

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3099

By JOINT COMMITTEE ON WAYS AND MEANS

June 25

1 On page 1 of the printed A-engrossed bill, line 3, after “182.124,” insert “182.126,” and after
2 “182.132,” insert “184.305,”.

3 In line 4, after “279B.075,” insert “283.100,”.

4 In line 5, after “291.047,” insert “291.055,”.

5 In line 6, delete “3,”.

6 In line 21, after “182.124,” insert “182.126,” and after “182.132,” insert “184.305,”.

7 In line 22, after “279B.075,” insert “283.100,”.

8 In line 24, after “291.047,” insert “291.055,” and delete “3,”.

9 On page 2, delete lines 11 through 37 and insert:

10 **“SECTION 2. (1) The Director of the Oregon Department of Administrative Services**
11 **shall:**

12 **“(a) Manage and organize the Oregon Department of Administrative Services to ensure**
13 **that the department fulfills the duties, implements the functions and exercises the powers**
14 **that remain to the department with respect to enterprise information technology and tele-**
15 **communications in a manner that is consistent with the manner in which the State Chief**
16 **Information Officer fulfills the duties, implements the functions and exercises the powers**
17 **that are imposed upon, transferred to and vested in the State Chief Information Officer un-**
18 **der section 1 of this 2015 Act;**

19 **“(b) Deliver to the State Chief Information Officer all records and property within the**
20 **jurisdiction of the director that relate to the duties, functions and powers transferred by**
21 **section 1 of this 2015 Act; and**

22 **“(c) Transfer to the State Chief Information Officer those employees engaged primarily**
23 **in fulfilling the duties, implementing the functions and exercising the powers transferred by**
24 **section 1 of this 2015 Act.**

25 **“(2) The State Chief Information Officer shall take possession of the records and property**
26 **and shall take charge of the employees and employ the employees in fulfilling the duties,**
27 **implementing the functions and exercising the powers transferred under section 1 of this**
28 **2015 Act without a reduction in the employees’ compensation but subject to change or ter-**
29 **mination of employment or compensation as provided by law.**

30 **“(3) The Governor shall resolve any dispute between the State Chief Information Officer**
31 **and the department that relates to transfers of records, property and employees, or the ap-**
32 **portionment of duties, functions and powers under section 1 of this 2015 Act, and with re-**
33 **spect to the director’s management of the department in accordance with subsection (1)(a)**
34 **of this section. The Governor’s decision under this subsection is final.**

35 **“SECTION 3. (1) The unexpended balances of amounts the Oregon Department of Ad-**

1 **ministrative Services is authorized to expend during the biennium beginning July 1, 2015,**
2 **from revenues dedicated, continuously appropriated, appropriated or otherwise made avail-**
3 **able for the purpose of administering and enforcing the duties, functions and powers trans-**
4 **ferred by section 1 of this 2015 Act are transferred to and are available for the State Chief**
5 **Information Officer to expend during the biennium beginning July 1, 2015, for the purpose**
6 **of administering and enforcing the duties, functions and powers transferred by section 1 of**
7 **this 2015 Act.**

8 **“(2) The expenditure classifications, if any, established by Acts that authorize or limit**
9 **expenditures by the department remain applicable to expenditures that the State Chief In-**
10 **formation Officer directs or oversees under this section.**

11 **“SECTION 4. The transfer of duties, functions and powers to the State Chief Information**
12 **Officer by section 1 of this 2015 Act does not affect any action, proceeding or prosecution**
13 **involving or with respect to duties, functions and powers that began before and was pending**
14 **at the time of the transfer, except that the State Chief Information Officer is substituted for**
15 **the Oregon Department of Administrative Services in the action, proceeding or**
16 **prosecution.”.**

17 In line 39, after “182.124,” insert “182.126,” and after “182.132,” insert “184.305,”.

18 In line 40, after “279B.075,” insert “283.100,”.

19 In line 41, after “291.047,” insert “291.055,”.

20 In line 42, delete “3,”.

21 On page 6, line 44, delete the comma and insert “and”.

22 In line 45, delete the boldfaced material and insert “, the State Chief Information Officer”.

23 On page 7, line 6, delete “the Oregon Department of Ad-”.

24 In line 7, delete “ministrative Services,”.

25 On page 9, delete lines 2 through 45 and delete page 10.

26 On page 11, delete lines 1 and 2 and insert:

27 **“SECTION 13a.** ORS 182.126 is amended to read:

28 **“182.126. As used in this section and ORS 182.128 and 182.132:**

29 **“(1) ‘Convenience fee’ means a fee for using an electronic government portal or governmental**
30 **services available by means of an electronic government portal that the [*Oregon Department of Ad-***
31 ***ministrative Services*] State Chief Information Officer charges or authorizes an electronic govern-**
32 **ment portal provider to charge under ORS 182.132 (3).**

33 **“(2) ‘Electronic government portal’ means an electronic information delivery system accessible**
34 **by means of the Internet that a state agency designates officially as a means by which the state**
35 **agency delivers information, products or services.**

36 **“(3) ‘Electronic government portal provider’ means a person that on behalf of a state agency**
37 **provides facilities, goods or services necessary to develop, host, operate, maintain or otherwise im-**
38 **plement an electronic government portal or provides facilities, goods or services that assist a state**
39 **agency in designing, developing, hosting, operating, maintaining or otherwise implementing an elec-**
40 **tronic government portal.**

41 **“(4) ‘State agency’ means the executive department, as defined in ORS 174.112.**

42 **“SECTION 14.** ORS 182.128 is amended to read:

43 **“182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of**
44 **13 members appointed as follows:**

45 **“(a) The President of the Senate shall appoint two nonvoting members from among members of**

1 the Senate.

