

A-Engrossed
House Bill 2145

Ordered by the House May 19
Including House Amendments dated May 19

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SUMMARY

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

[Changes procedures for management of state agency information resources and information technology services and assets.]

Clarifies and updates provision relating to planning, acquisition, installation and use of information and telecommunications technology by state government and state agencies.

Removes authority for Oregon Department of Administrative Services to operate central repair and maintenance services and clerical pool services for state agencies. Deletes obsolete provisions relating to department functions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state agency administrative services; amending ORS 181.725, 283.130, 291.038, 291.990
3 and 576.307; repealing ORS 283.150 and 283.160; and declaring an emergency.

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

5 **SECTION 1.** ORS 181.725 is amended to read:

6 181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to
7 advise the Department of State Police or the criminal justice agency designated by the Director of
8 the Oregon Department of Administrative Services under ORS 181.715 (1) about the department's
9 or the agency's duties under ORS 181.715. The board consists of the following members:

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

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

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

13 (d) The executive director of the Oregon Criminal Justice Commission or the executive direc-
14 tor's designee;

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

16 (f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chair-
17 person's designee;

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

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

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

22 (j) A jail manager designated by the Oregon Jail Managers' Association;

23 (k) A county juvenile department director designated by the Oregon Juvenile Department Di-
24 rectors' Association;

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

1 (L) A community corrections agency director designated by the Oregon Association of Commu-
2 nity Corrections Directors;

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

4 (n) The administrator of the *[information resource management]* **Enterprise Information**
5 **Strategy and Policy** Division of the Oregon Department of Administrative Services or the admin-
6 istrator's designee;

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

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

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

11 (r) The staff director of the State Commission on Children and Families or the staff director's
12 designee.

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

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

16 **SECTION 2.** ORS 283.130 is amended to read:

17 283.130. As used in ORS 283.140 *[to 283.160]* **and 283.143**, "state agency" or "agency" includes
18 the Legislative Assembly, at *[its]* **the option of the Legislative Assembly**, or any *[of its]* statutory,
19 standing, special or interim committees **of the Legislative Assembly**, at the option of *[such]* **the**
20 committee.

21 **SECTION 3.** ORS 291.038 is amended to read:

22 291.038. (1) The planning, acquisition, installation and use of all information and telecommuni-
23 cations technology by state government and *[its]* agencies **of state government** shall be coordinated
24 so that statewide plans and activities, as well as those of individual agencies, are addressed in the
25 most integrated, economic and efficient manner. To provide policy direction for and coordination of
26 information technology for state government, the Director of the Oregon Department of Adminis-
27 trative Services shall chair and appoint not fewer than five agency executives to an Information
28 Resources Management Council. The council membership shall include at least two members *[rep-*
29 *resenting]* **who represent** the private sector and political subdivisions of the state.

30 (2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the
31 Oregon Department of Administrative Services shall adopt *[by rule]* **rules**, policies*[, procedures,]* **and**
32 standards *[and guidelines]* to plan for, acquire, implement and manage the state's information re-
33 sources. In developing rules, **policies and standards**, the department shall consult with state
34 agencies *[having]* **that have** needs that *[may be satisfied by use of]* information resources **may sat-**
35 **isfy**. State agencies shall cooperate with the department in preparing and complying with rules,
36 **policies and standards**. The rules, **policies and standards** must be formulated to promote elec-
37 tronic communication and information sharing among state agencies and programs, *[and]* between
38 state and local governments*[,]* and with the public where appropriate.

39 (3) Rules, **policies**, plans, **standards** and specifications *[shall]* **must** be formulated to ensure
40 that information resources fit together in a statewide system capable of providing ready access to
41 information, computing or telecommunication resources. *[Rules,]* Plans and specifications *[shall]* **the**
42 **department adopts must** be based on industry standards for open systems to the greatest extent
43 possible. *[Prior to adoption of rules referred to]* **Before adopting rules described** in subsection (2)
44 of this section, the *[Oregon Department of Administrative Services]* **department** shall present the
45 proposed rules to the appropriate legislative committee. The *[Oregon Department of Administrative*

1 *Services shall have* **department has** the *[review and oversight]* responsibility *[for insuring]* **to re-**
 2 **view, oversee and ensure** that **state** agencies' planning, acquisition and implementation activities
 3 **align with and** support the statewide information resources management plan. The department
 4 *[shall be]* **is** responsible for *[the fair and competitive procurement of]* **procuring** information technol-
 5 ogy **fairly, competitively and in a manner that is** consistent with the **department's** rules *[of the*
 6 *department]*.

