

# House Bill 3258

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

## 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**.

Establishes office of State Chief Information Officer for purpose of directing policy and coordinating state government and state agencies in planning for, acquiring, installing and using telecommunications and information technology. Establishes Information Technology Coordination and Management Fund and continuously appropriates moneys in fund to State Chief Information Officer. Transfers functions from Oregon Department of Administrative Services to State Chief Information Officer.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to state information technology resources; creating new provisions; amending ORS 182.128,  
3 279A.050, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 291.038, 291.990 and 576.307; ap-  
4 propriating money; and declaring an emergency.

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

6 **SECTION 1.** ORS 182.128 is amended to read:

7 182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of 13  
8 members appointed as follows:

9 (a) The President of the Senate shall appoint two nonvoting members from among members of  
10 the Senate.

11 (b) The Speaker of the House of Representatives shall appoint two nonvoting members from  
12 among members of the House of Representatives.

13 (c) The Governor shall appoint:

14 (A) Three members who represent state agencies;

15 (B) Two members who represent the public; *[and]*

16 (C) One member who attends a school, community college or university in this state~~].~~; **and**

17 **(D) The State Chief Information Officer.**

18 (d) The Director of the Oregon Department of Administrative Services shall appoint *[two mem-*  
19 *bers as follows:]*

20 *[(A) The State Chief Information Officer; and]*

21 *[(B)]* a representative of the Oregon Department of Administrative Services.

22 (e) The State Treasurer shall appoint one member who represents the State Treasurer.

23 (2) Members of the Legislative Assembly who are members of the advisory board are nonvoting  
24 members and may act only in an advisory capacity.

25 (3) The advisory board shall:

26 (a) Advise the Oregon Department of Administrative Services concerning:

27 (A) The development of electronic government portals for the department and other state agen-  
28 cies;

**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 (B) The amount, collection methods or other aspects of a convenience fee that the department  
2 or an electronic government portal provider collects;

3 (C) The priority of new governmental service applications that may be provided by means of an  
4 electronic government portal;

5 (D) Terms and conditions of contracts between state agencies and electronic government portal  
6 providers; and

7 (E) Rules necessary to implement electronic government portals.

8 (b) Monitor the layout, content and usability of electronic government portals and advise the  
9 department on ways to improve the delivery of government services by means of electronic govern-  
10 ment portals, the accountability of state agencies' use of electronic government portals to provide  
11 government services and user satisfaction with electronic government portals.

12 (c) Study, propose, develop or coordinate activities that:

13 (A) Consider the needs of residents of this state;

14 (B) Evaluate the performance and transparency of state agency delivery of government services;  
15 and

16 (C) Further the effectiveness of and user satisfaction with:

17 (i) Electronic government portals; and

18 (ii) State agencies' performance and accountability in the use of electronic government portals  
19 to provide government services.

20 (4) A majority of the members of the advisory board constitutes a quorum for the transaction  
21 of business.

22 (5) Official action by the advisory board requires the approval of a majority of the members of  
23 the advisory board.

24 (6) The advisory board shall elect one of the members of the advisory board to serve as chair-  
25 person.

26 (7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall make  
27 an appointment to become immediately effective.

28 (8) The advisory board shall meet at times and places specified by the call of the chairperson  
29 or of a majority of the members of the advisory board.

30 (9) The advisory board may adopt rules necessary for the operation of the advisory board.

31 (10) The Oregon Department of Administrative Services shall provide staff support to the advi-  
32 sory board.

33 (11) Members of the advisory board who are not members of the Legislative Assembly are not  
34 entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses  
35 the members incur in the performance of the members' official duties in the manner and amounts  
36 provided for in ORS 292.495. Claims for expenses incurred in performing functions of the advisory  
37 board shall be paid out of funds appropriated to the Oregon Department of Administrative Services  
38 for purposes of the advisory board.

39 (12) All state agencies shall assist the advisory board in the advisory board's performance of the  
40 advisory board's duties and, to the extent permitted by laws relating to confidentiality, to furnish  
41 information and advice as the members of the advisory board consider necessary to perform the  
42 duties of the advisory board.

43 **SECTION 2.** ORS 279A.050 is amended to read:

44 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting  
45 agency shall exercise all **of the contracting agency's** procurement authority in accordance with

1 the provisions of the Public Contracting Code.

2 (b) [When] **If** a contracting agency has authority under this section to carry out functions de-  
3 scribed in this section, or has authority to make procurements under a provision of law other than  
4 the Public Contracting Code, the contracting agency is not required to exercise [that] **the con-**  
5 **tracting agency's** authority in accordance with the provisions of the code if, under ORS 279A.025,  
6 the code does not apply to the contract or **to the contracting agency's** authority.

