

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)

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 **as introduced**.

Permits governmental agency to conduct transaction electronically or create or retain electronic record of transaction without individual's agreement or consent if agency creates, sends, accepts, generates, communicates, stores, processes, uses or relies on electronic records regularly and in course of ordinary agency business.

Permits agency to convert written records or records in other forms into electronic records.

A BILL FOR AN ACT

1
2 Relating to electronic records of governmental agencies; creating new provisions; and amending ORS
3 84.049.

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

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

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

12 **SECTION 3. ORS 84.049 is amended to read:**

13 84.049. [*Each*] (1) A governmental agency of this state shall determine whether, and the extent
14 to which, [*it*] **the governmental agency** will create and retain electronic records [*and*] **or** convert
15 written records **or records that exist in other forms into** [*to*] electronic records.

16 (2) **A person with authority to create or retain custody of a record on behalf of a gov-**
17 **ernmental agency may approve the conversion of the record into an electronic record in ac-**
18 **cordance with policies the governmental agency adopts.**

19 **SECTION 4. A governmental agency may adopt rules necessary to implement the pro-**
20 **visions of section 2 of this 2011 Act and the amendments to ORS 84.049 by section 3 of this**
21 **2011 Act.**

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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.