

(To Resolve Conflicts)

## B-Engrossed House Bill 2370

Ordered by the Senate July 1  
Including House Amendments dated April 1 and Senate Amendments  
dated July 1 to resolve conflicts

Sponsored by Representatives THATCHER, BARNHART, Senator ROBLAN, Representative LIVELY, Senator WHITSETT; Representatives DAVIS, HARKER, VEGA PEDERSON, WHISNANT, Senators CLOSE, GEORGE (Presession filed.)

### 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.

Requires that additional information be posted on Oregon transparency website.

Directs state agency to provide Oregon Department of Administrative Services with link to agency website where minutes or summaries of public meetings or rules of agency are made available by agency for posting on Oregon transparency website. Requires posting of additional information relating to state contracts received by department.

Requires posting of links to websites established by local governments and by special government bodies for purpose of providing transparency in revenues, expenditures and budgets of public bodies.

Requires posting of information on tax expenditures under Oregon Low Income Community Jobs Initiative.

Requires posting of copies of all reports received by Oregon Department of Administrative Services from counties and other local governments relating to properties in certain enterprise zones.

### A BILL FOR AN ACT

1  
2 Relating to the Oregon transparency website; amending ORS 184.483 and 184.484.

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

4 **SECTION 1.** ORS 184.483 is amended to read:

5 184.483. (1) The Oregon Department of Administrative Services shall develop and make available  
6 an Oregon transparency website. The website shall allow any person to view information that is a  
7 public record and not exempt from disclosure under ORS 192.410 to 192.505, including but not lim-  
8 ited to information described in subsection (3) of this section.

9 (2) State agencies and education service districts, to the extent practicable and subject to laws  
10 relating to confidentiality, when at no additional cost, using existing data and existing resources of  
11 the state agency or education service district and without reallocation of resources, shall:

12 (a) Furnish information to the Oregon transparency website by posting reports and providing  
13 links to existing information system applications in accordance with standards established by the  
14 Oregon Department of Administrative Services; and

15 (b) Provide the information in the format and manner required by the Oregon Department of  
16 Administrative Services.

17 (3) To the extent practicable and subject to laws relating to confidentiality, when at no addi-  
18 tional cost, using existing data and existing resources of the state agency or education service dis-  
19 trict and without reallocation of resources, the Oregon transparency website shall contain

**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 information about each state agency and education service district, including but not limited to:

2 (a) Annual revenues of state agencies and education service districts;

3 (b) Annual expenditures of state agencies and education service districts;

4 (c) Annual human resources expenses, including compensation, of state agencies and education  
5 service districts;

6 (d) Annual tax expenditures of state agencies, including, when possible, the identity of the re-  
7 cipients of each tax expenditure;

8 [(e) Contracting and subcontracting information of state agencies and education service districts,  
9 to the extent allowed by law;]

10 [(f)] (e) A prominently placed graphic representation of the primary funding categories and ap-  
11 proximate number of individuals served by the state agency or the education service district;

12 [(g)] (f) A description of the mission, function and program categories of the state agency or  
13 education service district;

14 [(h)] (g) Information about the state agency from the Oregon Progress Board;

15 [(i)] (h) A copy of any audit report issued by the Secretary of State for the state agency or of  
16 any audit reports issued for the education service district;

17 [(j)] (i) The local service plans of the education service districts;

18 [(k)] (j) A copy of each report required by statute for education service districts; and

19 [(L)] (k) A copy of all notices of public meetings of the education service districts.

