

A-Engrossed
House Bill 4135

Ordered by the House February 12
Including House Amendments dated February 12

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

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.

Requires State Chief Information Officer to appoint Strategic Technology Team within office of State Chief Information Officer. Prescribes functions, duties, powers and responsibilities of Strategic Technology Team. Requires team to work collaboratively with State Chief Information Officer's staff and with executive staff of state agencies, boards and commissions with responsibility for information technology resources. Requires State Chief Information Officer to allocate funds to support team from appropriations to office of State Chief Information Officer.

Requires State Chief Information Officer to formulate rules, policies and standards to ensure that person other than state employee may not use data or information for certain purposes. Specifies exceptions.

Requires State Chief Information Officer to work with Oregon Department of Administrative Services to develop, maintain or update each biennium Enterprise Information Resources Management Strategy. Prescribes contents and functions of Enterprise Information Resources Management Strategy.

Becomes operative July 1, 2014.

Sunsets December 31, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state information technology resources; creating new provisions; amending ORS 184.477,
3 291.037, 291.038 and 291.039; and declaring an emergency.

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

5 **SECTION 1. (1)(a) The State Chief Information Officer shall appoint a Strategic Tech-**
6 **nology Team within the office of the State Chief Information Officer to advise the executive**
7 **staff members of state agencies, boards or commissions who have responsibility for devel-**
8 **oping, acquiring, maintaining or implementing information technology resources, and the**
9 **State Chief Information Officer, with respect to:**

10 **(A) Emerging information technologies and emerging business trends;**

11 **(B) Current and future information technology issues and opportunities;**

12 **(C) Strategies to maximize effective and efficient uses of enterprise and shared services**
13 **technology efforts; and**

14 **(D) Individual agency, board or commission information technology plans.**

15 **(b) In addition to the advisory responsibilities described in paragraph (a) of this sub-**
16 **section, the Strategic Technology Team has the following powers, duties and responsibilities:**

17 **(A) To identify information technology initiatives and projects that involve participation**
18 **from more than one state agency, board or commission or that involve all or a significant**
19 **portion of one state agency's, board's or commission's personnel or resources;**

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) To form and lead governance structures and workgroups to plan and implement ini-**
2 **tiatives and projects identified under subparagraph (A) of this paragraph using shared ser-**
3 **vices, and to oversee the implementation of the initiatives and projects;**

4 **(C) To specify priorities for initiatives and projects identified in subparagraph (A) of this**
5 **paragraph and verify that the initiatives and projects are implemented according to the**
6 **specified priorities;**

7 **(D) To review state agency, board and commission information technology budget pro-**
8 **posals;**

9 **(E) To ensure that individual state agency, board and commission information technology**
10 **plans align with and conform to the Enterprise Information Resources Management Strategy**
11 **and other state government information technology strategic plans;**

12 **(F) To support and maintain this state's shared services and information technology**
13 **portfolio; and**

14 **(G) To evaluate and recommend any necessary adjustments to state agency, board or**
15 **commission information technology plans, policies or budgets.**

16 **(c) In undertaking the duties and responsibilities described in paragraph (b) of this sub-**
17 **section, the Strategic Technology Team, in collaboration with the State Chief Information**
18 **Officer's staff and with executive staff members of state agencies, boards or commissions**
19 **who have responsibility for developing, acquiring, maintaining or implementing information**
20 **technology resources, shall work to provide or assist in providing services that:**

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

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

26 **(C) Rigorously govern, manage and oversee information technology investments.**

27 **(2) On or before each date on which the Legislative Assembly convenes in regular ses-**
28 **sion, the State Chief Information Officer and the Director of the Oregon Department of Ad-**
29 **ministrative Services shall deliver to the Joint Legislative Committee on Information**
30 **Management and Technology a report that describes the progress the Strategic Technology**
31 **Team has made in undertaking the duties and responsibilities specified in this section, the**
32 **challenges the Strategic Technology Team has faced and the statutory changes or resource**
33 **allocations that are necessary to support continued or better implementation.**

34 **(3) The State Chief Information Officer shall allocate funds necessary to support the ac-**
35 **tivities of the Strategic Technology Team from appropriations made to the office of the State**
36 **Chief Information Officer.**

37 **SECTION 1a. (1) As used in this section, "information resources" and "information**
38 **technology" have the meanings given those terms in ORS 291.038.**