7 (2) Except as otherwise provided in the Public Contracting Code, for state agencies the Director  
8 of the Oregon Department of Administrative Services has [all the] **complete** authority to carry out  
9 the provisions of the Public Contracting Code.

10 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation  
11 has [all the] **complete** authority to:

12 (a) Procure or supervise the procurement of all services and personal services to construct, ac-  
13 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking  
14 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

15 (b) Procure or supervise the procurement of all goods, services, public improvements and per-  
16 sonal services [relating] **related** to [the operation, maintenance or construction of] **operating, main-**  
17 **taining or constructing** highways, bridges and other transportation facilities that are subject to  
18 the authority of the Department of Transportation; and

19 (c) Establish standards for, prescribe forms for and [conduct the prequalification of] **prequalify**  
20 prospective bidders on public improvement contracts related to [the operation, maintenance or con-  
21 struction of] **operating, maintaining or constructing** highways, bridges and other transportation  
22 facilities that are subject to the authority of the Department of Transportation.

23 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has [all  
24 the] **complete** authority to procure or supervise the procurement of goods, services and personal  
25 services related to programs under the authority of the Secretary of State.

26 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has [all  
27 the] **complete** authority to procure or supervise the procurement of goods, services and personal  
28 services related to programs under the authority of the State Treasurer.

29 (6) The state agencies listed in this subsection have [all the] **complete** authority to do the fol-  
30 lowing in accordance with the Public Contracting Code:

31 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-  
32 vices and personal services under ORS 179.040 for the department's institutions and [the procurement  
33 of] **to procure** goods, services and personal services for [the construction, demolition, exchange,  
34 maintenance, operation] **constructing, demolishing, exchanging, maintaining, operating** and  
35 equipping [of] housing for the purpose of providing care to individuals with intellectual disabilities  
36 or other developmental disabilities, subject to applicable provisions of ORS 427.335;

37 (b) The Oregon Health Authority to procure or supervise the procurement of goods, services and  
38 personal services under ORS 179.040 and construction materials, equipment and supplies for the  
39 authority's institutions and [the procurement of] **to procure** goods, services, personal services, con-  
40 struction materials, equipment and supplies for [the construction, demolition, exchange, maintenance,  
41 operation] **constructing, demolishing, exchanging, maintaining, operating** and equipping [of]  
42 housing for [persons] **individuals** with chronic mental illness, subject to applicable provisions of ORS  
43 426.504;

44 (c) The State Department of Fish and Wildlife to procure or supervise the procurement of con-  
45 struction materials, equipment, supplies, services and personal services for public improvements,

1 public works or ordinary construction described in ORS 279C.320 that is subject to the authority  
 2 of the State Department of Fish and Wildlife;

3 (d) The State Parks and Recreation Department to procure or supervise the procurement of all  
 4 goods, services, public improvements and personal services relating to state parks;

5 (e) The Oregon Department of Aviation to procure or supervise the procurement of construction  
 6 materials, equipment, supplies, services and personal services for public improvements, public works  
 7 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon  
 8 Department of Aviation;

9 (f) The Oregon Business Development Department to procure or supervise the procurement of  
 10 all goods, services, personal services and public improvements related to *[its]* **the Oregon Business  
 11 Development Department's** foreign trade offices operating outside the state;

12 (g) The Housing and Community Services Department to procure or supervise the procurement  
 13 of goods, services and personal services as provided in ORS 279A.025 (2)(o);

14 (h) The Department of Corrections to procure or supervise the procurement of construction  
 15 materials, equipment, supplies, services and personal services for public improvements, public works  
 16 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-  
 17 ment of Corrections;

18 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,  
 19 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-  
 20 vices and personal services under ORS 179.040 for *[its]* **Department of Corrections** institutions;

21 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate  
 22 broker and principal real estate broker services related to programs under *[the department's]* **De-  
 23 partment of Veterans' Affairs** authority;

24 (k) The Oregon Military Department to procure or supervise the procurement of construction  
 25 materials, equipment, supplies, services and personal services for public improvements, public works  
 26 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon  
 27 Military Department;

28 (L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085  
 29 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), to pro-  
 30 cure or supervise the procurement of goods, services, personal services and information technology  
 31 *[relating]* **related** to student assessment; and

32 (m) Any state agency to conduct a procurement *[when the agency is specifically authorized by*  
 33 *any]* **if a** provision of law other than the Public Contracting Code **specifically authorizes the state**  
 34 **agency** to enter into a contract.