20 (4) In addition to the information described in subsection (3) of this section[, *each state agency*  
21 *shall post on the Oregon transparency website notices of public meetings required to be provided by the*  
22 *state agency under ORS 192.640.*];

23 (a) **The department shall post on the Oregon transparency website notices of public**  
24 **meetings required to be provided by the state agency under ORS 192.640. If the state agency**  
25 **maintains a website where minutes or summaries of the public meetings are available, the**  
26 **state agency shall provide the department with the link to that website for posting on the**  
27 **Oregon transparency website.**

28 (b) **The department shall post on the Oregon transparency website a link for the website**  
29 **maintained by the Secretary of State for rules adopted by the state agency. If the state**  
30 **agency maintains a website where the rules of the agency are posted, or where any infor-**  
31 **mation relating to the rules of the agency is posted, the state agency shall provide the de-**  
32 **partment with the link to that website for posting on the Oregon transparency website.**

33 (c) **The department shall provide links on the Oregon transparency website for informa-**  
34 **tion received by the department regarding contracts and subcontracts entered into by a state**  
35 **agency or education service district, to the extent disclosure of that information is allowed**  
36 **by law and the information is already available on websites maintained by the state agency**  
37 **or education service district. To the extent available, the information linked to under this**  
38 **section must include:**

39 (A) **Information on professional, personal and material contracts;**

40 (B) **The date of each contract and the amount payable under the contract;**

41 (C) **The period during which the contract is or was in effect; and**

42 (D) **The names and addresses of vendors.**

43 (5) In creating, operating, refining and recommending enhancements to the Oregon transparency  
44 website, the Oregon Department of Administrative Services and the Transparency Oregon Advisory  
45 Commission created in ORS 184.486 shall consider and, to the extent practicable, adhere to the fol-

1    lowing principles:

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

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

5       (c) The website should teach users about how state government and education service districts  
6    work and provide users with the opportunity to learn something about how state government and  
7    education service districts raise and spend revenue.

8       (6) If a state agency or an education service district is not able to include information described  
9    in this section on the Oregon transparency website because of the lack of availability of information  
10   or cost in acquiring it, the Transparency Oregon Advisory Commission created in ORS 184.486 shall  
11   list the information that is not included for that state agency or education service district in the  
12   commission's report to the Legislative Assembly required under ORS 184.486.

13       **(7) The Oregon Department of Administrative Services shall include on the Oregon**  
14   **transparency website a page that provides links to websites established by local govern-**  
15   **ments, as defined in ORS 174.116, and by special government bodies, as defined in ORS**  
16   **174.117, for the purpose of providing transparency in the revenues, expenditures and budgets**  
17   **of the public bodies. The department shall include a link to the website of the public body**  
18   **upon receiving a request from the public body, and shall consider recommendations from the**  
19   **Transparency Oregon Advisory Commission for the inclusion of other links to local and**  
20   **special government body websites. The department shall include a prominent link on the**  
21   **home page of the Oregon transparency website for information posted to the page described**  
22   **in this subsection.**

23       **SECTION 2.** ORS 184.484, as amended by section 24, chapter 45, Oregon Laws 2012, is amended  
24   to read:

25       184.484. (1) For each statute authorizing a tax expenditure that has a purpose connected to  
26   economic development and is listed in subsection (2) of this section, the state agency charged with  
27   certifying or otherwise administering the tax expenditure shall submit a report to the Oregon De-  
28   partment of Administrative Services. If no agency is authorized by statute, or if the statute does not  
29   provide for certification or administration of the tax expenditure, the Department of Revenue shall  
30   submit the report.

31       (2) This section applies to:

32       (a) ORS 285C.175, 285C.309, 285C.362, 307.123, 307.455, 307.462, 315.141, 315.331, 315.336, 315.341,  
33   315.507, 315.514, **315.533**, 316.698, 316.778, 317.124, 317.391 and 317.394.

34       (b) Grants awarded under ORS 469B.256 in any tax year in which certified renewable energy  
35   contributions are received as provided in ORS 315.326.

36       (c) ORS 315.354 except as applicable in ORS 469B.145 (2)(a)(L) or (N).

37       (d) ORS 316.116, if the allowed credit exceeds \$2,000.

38       (3) The following information, if it is already available in an existing database maintained by the  
39   agency, must be included in the report required under this section:

40       (a) The name of each taxpayer or applicant approved for the allowance of a tax expenditure or  
41   a grant award under ORS 469B.256.

42       (b) The address of each taxpayer or applicant.

