

## SENATE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED HOUSE BILL 3099

By JOINT COMMITTEE ON WAYS AND MEANS

July 2

1 On page 1 of the printed B-engrossed bill, line 6, delete “, 403.460 and 413.308” and insert “and  
2 403.460”.

3 In line 8, after the semicolon insert “repealing section 1, chapter 456, Oregon Laws 2015 (En-  
4 rolled Senate Bill 515);”.

5 In line 24, delete “, 403.460 and 413.308” and insert “and 403.460”.

6 On page 3, line 10, delete “, 403.460 and 413.308” and insert “and 403.460”.

7 On page 12, after line 22, insert:

8 “**SECTION 16a.** If Senate Bill 80 becomes law, ORS 184.473, as amended by section 16 of this  
9 2015 Act, is amended to read:

10 “184.473. As used in ORS 184.475 and 184.477:

11 “(1) ‘Executive department’ has the meaning given that term in ORS 174.112.

12 “(2) ‘Information technology’ includes, but is not limited to, all present and future forms of  
13 hardware, software and services for data processing, office automation and telecommunications.

14 “(3) ‘State agency’ means a board, commission, department, division, office or other entity within  
15 the executive department of state government, except:

16 “(a) The Secretary of State;

17 “(b) The State Treasurer;

18 “(c) The Oregon State Lottery; and

19 “(d) [*The State Board of Higher Education,*] A public university that is listed in ORS 352.002 [*or*  
20 *a public university with a governing board that is listed in ORS 352.054*].”.

21 On page 16, after line 24, insert:

22 “**SECTION 19a.** If Senate Bill 515 becomes law, section 1, chapter 456, Oregon Laws 2015  
23 (Enrolled Senate Bill 515), is repealed and ORS 184.483, as amended by section 19 of this 2015  
24 Act, is amended to read:

25 “184.483. (1)(a) The State Chief Information Officer shall maintain and make available an Oregon  
26 transparency website. The website must allow any person to view information that is a public record  
27 and is not exempt from disclosure under ORS 192.410 to 192.505, including but not limited to infor-  
28 mation described in subsection (3) of this section. **The State Chief Information Officer shall**  
29 **provide on the home page of the website a method for users to offer suggestions regarding**  
30 **the form or content of the website.**

31 “(b) The Oregon Department of Administrative Services shall assist the State Chief Information  
32 Officer in performing duties under paragraph (a) of this subsection to the extent the State Chief  
33 Information Officer deems the assistance necessary.

34 “(2) State agencies and education service districts, to the extent practicable and subject to laws  
35 relating to confidentiality, when at no additional cost, using existing data and existing resources of

1 the state agency or education service district and without reallocation of resources, shall:

2 “(a) Furnish information to the Oregon transparency website by posting reports and providing  
3 links to existing information system applications in accordance with standards that the State Chief  
4 Information Officer establishes; and

5 “(b) Provide the information in the format and manner that the State Chief Information Officer  
6 requires.

7 “(3) To the extent practicable and subject to laws relating to confidentiality, when at no addi-  
8 tional cost, using existing data and existing resources of the state agency or education service dis-  
9 trict and without reallocation of resources, the Oregon transparency website must contain  
10 information about each state agency and education service district, including but not limited to:

11 “(a) Annual revenues of state agencies and education service districts;

12 “(b) Annual expenditures of state agencies and education service districts;

13 “(c) Annual human resources expenses, including compensation, of state agencies and education  
14 service districts;

15 “(d) Annual tax expenditures of state agencies, including, when possible, the identity of the re-  
16 cipients of each tax expenditure;

17 “(e) For each state agency, a description of the percentage of expenditures made in this state  
18 and the percentage of expenditures made outside this state under all contracts for goods or services  
19 the state agency enters into during each biennium;

20 “(f) A prominently placed graphic representation of the primary funding categories and approx-  
21 imate number of individuals that the state agency or the education service district serves;

22 “(g) A description of the mission, function and program categories of the state agency or edu-  
23 cation service district;

24 “(h) A copy of any audit report that the Secretary of State issues for the state agency or the  
25 education service district;

26 “(i) The local service plans of the education service districts;

27 “(j) A copy of each report required by statute for education service districts; and

28 “(k) A copy of all notices of public meetings of the education service districts.

29 “(4) In addition to the information described in subsection (3) of this section:

30 “(a) The State Chief Information Officer shall post on the Oregon transparency website notices  
31 of public meetings the state agency must provide under ORS 192.640. If the state agency maintains  
32 a website where minutes or summaries of the public meetings are available, the state agency shall  
33 provide the State Chief Information Officer with the link to the state agency website for posting on  
34 the Oregon transparency website.