35 (7) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department  
 36 of Administrative Services has exclusive authority, unless the director delegates this authority, to  
 37 procure or supervise the procurement of all price agreements on behalf of the state agencies iden-  
 38 tified in subsection (6)(a) to *[(k)]* **(L)** of this section under which more than one state agency may  
 39 order goods, services or personal services *[and, except for contracts procured by the Oregon Health*  
 40 *Authority, all state agency information technology contracts. This subsection does not apply to contracts*  
 41 *under which the contractor delivers to the state agency information technology products or services*  
 42 *incidental to the performance of personal services contracts described in ORS chapter 279C or con-*  
 43 *struction contracts described in ORS chapter 279C].* A state agency identified in subsection (3) or  
 44 (6)(a) to *[(k)]* **(L)** of this section may not establish a price agreement or enter into a contract for  
 45 goods, services, personal services, construction materials, equipment or supplies without the ap-

1 proval of the director if the director has established a price agreement for the goods, services, [or]  
2 personal services, **construction materials, equipment or supplies.**

3 **SECTION 3.** ORS 283.140 is amended to read:

4 283.140. (1) The [*Oregon Department of Administrative Services*] **State Chief Information Offi-**  
5 **cer** shall exercise budgetary management, supervision and control over all telephone and telecom-  
6 munications service for all state agencies. [*The department may operate central mail, shuttle bus or*  
7 *messenger services for agencies located in Salem, Portland or other cities, where it would be economical*  
8 *so to do.*] The **State Chief Information Officer shall charge the** cost of maintaining and operating  
9 any central telephone exchange, switching system, network service and facility, intercity or intra-  
10 city network trunk or line or switchboard[, *or the cost of mail, shuttle bus and messenger services,*  
11 *shall be charged*] to the various agencies served [*and paid to the department*]. **The agencies shall**  
12 **pay the charges** in the same manner as **the agencies pay** other claims [*against the agencies are*  
13 *paid*].

14 (2) **The Oregon Department of Administrative Services may operate central mail, shuttle**  
15 **bus or messenger services for agencies located in Salem, Portland or other cities if operating**  
16 **central mail, shuttle bus or messenger services is economical.** If the department operates cen-  
17 tral mail service, [*it*] **the department shall:**

18 (a) Approve or disapprove all state agency mail equipment or mail service acquisitions.

19 (b) Report biennially to the Director of the Oregon Department of Administrative Services on  
20 opportunities for savings through state agency mail room centralization, consolidation and auto-  
21 mation and through mail route coordination.

22 (3) The department shall adopt rules [*pursuant to*] **under** which persons associated with gov-  
23 ernment either temporarily or otherwise, including but not limited to unsalaried volunteers, part-  
24 time employees, contractors with the state and employees of contractors, political subdivisions and  
25 the federal government may use shuttle bus services.

26 (4) For the purposes of this section, “telecommunications” means media that communicate voice,  
27 data, text, images or video over a distance using electrical, electronic or light wave transmission  
28 media.

29 **SECTION 4.** ORS 283.143 is amended to read:

30 283.143. (1) To encourage utilization of statewide integrated videoconferencing and statewide  
31 online access services, the [*Oregon Department of Administrative Services*] **State Chief Information**  
32 **Officer** shall, in addition to any other charge or assessment for providing telecommunications ser-  
33 vices to state agencies, impose upon each agency and public corporation a surcharge, in an amount  
34 [*established by the department*] **the State Chief Information Officer establishes. The State Chief**  
35 **Information Officer shall deposit** all surcharge moneys [*collected shall be deposited in the Oregon*  
36 *Department of Administrative Services Operating Fund*] **the State Chief Information Officer col-**  
37 **lects into the Information Technology Coordination and Management Fund**, and may [*be ex-*  
38 *pended*] **expend the moneys** only for state agency and public corporation telecommunication and  
39 videoconferencing activities, under such terms and conditions as the [*department*] **State Chief In-**  
40 **formation Officer** may prescribe.

41 (2) Notwithstanding subsection (1) of this section, the [*Oregon Department of Administrative*  
42 *Services shall*] **State Chief Information Officer may** not impose [*the*] **a** surcharge [*established by*]  
43 **under** this section on the Oregon University System or the Oregon Health and Science University.  
44 The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall enter  
45 into an agreement with the Oregon University System and the Oregon Health and Science Univer-

1 sity on the amounts *[to be paid by]* the Oregon University System and the Oregon Health and Sci-  
 2 ence University **will pay** to the *[Oregon Department of Administrative Services]* **State Chief**  
 3 **Information Officer** in lieu of the surcharge provided for in this section.

