

**Enrolled**  
**House Bill 4135**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D.)

CHAPTER .....

AN ACT

Relating to state information technology resources; creating new provisions; amending ORS 184.477, 291.037, 291.038 and 291.039; and declaring an emergency.

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

**SECTION 1. (1)(a) The State Chief Information Officer shall advise the executive staff members of state agencies, boards or commissions who have responsibility for developing, acquiring, maintaining or implementing information technology resources with respect to:**

- (A) Emerging information technologies and emerging business trends;**
- (B) Current and future information technology issues and opportunities;**
- (C) Strategies to maximize effective and efficient uses of enterprise and shared services technology efforts; and**
- (D) Individual agency, board or commission information technology plans.**

**(b) In addition to the advisory responsibilities described in paragraph (a) of this subsection, the State Chief Information Officer has the following powers, duties and responsibilities:**

- (A) To identify information technology initiatives that involve participation from more than one state agency, board or commission or that involve all or a significant portion of one state agency's, board's or commission's personnel or resources;**
- (B) To form and lead governance structures and workgroups to plan and implement initiatives identified under subparagraph (A) of this paragraph using shared services, and to oversee the implementation of the initiatives;**
- (C) To specify priorities for initiatives identified in subparagraph (A) of this paragraph and verify that the initiatives are implemented according to the specified priorities;**
- (D) To review state agency, board and commission information technology budget proposals;**
- (E) To ensure that individual state agency board and commission information technology plans align with and conform to the Enterprise Information Resources Management Strategy and other state government information technology strategic plans;**
- (F) To support and maintain this state's shared services and information technology portfolio; and**
- (G) To evaluate and recommend any necessary adjustments to state agency, board or commission information technology plans, policies or budgets.**

**(c) In undertaking the duties and responsibilities described in paragraph (b) of this subsection, the State Chief Information Officer and executive staff members of state agencies,**

boards and commissions who have responsibility for developing, acquiring, maintaining or implementing information technology resources shall work to provide or assist in providing services that:

(A) Enable the executive staff members to gain an informed analysis and understanding of state agency, board or commission business processes that require information technology solutions;

(B) Implement cost-effective and efficient acquisition and deployment of products and services; and

(C) Rigorously govern, manage and oversee information technology initiatives.

(2) On or before each date on which the Legislative Assembly convenes in regular session, the State Chief Information Officer shall deliver to the Joint Legislative Committee on Information Management and Technology a report that describes the progress the State Chief Information Officer has made in undertaking the duties and responsibilities specified in this section, the challenges the State Chief Information Officer has faced and the statutory changes or resource allocations that are necessary to support continued or better implementation.

**SECTION 2.** ORS 184.477 is amended to read:

184.477. (1) The purpose of enterprise management is to create a plan and implement a state government-wide approach for managing distributed information technology assets to minimize total ownership costs from acquisition through retirement, while realizing maximum benefits for transacting the state's business and delivering services to *[its citizens]* **the residents of this state.**

(2) With input and recommendations from state agencies, the Oregon Department of Administrative Services **and the State Chief Information Officer each biennium** shall develop *[a plan for the state government-wide management of]*, **maintain or update, as appropriate, an Enterprise Information Resources Management Strategy that, among other functions, enables the department to manage** distributed information technology assets **throughout state government.** The *[plan]* **Enterprise Information Resources Management Strategy** shall prescribe the state government-wide infrastructure and services for managing these assets. The *[plan shall be submitted]* **department and the State Chief Information Officer shall submit the Enterprise Information Resources Management Strategy** to the Joint Legislative Committee on Information Management and Technology for review.

(3) Following review by the Joint Legislative Committee on Information Management and Technology, the department **and the State Chief Information Officer** shall ensure state agency implementation of the *[plan]* **Enterprise Information Resources Management Strategy**, including the development of appropriate standards, processes and procedures.

(4) State agencies shall participate in *[the enterprise management of]* **managing** information technology assets **in accordance with the Enterprise Information Resources Management Strategy** and shall comply with the standards, processes and procedures of the department **and the State Chief Information Officer.**

(5) This section does not apply to competitive research grants and contracts at public universities listed in ORS 352.002.