2 “(b) The Speaker of the House of Representatives shall appoint two nonvoting members from
3 among members of the House of Representatives.

4 “(c) The Governor shall appoint:

5 “(A) Three members who represent state agencies;

6 “(B) Two members who represent the public; and

7 “(C) One member who attends a school, community college or university in this state.

8 “(d) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information**
9 **Officer** shall appoint two members as follows:

10 “(A) [*The*] **A representative of the State Chief Information Officer**; and

11 “(B) A representative of the Oregon Department of Administrative Services.

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

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

15 “(3) The advisory board shall:

16 “(a) Advise the **State Chief Information Officer and the Oregon Department of Administrative**
17 **Services** concerning:

18 “(A) The development of electronic government portals for the **State Chief Information Offi-**
19 **cer, the** department and other state agencies;

20 “(B) The amount, collection methods or other aspects of a convenience fee that the
21 [*department*] **State Chief Information Officer** or an electronic government portal provider collects;

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

24 “(D) Terms and conditions of contracts between state agencies and electronic government portal
25 providers; and

26 “(E) Rules necessary to implement electronic government portals.

27 “(b) Monitor the layout, content and usability of electronic government portals and advise **the**
28 **State Chief Information Officer and** the department on ways to improve the delivery of govern-
29 ment services by means of electronic government portals, the accountability of state agencies’ use
30 of electronic government portals to provide government services and user satisfaction with elec-
31 tronic government portals.

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

33 “(A) Consider the needs of residents of this state;

34 “(B) Evaluate the performance and transparency of state agency delivery of government ser-
35 vices; and

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

37 “(i) Electronic government portals; and

38 “(ii) State agencies’ performance and accountability in [*the use of*] **using** electronic government
39 portals to provide government services.

40 “(4) A majority of the members of the advisory board constitutes a quorum for [*the transaction*
41 *of*] **transacting** business.

42 “(5) [*Official action by the advisory board requires the approval of*] A majority of the members
43 of the advisory board **must approve official action by the advisory board**.

44 “(6) The advisory board shall elect one of the members of the advisory board to serve as
45 chairperson.

1 “(7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall
2 make an appointment [*to become*] **that becomes** immediately effective.

3 “(8) The advisory board shall meet at times and places [*specified by the call of*] **that** the chair-
4 person or [*of*] a majority of the members of the advisory board **specifies**.

5 “(9) The advisory board may adopt rules necessary [*for the operation of*] **to operate** the advisory
6 board.

7 “(10) The Oregon Department of Administrative Services shall provide staff support to the ad-
8 visory board.

9 “(11) Members of the advisory board who are not members of the Legislative Assembly [*are not*
10 *entitled to*] **may not receive** compensation, but may be reimbursed for actual and necessary travel
11 and other expenses the members incur in the performance of the members’ official duties in the
12 manner and amounts provided for in ORS 292.495. Claims for expenses [*incurred*] **the members**
13 **incur** in performing functions of the advisory board shall be paid out of funds appropriated to the
14 Oregon Department of Administrative Services for purposes of the advisory board.

15 “(12) All state agencies shall assist the advisory board in the advisory board’s performance of
16 the advisory board’s duties and, to the extent permitted by laws relating to confidentiality, to fur-
17 nish information and advice as the members of the advisory board consider necessary to perform the
18 duties of the advisory board.

19 “**SECTION 15.** ORS 182.132 is amended to read:

20 “182.132. (1) The [*Oregon Department of Administrative Services*] **State Chief Information Of-**
21 **ficer**, with the advice of the Electronic Government Portal Advisory Board, shall provide the ability
22 for state agencies to offer government services by means of an electronic government portal. The
23 electronic government portal must be secure and must [*meet*] **comply with the information secu-**
24 **rity rules, policies and standards that the State Chief Information Officer adopts under ORS**
25 **182.122 and meet the** usability standards developed in cooperation with the advisory board.

26 “(2) For the purposes of subsection (1) of this section, the [*department*] **State Chief Information**
27 **Officer**, under the provisions of the Public Contracting Code, may contract with an electronic
28 government portal provider **in a manner that is consistent with the State Chief Information**
29 **Officer’s rules, policies and standards**.

30 “(3)(a) The [*department*] **State Chief Information Officer** may charge members of the public a
31 convenience fee or may authorize an electronic government portal provider to charge a convenience
32 fee for an electronic government service if the advisory board recommends that the [*department*]
33 **State Chief Information Officer** charge or authorize a convenience fee for the electronic govern-
34 ment service. The convenience fee must reflect the costs incurred in hosting, operating, maintaining
35 or implementing the electronic government portal.

36 “(b) The [*department*] **State Chief Information Officer** shall cooperate with the advisory board
37 to identify the electronic government portals or governmental services to which the convenience fee
38 applies.

39 “(4) The [*department*] **State Chief Information Officer** may adopt rules to implement the pro-
40 visions of this section.

41 “(5) Not later than the beginning of each odd-numbered year regular legislative session, the
42 [*department*] **State Chief Information Officer** shall prepare and submit to the Legislative Assembly
43 a report in the manner provided in ORS 192.245 that summarizes the [*department’s*] **State Chief**
44 **Information Officer’s** activities under the provisions of this section.

45 “**SECTION 15a.** ORS 184.305 is amended to read:

1 “184.305. The Oregon Department of Administrative Services is created. The purpose of the
2 Oregon Department of Administrative Services is to improve the efficient and effective use of state
3 resources [through the provision of] **by providing:**

4 “(1) Government infrastructure services that can best be provided centrally, including but not
5 limited to purchasing, risk management, facilities management, surplus property and motor fleet;

6 “(2) Rules and associated performance reviews of agency compliance with statewide policies;

7 “(3) Leadership in [the implementation of] **implementing** a statewide performance measurement
8 program;

9 “(4) State employee workforce development and training;

10 “(5) Personnel systems that promote fair, responsive and cost-effective human resource manage-
11 ment;

12 “(6) Objective, credible management information for, and analysis of, statewide issues for
13 policymakers; **and**

14 “(7) Statewide financial administrative systems[; and].