4 **SECTION 5.** ORS 283.505 is amended to read:

5 283.505. (1) The *[Oregon Department of Administrative Services]* **State Chief Information Offi-**  
 6 **cer** shall coordinate the consolidation and operation of all telecommunications systems *[used by]*  
 7 **that** the state and state agencies **use**. Notwithstanding any other provision of law, *[no]* **an** agent  
 8 or agency of the state *[shall]* **may not** construct, purchase or otherwise gain access to a telecom-  
 9 munications system without the **State Chief Information Officer's** prior approval *[of the depart-*  
 10 *ment]*.

11 (2) The *[department]* **State Chief Information Officer** shall coordinate the consolidation and  
 12 operation of emergency telecommunications systems *[used by]* **that** the state and state agencies  
 13 **use**. The provisions of this section *[shall not be construed to require consolidation of]* **do not require**  
 14 **consolidating** telecommunications systems used by emergency service providers, as defined by the  
 15 *[department]* **State Chief Information Officer**, into nonemergency networks.

16 **SECTION 6.** ORS 283.510 is amended to read:

17 283.510. (1) As used in this section:

18 (a) "Advanced digital communications" means equipment, facilities and capability to distribute  
 19 digital communications signals for the transmission of voice, data, image and video over distance.

20 (b) "Telecommunications provider" means any person capable of providing advanced digital  
 21 communications including, but not limited to, a telecommunications utility as defined in ORS  
 22 759.005, a competitive telecommunications provider as defined in ORS 759.005, a cable television  
 23 provider or an interstate telecommunications provider.

24 (2) Notwithstanding ORS chapters 279A, 279B and 279C, the *[Oregon Department of Administra-*  
 25 *tive Services]* **State Chief Information Officer** by contract shall acquire **an** advanced digital com-  
 26 munications **network and related** services from telecommunications providers or a consortium of  
 27 *[such]* **telecommunications** providers. Contracts under this section *[shall]* **must** provide that **the**  
 28 **contracting provider retains** all responsibility for *[construction, installation, operation and mainte-*  
 29 *nance of the network shall remain with the contracting provider]* **constructing, installing, operating**  
 30 **and maintaining the network**.

31 (3) Upon installation of an advanced digital communications network, the *[Oregon Department*  
 32 *of Administrative Services shall provide all]* **State Chief Information Officer shall coordinate**  
 33 telecommunications services and operations for the state and *[its]* **state** agencies. The *[department*  
 34 *shall]* **State Chief Information Officer may** not approve the procurement of any telecommuni-  
 35 cations system or equipment that is incompatible with the network.

36 **SECTION 7.** ORS 283.515 is amended to read:

37 283.515. The *[Oregon Department of Administrative Services]* **State Chief Information Officer**  
 38 annually shall review, in conjunction with each state agency, the budget of that agency to identify  
 39 agency funds to be used for travel and transportation that may be used for telecommunications. If  
 40 the *[department]* **State Chief Information Officer** determines that a portion of the agency travel  
 41 and transportation funds can be used more effectively through use of telecommunications, without  
 42 diminishing the affected agency's existing internal and external communications, the *[department]*  
 43 **State Chief Information Officer** shall make recommendations to the Emergency Board as de-  
 44 scribed in ORS 291.326 for such action as the *[department]* **State Chief Information Officer** deter-  
 45 mines necessary to dedicate the identified agency travel and transportation funds for use in

1 telecommunications. The *[department]* **State Chief Information Officer** shall make *[its]* **the State**  
 2 **Chief Information Officer's** recommendations to the Emergency Board not later than January 1.

3 **SECTION 8.** ORS 283.520 is amended to read:

4 283.520. (1) For the purposes of ORS 283.500 to 283.520, the *[Oregon Department of Administra-*  
 5 *tive Services]* **State Chief Information Officer** may enter into a contract or contracts with tele-  
 6 communications service providers and equipment manufacturers for *[the purchase, use or operation*  
 7 *of]* **purchasing, using or operating** telecommunications equipment and services for a period not to  
 8 exceed 10 years.

9 (2) For purposes of ORS 291.038 **(7)**, the *[Oregon Department of Administrative Services]* **State**  
 10 **Chief Information Officer** may extend the benefits of telecommunications contracts for networks,  
 11 equipment and services to nonprofit organizations that *[have been designated]* **the State Chief In-**  
 12 **formation Officer designates** as communities of interest.

