

Enrolled
House Bill 2370

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 184.483 is amended to read:

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

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

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

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

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

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

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

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

(d) Annual tax expenditures of state agencies, including, when possible, the identity of the recipients of each tax expenditure;

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

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

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

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

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

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

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

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

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

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

(b) The department shall post on the Oregon transparency website a link for the website maintained by the Secretary of State for rules adopted by the state agency. If the state agency maintains a website where the rules of the agency are posted, or where any information relating to the rules of the agency is posted, the state agency shall provide the department with the link to that website for posting on the Oregon transparency website.

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

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

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

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

(D) The names and addresses of vendors.

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

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

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

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

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

(7) The Oregon Department of Administrative Services shall include on the Oregon transparency website a page that provides links to websites established by local governments, as defined in ORS 174.116, and by special government bodies, as defined in ORS 174.117, for the purpose of providing transparency in the revenues, expenditures and budgets of the public bodies. The department shall include a link to the website of the public body upon receiving a request from the public body, and shall consider recommendations from the Transparency Oregon Advisory Commission for the inclusion of other links to local and special government body websites. The department shall include a prominent link on the

home page of the Oregon transparency website for information posted to the page described in this subsection.

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

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

(2) This section applies to:

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

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

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

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

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

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

(b) The address of each taxpayer or applicant.

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

(d) Specific outcomes or results required by the tax expenditure program and information about whether the taxpayer or applicant meets those requirements. This information shall be based on data already collected and analyzed by the agency in the course of administering the tax expenditure. Statistics must be accompanied by a description of the methodology employed in their generation.

(e) An explanation of the agency's certification decision for each taxpayer or applicant, if applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Annual tax expenditures of state agencies, including, when possible, the identity of the recipients of each tax expenditure;

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

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

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

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

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

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

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

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

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

(a) The department shall post on the Oregon transparency website notices of public meetings required to be provided by the state agency under ORS 192.640. If the state agency maintains a website where minutes or summaries of the public meetings are available, the

state agency shall provide the department with the link to that website for posting on the Oregon transparency website.

(b) The department shall post on the Oregon transparency website a link for the website maintained by the Secretary of State for rules adopted by the state agency. If the state agency maintains a website where the rules of the agency are posted, or where any information relating to the rules of the agency is posted, the state agency shall provide the department with the link to that website for posting on the Oregon transparency website.

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

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

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

- (a) The website must be accessible without cost and be easy to use;
- (b) Information included on the Oregon transparency website must be presented using plain, easily understandable language; and
- (c) The website should teach users about how state government and education service districts work and provide users with the opportunity to learn something about how state government and education service districts raise and spend revenue.

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

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

Passed by House June 18, 2013

Repassed by House July 6, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 3, 2013

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Peter Courtney, President of Senate

Received by Governor:

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

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