

# 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)

## 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**.

Abolishes Information Resources Management Council and Stakeholders Advisory Committee in Oregon Department of Administrative Services.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to state government information technology advisory bodies; creating new provisions;  
3 amending ORS 171.855 and 291.038; and declaring an emergency.

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

5 **SECTION 1.** ORS 291.038 is amended to read:

6 291.038. (1) The planning, acquisition, installation and use of all information and telecommuni-  
7 cations technology by state government and agencies of state government shall be coordinated so  
8 that statewide plans and activities, as well as those of individual agencies, are addressed in the most  
9 integrated, economic and efficient manner. [*To provide policy direction for and coordination of infor-*  
10 *mation technology for state government, the Director of the Oregon Department of Administrative Ser-*  
11 *vices shall chair and appoint not fewer than five agency executives to an Information Resources*  
12 *Management Council. The council membership shall include at least two members who represent the*  
13 *private sector and political subdivisions of the state.*]

14 (2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the  
15 Oregon Department of Administrative Services shall adopt rules, policies and standards to plan for,  
16 acquire, implement and manage the state's information resources. In developing rules, policies and  
17 standards, the department shall consult with state agencies that have needs that information re-  
18 sources may satisfy. State agencies shall cooperate with the department in preparing and complying  
19 with rules, policies and standards. The rules, policies and standards must be formulated to promote  
20 electronic communication and information sharing among state agencies and programs, between  
21 state and local governments and with the public where appropriate.

22 (3) Rules, policies, plans, standards and specifications must be formulated to ensure that infor-  
23 mation resources fit together in a statewide system capable of providing ready access to information,  
24 computing or telecommunication resources. Plans and specifications the department adopts must be  
25 based on industry standards for open systems to the greatest extent possible. Before adopting rules  
26 described in subsection (2) of this section, the department shall present the proposed rules to the  
27 appropriate legislative committee. The department has the responsibility to review, oversee and en-  
28 sure that state agencies' planning, acquisition and implementation activities align with and support  
29 the statewide information resources management plan. The department is responsible for procuring  
30 information technology fairly, competitively and in a manner that is consistent with the

**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 department's rules.

2 (4)(a) The policy of the State of Oregon is that state government telecommunications networks  
3 should be designed to provide state-of-the-art services where economically and technically feasible,  
4 using shared, rather than dedicated, lines and facilities.

5 (b) The department shall, when procuring telecommunications network services, consider  
6 achieving the economic development and quality of life outcomes set forth in the Oregon  
7 benchmarks.

8 (5)(a) The department, upon request, may furnish and deliver statewide integrated  
9 videoconferencing and statewide online access service to a public or private entity that primarily  
10 conducts activities for the direct good or benefit of the public or community at large in providing  
11 educational, economic development, health care, human services, public safety, library or other  
12 public services. The department shall adopt rules with respect to furnishing the service.

13 (b) The department shall establish the statewide integrated videoconferencing and statewide  
14 online access user fees, services, delivery, rates and long range plans [*in consultation with the*  
15 *Stakeholders Advisory Committee created pursuant to this section*]. The rates shall reflect the  
16 department's cost in providing the service.

17 (c) The department by rule shall restrict the department's furnishing or delivery of Internet ac-  
18 cess service to private entities when the service would directly compete with two or more local  
19 established providers of Internet access services within the local exchange telecommunications ser-  
20 vice area.

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

23 [(6)(a) *There is created the Stakeholders Advisory Committee, consisting of a minimum of nine*  
24 *members appointed by the Director of the Oregon Department of Administrative Services. In making*  
25 *appointments, the director shall give consideration to geographic balance and adequate representation*  
26 *of the department's users and providers and the general public.*]

27 [(b) *The committee must consist of members who represent elementary or secondary education,*  
28 *higher education, community colleges, economic development, health care, human services and public*  
29 *safety. At least four members must reside in areas east of the Cascade Mountains.*]

30 [(c) *The term of office of each member is three years, but a member serves at the sole discretion*  
31 *of the director. The director shall appoint a successor to a member before the member's term expires.*  
32 *A member is eligible for reappointment. If a position on the committee is vacant for any cause, the di-*  
33 *rector shall make an appointment to the position that is immediately effective for the unexpired term.*]

34 [(d) *A member of the committee is entitled to travel expenses pursuant to ORS 292.495. Members*  
35 *of the committee are not entitled to compensation.*]

36 [(e) *The director may establish additional advisory and technical committees as the director con-*  
37 *siders necessary to aid and advise the Stakeholders Advisory Committee in the performance of the*  
38 *committee's functions.*]

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

41 [(7)] (6) An organization or organizations recognized as tax exempt under section 501(c)(3) of the  
42 Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public  
43 or community at large in providing educational, economic development, health care, human services,  
44 public safety, library or other public services and have formed an affiliation with one or more fed-  
45 eral, state or local governmental units within this state may apply to the department for designation

1 as a community of interest. The application must be in the form prescribed by the department and  
 2 contain information regarding the governmental affiliation relationship, the tax exempt status of  
 3 each organization and the public benefit services to be provided. The department shall establish an  
 4 application review and appeal process to ensure that designating the organizations as a community  
 5 of interest for the purposes of including the organization in telecommunications contracts under  
 6 ORS 283.520 will result in providing educational, medical, library or other services for public benefit.

7 [(8)] (7) This section does not apply to the State Board of Higher Education or any public uni-  
 8 versity listed in ORS 352.002.

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

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

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

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

16 (d) "Open systems" means systems that allow state agencies freedom of choice by providing a  
 17 vendor-neutral operating environment where different computers, applications, system software and  
 18 networks operate together easily and reliably.

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

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

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

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

27 **SECTION 2.** ORS 171.855 is amended to read:

28 171.855. The Joint Legislative Committee on Information Management and Technology shall:

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

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

32 [(3) *Review the activities of the Oregon Department of Administrative Services, Information Re-*  
 33 *sources Management Council.*]

34 [(4)] (3) Make recommendations regarding established or proposed information resource man-  
 35 agement programs and information technology acquisitions.

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

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