

HOUSE AMENDMENTS TO HOUSE BILL 2145

By COMMITTEE ON RULES

May 19

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 and 4
2 and insert “181.725, 283.130, 291.038, 291.990 and 576.307; repealing ORS 283.150 and 283.160; and
3 declaring an emergency.”.

4 Delete lines 6 through 28.

5 On page 2, delete lines 1 through 32.

6 In line 33, delete “4” and insert “1”.

7 On page 3, delete lines 23 through 45 and delete pages 4 through 8 and insert:

8 “**SECTION 2.** ORS 283.130 is amended to read:

9 “283.130. As used in ORS 283.140 [*to 283.160*] **and 283.143**, ‘state agency’ or ‘agency’ includes the
10 Legislative Assembly, at [*its*] **the option of the Legislative Assembly**, or any [*of its*] statutory,
11 standing, special or interim committees **of the Legislative Assembly**, at the option of [*such*] **the**
12 committee.

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

14 “291.038. (1) The planning, acquisition, installation and use of all information and telecommuni-
15 cations technology by state government and [*its*] agencies **of state government** shall be coordinated
16 so that statewide plans and activities, as well as those of individual agencies, are addressed in the
17 most integrated, economic and efficient manner. To provide policy direction for and coordination of
18 information technology for state government, the Director of the Oregon Department of Adminis-
19 trative Services shall chair and appoint not fewer than five agency executives to an Information
20 Resources Management Council. The council membership shall include at least two members [*rep-*
21 *resenting*] **who represent** the private sector and political subdivisions of the state.

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

31 “(3) Rules, **policies**, plans, **standards** and specifications [*shall*] **must** be formulated to ensure
32 that information resources fit together in a statewide system capable of providing ready access to
33 information, computing or telecommunication resources. [*Rules*,] Plans and specifications [*shall*] **the**
34 **department adopts must** be based on industry standards for open systems to the greatest extent
35 possible. [*Prior to adoption of rules referred to*] **Before adopting rules described** in subsection (2)

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

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

12 “(b) The [*Oregon Department of Administrative Services*] **department** shall, when procuring
13 telecommunications network services, consider [*the achievement of*] **achieving** the economic devel-
14 opment and quality of life outcomes [*contained*] **set forth** in the Oregon benchmarks.

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

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

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

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

32 “(6)(a) There is created the Stakeholders Advisory Committee, consisting of a minimum of nine
33 members appointed by the Director of the Oregon Department of Administrative Services. In mak-
34 ing appointments, the director shall give consideration to geographic balance and adequate repre-
35 sentation of the department's users and providers and the general public.

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

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

45 “(d) A member of the [*Stakeholders Advisory*] committee is entitled to travel expenses pursuant

1 to ORS 292.495. Members of the [*Stakeholders Advisory*] committee are not entitled to compensation.

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

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

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

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

23 “(9) As used in this section:

24 “[*a*] ‘*Advanced digital communications*’ means equipment, facilities and capability to distribute
25 digital communications signals for the transmission of voice, data, image and video over distance.]

26 “[*b*] (a) ‘Information resources’ means media, instruments and methods for planning, collecting,
27 processing, transmitting and storing data and information, including telecommunications.

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

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

34 “[*e*] ‘Data’ and ‘information’ represent facts and representations about the state’s human, natural
35 and commercial resources.]

36 “[*f*] (c) ‘Internet access service’ means electronic connectivity to the Internet and [*its*] **the**
37 services **of the Internet**.

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

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

44 “[*i*] (f) ‘Telecommunications’ means [*the*] hardware, software and services for transmitting
45 voice, data, video and images over a distance.

1 “[(j)] (g) ‘Statewide integrated [video-conferencing] **videoconferencing**’ means a statewide elec-
2 tronic system capable of transmitting video, voice and data communications.

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

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

6 “291.990. (1) [Any] **A** person who makes or orders or votes to make [any] **an** expenditure in vi-
7 olation of [any of the provisions] **a provision** of the statutes listed in subsection (5) of this section,
8 or who makes or authorizes or causes to be made [any] **a** disbursement of funds from the State
9 Treasury in violation of [any of the provisions] **a provision** of the statutes listed in subsection (5)
10 of this section, commits a violation and shall, upon conviction, be punished by a fine of not less than
11 \$500 nor more than \$3,000.

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

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

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

23 “(5) Subsections (1) to (4) of this section apply to ORS 279A.140, 279A.280, 279B.270, 283.020,
24 283.110, 283.140, **283.143**, [to 283.160,] 283.305 to 283.390, 291.001 to 291.034, 291.201 to 291.222,
25 291.232 to 291.260, 291.307, 292.220 and 292.230.

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

27 “576.307. (1) Upon request by a commodity commission, the Oregon Department of Administra-
28 tive Services may:

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

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

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

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

41 “[e] Provide for the furnishing of central repair and maintenance services to the commission under
42 ORS 283.150.]

43 “[f] Provide for the furnishing of clerical and stenographic pool services to the commission under
44 ORS 283.160.]

45 “[g] (e) Provide [for the furnishing of] motor vehicles for use by members, officers and em-

1 ployees of the commission under ORS 283.305 to 283.350.

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

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

12 On page 9, delete lines 1 through 11.

13 In line 12, delete “13” and insert “6”.

14 In line 13, delete “14” and insert “7”.

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