15 “[*(8) Statewide information systems and networks to facilitate the reliable exchange of information
16 and applied technology.*]”.

17 On page 13, line 13, after the period delete the rest of the line and lines 14 through 16 and insert
18 “After a state agency executes a public contract related to the information technology initiative, the
19 State Chief Information Officer may direct the state agency to take any action in accordance with
20 the terms and conditions of the public contract that the State Chief Information Officer deems nec-
21 essary or advisable to administer and enforce the public contract, including directing the state
22 agency to suspend performance or terminate the public contract in whole or in part.”.

23 On page 17, line 18, delete the first “of”.

24 On page 18, line 45, delete the boldfaced material.

25 On page 19, line 3, delete the boldfaced material.

26 In lines 4 through 45, restore the bracketed material and delete the boldfaced material.

27 On page 20, lines 1 through 12, restore the bracketed material and delete the boldfaced material.

28 In line 36, delete “services, personal services, construction materials,” and insert “services or
29 personal services”.

30 In line 37, delete “equipment or supplies”.

31 In line 39, after “goods,” delete the rest of the line and line 40 and insert “services or personal
32 services.”.

33 In line 42, delete “contracting”.

34 In line 43, delete “contracting”.

35 In line 44, delete “contracting”.

36 On page 21, line 2, delete “contracting”.

37 In line 4, delete “contracting”.

38 Delete lines 43 through 45 and delete pages 22 through 24.

39 On page 25, delete lines 1 through 21 and insert:

40 “**SECTION 24a.** ORS 283.100 is amended to read:

41 “283.100. (1) The Oregon Department of Administrative Services shall provide general govern-
42 ment administrative functions [to] **for** state agencies. [*The cost of these services, or portions thereof,
43 as determined by the department shall be allocated to state agencies as determined by the department
44 and paid to the department in the same manner as other claims against the agency are paid.*] **The
45 State Chief Information Officer shall provide information technology and telecommunications**

1 functions for state agencies. The department or the State Chief Information Officer shall
2 allocate the costs that the department or the State Chief Information Officer determines for
3 the services, or a portion of the services, to state agencies, which shall pay the costs to the
4 department or the State Chief Information Officer, as appropriate, in the same manner as
5 the state agency pays other claims. The State Chief Information Officer shall deposit all
6 moneys that the State Chief Information Officer receives from state agencies for services
7 under this section into the State Information Technology Operating Fund.

8 “(2) Except as otherwise provided by law, the provisions of subsection (1) of this section
9 do not:

10 “(a) Require a state agency to transfer to the State Chief Information Officer informa-
11 tion technology or telecommunications equipment, assets or resources that are under the
12 state agency’s control;

13 “(b) Require a state agency to subject employees of the state agency to the State Chief
14 Information Officer’s direct supervision;

15 “(c) Require a state agency to consolidate information technology or telecommunications
16 equipment, assets or resources with another state agency’s information technology or tele-
17 communications equipment, assets or resources; or

18 “(d) Prevent a state agency from providing information technology or telecommuni-
19 cations functions for the state agency.

20 “**SECTION 25.** ORS 283.120 is amended to read:

21 “283.120. Subject to rules [prescribed by] **that** the Oregon Department of Administrative Services
22 prescribes, or that the State Chief Information Officer prescribes for information technology
23 and telecommunications, any state agency may establish a service unit within the agency to fur-
24 nish to other units of [such] **the** agency the services, facilities and materials that the **agency es-**
25 **tablishes the** service unit [is established] to provide. The **state agency shall charge the service**
26 **unit’s** expenses [of the service unit shall be charged] to the units served and, except as provided in
27 ORS 283.076 (3), the amounts [so charged] **the state agency charges must** [shall] be credited to the
28 miscellaneous receipts account established pursuant to ORS 279A.290. **The moneys in the account**
29 [and hereby] are appropriated continuously for expenditure by the state agency subject to the al-
30 lotment system provided by ORS 291.234 to 291.260.

31 “**SECTION 26.** ORS 283.140 is amended to read:

32 “283.140. [(1) *The Oregon Department of Administrative Services shall exercise budgetary man-*
33 *agement, supervision and control over all telephone and telecommunications service for all state agen-*
34 *cies. The department may operate central mail, shuttle bus or messenger services for agencies located*
35 *in Salem, Portland or other cities, where it would be economical so to do. The cost of maintaining and*
36 *operating any central telephone exchange, switching system, network service and facility, intercity or*
37 *intracity network trunk or line or switchboard, or the cost of mail, shuttle bus and messenger services,*
38 *shall be charged to the various agencies served and paid to the department in the same manner as other*
39 *claims against the agencies are paid.]*

40 “(1) **The State Chief Information Officer shall exercise budgetary management, super-**
41 **vision and control over all telephone and telecommunications service for all state agencies**
42 **in a manner that is consistent with plans, standards, policies, goals, directives and rules that**
43 **the State Chief Information Officer sets, specifies or adopts. The Oregon Department of**
44 **Administrative Services may operate central mail, shuttle bus or messenger services for**
45 **state agencies located in Salem, Portland or other cities, if doing so is economical. The State**

1 **Chief Information Officer may charge the cost of maintaining and operating any central**
2 **telephone exchange, switching system, network service and facility, intercity or intracity**
3 **network trunk or line or switchboard to the state agencies that the State Chief Information**
4 **Officer serves. The department shall charge the cost of providing mail, shuttle bus and**
5 **messenger services to the state agencies that the department serves. The state agencies**
6 **shall pay the costs to the State Chief Information Officer or the department, as appropriate,**
7 **in the same manner in which the state agencies pay other claims. The State Chief Informa-**
8 **tion Officer shall deposit all moneys that the State Chief Information Officer receives from**
9 **state agencies for services under this section into the State Information Technology Oper-**
10 **ating Fund.**

11 “(2) If the department operates central mail service, [it] **the department** shall:

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

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

16 “[3] (c) [The department shall] Adopt rules [pursuant to] **under** which persons associated with
17 government either temporarily or otherwise, including but not limited to unsalaried volunteers,
18 part-time employees, contractors with the state and employees of contractors, political subdivisions
19 and the federal government may use shuttle bus services.

