

B-Engrossed
House Bill 2500

Ordered by the Senate June 5
Including House Amendments dated April 24 and Senate Amendments
dated June 5

Sponsored by Representatives ROBLAN, J SMITH, THATCHER, WHISNANT, Senator DEVLIN; Representatives BENTZ, BRUUN, CAMERON, CANNON, DEMBROW, C EDWARDS, D EDWARDS, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, GILMAN, HANNA, HARKER, HUFFMAN, KAHL, KENNEMER, KOMP, KRIEGER, MATTHEWS, RICHARDSON, G SMITH, STIEGLER, THOMPSON, VANORMAN, WEIDNER, WINGARD, Senators BONAMICI, FERRIOLI, GEORGE, KRUSE, MONNES ANDERSON, MORSE, SCHRADER, STARR, WALKER, WHITSETT, WINTERS

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.

Directs Oregon Department of Administrative Services to develop and make available [*Open Books Oregon*] **Oregon transparency** website for purpose of allowing people to view information that is public record and not exempt from disclosure. Requires state agencies to furnish department with financial information. Exempts State Treasurer.

Creates [*Open Books*] **Transparency** Oregon Advisory Commission to advise department regarding creation, contents and operation of website. Directs commission to report to Legislative Assembly on or before January 15 of each odd-numbered year. Specifies contents of report.

Establishes [*Open Books*] **Transparency** Oregon Advisory Commission Fund. Continuously appropriates moneys in fund to commission for purposes of performance of functions of commission.

Makes provisions relating to creation of website and furnishing of information operative on January 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public finance; appropriating money; and declaring an emergency.

3 Whereas the Seventy-fifth Legislative Assembly finds that taxpayers should be able to easily
4 access the details on how the state is spending their tax dollars and what performance results are
5 achieved for those expenditures; and

6 Whereas Oregon is currently facing a deep budget shortfall and is seeking efficiencies wherever
7 possible; and

8 Whereas there currently is no single, easily accessible interactive website that allows taxpayers
9 to track state revenues and expenditures; and

10 Whereas current technology affords the state an opportunity to provide citizens with a trans-
11 parent look at the state's finances; and

12 Whereas the Oregon Progress Board found in 2008 that only 12 percent of Oregonians could
13 correctly identify both the income tax as Oregon's largest source of state income and education as
14 the largest General Fund expenditure; and

15 Whereas future investments in state government information technology should strive for inte-
16 grated systems and data exchange designed to provide meaningful information to the public, policy
17 makers and state agencies; and

18 Whereas the Seventy-fifth Legislative Assembly finds that the creation of an interactive website
19 detailing the location, purpose and results of taxpayer investments in state government is beneficial

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 to our state; now, therefore,

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

3 **SECTION 1. As used in sections 1 to 4 of this 2009 Act, “state agency” means any officer,**
4 **board, commission, department, division or institution of state government, as defined in**
5 **ORS 174.111. “State agency” does not mean the State Treasurer.**

6 **SECTION 2. (1) The Oregon Department of Administrative Services shall develop and**
7 **make available an Oregon transparency website. The website shall allow any person to view**
8 **information that is a public record and not exempt from disclosure under ORS 192.410 to**
9 **192.505, including but not limited to information described in subsection (3) of this section.**

10 **(2) State agencies, to the extent practicable and subject to laws relating to**
11 **confidentiality, when at no additional cost, using existing data and existing state agency re-**
12 **sources and without reallocation of resources, shall:**

13 **(a) Furnish information to the Oregon transparency website by posting reports and pro-**
14 **viding links to existing information system applications in accordance with standards estab-**
15 **lished by the Oregon Department of Administrative Services; and**

16 **(b) Provide the information in the format and manner required by the Oregon Depart-**
17 **ment of Administrative Services.**

18 **(3) To the extent practicable and subject to laws relating to confidentiality, when at no**
19 **additional cost, using existing data and existing state agency resources and without reallo-**
20 **cation of resources, the Oregon transparency website shall contain information about each**
21 **state agency, including but not limited to:**

22 **(a) Annual state agency revenues;**

23 **(b) Annual state agency expenditures;**

24 **(c) Annual state agency human resources expenses, including compensation;**

25 **(d) Annual state agency tax expenditures, including, where possible, the identity of the**
26 **recipients of each tax expenditure;**

27 **(e) State agency contracting and subcontracting information, to the extent allowed by**
28 **law;**

29 **(f) A prominently placed graphic representation of the primary funding categories and**
30 **approximate number of individuals served by the state agency;**

31 **(g) A description of the mission, function and program categories of the state agency;**

32 **(h) Information about the state agency from the Oregon Progress Board; and**

33 **(i) A copy of any audit report issued by the Secretary of State for the state agency.**

34 **(4) In creating, operating, refining and recommending enhancements to the Oregon**
35 **transparency website, the Oregon Department of Administrative Services and the Transpar-**
36 **ency Oregon Advisory Commission created in section 3 of this 2009 Act shall consider and,**
37 **to the extent practicable, adhere to the following principles:**

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

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

41 **(c) The website should teach users about how state government works and provide users**
42 **with the opportunity to learn something about how state government raises and spends re-**
43 **venue.**

44 **(5) If a state agency is not able to include information described in this section on the**
45 **Oregon transparency website because of the lack of availability of information or cost in**

1 acquiring it, the Transparency Oregon Advisory Commission created in section 3 of this 2009
2 Act shall list the information that is not included for that state agency in the commission's
3 report to the Legislative Assembly required under section 3 of this 2009 Act.