43       (c) The total amount of credit against tax liability, reduction in taxable income or exemption  
44   from property taxation granted to each taxpayer or applicant.

45       (d) Specific outcomes or results required by the tax expenditure program and information about

1 whether the taxpayer or applicant meets those requirements. This information shall be based on data  
2 already collected and analyzed by the agency in the course of administering the tax expenditure.  
3 Statistics must be accompanied by a description of the methodology employed in their generation.

4 (e) An explanation of the agency's certification decision for each taxpayer or applicant, if ap-  
5 plicable.

6 (f) Any additional information submitted by the taxpayer or applicant and relied upon by the  
7 agency in its certification determination.

8 (g) Any other information that agency personnel deem valuable as providing context for the in-  
9 formation described in this subsection.

10 (4) The information reported under subsection (3) of this section may not include proprietary  
11 information or information that is exempt from disclosure under ORS 192.410 to 192.505 or 314.835.

12 (5) No later than September 30 of each year, agencies described in subsection (1) of this section  
13 shall submit to the Oregon Department of Administrative Services the information required under  
14 subsection (3) of this section as applicable to applications for allowance of tax expenditures ap-  
15 proved by the agency during the agency fiscal year ending during the current calendar year. The  
16 information shall then be posted on the Oregon transparency website required under ORS 184.483  
17 no later than December 31 of the same year.

18 **(6) In addition to the information described in subsection (3) of this section, the Oregon**  
19 **Department of Administrative Services shall post on the Oregon transparency website copies**  
20 **of all reports that the department, the Department of Revenue or the Oregon Business De-**  
21 **velopment Department receives from counties and other local governments relating to**  
22 **properties in enterprise zones that have received tax exemptions under ORS 285C.170,**  
23 **285C.175 or 285C.409, or that are eligible for tax exemptions under ORS 285C.309, 315.507 or**  
24 **317.124 by reason of being in an enterprise zone. The reports shall be submitted to the**  
25 **Oregon Department of Administrative Services in a manner and format prescribed by the**  
26 **department.**

27 [(6)] (7) The information described in this section that is available on the Oregon transparency  
28 website must be accessible in the format and manner required by the Oregon Department of Ad-  
29 ministrative Services.

30 [(7)] (8) The information described in this section shall be furnished to the Oregon transparency  
31 website by posting reports and providing links to existing information systems applications in ac-  
32 cordance with standards established by the Oregon Department of Administrative Services.

33 **SECTION 3. If House Bill 3400 becomes law, section 1 of this 2013 Act (amending ORS**  
34 **184.483) is repealed and ORS 184.483, as amended by section 1, chapter 357, Oregon Laws 2013**  
35 **(Enrolled House Bill 3400), is amended to read:**

36 184.483. (1) The Oregon Department of Administrative Services shall develop and make available  
37 an Oregon transparency website. The website shall allow any person to view information that is a  
38 public record and not exempt from disclosure under ORS 192.410 to 192.505, including but not lim-  
39 ited to information described in subsection (3) of this section.

40 (2) State agencies and education service districts, to the extent practicable and subject to laws  
41 relating to confidentiality, when at no additional cost, using existing data and existing resources of  
42 the state agency or education service district and without reallocation of resources, shall:

43 (a) Furnish information to the Oregon transparency website by posting reports and providing  
44 links to existing information system applications in accordance with standards established by the  
45 Oregon Department of Administrative Services; and

1 (b) Provide the information in the format and manner required by the Oregon Department of  
2 Administrative Services.