20 “[4] (3) [For the purposes of] **As used in** this section, ‘telecommunications’ means media that
21 communicate voice, data, text, images or video over a distance using electrical, electronic or light
22 wave transmission media.

23 “**SECTION 27.** ORS 283.143 is amended to read:

24 “283.143. [1] *To encourage utilization of statewide integrated videoconferencing and statewide on-*
25 *line access services, the Oregon Department of Administrative Services shall, in addition to any other*
26 *charge or assessment for providing telecommunications services to state agencies, impose upon each*
27 *agency and public corporation a surcharge, in an amount established by the department. All surcharge*
28 *moneys collected shall be deposited in the Oregon Department of Administrative Services Operating*
29 *Fund, and may be expended only for state agency and public corporation telecommunication and*
30 *videoconferencing activities, under such terms and conditions as the department may prescribe.]*

31 “[2] *Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Ser-*
32 *vices shall not impose the surcharge established by this section on the Oregon University System or the*
33 *Oregon Health and Science University. The Oregon Department of Administrative Services shall enter*
34 *into an agreement with the Oregon University System and the Oregon Health and Science University*
35 *on the amounts to be paid by the Oregon University System and the Oregon Health and Science Uni-*
36 *versity to the Oregon Department of Administrative Services in lieu of the surcharge provided for in*
37 *this section.]*

38 “(1) **To encourage utilization of statewide integrated videoconferencing and statewide**
39 **online access services, the State Chief Information Officer may, in addition to any other**
40 **charge or assessment for providing telecommunications services to state agencies, impose**
41 **upon each state agency and public corporation a surcharge, in an amount the State Chief**
42 **Information Officer establishes. The State Chief Information Officer shall deposit all sur-**
43 **charge moneys into the State Information Technology Operating Fund. The State Chief In-**
44 **formation Officer may expend moneys in the fund for state agency and public corporation**
45 **telecommunication and videoconferencing activities, under such terms and conditions as the**

1 **State Chief Information Officer may prescribe and in a manner that is consistent with plans,**
2 **standards, policies, goals, directives and rules that the State Chief Information Officer sets,**
3 **specifies or adopts.**

4 **“(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer**
5 **may not impose the surcharge established by this section on the Oregon University System**
6 **or the Oregon Health and Science University. The State Chief Information Officer shall enter**
7 **into an agreement with the Oregon University System and the Oregon Health and Science**
8 **University on the amounts that the Oregon University System and the Oregon Health and**
9 **Science University must pay to the State Chief Information Officer in lieu of the surcharge**
10 **provided for in this section.**

11 **“SECTION 28.** ORS 283.505 is amended to read:

12 *“283.505. [(1) The Oregon Department of Administrative Services shall coordinate the consolidation*
13 *and operation of all telecommunications systems used by the state and state agencies. Notwithstanding*
14 *any other provision of law, no agent or agency of the state shall construct, purchase or otherwise gain*
15 *access to a telecommunications system without the prior approval of the department.]*

16 **“(1) The State Chief Information Officer shall coordinate, in a manner that is consistent**
17 **with plans, standards, policies, goals, directives and rules that the State Chief Information**
18 **Officer sets, specifies or adopts, the consolidation and operation of all telecommunications**
19 **systems, including emergency telecommunications systems, that the state and state agencies**
20 **use. Notwithstanding any other provision of law, an agent or agency of the state may not**
21 **construct, purchase or otherwise gain access to a telecommunications system without the**
22 **prior approval of the State Chief Information Officer.**

23 *“(2) [The department shall coordinate the consolidation and operation of emergency telecommuni-*
24 *cations systems used by the state and state agencies. The provisions of this section shall not be con-*
25 *strued to require consolidation of] The provisions of this section do not require emergency*
26 **service providers, as defined by the State Chief Information Officer, to consolidate** telecom-
27 **munications systems [used by] that emergency service providers use** [, *as defined by the*
28 *department,]* into nonemergency networks.

29 **“SECTION 29.** ORS 283.510 is amended to read:

30 *“283.510. (1) As used in this section:*

31 *“(a) ‘Advanced digital communications’ means equipment, facilities and capability to distribute*
32 *digital communications signals for [the transmission of] transmitting voice, data, image and video*
33 *over distance.*

34 *“(b) ‘Telecommunications provider’ means any person that is capable of providing advanced*
35 *digital communications including, but not limited to, a telecommunications utility as defined in ORS*
36 *759.005, a competitive telecommunications provider as defined in ORS 759.005, a cable television*
37 *provider or an interstate telecommunications provider.*

38 *“[(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon Department of Adminis-*
39 *trative Services by contract shall acquire advanced digital communications services from telecommuni-*
40 *cations providers or a consortium of such providers. Contracts under this section shall provide that*
41 *all responsibility for construction, installation, operation and maintenance of the network shall remain*
42 *with the contracting provider.]*

43 *“[(3) Upon installation of an advanced digital communications network, the Oregon Department of*
44 *Administrative Services shall provide all telecommunications services and operations for the state and*
45 *its agencies. The department shall not approve the procurement of any telecommunications system or*

1 *equipment that is incompatible with the network.*

2 “(2) Notwithstanding ORS chapters 279A, 279B and 279C, the State Chief Information
3 Officer may provide advanced digital communications services directly, may enter into an
4 interagency or intergovernmental agreement under ORS chapter 190 to have another state
5 agency or governmental agency provide advanced digital communications services or may
6 acquire advanced digital communications services by entering into contracts with telecom-
7 munications providers or a consortium of telecommunications providers in a manner that is
8 consistent with the State Chief Information Officer’s rules, policies and standards.

