

**Enrolled**  
**House Bill 2145**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Department of Administrative Services)

CHAPTER .....

AN ACT

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

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

**SECTION 1.** 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 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 Sheriffs' Association;
  - (j) A jail manager designated by the Oregon Jail Managers' Association;
  - (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 [*information resource management*] **Enterprise Information Strategy and Policy** Division of the Oregon Department of Administrative Services or the administrator'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 staff director of the State Commission on Children and Families or the staff 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 2.** ORS 283.130 is amended to read:

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

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

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

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

(3) Rules, **policies**, plans, **standards** and specifications [shall] **must** be formulated to ensure that information resources fit together in a statewide system capable of providing ready access to information, computing or telecommunication resources. [Rules,] Plans and specifications [shall] **the department adopts must** be based on industry standards for open systems to the greatest extent possible. [Prior to adoption of rules referred to] **Before adopting rules described** in subsection (2) of this section, the [Oregon Department of Administrative Services] **department** shall present the proposed rules to the appropriate legislative committee. The [Oregon Department of Administrative Services shall have] **department has** the [review and oversight] responsibility [for insuring] **to review, oversee and ensure** that state agencies' planning, acquisition and implementation activities **align with and** support the statewide information resources management plan. The department [shall be] **is** responsible for [the fair and competitive procurement of] **procuring** information technology **fairly, competitively and in a manner that is** consistent with the **department's** rules [of the department].

(4)(a) [It is] 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 [Oregon Department of Administrative Services] **department** shall, when procuring telecommunications network services, consider [the achievement of] **achieving** the economic development and quality of life outcomes [contained] **set forth** in the Oregon benchmarks.

(5)(a) The [Oregon Department of Administrative Services] **department**, upon request, may furnish and deliver statewide integrated videoconferencing and statewide online access service to [any] **a** public or private entity that primarily conducts [its] activities for the direct good or benefit of the public or [community-at-large] **community at large** in providing educational, economic de-

velopment, health care, human services, public safety, library or other public services. The department shall adopt rules with respect to furnishing the service.

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

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

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

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

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

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

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

(e) The director may establish additional advisory and technical committees as the director considers necessary to aid and advise the Stakeholders Advisory Committee in the performance of *[its]* **the committee's** functions.

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

(7) *[Any]* **An** organization or organizations recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code *[of 1986]* 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 have formed an affiliation with one or more federal, state or local governmental units within this state may *[make application]* **apply** to the department for designation as a community of interest. The application *[shall]* **must** be in *[such]* **the form prescribed by the department** and *[shall]* contain *[such]* information regarding the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services to be provided *[as the department may prescribe]*. The department shall establish an application review and appeal process to ensure that *[designation of those]* **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.

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

(9) As used in this section:

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

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

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

[(d)] (b) "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.

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

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

[(g)] (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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Provide for *[the furnishing of]* central telephone service and central mail or messenger services to the commission under ORS 283.140.

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

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

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

(2) A commission shall pay to the Oregon Department of Administrative Services *[such]* **an** amount for services *[performed by]* the department **performs** under subsection (1) of this section *[as]* **that** the department determines is adequate to reimburse *[it]* **the department** for the costs necessary to perform *[such]* **the** services.

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

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

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

**Passed by House May 22, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate June 9, 2009**

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President of Senate

**Received by Governor:**

.....M.,....., 2009

**Approved:**

.....M.,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2009

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Secretary of State