39 **(2) The State Chief Information Officer shall formulate rules, policies and standards to**
40 **ensure that a person other than a state employee, a state official or an officer or agent of**
41 **a state agency that provides information resources or information technology to a state**
42 **agency may not, except as provided in subsection (3) of this section:**

43 **(a) Use data or information the person acquires, compiles or derives in the course of**
44 **providing information resources or information technology to a state agency in order to**
45 **create or assist in creating:**

1 **(A) Online advertising based on a user’s identifiable characteristics or online behavior;**
2 **or**

3 **(B) A profile of a user or the user’s household or family members;**

4 **(b) Sell for commercial gain, or for another purpose that provides a pecuniary benefit**
5 **primarily to the person or an affiliate of the person, data or information the person acquires,**
6 **compiles or derives in the course of providing information resources or information tech-**
7 **nology to a state agency; or**

8 **(c) Use data or information the person acquires, compiles or derives in the course of**
9 **providing information resources or information technology to a state agency in order to en-**
10 **gage in activities that weaken, reduce or compromise the privacy interests of state officials,**
11 **state employees, clients of state agencies or other individuals or entities to whom a state**
12 **agency has a duty of confidentiality.**

13 **(3) The provisions of subsection (2) of this section do not apply to data or information a**
14 **person acquires, compiles or derives for the purpose of implementing and maintaining the**
15 **security, integrity or intended functions of information resources or information technology**
16 **the person provides to a state agency.**

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

18 184.477. (1) The purpose of enterprise management is to create a plan and implement a state
19 government-wide approach for managing distributed information technology assets to minimize total
20 ownership costs from acquisition through retirement, while realizing maximum benefits for trans-
21 acting the state’s business and delivering services to *[its citizens]* **the residents of this state.**

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

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

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

40 (5) This section does not apply to competitive research grants and contracts at public universi-
41 ties listed in ORS 352.002.

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

43 291.037. The Legislative Assembly finds and declares that:

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

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

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

9 (4) Effective information resources management requires:

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

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

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

16 (d) Consideration of the impact of information resources management activities on the develop-
17 ment and vitality of telecommunications infrastructure available to the public.

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

20 (a) Provide statewide rules and standards;

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

22 (c) Provide management and technical assistance; and

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

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

26 291.038. (1) The State Chief Information Officer shall oversee policy for and coordinate planning,
27 architecture and standardization of all information and telecommunications technology by state
28 government and agencies of state government so that statewide and individual state agencies' plans
29 and activities are addressed in the most integrated, economic and efficient manner, in a manner that
30 minimizes duplication, fragmentation, redundancy and cost in state agency operations and in a
31 manner that most effectively meets state agency program needs.

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

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

39 (b) Formulate rules, policies and standards to promote electronic communication and informa-
40 tion sharing among state agencies and programs, between state and local governments and with the
41 public where appropriate.

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

45 (3) The State Chief Information Officer shall formulate rules, policies, plans, standards and

1 specifications to ensure that information resources and technologies fit together in a statewide sys-
2 tem capable of providing ready access to information, computing or telecommunication resources.
3 Plans and specifications that the State Chief Information Officer adopts must be based on industry
4 standards for open systems to the greatest extent possible. Before adopting rules described in sub-
5 section (2) of this section, the State Chief Information Officer shall present the proposed rules to
6 [a committee or interim committee of the Legislative Assembly that has oversight over information re-
7 source and technology issues] **the Joint Legislative Committee on Information Management and**
8 **Technology**. The State Chief Information Officer has the responsibility to review, oversee and en-
9 sure that state agencies' rules and planning, acquisition and implementation activities align with and
10 support the statewide information resources management plan. The Oregon Department of Adminis-
11 trative Services is responsible for procuring information technology fairly, competitively and in a
12 manner that is consistent with the State Chief Information Officer's rules.

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

16 (b) The department shall, when procuring telecommunications network services, consider
17 achieving the economic development and quality of life outcomes set forth in the Oregon
18 benchmarks.

19 (5)(a) The department, upon request, may furnish and deliver statewide integrated
20 videoconferencing and statewide online access service to a public or private entity that primarily
21 conducts activities for the direct good or benefit of the public or community at large in providing
22 educational, economic development, health care, human services, public safety, library or other
23 public services. The department shall adopt rules with respect to furnishing the service.