9 “(3) After a telecommunications provider or a consortium of telecommunications pro-
10 viders has installed an advanced digital communications network, the State Chief Informa-
11 tion Officer shall provide all telecommunications services and operations for the state and
12 state agencies directly, or shall enter into interagency or intergovernmental agreements
13 under ORS chapter 190 to have another state agency or another governmental agency pro-
14 vide the telecommunications services and operations in a manner that is consistent with the
15 State Chief Information Officer’s rules, policies and standards. The State Chief Information
16 Officer may not approve the procurement of any telecommunications system or equipment
17 that is incompatible with the network or that is inconsistent with the State Chief Informa-
18 tion Officer’s rules, policies and standards.

19 “**SECTION 30.** ORS 283.515 is amended to read:

20 “283.515. The [*Oregon Department of Administrative Services*] **State Chief Information Officer**
21 annually shall review **each state agency’s budget**, in conjunction with [*each*] **the state agency**, [*the*
22 *budget of that agency*] to identify [*agency funds to be used for*] **funds that the state agency uses**
23 **for** travel and transportation that [*may be used*] **the state agency could instead use** for telecom-
24 munications. If the [*department*] **State Chief Information Officer** determines that a **state agency**
25 **could use a** portion of the **state agency’s** [*agency*] travel and transportation funds [*can be used*]
26 more effectively [*through use of*] **by instead using** telecommunications, without diminishing the af-
27 fected agency’s existing internal and external communications, the [*department*] **State Chief Infor-**
28 **mation Officer** shall [*make recommendations*] **recommend** to the Emergency Board as described in
29 ORS 291.326 [*for such action as the department*] **action that the State Chief Information Officer**
30 determines **is** necessary to dedicate the identified **state** agency travel and transportation funds for
31 use in telecommunications. The [*department*] **State Chief Information Officer** shall make [*its*] **the**
32 recommendations to the Emergency Board not later than January 1.

33 “**SECTION 31.** ORS 283.520 is amended to read:

34 “283.520. (1) For the purposes of ORS 283.500 to 283.520, the [*Oregon Department of Adminis-*
35 *trative Services may*] **State Chief Information Officer may, in a manner that is consistent with**
36 **the State Chief Information Officer’s rules, policies and standards**, enter into a contract or
37 contracts with telecommunications service providers and equipment manufacturers for [*the purchase,*
38 *use or operation of*] **purchasing, using or operating** telecommunications equipment and services for
39 a period not to exceed 10 years.

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

44 “**SECTION 32.** ORS 283.524 is amended to read:

45 “283.524. The [*Oregon Department of Administrative Services may*] **State Chief Information**

1 **Officer may, in a manner that is consistent with the State Chief Information Officer’s rules,**
2 **policies and standards,** enter into an agreement or agreements to fund or otherwise acquire tele-
3 communications equipment and services by installment purchase or lease purchase contracts [*as*
4 *provided by ORS 276.218*].”.

5 In line 23, restore the bracketed material.

6 In line 24, restore “Development Department” and delete “under the State Chief Information
7 Officer”.

8 On page 26, line 7, delete “State Chief Information Officer” and insert “Oregon Business De-
9 velopment Department”.

10 In line 23, restore the bracketed material and delete the boldfaced material.

11 In line 25, before “Public” insert “State Chief Information Officer, the”.

12 Delete lines 31 through 45 and insert:

13 “**NOTE:** Section 34 was deleted by amendment. Subsequent sections were not renumbered.”.

14 On page 27, delete lines 1 through 16.

15 On page 28, delete lines 4 through 45 and delete pages 29 and 30 and insert:

16 “**SECTION 39.** ORS 291.032 is amended to read:

17 “291.032. The Oregon Department of Administrative Services, **or the State Chief Information**
18 **Officer for purposes related to information and telecommunications technology,** may provide
19 technical services to state agencies for management improvement development and the development
20 of economies in the organization and administration of state agencies. The technical services may
21 include consulting studies in work simplification, work measurement, equipment utilization and other
22 management improvement concepts. The **department or the State Chief Information Officer**
23 **shall determine and charge the** cost of the technical services, or portions [*thereof, as determined*
24 *by the department, shall be charged*] **of the technical services,** to the **state** agency served [*and*
25 *paid*]. **The state agency shall pay the cost** to the department **or the State Chief Information**
26 **Officer, as appropriate,** in the same manner [*as*] **that the state agency pays** other claims against
27 the **state** agency [*are paid*]. **The State Chief Information Officer shall deposit all moneys that**
28 **the State Chief Information Officer receives from state agencies for services under this**
29 **section into the State Information Technology Operating Fund.**

30 “**SECTION 40.** ORS 291.034 is amended to read:

