

**Enrolled**  
**House Bill 3258**

Sponsored by Representatives HARKER, GREENLICK; Representatives CLEM, NATHANSON, VEGA PEDERSON

CHAPTER .....

AN ACT

Relating to state information technology resources; creating new provisions; amending ORS 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]* **The State Chief Information Officer shall oversee policy for and coordinate planning, architecture and standardization of** all information and telecommunications technology by state government and agencies of state government *[shall be coordinated]* so that statewide **and individual state agencies'** plans and activities, *as well as those of individual agencies,* are addressed in the most integrated, economic and efficient manner, **in a manner that minimizes duplication, fragmentation, redundancy and cost in state agency operations and in a manner that most effectively meets state agency program needs.** *[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]* **State Chief Information Officer** shall adopt rules, policies and standards to plan for, *[acquire, implement and manage]* **develop architecture for and standardize** the state's information resources **and technologies.** In developing rules, policies and standards, the *[department]* **State Chief Information Officer** shall consult with state agencies that have needs that information resources may satisfy. State agencies shall cooperate with the *[department]* **State Chief Information Officer** in preparing and complying with rules, policies and standards. The **State Chief Information Officer shall formulate** 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) **The State Chief Information Officer shall formulate** rules, policies, plans, standards and specifications *[must be formulated]* to ensure that information resources **and technologies** fit together in a statewide system capable of providing ready access to information, computing or telecommunication resources. Plans and specifications **that** the *[department]* **State Chief Information Officer** 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]* **State Chief Information Officer** shall present the proposed rules to *[the appropriate legislative committee]* **a**

**committee or interim committee of the Legislative Assembly that has oversight over information resource and technology issues.** The [department] **State Chief Information Officer** has the responsibility to review, oversee and ensure that state agencies' **rules and** planning, acquisition and implementation activities align with and support the statewide information resources management plan. The [department] **Oregon Department of Administrative Services** is responsible for procuring information technology fairly, competitively and in a manner that is consistent with the [department's] **State Chief Information Officer'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] **must** 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] **if** 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] **that**

**the department prescribes** and contain information regarding the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services *[to be provided]* **the organization provides or intends to provide.** 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)] (f) "Statewide integrated videoconferencing" means a statewide electronic system capable of transmitting video, voice and data communications.

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

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

**SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS chapter 291.**

**SECTION 3. (1) The office of the State Chief Information Officer is established in the Oregon Department of Administrative Services for the purpose of directing, coordinating and overseeing policy related to information technology in accordance with ORS 291.038 and other statutes, rules and policies that govern the state's or state agencies' use of telecommunications and information technology.**

**(2) The Governor shall appoint the State Chief Information Officer, who shall serve at the pleasure of the Governor. The State Chief Information Officer may adopt rules in accordance with ORS chapter 183 to exercise and carry out the duties, functions and powers committed to the State Chief Information Officer under ORS 291.038 and other statutes, rules or policies that commit functions to the State Chief Information Officer.**

**(3) The State Chief Information Officer must be a person who, by training and experience, is well qualified to:**

**(a) Perform the duties of the office, as determined by the Governor, in consultation with the Director of the Oregon Department of Administrative Services; and**

**(b) Carry out the functions specified in ORS 291.038 and in other statutes, rules or policies that commit functions to the State Chief Information Officer.**

**(4)(a) The State Chief Information Officer shall adopt an Information Technology and Telecommunications Plan for the state and update the plan each biennium. The plan must provide for integrating statewide technology initiatives, ensuring compliance with information technology policies and standards, promoting alignment of information resources and technologies and effectively managing state agencies' information technology portfolios. In developing the plan, the State Chief Information Officer shall consult with and consider ad-**

vice and suggestions from state agencies and local governments, from private sector information technology experts, from the Legislative Fiscal Officer, from a committee of the Legislative Assembly with oversight over information resource and technology issues or from individual members of the Legislative Assembly that the President of the Senate and the Speaker of the House of Representatives appoint for the purpose of consulting with the State Chief Information Officer under this subsection.

(b) The State Chief Information Officer shall identify and recommend to the director the resources that are necessary to implement the plan the State Chief Information Officer adopts under paragraph (a) of this subsection. The director, in developing a biennial budget for the department, shall consider the recommendations that the State Chief Information Officer makes under this paragraph.

**SECTION 4.** (1) Section 3 of this 2013 Act and the amendments to ORS 291.038 by section 1 of this 2013 Act become operative on January 1, 2014.

(2) The State Chief Information Officer and the Director of the Oregon Department of Administrative Services may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the State Chief Information Officer or the director to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the State Chief Information Officer and the director by section 3 of this 2013 Act and the amendments to ORS 291.038 by section 1 of this 2013 Act.

**SECTION 5.** 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 June 24, 2013

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Ramona J. Line, Chief Clerk of House  
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Tina Kotek, Speaker of House

Received by Governor:

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

Approved:

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John Kitzhaber, Governor

Passed by Senate June 28, 2013

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Peter Courtney, President of Senate

Filed in Office of Secretary of State:

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

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Kate Brown, Secretary of State