24 (b) The department shall establish statewide integrated videoconferencing and statewide online
25 access user fees, services, delivery, rates and long range plans. The rates must reflect the
26 department's cost in providing the service.

27 (c) The department by rule shall restrict the department's furnishing or delivery of Internet ac-
28 cess service to private entities if the service would directly compete with two or more local estab-
29 lished providers of Internet access services within the local exchange telecommunications service
30 area.

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

33 (6) An organization or organizations recognized as tax exempt under section 501(c)(3) of the
34 Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public
35 or community at large in providing educational, economic development, health care, human services,
36 public safety, library or other public services and have formed an affiliation with one or more fed-
37 eral, state or local governmental units within this state may apply to the department for designation
38 as a community of interest. The application must be in the form that the department prescribes and
39 contain information regarding the governmental affiliation relationship, the tax exempt status of
40 each organization and the public benefit services the organization provides or intends to provide.
41 The department shall establish an application review and appeal process to ensure that designating
42 the organizations as a community of interest for the purposes of including the organization in tele-
43 communications contracts under ORS 283.520 will result in providing educational, medical, library
44 or other services for public benefit.

45 (7) This section does not apply to the State Board of Higher Education or any public university

1 listed in ORS 352.002.

2 (8) As used in this section:

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

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

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

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

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

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

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

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

20 **SECTION 5.** ORS 291.039 is amended to read:

21 291.039. (1) The office of the State Chief Information Officer is established in the Oregon De-
22 partment of Administrative Services for the purpose of directing, coordinating and overseeing policy
23 related to information technology in accordance with ORS 291.038 and other statutes, rules and
24 policies that govern the state's or state agencies' use of telecommunications and information tech-
25 nology.

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

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

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

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

37 (4)(a) **Each biennium** the State Chief Information Officer, **in collaboration with the depart-**
38 **ment,** shall *[adopt]* **develop, maintain or update, as appropriate,** an *[Information Technology and*
39 *Telecommunications Plan]* **Enterprise Information Resources Management Strategy** for the state
40 *[and update the plan each biennium]*. **In addition to the functions described in ORS 184.477,** the
41 *[plan]* **Enterprise Information Resources Management Strategy** must provide for integrating
42 statewide technology initiatives, ensuring compliance with information technology policies and
43 standards, promoting alignment of information resources and technologies and effectively managing
44 state agencies' information technology portfolios. In developing the *[plan]* **Enterprise Information**
45 **Resources Management Strategy,** the **department and the** State Chief Information Officer shall

1 consult with and consider advice and suggestions from state agencies and local governments, from
2 private sector information technology experts, from the Legislative Fiscal Officer, from [*a committee*
3 *of the Legislative Assembly with oversight over information resource and technology issues*] **the Joint**
4 **Legislative Committee on Information Management and Technology** or from individual mem-
5 bers of the Legislative Assembly that the President of the Senate and the Speaker of the House of
6 Representatives appoint for the purpose of consulting with the State Chief Information Officer under
7 this subsection.

8 (b) The State Chief Information Officer shall identify and recommend to the director the re-
9 sources that are necessary to implement the [*plan the State Chief Information Officer adopts under*
10 *paragraph (a) of this subsection*] **Enterprise Information Resources Management Strategy**. The
11 director, in developing a biennial budget for the department, shall consider the recommendations
12 that the State Chief Information Officer makes under this paragraph.

13 **SECTION 6. Section 1 of this 2014 Act is repealed on December 31, 2016.**

14 **SECTION 7. (1) Sections 1 and 1a of this 2014 Act and the amendments to ORS 184.477,**
15 **291.037, 291.038 and 291.039 by sections 2 to 5 of this 2014 Act become operative July 1, 2014.**

16 **(2) The State Chief Information Officer and the Director of the Oregon Department of**
17 **Administrative Services may take any action before the operative date specified in subsection**
18 **(1) of this section that is necessary to enable the State Chief Information Officer or the di-**
19 **rector to exercise, on or after the operative date specified in subsection (1) of this section,**
20 **all of the duties, functions and powers conferred on the State Chief Information Officer or**
21 **the director by sections 1 and 1a of this 2014 Act and the amendments to ORS 184.477,**
22 **291.037, 291.038 and 291.039 by sections 2 to 5 of this 2014 Act.**

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

26