3 (3) To the extent practicable and subject to laws relating to confidentiality, when at no addi-  
4 tional cost, using existing data and existing resources of the state agency or education service dis-  
5 trict and without reallocation of resources, the Oregon transparency website shall contain  
6 information about each state agency and education service district, including but not limited to:

7 (a) Annual revenues of state agencies and education service districts;

8 (b) Annual expenditures of state agencies and education service districts;

9 (c) Annual human resources expenses, including compensation, of state agencies and education  
10 service districts;

11 (d) Annual tax expenditures of state agencies, including, when possible, the identity of the re-  
12 cipients of each tax expenditure;

13 (e) [*Contracting and subcontracting information of state agencies and education service districts,*  
14 *to the extent allowed by law, including,*] For each state agency, a description of the percentage of  
15 expenditures made in this state and the percentage of expenditures made outside this state under  
16 all contracts for goods or services entered into by the state agency during each biennium;

17 (f) A prominently placed graphic representation of the primary funding categories and approxi-  
18 mate number of individuals served by the state agency or the education service district;

19 (g) A description of the mission, function and program categories of the state agency or educa-  
20 tion service district;

21 (h) Information about the state agency from the Oregon Progress Board;

22 (i) A copy of any audit report issued by the Secretary of State for the state agency or of any  
23 audit reports issued for the education service district;

24 (j) The local service plans of the education service districts;

25 (k) A copy of each report required by statute for education service districts; and

26 (L) A copy of all notices of public meetings of the education service districts.

27 (4) In addition to the information described in subsection (3) of this section[, *each state agency*  
28 *shall post on the Oregon transparency website notices of public meetings required to be provided by the*  
29 *state agency under ORS 192.640.];*

30 (a) **The department shall post on the Oregon transparency website notices of public**  
31 **meetings required to be provided by the state agency under ORS 192.640. If the state agency**  
32 **maintains a website where minutes or summaries of the public meetings are available, the**  
33 **state agency shall provide the department with the link to that website for posting on the**  
34 **Oregon transparency website.**

35 (b) **The department shall post on the Oregon transparency website a link for the website**  
36 **maintained by the Secretary of State for rules adopted by the state agency. If the state**  
37 **agency maintains a website where the rules of the agency are posted, or where any infor-**  
38 **mation relating to the rules of the agency is posted, the state agency shall provide the de-**  
39 **partment with the link to that website for posting on the Oregon transparency website.**

40 (c) **The department shall provide links on the Oregon transparency website for informa-**  
41 **tion received by the department regarding contracts and subcontracts entered into by a state**  
42 **agency or education service district, to the extent disclosure of that information is allowed**  
43 **by law and the information is already available on websites maintained by the state agency**  
44 **or education service district. To the extent available, the information linked to under this**  
45 **section must include:**

- 1       **(A) Information on professional, personal and material contracts;**
- 2       **(B) The date of each contract and the amount payable under the contract;**
- 3       **(C) The period during which the contract is or was in effect; and**
- 4       **(D) The names and addresses of vendors.**

5       (5) In creating, operating, refining and recommending enhancements to the Oregon transparency  
6 website, the Oregon Department of Administrative Services and the Transparency Oregon Advisory  
7 Commission created in ORS 184.486 shall consider and, to the extent practicable, adhere to the fol-  
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11 easily understandable language; and

12       (c) The website should teach users about how state government and education service districts  
13 work and provide users with the opportunity to learn something about how state government and  
14 education service districts raise and spend revenue.

15       (6) If a state agency or an education service district is not able to include information described  
16 in this section on the Oregon transparency website because of the lack of availability of information  
17 or cost in acquiring it, the Transparency Oregon Advisory Commission created in ORS 184.486 shall  
18 list the information that is not included for that state agency or education service district in the  
19 commission's report to the Legislative Assembly required under ORS 184.486.

20       **(7) The Oregon Department of Administrative Services shall include on the Oregon**  
21 **transparency website a page that provides links to websites established by local govern-**  
22 **ments, as defined in ORS 174.116, and by special government bodies, as defined in ORS**  
23 **174.117, for the purpose of providing transparency in the revenues, expenditures and budgets**  
24 **of the public bodies. The department shall include a link to the website of the public body**  
25 **upon receiving a request from the public body, and shall consider recommendations from the**  
26 **Transparency Oregon Advisory Commission for the inclusion of other links to local and**  
27 **special government body websites. The department shall include a prominent link on the**  
28 **home page of the Oregon transparency website for information posted to the page described**  
29 **in this subsection.**

30