13 **SECTION 9.** ORS 291.038 is amended to read:

14 291.038. (1) *[The planning, acquisition, installation and use of]* **The State Chief Information**  
 15 **Officer shall direct policy and coordinate planning for and acquisition, installation and use**  
 16 **of** all information and telecommunications technology by state government and agencies of state  
 17 government *[shall be coordinated]* so that statewide **and individual agencies'** plans and activities,  
 18 *as well as those of individual agencies,* are addressed in the most integrated, economic and efficient  
 19 manner. *[To provide policy direction for and coordination of information technology for state govern-*  
 20 *ment,]* The *[Director of the Oregon Department of Administrative Services]* **The State Chief Infor-**  
 21 **mation Officer** shall chair and appoint not fewer than five agency executives to *[an]* **an advisory**  
 22 **body with the name of the** Information Resources Management Council **to assist the State Chief**  
 23 **Information Officer in performing the State Chief Information Officer's duties and functions**  
 24 **under this section.** The council membership shall include at least two members who represent the  
 25 private sector and political subdivisions of the state.

26 (2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the  
 27 *[Oregon Department of Administrative Services]* **State Chief Information Officer** shall adopt rules,  
 28 policies and standards to plan for, acquire, implement and manage the state's information resources.  
 29 In developing rules, policies and standards, the *[department]* **State Chief Information Officer** shall  
 30 consult with state agencies that have needs that information resources may satisfy. State agencies  
 31 shall cooperate with the *[department]* **State Chief Information Officer** in preparing and complying  
 32 with rules, policies and standards. The **State Chief Information Officer shall formulate** rules,  
 33 policies and standards *[must be formulated]* to promote electronic communication and information  
 34 sharing among state agencies and programs, between state and local governments and with the  
 35 public where appropriate.

36 (3) **The State Chief Information Officer shall formulate** rules, policies, plans, standards and  
 37 specifications *[must be formulated]* to ensure that information resources **and technologies** fit to-  
 38 gether in a statewide system capable of providing ready access to information, computing or tele-  
 39 communication resources. Plans and specifications **that** the *[department]* **State Chief Information**  
 40 **Officer** adopts must be based on industry standards for open systems to the greatest extent possible.  
 41 Before adopting rules described in subsection (2) of this section, the *[department]* **State Chief In-**  
 42 **formation Officer** shall present the proposed rules to *[the appropriate legislative committee]* **a**  
 43 **committee or interim committee of the Legislative Assembly that has oversight over infor-**  
 44 **mation resource and technology issues.** The *[department]* **State Chief Information Officer** has  
 45 the responsibility to review, oversee and ensure that state agencies' **rules and** planning, acquisition

1 and implementation activities align with and support the statewide information resources manage-  
 2 ment plan. *[The department]* **Each state agency** is responsible for procuring information technology  
 3 fairly, competitively and in a manner that is consistent with the *[department's]* **State Chief Infor-**  
 4 **mation Officer's** rules.

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

8 (b) *[The department]* **A state agency** shall, when procuring telecommunications network ser-  
 9 vices, consider achieving the economic development and quality of life outcomes set forth in the  
 10 Oregon benchmarks.

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

17 (b) The *[department]* **State Chief Information Officer** shall establish *[the]* statewide integrated  
 18 videoconferencing and statewide online access user fees, services, delivery, rates and long range  
 19 plans in consultation with the Stakeholders Advisory Committee created *[pursuant to]* **under** this  
 20 section. The rates *[shall]* **must** reflect the *[department's]* **State Chief Information Officer's** cost  
 21 in providing the service.

22 (c) The *[department]* **State Chief Information Officer** by rule shall restrict the *[department's]*  
 23 **State Chief Information Officer's** furnishing or delivery of Internet access service to private en-  
 24 tities *[when]* **if** the **State Chief Information Officer's** service would directly compete with two or  
 25 more local established providers of Internet access services within the local exchange telecommu-  
 26 nications service area.

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

29 (6)(a) There is created the Stakeholders Advisory Committee, consisting of a minimum of nine  
 30 members appointed by the *[Director of the Oregon Department of Administrative Services]* **State Chief**  
 31 **Information Officer**. In making appointments, the *[director]* **State Chief Information Officer** shall  
 32 *[give consideration to]* **consider** geographic balance and adequate representation of *[the*  
 33 *department's]* **state agency** users and providers and the general public.

34 (b) The committee must consist of members who represent elementary or secondary education,  
 35 higher education, community colleges, economic development, health care, human services and pub-  
 36 lic safety. At least four members must reside in areas east of the Cascade Mountains.

37 (c) The term of office of each member is three years, but a member serves at the sole discretion  
 38 of the *[director]* **State Chief Information Officer**. The *[director]* **State Chief Information Officer**  
 39 shall appoint a successor to a member before the member's term expires. A member is eligible for  
 40 reappointment. If a position on the committee is vacant for any cause, the *[director]* **State Chief**  
 41 **Information Officer** shall make an appointment to the position that is immediately effective for the  
 42 unexpired term.

