A-Engrossed

Senate Bill 528

Ordered by the Senate March 14
Including Senate Amendments dated March 14

Sponsored by Senator STEINER HAYWARD, Representative HARKER; Senators BOQUIST, BURDICK, CLOSE, FERRIOLI, GEORGE, GIROD, HANSELL, HASS, JOHNSON, KNOPP, KRUSE, OLSEN, STARR, THOMSEN, WINTERS, Representatives BARKER, BARNHART, BARTON, BUCKLEY, GALLEGOS, GELSER, GREENLICK, PARRISH, UNGER, 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.

Allows Secretary of State, State Treasurer, judicial department and legislative department to obtain copyrights and patents on data processing materials and to sell, lease or otherwise make available the materials to **local,** state and federal governmental bodies.
Declares emergency, effective on passage.

1   **A BILL FOR AN ACT**

2   Relating to state data processing development; creating new provisions; amending ORS 291.042; and

3   declaring an emergency.

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

5   **SECTION 1.** ORS 291.042 is amended to read:

6   291.042. (1) [*Subject to the approval of the Joint Legislative Committee on Information Management*

7   *and Technology,*] **Except as provided in subsection (2) of this section,** the Oregon Department

8   of Administrative Services:

9   [*(a) May obtain copyrights and patents on copyrightable or patentable data processing programs,*

10   *information or materials developed, published or produced by state agency staff.*]

11   [*(b) May cause to have sold, leased, or otherwise made available such data processing programs,*

12   *information or materials to any agency or legislative body of any state or the federal government under*

13   *such terms and conditions as may be agreed to by the committee and the agencies.*]

14   **(a) May hold copyrights and obtain patents on copyrightable or patentable data process-**

15   **ing programs, information or materials developed, published or produced by a state agency.**

16   **(b) May cause to have sold, leased or otherwise made available the data processing pro-**

17   **grams, information or materials to any agency, judicial body or legislative body of any unit**

18   **of local government, any state or the federal government under terms and conditions agreed**

19   **to by the state agency that developed, published or produced the programs, information or**

20   **materials.**

21   **(2) The Secretary of State, the State Treasurer, the judicial department as defined in**

22   **ORS 174.113 and the legislative department as defined in ORS 174.114:**

23   **(a) May hold copyrights and obtain patents on copyrightable or patentable data process-**

24   **ing programs, information or materials developed, published or produced by the Secretary**

25   **of State, State Treasurer, judicial department or legislative department.**

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) May cause to have sold, leased or otherwise made available the data processing pro-**
2   **grams, information or materials to any agency, judicial body or legislative body of any unit**
3   **of local government, any state or the federal government under terms and conditions agreed**
4   **to by the Secretary of State, State Treasurer, judicial department or legislative department.**
5   [*(2)*] **(3) Except as provided in this subsection,** moneys collected under **subsection (1) of** this
6   section [*shall be credited to the General Fund and*], less **state** agency expenses accrued in develop-
7   ing, producing and distributing software and in training software users, shall be **deposited in the**
8   **General Fund and are** available for general governmental purposes. [*However,*] If resources ex-
9   pended for [*such*] **the** development, production, distribution and training activities were from fees
10   or assessments charged and collected by the **state** agency, the net proceeds of moneys collected
11   under **subsection (1) of** this section shall be [*credited to*] **deposited in** the same accounts [*to*] **in**
12   which the fees or assessments are [*credited*] **deposited** and shall be used to reduce the fees or as-
13   sessments charged by the **state** agency to the extent permitted by law.
14   **(4) Except as provided in this subsection, moneys collected under subsection (2) of this**
15   **section, less expenses of the Secretary of State, State Treasurer, judicial department or**
16   **legislative department accrued in developing, producing and distributing software and in**
17   **training software users, shall be deposited in the General Fund and are available for general**
18   **governmental purposes. If resources expended for the development, production, distribution**
19   **and training activities were from fees or assessments charged and collected by the secretary,**
20   **treasurer, judicial department or legislative department, the net proceeds of moneys col-**
21   **lected under subsection (2) of this section shall be deposited in the same accounts in which**
22   **the fees or assessments are deposited and shall be used to reduce the fees or assessments**
23   **charged by the secretary, treasurer, judicial department or legislative department to the**
24   **extent permitted by law.**
25   **(5) As used in this section:**
26   **(a) "Data processing programs" includes software programs.**
27   **(b) "State agency" has the meaning given that term in ORS 291.002.**
28   <u>SECTION 2.</u> **The amendments to ORS 291.042 by section 1 of this 2013 Act apply to data**
29   **processing programs, information or materials developed, published, produced, sold, leased**
30   **or otherwise made available prior to, on or after the effective date of this 2013 Act.**
31   <u>SECTION 3.</u> **This 2013 Act being necessary for the immediate preservation of the public**
32   **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
33   **on its passage.**
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