**SECTION 3.** ORS 291.037 is amended to read:

291.037. The Legislative Assembly finds and declares that:

(1) Information is a strategic asset of the state *[which]* **that** must be managed as a valuable state resource.

(2) The expanding need, use and importance of information resources in this state require strong and effective management by both individual agencies and the state as a whole.

(3) The state must establish management procedures to *[assure]* **ensure** a framework for the review, improvement, integration, development, security and use of information resources. Principal objectives for information resources management are improved productivity of state workers, better public access to public information, increased effectiveness in the delivery of services provided by

the various agencies and enhancing development of the telecommunication infrastructure available to the public.

(4) Effective information resources management requires:

(a) [A *specific statewide strategic plan*] **An Enterprise Information Resources Management Strategy**, including management and technical policy, **that is developed, maintained or updated each biennium**;

(b) Comprehensive planning of the design, acquisition, security and use of information resources;

(c) The operation of communications systems and information resources that respond to the management information needs of agencies and programs; and

(d) Consideration of the impact of information resources management activities on the development and vitality of telecommunications infrastructure available to the public.

(5) Although each agency is responsible for *its* **the agency's** information resources, centralized information resource management must also exist to:

(a) Provide statewide rules and standards;

(b) Monitor and *insure* **ensure** compliance with those rules and standards;

(c) Provide management and technical assistance; and

(d) *Insure* **Ensure** that the information resources management needs of state government and *its* **state government** programs are addressed along with the needs of the individual agencies.

**SECTION 4.** ORS 291.038 is amended to read:

291.038. (1) 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 so that statewide and individual state agencies' plans and activities 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.

(2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the State Chief Information Officer shall:

(a) Adopt rules, policies and standards to plan for, develop architecture for and standardize the state's information resources and technologies. In developing rules, policies and standards, the State Chief Information Officer shall consult with state agencies that have needs that information resources may satisfy. State agencies shall cooperate with the State Chief Information Officer in preparing and complying with rules, policies and standards. [*The State Chief Information Officer shall*]

(b) Formulate rules, policies and standards to promote electronic communication and information sharing among state agencies and programs, between state and local governments and with the public where appropriate.

(c) **Seek to minimize duplicative or redundant advisory boards by recommending streamlined governance structures for information technology projects that involve more than one state agency, board or commission.**

(3) The State Chief Information Officer shall formulate rules, policies, plans, standards and specifications 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 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 State Chief Information Officer shall present the proposed rules to [*a committee or interim committee of the Legislative Assembly that has oversight over information resource and technology issues*] **the Joint Legislative Committee on Information Management and Technology**. The 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 Oregon Department of Administrative Services is responsible for procuring information technology fairly, competitively and in a manner that is consistent with the 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 statewide integrated videoconferencing and statewide online access user fees, services, delivery, rates and long range plans. The rates 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 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) 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 that the department prescribes and contain information regarding the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services 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.

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

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

(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 5.** ORS 291.039 is amended to read:

291.039. (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) **Each biennium** the State Chief Information Officer, **in collaboration with the department**, shall *adopt* **develop, maintain or update, as appropriate**, an *Information Technology and Telecommunications Plan* **Enterprise Information Resources Management Strategy** for the state *and update the plan each biennium*. **In addition to the functions described in ORS 184.477**, the *plan* **Enterprise Information Resources Management Strategy** 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* **Enterprise Information Resources Management Strategy**, the **department and the State Chief Information Officer** shall consult with and consider advice 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* **the Joint Legislative Committee on Information Management and Technology** 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* **Enterprise Information Resources Management Strategy**. 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 6.** Section 1 of this 2014 Act is repealed on June 30, 2015.

**SECTION 7.** (1) Section 1 of this 2014 Act and the amendments to ORS 184.477, 291.037, 291.038 and 291.039 by sections 2 to 5 of this 2014 Act become operative July 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 or 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 or the director by section 1 of this 2014 Act and the amendments to ORS 184.477, 291.037, 291.038 and 291.039 by sections 2 to 5 of this 2014 Act.**

**SECTION 8.** This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

**Passed by House March 3, 2014**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate March 6, 2014**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2014

**Approved:**

.....M,....., 2014

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2014

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Kate Brown, Secretary of State