43 (d) A member of the committee is entitled to travel expenses pursuant to ORS 292.495. Members  
 44 of the committee are not entitled to compensation.

45 (e) The *[director]* **State Chief Information Officer** may establish additional advisory and tech-



1 nical committees as the *[director]* **State Chief Information Officer** considers necessary to aid and  
 2 advise the Stakeholders Advisory Committee in *[the performance of]* **performing** the committee's  
 3 functions.

4 (f) The *[director may delegate to the State Chief Information Officer]* **State Chief Information**  
 5 **Officer may delegate to the Director of the Oregon Department of Administrative Services**  
 6 a duty, function or power that this subsection imposes upon the *[director]* **State Chief Information**  
 7 **Officer**.

8 (7) An organization or organizations recognized as tax exempt under section 501(c)(3) of the  
 9 Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public  
 10 or community at large in providing educational, economic development, health care, human services,  
 11 public safety, library or other public services and have formed an affiliation with one or more fed-  
 12 eral, state or local governmental units within this state may apply to the *[department]* **State Chief**  
 13 **Information Officer** for designation as a community of interest. The application must be in the  
 14 form *[prescribed by the department]* **that the State Chief Information Officer prescribes** and  
 15 contain information regarding the governmental affiliation relationship, the tax exempt status of  
 16 each organization and the public benefit services *[to be provided]* **the organization provides or**  
 17 **intends to provide**. The *[department]* **State Chief Information Officer** shall establish an applica-  
 18 tion review and appeal process to ensure that designating the organizations as a community of in-  
 19 terest for the purposes of including the organization in telecommunications contracts under ORS  
 20 283.520 will result in providing educational, medical, library or other services for public benefit.

21 (8) This section does not apply to the State Board of Higher Education or any public university  
 22 listed in ORS 352.002.

23 (9) As used in this section:

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

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

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

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

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

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

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

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

41 **SECTION 10.** ORS 291.990 is amended to read:

42 291.990. (1) If a person incurs or orders or votes to incur an obligation in violation of a provision  
 43 of the statutes listed in subsection (4) of this section, the person and the sureties on the person's  
 44 bond are jointly and severally liable for the violation to the person in whose favor the obligation  
 45 was incurred.

1 (2) Upon certification by the Oregon Department of Administrative Services that a state officer  
 2 or employee of a state agency has failed or refused to comply with an order, rule or regulation the  
 3 department made in accordance with the statutes listed in subsection (4) of this section, the salary  
 4 of the officer or employee may not be paid until the order, rule or regulation is complied with.

5 (3) A violation of a provision of a statute listed in subsection (4) of this section is a Class A  
 6 violation.

7 (4) Subsections (1) to (3) of this section apply to ORS 279A.140, 279A.280, 279B.270, 283.020,  
 8 283.110, [283.140, 283.143,] 283.305 to 283.390, 291.001 to 291.034, 291.201 to 291.222, 291.232 to  
 9 291.260, 291.307, 292.220 and 292.230.

10 **SECTION 11.** ORS 576.307 is amended to read:

11 576.307. (1) Upon request by a commodity commission, the Oregon Department of Administrative  
 12 Services may:

13 (a) Purchase or otherwise provide for acquiring or furnishing supplies, materials, equipment and  
 14 services, other than personal services, that the commission requires and for independent contractors  
 15 to furnish professional services to the commission.

16 (b) Provide for printing and multiple duplication work for the commission under ORS 282.010 to  
 17 282.050, except for printing and binding that advertises or promotes agricultural or manufactured  
 18 products.

19 (c) Provide for services to the commission for disposing of surplus, obsolete or unused supplies,  
 20 materials and equipment under ORS 279A.280.

21 (d) Provide for [*central telephone service and*] central mail or messenger services to the com-  
 22 mission under ORS 283.140.

23 (e) Provide motor vehicles for use by members, officers and employees of the commission under  
 24 ORS 283.305 to 283.350.

25 (2) A commission shall pay to the Oregon Department of Administrative Services an amount for  
 26 services the department performs under subsection (1) of this section that the department determines  
 27 is adequate to reimburse the department for the costs necessary to perform the services.

28 (3) At the commission's request, the Oregon Department of Administrative Services may design  
 29 and supervise the installation of an accounting system for the commission. The commission shall pay  
 30 to the Oregon Department of Administrative Services an amount for services the department per-  
 31 forms under this subsection that the department determines is adequate to reimburse the department  
 32 for the costs necessary to perform the services.