4 **SECTION 3. (1) There is created the Transparency Oregon Advisory Commission con-**
5 **sisting of nine members appointed as follows:**

6 (a) The President of the Senate shall appoint two members from among members of the
7 Senate, one from the majority party and one from the minority party.

8 (b) The Speaker of the House of Representatives shall appoint two members from among
9 members of the House of Representatives, one from the majority party and one from the
10 minority party.

11 (c) The Governor shall appoint one member from an executive branch agency.

12 (d) The Director of the Oregon Department of Administrative Services shall appoint one
13 member.

14 (e) The Legislative Fiscal Officer shall appoint one member.

15 (f) The President of the Senate and the Speaker of the House of Representatives shall
16 each appoint one member of the public with experience or interest in public finance, public
17 relations, measurement of performance outcomes or technology.

18 (2) The commission shall advise and make recommendations to the Oregon Department
19 of Administrative Services regarding the creation, contents and operation of, and enhance-
20 ments to, the Oregon transparency website.

21 (3) A majority of the members of the commission constitutes a quorum for the trans-
22 action of business.

23 (4) Official action by the commission requires the approval of a majority of the members
24 of the commission.

25 (5) The commission shall elect one of its members to serve as chairperson. The chair-
26 person shall be selected not later than October 1 of each odd-numbered year.

27 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
28 ment to become immediately effective.

29 (7) The commission shall meet at times and places specified by the call of the chairperson
30 or of a majority of the members of the commission.

31 (8) The commission may adopt rules necessary for the operation of the commission.

32 (9) The commission shall use the services of permanent staff of the Legislative Fiscal
33 Office to the greatest extent practicable to staff the commission. The Oregon Department
34 of Administrative Services may provide additional assistance.

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

38 (11) All agencies of state government, as defined in ORS 174.111, are directed to assist
39 the commission in the performance of its duties and, to the extent permitted by laws relating
40 to confidentiality, to furnish such information and advice as the members of the commission
41 consider necessary to perform their duties.

42 (12) The commission shall report to the Legislative Assembly not later than January 15
43 of each odd-numbered year. The report shall describe:

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

1 (b) Possible future enhancements to the website, including but not limited to the inclu-
2 sion of information relating to:

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

5 (B) State agency bond debt;

6 (C) State agency expenses for capital improvements;

7 (D) Numbers and descriptions of jobs created through state agency contracts and sub-
8 contracts;

9 (E) Lists of businesses and individuals receiving tax credits, deductions, refunds, rebates
10 and other subsidies from a state agency;

11 (F) Lists of the names of contractors who received a contract from a state agency, in-
12 cluding the number of contracts and compensation received; and

13 (G) Lists by contracting state agency of the number of contracts entered into during a
14 biennium and the amount of moneys spent on the contracts; and

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

17 (13) The term of office of each member is four years, but a member serves at the pleas-
18 ure of the appointing authority. Before the expiration of the term of a member, the ap-
19 pointing authority shall appoint a successor whose term begins on January 1 next following.
20 A member is eligible for reappointment. If there is a vacancy for any cause, the appointing
21 authority shall make an appointment to become immediately effective for the unexpired
22 term.

23 **SECTION 4.** (1) The Transparency Oregon Advisory Commission may accept contribu-
24 tions of moneys and assistance from the United States Government or its agencies or from
25 any other source, public or private, and agree to conditions placed on the moneys not in-
26 consistent with the duties of the commission.

27 (2) There is established in the State Treasury, separate and distinct from the General
28 Fund, the Transparency Oregon Advisory Commission Fund. The fund consists of moneys
29 received by the commission under this section and such other moneys as may otherwise be
30 made available by law. Interest earned on the fund shall be credited to the fund. Moneys in
31 the fund are continuously appropriated to the commission and may be used only for the
32 performance of the functions of the commission.

33 **SECTION 5.** (1) Section 2 of this 2009 Act becomes operative on January 1, 2010.

34 (2) The Oregon Department of Administrative Services may take any action before the
35 operative date specified in subsection (1) of this section that is necessary to enable the de-
36 partment to exercise, on and after the operative date specified in subsection (1) of this sec-
37 tion, all the duties, functions and powers conferred on the department by this 2009 Act.

38 **SECTION 6.** Notwithstanding the term of office specified by section 3 of this 2009 Act,
39 of the members first appointed to the Transparency Oregon Advisory Commission:

40 (1) Three shall serve for terms ending January 1, 2011.

41 (2) Three shall serve for terms ending January 1, 2012.

42 (3) Three shall serve for terms ending January 1, 2013.

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