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

10 (b) The *[Oregon Department of Administrative Services]* **department** shall, when procuring tele-
 11 communications network services, consider *[the achievement of]* **achieving** the economic development
 12 and quality of life outcomes *[contained]* **set forth** in the Oregon benchmarks.

13 (5)(a) The *[Oregon Department of Administrative Services]* **department**, upon request, may fur-
 14 nish and deliver statewide integrated videoconferencing and statewide online access service to
 15 *[any]* **a** public or private entity that primarily conducts *[its]* activities for the direct good or benefit
 16 of the public or *[community-at-large]* **community at large** in providing educational, economic de-
 17 velopment, health care, human services, public safety, library or other public services. The depart-
 18 ment shall adopt rules with respect to furnishing the service.

19 (b) The department shall establish the statewide integrated videoconferencing and statewide
 20 online access user fees, services, delivery, rates and long range plans in consultation with the
 21 Stakeholders Advisory Committee created pursuant to this section. The rates shall reflect the de-
 22 partment's cost in providing the service.

23 (c) The department by rule shall restrict *[its]* **the department's** furnishing or delivery of
 24 Internet access service to private entities when the service would directly compete with two or
 25 more local established providers of *[such]* **Internet access** services within the local exchange tele-
 26 communications service area.

27 (d) The rates and services established and provided under this section *[shall not be]* **are not**
 28 subject to the **Public Utility Commission's** regulation or authority *[of the Public Utility*
 29 *Commission]*.

30 (6)(a) There is created the Stakeholders Advisory Committee, consisting of a minimum of nine
 31 members appointed by the Director of the Oregon Department of Administrative Services. In making
 32 appointments, the director shall give consideration to geographic balance and adequate represen-
 33 tation of the department's users and providers and the general public.

34 (b) The *[Stakeholders Advisory Committee shall]* **committee must** consist of members who rep-
 35 resent elementary or secondary education, higher education, community colleges, economic devel-
 36 opment, health care, human services and public safety. At least four members *[shall]* **must** reside
 37 in areas east of the Cascade Mountains.

38 (c) The term of office of each member is three years, but a member serves at the sole discretion
 39 of the director. The director shall appoint a successor to a member before the *[expiration of the term*
 40 *of the member]* **member's term expires**. A member is eligible for reappointment. If a position on the
 41 *[Stakeholders Advisory]* committee is vacant for any cause, the director shall make an appointment
 42 to the position[,] **that is** immediately effective for the unexpired term.

43 (d) A member of the *[Stakeholders Advisory]* committee is entitled to travel expenses pursuant
 44 to ORS 292.495. Members of the *[Stakeholders Advisory]* committee are not entitled to compensation.

45 (e) The director may establish additional advisory and technical committees as the director

1 considers necessary to aid and advise the Stakeholders Advisory Committee in the performance of
2 [its] **the committee's** functions.

3 (f) The director may delegate to the State Chief Information Officer [*any of the duties, functions*
4 *or powers imposed*] **a duty, function or power that this subsection imposes** upon the director
5 [*by this subsection*].

6 (7) [Any] **An** organization or organizations recognized as tax exempt under section 501(c)(3) of
7 the Internal Revenue Code [*of 1986*] that primarily conduct activities for the direct good or benefit
8 of the public or community at large in providing educational, economic development, health care,
9 human services, public safety, library or other public services and have formed an affiliation with
10 one or more federal, state or local governmental units within this state may [*make application*] **apply**
11 to the department for designation as a community of interest. The application [*shall*] **must** be in
12 [*such*] **the form prescribed by the department** and [*shall*] contain [*such*] information regarding the
13 governmental affiliation relationship, the tax exempt status of each organization and the public
14 benefit services to be provided [*as the department may prescribe*]. The department shall establish an
15 application review and appeal process to ensure that [*designation of those*] **designating the** organ-
16 izations as a community of interest for the purposes of including the organization in telecommuni-
17 cations contracts under ORS 283.520 will result in providing educational, medical, library or other
18 services for public benefit.

19 (8) This section does not apply to the State Board of Higher Education or any state institution
20 of higher education within the Oregon University System.

21 (9) As used in this section:

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

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

26 [(c) "*Information resources management*" means the state's program for managing data and infor-
27 mation in its various forms in furtherance of program and agency objectives, and in such a way that
28 agency employees are able to obtain and use information easily, efficiently, effectively and
29 economically.]

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

32 [(e) "*Data*" and "*information*" represent facts and representations about the state's human, natural
33 and commercial resources.]

34 [(f) (c) "*Internet access service*" means electronic connectivity to the Internet and [its] **the**
35 services **of the Internet**.