33 **SECTION 12.** (1) **The office of the State Chief Information Officer is established for the**  
 34 **purpose of directing policy and coordinating state government and state agencies in planning**  
 35 **for, acquiring, installing and using telecommunications and information technology in ac-**  
 36 **cordance with ORS 283.140, 283.143, 283.505, 283.510, 283.515, 283.520 and 291.038 and other**  
 37 **statutes, rules and policies that govern the state's or state agencies' use of telecommuni-**  
 38 **cations and information technology.**

39 (2) **The Governor shall appoint the State Chief Information Officer, who shall serve at**  
 40 **the pleasure of the Governor. The Governor's appointment is subject to confirmation by the**  
 41 **Senate under ORS 171.562 and 171.565. If the Senate does not confirm the Governor's choice**  
 42 **of the State Chief Information Officer, the Governor shall make another appointment that**  
 43 **is subject to the confirmation of the Senate as provided in this subsection.**

44 (3) **The State Chief Information Officer must be a person who, by training and experi-**  
 45 **ence, is well qualified to:**

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

3 (b) Carry out the functions specified in ORS 283.140, 283.143, 283.505, 283.510, 283.515,  
 4 283.520 and 291.038 and in other statutes, rules or policies that govern the state's or state  
 5 agencies' use of telecommunications and information technology and commit functions to the  
 6 State Chief Information Officer.

7 **SECTION 13.** (1) The Information Technology Coordination and Management Fund is es-  
 8 tablished in the State Treasury, separate and distinct from the General Fund. Moneys in the  
 9 Information Technology Coordination and Management Fund may be invested and reinvested.  
 10 Interest earned by the Information Technology Coordination and Management Fund must  
 11 be credited to the fund.

12 (2) Moneys in the Information Technology Coordination and Management Fund are con-  
 13 tinuously appropriated to the State Chief Information Officer for the purpose of funding the  
 14 duties of the State Chief Information Officer as provided in ORS 283.140, 283.143, 283.505,  
 15 283.510, 283.515, 283.520 and 291.038 and in other statutes, rules or policies that govern the  
 16 state's or state agencies' use of telecommunications and information technology and commit  
 17 functions to the State Chief Information Officer.

18 **SECTION 14.** (1) The Director of the Oregon Department of Administrative Services  
 19 shall:

20 (a) Deliver to the State Chief Information Officer all records and property within the  
 21 director's jurisdiction that relate to telecommunications and information technology under  
 22 ORS 283.140, 283.143, 283.505, 283.510, 283.515, 283.520 and 291.038 and under other statutes,  
 23 rules or policies that govern the state's or state agencies' use of telecommunications and  
 24 information technology and commit functions to the director; and

25 (b) Transfer to the State Chief Information Officer employees who are engaged primarily  
 26 in exercising the duties, functions and powers of the director that relate to telecommuni-  
 27 cations and information technology under ORS 283.140, 283.143, 283.505, 283.510, 283.515,  
 28 283.520 and 291.038 and under other statutes, rules or policies that govern the state's or state  
 29 agencies' use of telecommunications and information technology and commit functions to the  
 30 director.

31 (2) The State Chief Information Officer shall take possession of the records and property,  
 32 and shall take charge of the employees and employ the employees in exercising the duties,  
 33 functions and powers of the office of the State Chief Information Officer, without reducing  
 34 the employees' compensation but subject to a change or termination of employment or  
 35 compensation as provided by law.

36 (3) The Governor shall resolve any dispute between the director and the State Chief In-  
 37 formation Officer that relates to transfers of records, property and employees under this  
 38 section, and the Governor's decision is final.

39 **SECTION 15.** (1) The unexpended balances of amounts the Oregon Department of Ad-  
 40 ministrative Services is authorized to expend for the biennium beginning July 1, 2011, from  
 41 revenues dedicated, continuously appropriated, appropriated or otherwise made available for  
 42 the purpose of administering and enforcing the duties, functions and powers of the Director  
 43 of the Department of Administrative Services that relate to telecommunications and infor-  
 44 mation technology under ORS 283.140, 283.143, 283.505, 283.510, 283.515, 283.520 and 291.038 and  
 45 under other statutes, rules or policies that govern the state's or state agencies' use of tele-

1 communications and information technology and commit functions to the director, are  
2 transferred to and are available for expenditure by the State Chief Information Officer for  
3 the biennium beginning July 1, 2013, for the purpose of administering and enforcing the du-  
4 ties, functions and powers that relate to telecommunications and information technology  
5 under ORS 283.140, 283.143, 283.505, 283.510, 283.515, 283.520 and 291.038 and under other  
6 statutes, rules or policies that govern the state's or state agencies' use of telecommuni-  
7 cations and information technology and commit functions to the State Chief Information  
8 Officer.

9 (2) The expenditure classifications, if any, set forth in Acts that authorize or limit the  
10 department's expenditures remain applicable to the State Chief Information Officer's expendi-  
11 tures under this section.