31 “291.034. [*The Oregon Department of Administrative Services may provide technical services to*
32 *state agencies for data processing systems development and the development of data processing methods*
33 *and applications. The technical services may include consulting and programming services and assist-*
34 *ance in locating electronic data processing installations. The cost of the technical services, or portions*
35 *thereof, as determined by the department, shall be charged to the agency served and paid to the de-*
36 *partment in the same manner as other claims against the agency are paid.*] **The State Chief Infor-**
37 **mation Officer may provide technical services to state agencies for data processing systems**
38 **development and developing data processing methods and applications in a manner that is**
39 **consistent with the State Chief Information Officer’s rules, policies and standards. The**
40 **technical services may include consulting and programming services and assistance in lo-**
41 **cating electronic data processing installations. The State Chief Information Officer shall**
42 **determine and charge the cost of the technical services, or portions of the technical services,**
43 **to the state agency that the State Chief Information Officer serves. The state agency shall**
44 **pay the cost to the State Chief Information Officer in the same manner that the state agency**
45 **pays other claims against the state agency. The State Chief Information Officer shall deposit**

1 **all moneys that the State Chief Information Officer receives from state agencies for services**
2 **under this section into the State Information Technology Operating Fund.**

3 **“SECTION 41.** ORS 291.038, as amended by section 4, chapter 102, Oregon Laws 2014, is
4 amended to read:

5 “291.038. (1)(a) The State Chief Information Officer shall oversee [*policy for*] and coordinate **the**
6 **planning, budgeting, architecture and standardization, consolidation, acquisition and oversight**
7 **of all information and telecommunications technology by state government and agencies of state**
8 **government so that statewide and individual state agencies’ plans and activities are addressed in the**
9 **most integrated, economic and efficient manner, in a manner that minimizes duplication, fragmenta-**
10 **tion, redundancy and cost in state [*agency*] government operations and in a manner that most ef-**
11 **fectively meets state government and state agency program needs.**

12 **“(b)(A) Except as otherwise provided by law, the office of the Secretary of State and the**
13 **office of the State Treasurer, in collaboration with the State Chief Information Officer, shall**
14 **develop and adopt plans, policies, standards and procedures for budgeting, planning, procur-**
15 **ing, managing, overseeing and using information technology and telecommunications for the**
16 **Secretary of State or the State Treasurer, as appropriate. Each office shall ensure that the**
17 **office’s plans, policies, standards and procedures are, to the extent possible, compatible with**
18 **the plans, policies, standards and procedures that the State Chief Information Officer devel-**
19 **ops and adopts for other state agencies within the executive department.**

20 **“(B) The Secretary of State and the State Treasurer shall submit to the Legislative Fiscal**
21 **Office:**

22 **“(i) Copies of plans, policies, standards and procedures that the Secretary of State and**
23 **the State Treasurer develop and adopt under subparagraph (A) of this paragraph. The Sec-**
24 **retary of State and the State Treasurer shall submit copies of the plans, policies, standards**
25 **and procedures within 30 calendar days after adopting or amending the plans, policies, stan-**
26 **dards or procedures.**

27 **“(ii) Copies of any independent information technology audits or quality assurance re-**
28 **ports that are public records and are not exempt from disclosure under ORS 192.410 to**
29 **192.505. The Secretary of State and the State Treasurer shall submit copies of the audits or**
30 **reports within 30 calendar days after receiving the audits or reports.**

31 **“(iii) An annual report on all information technology initiatives, as defined in section 1,**
32 **chapter 77, Oregon Laws 2014, and all procurements with an estimated contract price that**
33 **exceeds \$1 million. The Secretary of State and the State Treasurer shall submit the report**
34 **not later than December 31 of each calendar year.**

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

37 **“(a) Adopt rules, policies and standards to plan for, develop architecture for and standardize the**
38 **state’s information resources and technologies. In developing rules, policies and standards, the State**
39 **Chief Information Officer shall consult with state agencies that have needs that information re-**
40 **sources may satisfy. State agencies shall cooperate with the State Chief Information Officer in pre-**
41 **paring and complying with rules, policies and standards that the State Chief Information Officer**
42 **adopts.**

43 **“(b) Formulate rules, policies and standards to promote electronic communication and informa-**
44 **tion sharing among state agencies and programs, between state and local governments and with the**
45 **public where appropriate.**

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

4 “[(3)] (c) [The State Chief Information Officer shall] Formulate rules, policies, plans, standards
5 and specifications to ensure that information resources and technologies fit together in a statewide
6 system capable of providing ready access to information, [computing] **information technology** or
7 telecommunication resources. Plans and specifications that the State Chief Information Officer
8 adopts must be based on industry standards for open systems to the greatest extent possible.

9 “(3) Before adopting rules described in subsection (2) of this section, the State Chief Information
10 Officer shall present the proposed rules to the Joint Legislative Committee on Information Man-
11 agement and Technology.

12 “(4) The State Chief Information Officer has the responsibility to review, oversee and ensure
13 that state agencies’ rules and planning, acquisition and implementation activities **related to infor-**
14 **mation technology and telecommunications** align with and support the [statewide information re-
15 sources management plan] **Enterprise Information Resources Management Strategy. State**
16 **agencies shall cooperate with the State Chief Information Officer to ensure that the state**
17 **agencies’ rules and planning, acquisition and implementation activities align with and sup-**
18 **port the Enterprise Information Resources Management Strategy. If the Oregon Department**
19 **of Administrative Services procures information technology or the Director of the Oregon**
20 **Department of Administrative Services delegates authority under ORS 279A.075 to procure**
21 **information technology, the [Oregon Department of Administrative Services is responsible for pro-**
22 **curing] department and a state contracting agency, as defined in ORS 279A.010, shall procure**
23 information technology fairly, competitively and in a manner that is consistent with the State Chief
24 Information Officer’s rules, **policies and standards.**