35 “(b) The State Chief Information Officer shall post on the Oregon transparency website a link  
36 for the website that the Secretary of State maintains for rules that the state agency adopts. If the  
37 state agency maintains a website where the state agency posts the rules, or where any information  
38 relating to the rules of the agency is posted, the state agency shall provide the State Chief Infor-  
39 mation Officer with the link to the website for posting on the Oregon transparency website.

40 “(c) The State Chief Information Officer shall provide links on the Oregon transparency website  
41 for information that the State Chief Information Officer receives concerning contracts and subcon-  
42 tracts that a state agency or education service district enters into, to the extent that disclosing the  
43 information is allowed by law and the information is already available on websites that the state  
44 agency or education service district maintains. To the extent available, the information to which the  
45 State Chief Information Officer links under this section must include:

- 1 “(A) Information on professional, personal and material contracts;
- 2 “(B) The date of each contract and the amount payable under the contract;
- 3 “(C) The period during which the contract is or was in effect; and
- 4 “(D) The names and addresses of vendors.

5 **“(d) The State Chief Information Officer shall provide an economic development section**  
6 **on the Oregon transparency website for posting of information submitted to the State Chief**  
7 **Information Officer by state agencies responsible for administering specific economic devel-**  
8 **opment programs. The section shall include, but not be limited to, the following information,**  
9 **if it is already collected or available within an existing database maintained by the state**  
10 **agency in the course of administering the economic development program:**

11 **“(A) The names of filmmakers or companies that have received reimbursements from the**  
12 **Oregon Production Investment Fund under ORS 284.368 and the amount of each reimburse-**  
13 **ment;**

14 **“(B) The amount of revenue bonds issued under ORS 285A.430 for the Beginning and**  
15 **Expanding Farmer Loan Program, the names of persons who received loans under the pro-**  
16 **gram and the amount of the loan;**

17 **“(C) The names of persons who received grants or loans from the Oregon Innovation**  
18 **Council under ORS 284.735 or 284.742 and the purpose and amount of the grant or loan;**

19 **“(D) Copies of, or links to, annual reports required to be filed under ORS 285C.615 under**  
20 **the strategic investment program;**

21 **“(E) Copies of, or links to, annual certifications required to be filed under ORS 285C.506**  
22 **for the business development income tax exemption; and**

23 **“(F) Information required to be posted on the Oregon transparency website under ORS**  
24 **184.484.**

25 **“(e) The information reported under paragraph (d) of this subsection:**

26 **“(A) May not include proprietary information; and**

27 **“(B) Shall be provided to the State Chief Information Officer by the state agency in the**  
28 **format and manner required by the State Chief Information Officer.**

29 **“(f) The State Chief Information Officer shall post on the Oregon transparency website**  
30 **information describing the process for requesting copies of public records from a public body,**  
31 **including a link to the public records section of the Department of Justice webpage. At the**  
32 **request of a state agency or education service district, the State Chief Information Officer**  
33 **shall include a link to a location on the webpage of the agency or district that describes the**  
34 **process for requesting public records from the agency or district.**

35 **“(5) In operating, refining and recommending enhancements to the Oregon transparency website,**  
36 **the State Chief Information Officer and the Transparency Oregon Advisory Commission created in**  
37 **ORS 184.486 shall consider and, to the extent practicable, adhere to the following principles:**

38 **“(a) The website must be accessible without cost and be easy to use;**

39 **“(b) Information included on the Oregon transparency website must be presented using plain,**  
40 **easily understandable language; and**

41 **“(c) The website should teach users about how state government and education service districts**  
42 **work and provide users with the opportunity to learn something about how state government and**  
43 **education service districts raise and spend revenue.**

44 **“(6) If a state agency or an education service district is not able to include information de-**  
45 **scribed in this section on the Oregon transparency website because of the lack of availability of**

1 information or cost in acquiring information, the Transparency Oregon Advisory Commission cre-  
2 ated in ORS 184.486 shall list the information that is not included for the state agency or education  
3 service district in the commission's report to the Legislative Assembly required under ORS 184.486.

4 “(7)(a) The State Chief Information Officer shall include on the Oregon transparency website a  
5 page that provides links to websites established by local governments, as defined in ORS 174.116,  
6 and by special government bodies, as defined in ORS 174.117, for the purpose of providing trans-  
7 parency in the revenues, expenditures and budgets of the local governments and special government  
8 bodies.