12 **SECTION 16.** The transfer of records, property and employees to the State Chief Infor-  
13 mation Officer under section 14 of this 2013 Act does not affect any action, proceeding or  
14 prosecution involving or with respect to the records, property and employees that began or  
15 is pending at the time of the transfer, except that the State Chief Information Officer is  
16 substituted for the Oregon Department of Administrative Services in the action, proceeding  
17 or prosecution.

18 **SECTION 17.** (1) Sections 12, 13, 14, 15 and 16 of this 2013 Act do not relieve a person of  
19 a liability, duty or obligation accruing under or with respect to the duties, functions and  
20 powers specified under ORS 283.140, 283.143, 283.505, 283.510, 283.515, 283.520 or 291.038 or  
21 under other statutes, rules or policies that govern the state's or state agencies' use of tele-  
22 communications and information technology and commit functions to the Director of the  
23 Oregon Department of Administrative Services. The State Chief Information Officer may  
24 collect or enforce any liability, duty or obligation that arises under ORS 283.140, 283.143,  
25 283.505, 283.510, 283.515, 283.520 or 291.038 or under other statutes, rules or policies that  
26 govern the state's or state agencies' use of telecommunications and information technology  
27 and commit functions to the State Chief Information Officer, or that results from the State  
28 Chief Information Officer's exercising a duty, function or power under ORS 283.140, 283.143,  
29 283.505, 283.510, 283.515, 283.520 or 291.038 or under other statutes, rules or policies that  
30 govern the state's or state agencies' use of telecommunications and information technology  
31 and commit functions to the State Chief Information Officer.

32 (2) The rights and obligations that the director legally incurred under contracts, leases  
33 and business transactions executed, entered into or begun before the operative date specified  
34 in section 21 of this 2013 Act are transferred to the State Chief Information Officer. For the  
35 purpose of succession to these rights and obligations, the State Chief Information Officer  
36 succeeds the director and the Oregon Department of Administrative Services and is not a  
37 new authority.

38 **SECTION 18.** Notwithstanding the transfer of records, property and employees by section  
39 14 of this 2013 Act, the rules of the Oregon Department of Administrative Services that are  
40 in effect on the operative date specified in section 21 of this 2013 Act and that concern the  
41 duties, functions and powers of the department or the Director of the Department of Ad-  
42 ministrative Services under ORS 283.140, 283.143, 283.505, 283.510, 283.515, 283.520 or 291.038  
43 or under other statutes, rules or policies that govern the state's or state agencies' use of  
44 telecommunications and information technology and commit functions to the department or  
45 director continue in effect until the State Chief Information Officer supersedes or repeals

1 the department's rules. References in the department's rules to the director, the department  
 2 or an officer or employee of the department are references to the State Chief Information  
 3 Officer or an officer or employee of the office of the State Chief Information Officer.

4 **SECTION 19.** A statutory law or resolution of the Legislative Assembly or a rule, docu-  
 5 ment, record or proceeding that the Legislative Assembly has authorized that refers to the  
 6 Director of the Oregon Department of Administrative Services, the Oregon Department of  
 7 Administrative Services or an officer or employee of the department in connection with a  
 8 duty, function or power of the director or the department under ORS 283.140, 283.143, 283.505,  
 9 283.510, 283.515, 283.520 or 291.038 or under other statutes, rules or policies that govern the  
 10 state's or state agencies' use of telecommunications and information technology and commit  
 11 functions to the department or director is a reference to the State Chief Information Officer  
 12 or an officer or employee of the office of the State Chief Information Officer.

13 **SECTION 20.** The Governor may appoint the State Chief Information Officer before the  
 14 operative date specified in section 21 of this 2013 Act and the State Chief Information Officer  
 15 may take any action before the operative date specified in section 21 of this 2013 Act that is  
 16 necessary to enable the State Chief Information Officer to exercise, on and after the opera-  
 17 tive date specified in section 21 of this 2013 Act, the duties, functions and powers of the State  
 18 Chief Information Officer under sections 12 to 19 of this 2013 Act and under the amendments  
 19 to ORS 182.128, 279A.050, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 291.038, 291.990 and  
 20 576.307 by sections 1 to 11 of this 2013 Act.

21 **SECTION 21.** Sections 12 to 19 of this 2013 Act and the amendments to ORS 182.128,  
 22 279A.050, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 291.038, 291.990 and 576.307 by  
 23 sections 1 to 11 of this 2013 Act become operative on January 1, 2014.

24 **SECTION 22.** This 2013 Act being necessary for the immediate preservation of the public  
 25 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
 26 on its passage.

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