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

28 “(b) The [department] **State Chief Information Officer** shall, when procuring telecommuni-
29 cations network services, consider [achieving the economic development and quality of life outcomes
30 set forth in the Oregon benchmarks] **the goals and objectives outlined within the Enterprise In-**
31 **formation Resources Management Strategy and the policy, acquisition, coordination and**
32 **consolidation objectives for information technology that are specified in ORS 283.500 to**
33 **283.520 and 283.524.**

34 “[(5)(a)] (6)(a) The [department] **State Chief Information Officer**, upon request, may furnish
35 and deliver statewide integrated videoconferencing and statewide online access service to a public
36 or private entity that primarily conducts activities for the direct good or benefit of the public or
37 community at large in providing educational, economic development, health care, human services,
38 public safety, library or other public services. The [department] **State Chief Information Officer**
39 shall adopt rules with respect to [furnishing] **the State Chief Information Officer’s furnishing**
40 **of the service.**

41 “(b) The [department] **State Chief Information Officer** shall establish statewide integrated
42 videoconferencing and statewide online access user fees, services, delivery, rates and long range
43 plans. The rates must reflect the [department’s] **State Chief Information Officer’s** cost in providing
44 the service.

45 “(c) The [department] **State Chief Information Officer** by rule shall restrict the [department’s

1 *furnishing or delivery of*] Internet access service **that the State Chief Information Officer fur-**
2 **nishes or delivers** to private entities if the service would directly compete with two or more local
3 established providers of Internet access services within the local exchange telecommunications ser-
4 vice area.

5 “(d) The rates and services established and provided under this section are not subject to the
6 Public Utility Commission’s regulation or authority.

7 “[~~(6)~~] (7) An organization or organizations recognized as tax exempt under section 501(c)(3) of
8 the Internal Revenue Code that primarily conduct activities for the direct good or benefit of the
9 public or community at large in providing educational, economic development, health care, human
10 services, public safety, library or other public services and **that** have formed an affiliation with one
11 or more federal, state or local governmental units within this state may apply to the [*department*]
12 **State Chief Information Officer** for designation as a community of interest. The application must
13 be in the form that the [*department*] **State Chief Information Officer** prescribes and contain in-
14 formation [*regarding*] **about** the governmental affiliation relationship, the tax exempt status of each
15 organization and the public benefit services the organization provides or intends to provide. The
16 [*department*] **State Chief Information Officer** shall establish an application review and appeal
17 process to ensure that designating the organizations as a community of interest for the purposes of
18 including the organization in telecommunications contracts under ORS 283.520 will result in pro-
19 viding educational, medical, library or other services for public benefit.

20 “[~~(7)~~] (8) This section does not apply to the State Board of Higher Education, [*or*] any public
21 university listed in ORS 352.002 **or a public university with a governing board that is listed in**
22 **ORS 352.054.**

23 “[~~(8)~~] (9) As used in this section **and ORS 291.039:**

24 “(a) ‘Information resources’ means media, instruments, **plans** and methods for [*planning*,] col-
25 lecting, processing, transmitting and storing data and information, including telecommunications.

26 “(b) ‘Information technology’ [*includes, but is not limited to,*] **means** present and future forms of
27 hardware, 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*] **means the highest level at which** equipment, facilities
34 and the capability to distribute digital communication signals that transmit voice, data, video and
35 images over a distance **have developed at the time during which the equipment, facility or**
36 **capability was installed or operating.**

37 “(f) ‘Statewide integrated videoconferencing’ means a statewide electronic system capable of
38 transmitting video, voice and data communications.

39 “(g) ‘Statewide online access’ means electronic connectivity to information resources such as
40 computer conferencing, electronic mail, databases and Internet access.

41 “(h) ‘Telecommunications’ means hardware, software and services for transmitting voice, data,
42 video and images over a distance.”.

43 On page 32, line 38, after “174.112” insert “, except that ‘executive department’ does not include
44 the Secretary of State in performing the duties of the constitutional office of Secretary of State or
45 the State Treasurer in performing the duties of the constitutional office of State Treasurer”.

1 On page 33, delete lines 9 through 15 and insert:

2 “(b) Divide the office of the State Chief Information Officer into administrative programs, units
3 or sections and appoint an individual to administer each program, unit or section that the State
4 Chief Information Officer establishes under this subsection. The individual the State Chief Informa-
5 tion Officer appoints serves at the pleasure of the State Chief Information Officer and must be well
6 qualified by technical training and experience in the functions the individual will perform. The State
7 Chief Information Officer’s actions under this paragraph are subject to ORS chapter 240.”

8 On page 34, lines 38 through 45, restore the bracketed material and delete the boldfaced mate-
9 rial.

10 On page 35, lines 1 through 7, restore the bracketed material and delete the boldfaced material.
11 After line 38, insert:

12 “**SECTION 44a.** ORS 291.055 is amended to read:

13 “291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
14 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
15 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
16 of adjournment sine die of the next regular session of the Legislative Assembly:

17 “(a) Are not effective for agencies in the executive department of government unless approved
18 in writing by the Director of the Oregon Department of Administrative Services;

19 “(b) Are not effective for agencies in the judicial department of government unless approved in
20 writing by the Chief Justice of the Supreme Court;

21 “(c) Are not effective for agencies in the legislative department of government unless approved
22 in writing by the President of the Senate and the Speaker of the House of Representatives;

23 “(d) Shall be reported by the state agency to the Oregon Department of Administrative Services
24 within 10 days of their adoption; and

25 “(e) Are rescinded on adjournment sine die of the next regular session of the Legislative As-
26 sembly as described in this subsection, unless otherwise authorized by enabling legislation setting
27 forth the approved fees.

28 “(2) This section does not apply to:

29 “(a) Any tuition or fees charged by a public university listed in ORS 352.002.

30 “(b) Taxes or other payments made or collected from employers for unemployment insurance
31 required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or con-
32 tributions and assessments calculated by cents per hour for workers’ compensation coverage re-
33 quired by ORS 656.506.