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

39 [(h) (e) "*State-of-the-art services*" includes [*advanced digital communications*] **equipment, fa-**
40 **ilities and the capability to distribute digital communication signals that transmit voice,**
41 **data, video and images over a distance.**

42 [(i) (f) "*Telecommunications*" means [*the*] hardware, software and services for transmitting
43 voice, data, video and images over a distance.

44 [(j) (g) "*Statewide integrated [video-conferencing]*" **videoconferencing**" means a statewide
45 electronic system capable of transmitting video, voice and data communications.

1 [(k)] (h) “Statewide online access” means electronic connectivity to information resources such
 2 as computer conferencing, electronic mail, databases and Internet access.

3 **SECTION 4.** ORS 291.990 is amended to read:

4 291.990. (1) [Any] A person who makes or orders or votes to make [any] **an** expenditure in vio-
 5 lation of [any of the provisions] **a provision** of the statutes listed in subsection (5) of this section,
 6 or who makes or authorizes or causes to be made [any] **a** disbursement of funds from the State
 7 Treasury in violation of [any of the provisions] **a provision** of the statutes listed in subsection (5)
 8 of this section, commits a violation and shall, upon conviction, be punished by a fine of not less than
 9 \$500 nor more than \$3,000.

10 (2) If [any] **a** person incurs or orders or votes to incur an obligation in violation of [any of the
 11 provisions] **a provision** of the statutes listed in subsection (5) of this section, the person and the
 12 sureties on the **person’s** bond [of the person shall be] **are** jointly and severally liable [therefor] **for**
 13 **the violation** to the person in whose favor the obligation was incurred.

14 (3) Upon certification by the Oregon Department of Administrative Services that [any] **a** state
 15 officer or employee of a state agency has failed or refused to comply with [any] **an** order, rule or
 16 regulation [made by] the department **made** in accordance with [any of the provisions of] the statutes
 17 listed in subsection (5) of this section, the salary of the officer or employee may not be paid until
 18 the order, rule or regulation is complied with.

19 (4) [Any] A violation of a provision of a statute listed in subsection (5) of this section for which
 20 no other penalty is provided in this section is a Class A violation.

21 (5) Subsections (1) to (4) of this section apply to ORS 279A.140, 279A.280, 279B.270, 283.020,
 22 283.110, 283.140, **283.143**, [to 283.160,] 283.305 to 283.390, 291.001 to 291.034, 291.201 to 291.222,
 23 291.232 to 291.260, 291.307, 292.220 and 292.230.

24 **SECTION 5.** ORS 576.307 is amended to read:

25 576.307. (1) Upon request by a commodity commission, the Oregon Department of Administrative
 26 Services may:

27 (a) Purchase or otherwise provide for [the acquisition] **acquiring** or furnishing [of] supplies,
 28 materials, equipment and services, other than personal services, **that** [required by] the commission
 29 **requires** and for [the furnishing of] **independent contractors to furnish** professional services
 30 [rendered by independent contractors with the state] to the commission.

31 (b) Provide for [the furnishing of] printing and multiple duplication work [to] **for** the commission
 32 under ORS 282.010 to 282.050, except [that] **for** printing and binding that advertises or promotes
 33 [products,] agricultural or manufactured[, may not be considered state printing] **products**.

34 (c) Provide for [the furnishing of] services [relating to the disposition] **to the commission for**
 35 **disposing** of surplus, obsolete or unused supplies, materials and equipment [to the commission] under
 36 ORS 279A.280.

37 (d) Provide for [the furnishing of] central telephone service and central mail or messenger ser-
 38 vices to the commission under ORS 283.140.

39 [(e) Provide for the furnishing of central repair and maintenance services to the commission under
 40 ORS 283.150.]

41 [(f) Provide for the furnishing of clerical and stenographic pool services to the commission under
 42 ORS 283.160.]

43 [(g)] (e) Provide [for the furnishing of] motor vehicles for use by members, officers and employees
 44 of the commission under ORS 283.305 to 283.350.

45 (2) A commission shall pay to the Oregon Department of Administrative Services [such] **an**

1 amount for services [*performed by*] the department **performs** under subsection (1) of this section
2 [*as*] **that** the department determines is adequate to reimburse [*it*] **the department** for the costs
3 necessary to perform [*such*] **the** services.

4 (3) [*Upon request by a commission,*] **At the commission's request**, the Oregon Department of
5 Administrative Services may design and supervise the installation of an accounting system for the
6 commission. The commission shall pay to the Oregon Department of Administrative Services [*such*]
7 **an** amount for services [*performed by*] the department **performs** under this subsection [*as*] **that** the
8 department determines is adequate to reimburse [*it*] **the department** for the costs necessary to
9 perform [*such*] **the** services.

10 **SECTION 6. ORS 283.150 and 283.160 are repealed.**

11 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
13 **on its passage.**

14
