framework data and sharing geospatial framework data;

(c) Serving as the State Chief Information Officer's representative on the Oregon Geographic Information Council;

(d) Taking a leading role in coordinating the council's development and maintenance of the strategic plan described in section 3 (1)(b) of this 2017 Act, in overseeing the implementation of the plan and in conducting the council's activities, as described in sections 2 and 3 of this 2017 Act;

(e) Taking responsibility for and directing the efforts described in section 4 (4) of this 2017 Act;

(f) Coordinating with the Federal Geographic Data Committee, the United States Geological Survey and other federal agencies in developing geospatial framework data in this state;

(g) Serving as the State Chief Information Officer's liaison for existing or proposed federal programs that relate to creating or maintaining geospatial framework data in this state;

(h) Representing the state on the National States Geographic Information Council and in local, regional and national programs and efforts that are related to geographic information systems and managing geographic information;

(i) Overseeing compliance with rules adopted and policies, standards and plans established by the State Chief Information Officer or the Oregon Geographic Information Council with respect to geographic framework data and geographic information systems;

(j) Consulting and collaborating with, supporting and providing services to public bodies and other stakeholders on projects that are re-

lated to geospatial framework data or other geographic information;

(k) Leading development and deployment for, and overseeing the continuing operation, maintenance, support and enhancement of, the geospatial data library described in section 3 (2)(c) of this 2017 Act on behalf of public bodies in this state; and

(L) Performing other duties that the State Chief Information Officer specifies.

SECTION 7. (1)(a) Sections 1, 2, 3, 5 and 6 of this 2017 Act become operative on January 1, 2018.

(b) Section 4 of this 2017 Act becomes operative on January 2, 2020.

(2) The State Chief Information Officer may adopt rules and take any other action before the operative date specified in subsection (1)(a) of this section that is necessary to enable the State Chief Information Officer to exercise, on and after the operative date specified in subsection (1)(a) of this section, all of the duties, functions and powers conferred on the State Chief Information Officer or the Oregon Geographic Information Council by sections 1, 2, 3, 5 and 6 of this 2017 Act.

(3) A public body that is subject to section 4 of this 2017 Act may adopt rules, ordinances or resolutions and take any other action before the operative date specified in subsection (1)(b) of this section that is necessary to enable the public body to exercise, on and after the operative date specified in subsection (1)(b) of this section, all of the duties, functions and powers conferred on the public body by section 4 of this 2017 Act.

SECTION 8. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

Approved by the Governor May 25, 2017

Filed in the office of Secretary of State May 26, 2017

Effective date October 6, 2017