

Enrolled
House Bill 2211

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to state government information technology advisory bodies; creating new provisions; amending ORS 171.855 and 291.038; and declaring an emergency.

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

SECTION 1. 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 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 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 rules, policies and standards 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 that have needs that 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, between state and local governments and with the public where appropriate.

(3) Rules, policies, plans, standards and specifications 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. Plans and specifications the department adopts must be based on industry standards for open systems to the greatest extent possible. Before adopting rules described in subsection (2) of this section, the department shall present the proposed rules to the appropriate legislative committee. The department has the responsibility 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 is responsible for procuring information technology fairly, competitively and in a manner that is consistent with the department's rules.

(4)(a) 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 department shall, when procuring telecommunications network services, consider achieving the economic development and quality of life outcomes set forth in the Oregon benchmarks.

(5)(a) The department, upon request, may furnish and deliver statewide integrated videoconferencing and statewide online access service to a public or private entity that primarily conducts 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. 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 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 Internet access services within the local exchange telecommunications service area.

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

[(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 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 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 member's term expires. A member is eligible for reappointment. If a position on the 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 committee is entitled to travel expenses pursuant to ORS 292.495. Members of the 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 the committee's functions.*]

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

[(7)] **(6)** An organization or organizations recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code 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 apply to the department for designation as a community of interest. The application must be in the form prescribed by the department and contain information regarding the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services to be provided. The department shall establish an application review and appeal process to ensure that 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)] **(7)** This section does not apply to the State Board of Higher Education or any public university listed in ORS 352.002.

[(9)] **(8)** As used in this section:

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

(b) "Information technology" includes, but is not limited to, present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(c) "Internet access service" means electronic connectivity to the Internet and the services of the Internet.

(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.

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

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

(g) "Statewide integrated videoconferencing" means a statewide electronic system capable of transmitting video, voice and data communications.

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

SECTION 2. ORS 171.855 is amended to read:

171.855. The Joint Legislative Committee on Information Management and Technology shall:

(1) Establish statewide goals and policy regarding information systems and technology, including telecommunications.

(2) Conduct studies of information management and technology efficiency and security.

[(3) *Review the activities of the Oregon Department of Administrative Services, Information Resources Management Council.*]

[(4)] (3) Make recommendations regarding established or proposed information resource management programs and information technology acquisitions.

SECTION 3. The amendments to ORS 171.855 and 291.038 by sections 1 and 2 of this 2013 Act are intended to abolish the Information Resources Management Council and the Stakeholders Advisory Committee.

SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House February 13, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 1, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State