

Enrolled
House Bill 2061

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Human Services)

CHAPTER

AN ACT

Relating to electronic records of governmental agencies; creating new provisions; and amending ORS 84.049.

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

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 84.001 to 84.061.

SECTION 2. Notwithstanding the provisions of ORS 84.013, a governmental agency does not require an individual's agreement or consent to conduct a transaction by electronic means or create or retain an electronic record of a transaction if the governmental agency conducts transactions by electronic means or creates, sends, accepts, generates, communicates, stores, processes, uses or relies on electronic records of transactions regularly and in the course of the governmental agency's ordinary business.

SECTION 3. ORS 84.049 is amended to read:

84.049. *[Each]* (1) A governmental agency of this state shall determine whether, and the extent to which, *[it]* **the governmental agency** will create and retain electronic records *[and]* **or** convert written records **or records that exist in other forms into** *[to]* electronic records.

(2) A person with authority to create or retain custody of a record on behalf of a governmental agency may approve the conversion of the record into an electronic record in accordance with policies the governmental agency adopts.

SECTION 4. A governmental agency may adopt rules necessary to implement the provisions of section 2 of this 2011 Act and the amendments to ORS 84.049 by section 3 of this 2011 Act.

Passed by House February 14, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 5, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State