9 “(b) The State Chief Information Officer shall include a link to the local government's or special  
10 government body's website after receiving a request from the local government or special govern-  
11 ment body, and shall consider recommendations from the Transparency Oregon Advisory Commis-  
12 sion for including other links to local government and special government body websites.

13 “(c) **At the request of any local government, as defined in ORS 174.116, or special gov-**  
14 **ernment body, as defined in ORS 174.117, the State Chief Information Officer shall include**  
15 **on the Oregon transparency website notices of public meetings required to be provided under**  
16 **ORS 192.640 by the local government or special government body. The local government or**  
17 **special government body must submit public meeting notice information in the format and**  
18 **manner required by the State Chief Information Officer.**

19 “(d) The office of the State Chief Information Officer shall include a prominent link on the home  
20 page of the Oregon transparency website for information posted to the page described in this sub-  
21 section.”.

22 On page 19, delete lines 16 through 45 and delete pages 20 and 21.

23 On page 22, delete lines 1 through 3 and insert:

24 “**SECTION 22.** ORS 279A.050, as amended by section 1, chapter 167, Oregon Laws 2015 (En-  
25 rolled Senate Bill 7), is amended to read:

26 “279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting  
27 agency shall exercise all **of the contracting agency's** procurement authority in accordance with  
28 the provisions of the Public Contracting Code.

29 “(b) If a contracting agency has authority under this section to carry out functions described  
30 in this section, or has authority to make procurements under a provision of law other than the  
31 Public Contracting Code, the contracting agency need not exercise the contracting agency's au-  
32 thority in accordance with the provisions of the code if, under ORS 279A.025, the code does not  
33 apply to the contract or contracting agency.

34 “(2)(a) Except as otherwise provided in **paragraph (b) of this subsection** and the Public Con-  
35 tracting Code, for state agencies the Director of the Oregon Department of Administrative Services  
36 has all the authority **available** to carry out the provisions of the Public Contracting Code.

37 “(b) **Except as otherwise provided in the Public Contracting Code, for state agencies the**  
38 **director may delegate to the State Chief Information Officer the authority to procure or**  
39 **supervise the procurement of all goods, services and personal services related to information**  
40 **technology and telecommunications for state contracting agencies. This paragraph does not**  
41 **apply to contracts under which the contractor delivers to the state agency information**  
42 **technology products or services incidentally in performing a personal services contract de-**  
43 **scribed in ORS chapter 279C or a construction contract described in ORS chapter 279C.**

44 “(3) Except as otherwise provided in the Public Contracting Code, the Director of Transporta-  
45 tion has all the authority **available** to:

1           “(a) Procure or supervise the procurement of all services and personal services to construct,  
2 acquire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking  
3 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

4           “(b) Procure or supervise the procurement of all goods, services, public improvements and per-  
5 sonal services that relate to operating, maintaining or constructing highways, bridges and other  
6 transportation facilities that are subject to the authority of the Department of Transportation; and

7           “(c) Establish standards for, prescribe forms for and conduct the prequalification of prospective  
8 bidders on public improvement contracts that relate to operating, maintaining or constructing  
9 highways, bridges and other transportation facilities that are subject to the authority of the De-  
10 partment of Transportation.

11           “(4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has  
12 all the authority to procure or supervise the procurement of goods, services and personal services  
13 related to programs under the authority of the Secretary of State.

14           “(5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all  
15 the authority to procure or supervise the procurement of goods, services and personal services re-  
16 lated to programs under the authority of the State Treasurer.

17           “(6) The state agencies listed in this subsection have all the authority to do the following in  
18 accordance with the Public Contracting Code:

19           “(a) The Department of Human Services to procure or supervise the procurement of goods, ser-  
20 vices and personal services under ORS 179.040 for the department’s institutions and the procurement  
21 of goods, services and personal services for constructing, demolishing, exchanging, maintaining, op-  
22 erating and equipping housing for the purpose of providing care to individuals with intellectual  
23 disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

24           “(b) The Oregon Health Authority to procure or supervise the procurement of goods, services  
25 and personal services under ORS 179.040 and construction materials, equipment and supplies for the  
26 authority’s institutions and the procurement of goods, services, personal services, construction ma-  
27 terials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating  
28 and equipping housing for individuals with chronic mental illness, subject to applicable provisions  
29 of ORS 426.504;