34 “(c) Fees or payments required for:

35 “(A) Health care services provided by the Oregon Health and Science University, by the Oregon
36 Veterans’ Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

37 “(B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter
38 698, Oregon Laws 2013.

39 “(C) Copayments and premiums paid to the Oregon medical assistance program.

40 “(D) Assessments paid to the Department of Consumer and Business Services under ORS 743.951
41 and 743.961.

42 “(d) Fees created or authorized by statute that have no established rate or amount but are cal-
43 culated for each separate instance for each fee payer and are based on actual cost of services pro-
44 vided.

45 “(e) State agency charges on employees for benefits and services.

1 “(f) Any intergovernmental charges.

2 “(g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the
3 Oregon Forest Land Protection Fund fees established by ORS 477.760.

4 “(h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

5 “(i) Assessments on premiums charged by the Department of Consumer and Business Services
6 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
7 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
8 706.530 and 723.114.

9 “(j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid
10 to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

11 “(k) Fees charged by the Housing and Community Services Department for intellectual property
12 pursuant to ORS 456.562.

13 “(L) New or increased fees that are anticipated in the legislative budgeting process for an
14 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
15 budget or the legislatively approved budget for the agency.

16 “(m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

17 “(n) Convenience fees as defined in ORS 182.126 and established by the [*Oregon Department of*
18 *Administrative Services*] **State Chief Information Officer** under ORS 182.132 (3) and recommended
19 by the Electronic Government Portal Advisory Board.

20 “(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-
21 pected and temporary revenue surpluses may be increased to not more than their prior level without
22 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency
23 specifies the following:

24 “(A) The reason for the fee decrease; and

25 “(B) The conditions under which the fee will be increased to not more than its prior level.

26 “(b) Fees that are decreased for reasons other than those described in paragraph (a) of this
27 subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and
28 294.160.

29 “**SECTION 44b.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, is
30 amended to read:

31 “291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
32 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
33 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
34 of adjournment sine die of the next regular session of the Legislative Assembly:

35 “(a) Are not effective for agencies in the executive department of government unless approved
36 in writing by the Director of the Oregon Department of Administrative Services;

37 “(b) Are not effective for agencies in the judicial department of government unless approved in
38 writing by the Chief Justice of the Supreme Court;

39 “(c) Are not effective for agencies in the legislative department of government unless approved
40 in writing by the President of the Senate and the Speaker of the House of Representatives;

41 “(d) Shall be reported by the state agency to the Oregon Department of Administrative Services
42 within 10 days of their adoption; and

43 “(e) Are rescinded on adjournment sine die of the next regular session of the Legislative As-
44 sembly as described in this subsection, unless otherwise authorized by enabling legislation setting
45 forth the approved fees.

1 “(2) This section does not apply to:

2 “(a) Any tuition or fees charged by a public university listed in ORS 352.002.

3 “(b) Taxes or other payments made or collected from employers for unemployment insurance

4 required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or con-

5 tributions and assessments calculated by cents per hour for workers’ compensation coverage re-

6 quired by ORS 656.506.

7 “(c) Fees or payments required for:

8 “(A) Health care services provided by the Oregon Health and Science University, by the Oregon

9 Veterans’ Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

10 “(B) Copayments and premiums paid to the Oregon medical assistance program.

11 “(C) Assessments paid to the Department of Consumer and Business Services under ORS 743.951

12 and 743.961.

13 “(d) Fees created or authorized by statute that have no established rate or amount but are cal-

14 culated for each separate instance for each fee payer and are based on actual cost of services pro-

15 vided.

16 “(e) State agency charges on employees for benefits and services.

17 “(f) Any intergovernmental charges.

18 “(g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the

19 Oregon Forest Land Protection Fund fees established by ORS 477.760.

20 “(h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

21 “(i) Assessments on premiums charged by the Department of Consumer and Business Services

22 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the

23 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS

24 706.530 and 723.114.

25 “(j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid

26 to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

27 “(k) Fees charged by the Housing and Community Services Department for intellectual property

28 pursuant to ORS 456.562.

29 “(L) New or increased fees that are anticipated in the legislative budgeting process for an

30 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted

31 budget or the legislatively approved budget for the agency.

32 “(m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

33 “(n) Convenience fees as defined in ORS 182.126 and established by the [*Oregon Department of*

34 *Administrative Services*] **State Chief Information Officer** under ORS 182.132 (3) and recommended

35 by the Electronic Government Portal Advisory Board.

36 “(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-

37 pected and temporary revenue surpluses may be increased to not more than their prior level without

38 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency

39 specifies the following:

40 “(A) The reason for the fee decrease; and

41 “(B) The conditions under which the fee will be increased to not more than its prior level.

42 “(b) Fees that are decreased for reasons other than those described in paragraph (a) of this

43 subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and

44 294.160.”.

45 On page 38, line 16, delete “, (3)”.

- 1 On page 42, line 3, after “the” insert “executive”.
 - 2 On page 46, line 5, after “182.124,” insert “182.126,” and after “182.132,” insert “184.305,”.
 - 3 In line 6, after “279B.075,” insert “283.100,”.
 - 4 In line 7, after “291.047,” insert “291.055,”.
 - 5 In line 8, delete “, sections 1, 3,” and insert “and sections 1,”.
 - 6 In line 16, delete the first comma and insert “and”.
 - 7 In line 17, after “182.124,” insert “182.126,” and after “182.132,” insert “184.305,”.
 - 8 In line 18, after “279B.075,” insert “283.100,”.
 - 9 In line 19, after “291.047,” insert “291.055,”.
 - 10 In line 20, delete the first comma and insert “and” and delete “3,”.
 - 11
-