30           “(c) The State Department of Fish and Wildlife to procure or supervise the procurement of  
31 construction materials, equipment, supplies, services and personal services for public improvements,  
32 public works or ordinary construction described in ORS 279C.320 that is subject to the authority  
33 of the State Department of Fish and Wildlife;

34           “(d) The State Parks and Recreation Department to procure or supervise the procurement of all  
35 goods, services, public improvements and personal services related to state parks;

36           “(e) The Oregon Department of Aviation to procure or supervise the procurement of con-  
37 struction materials, equipment, supplies, services and personal services for public improvements,  
38 public works or ordinary construction described in ORS 279C.320 that is subject to the authority  
39 of the Oregon Department of Aviation;

40           “(f) The Oregon Business Development Department to procure or supervise the procurement of  
41 all goods, services, personal services and public improvements related to its foreign trade offices  
42 operating outside the state;

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

45           “(h) The Department of Corrections to procure or supervise the procurement of construction

1 materials, equipment, supplies, services and personal services for public improvements, public works  
2 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-  
3 ment of Corrections;

4 “(i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,  
5 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-  
6 vices and personal services under ORS 179.040 for its institutions;

7 “(j) The Department of Veterans’ Affairs to procure or supervise the procurement of real estate  
8 broker and principal real estate broker services related to programs under the department’s au-  
9 thority;

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

14 “(L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085  
15 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), to pro-  
16 cure or supervise the procurement of goods, services, personal services and information technology  
17 related to student assessment; and

18 “(m) Any state agency to conduct a procurement when the agency is specifically authorized by  
19 any provision of law other than the Public Contracting Code to enter into a contract.

20 “[7)(a) *Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department*  
21 *of Administrative Services has exclusive authority, unless the director delegates this authority, to pro-*  
22 *curate or supervise the procurement of:]*

23 “[A) *All price agreements on behalf of the state agencies identified in subsection (6)(a) to (k) of this*  
24 *section under which more than one state agency may order goods, services or personal services; and]*

25 “[B) *All state agency information technology contracts.]*

26 “[b) *This subsection does not apply to contracts under which the contractor delivers to the state*  
27 *agency information technology products or services incidental to the performance of personal services*  
28 *contracts described in ORS chapter 279C or construction contracts described in ORS chapter 279C. ]*

29 “[c) *If the director has established a price agreement for goods, services or personal services, a*  
30 *state agency identified in subsection (3) or (6)(a) to (k) of this section may not establish a price agree-*  
31 *ment or enter into a contract for the goods, services or personal services without the approval of the*  
32 *director.]*

33 “(7)(a) **Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon**  
34 **Department of Administrative Services has exclusive authority, unless the director delegates**  
35 **the authority, to procure or supervise the procurement of all price agreements on behalf of**  
36 **the state agencies identified in subsection (6) of this section under which more than one**  
37 **state agency may order goods, services or personal services.**

38 “(b) **The director may delegate to the State Chief Information Officer the exclusive au-**  
39 **thority to procure or supervise the procurement of all price agreements related to informa-**  
40 **tion technology and telecommunications on behalf of the state agencies identified in**  
41 **subsection (6) of this section. Notwithstanding any authority that a state agency may have**  
42 **under subsection (3) or (6) of this section, the state agency may not establish a price agree-**  
43 **ment or enter into a contract for goods, services or personal services without the approval**  
44 **of the director or the State Chief Information Officer if the director or the State Chief In-**  
45 **formation Officer has established a price agreement for the goods, services or personal ser-**

1 vices.

2 “(c) The State Chief Information Officer may review any solicitation document for pro-  
3 curing information technology or telecommunications that a state agency intends to issue  
4 before the state agency issues the solicitation document and may require the state agency  
5 to name the State Chief Information Officer as a third-party beneficiary with full authority  
6 to enforce the terms and conditions of any public contract for information technology or  
7 telecommunications. The State Chief Information Officer must approve a state agency’s  
8 procurement for information technology or telecommunications if the procurement has an  
9 anticipated contract price of \$1 million or more. The State Chief Information Officer may  
10 require the state agency to name the State Chief Information Officer as the contracting  
11 party on behalf of the State of Oregon in a procurement for information technology or tele-  
12 communications that has an anticipated contract price of \$1 million or more.”.

13 On page 25, after line 9, insert:

14 “**SECTION 27a.** If Senate Bill 80 becomes law, section 27 of this 2015 Act (amending ORS  
15 283.143) is repealed and ORS 283.143, as amended by section 84, chapter \_\_, Oregon Laws 2015  
16 (Enrolled Senate Bill 80), is amended to read:

17 “283.143. [(1) To encourage utilization of statewide integrated videoconferencing and statewide on-  
18 line access services, the Oregon Department of Administrative Services shall, in addition to any other  
19 charge or assessment for providing telecommunications services to state agencies, impose upon each  
20 agency and public corporation a surcharge, in an amount established by the department. All surcharge  
21 moneys collected shall be deposited in the Oregon Department of Administrative Services Operating  
22 Fund, and may be expended only for state agency and public corporation telecommunication and  
23 videoconferencing activities, under such terms and conditions as the department may prescribe.]

24 “[2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Ser-  
25 vices shall not impose the surcharge established by this section on the Oregon Health and Science  
26 University. The Oregon Department of Administrative Services shall enter into an agreement with the  
27 Oregon Health and Science University on the amounts to be paid by the Oregon Health and Science  
28 University to the Oregon Department of Administrative Services in lieu of the surcharge provided for  
29 in this section.]

30 “(1) To encourage utilization of statewide integrated videoconferencing and statewide  
31 online access services, the State Chief Information Officer may, in addition to any other  
32 charge or assessment for providing telecommunications services to state agencies, impose  
33 upon each state agency and public corporation a surcharge, in an amount the State Chief  
34 Information Officer establishes. The State Chief Information Officer shall deposit all sur-  
35 charge moneys into the State Information Technology Operating Fund. The State Chief In-  
36 formation Officer may expend moneys in the fund for state agency and public corporation  
37 telecommunication and videoconferencing activities, under such terms and conditions as the  
38 State Chief Information Officer may prescribe and in a manner that is consistent with plans,  
39 standards, policies, goals, directives and rules that the State Chief Information Officer sets,  
40 specifies or adopts.

41 “(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer  
42 may not impose the surcharge established by this section on the Oregon Health and Science  
43 University. The State Chief Information Officer shall enter into an agreement with the  
44 Oregon Health and Science University on the amount that the Oregon Health and Science  
45 University must pay to the State Chief Information Officer in lieu of the surcharge provided

1 for in this section.”.

2 On page 32, after line 27, insert:

3 “**SECTION 41a. If Senate Bill 80 becomes law, section 41 of this 2015 Act (amending ORS**  
4 **291.038) is repealed and ORS 291.038, as amended by section 4, chapter 102, Oregon Laws 2014,**  
5 **and section 90, chapter \_\_, Oregon Laws 2015 (Enrolled Senate Bill 80), is amended to read:**

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

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

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

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

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

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

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

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

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



1 public where appropriate.

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

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

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

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

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

29 “(b) The [*department*] **State Chief Information Officer** shall, when procuring telecommuni-  
30 cations network services, consider [*achieving the economic development and quality of life outcomes*  
31 *set forth in the Oregon benchmarks*] **the goals and objectives outlined within the Enterprise In-**  
32 **formation Resources Management Strategy and the policy, acquisition, coordination and**  
33 **consolidation objectives for information technology that are specified in ORS 283.500 to**  
34 **283.520 and 283.524.**

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

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

1 “(c) The [department] **State Chief Information Officer** by rule shall restrict the [department’s  
2 *furnishing or delivery of*] Internet access service **that the State Chief Information Officer fur-**  
3 **nishes or delivers** to private entities if the service would directly compete with two or more local  
4 established providers of Internet access services within the local exchange telecommunications ser-  
5 vice area.

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

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

21 “[7] (8) This section does not apply to any public university listed in ORS 352.002.

22 “[8] (9) As used in this section **and ORS 291.039:**

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

25 “(b) ‘Information technology’ [includes, but is not limited to,] **means** present and future forms of  
26 hardware, software and services for data processing, office automation and telecommunications.

27 “(c) ‘Internet access service’ means electronic connectivity to the Internet and the services of  
28 the Internet.

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

32 “(e) ‘State-of-the-art services’ [includes] **means the highest level at which** equipment, facilities  
33 and the capability to distribute digital communication signals that transmit voice, data, video and  
34 images over a distance **have developed at the time during which the equipment, facility or**  
35 **capability was installed or operating.**

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

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

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

42 On page 46, delete lines 43 through 45.

43 On page 47, delete lines 1 through 39 and insert:

44 “**NOTE:** Section 51 was deleted by amendment. Subsequent sections were not renumbered.”.

45 On page 50, line 17, delete “, 403.460 and 413.308” and insert “and 403.460”.

1 In line 30, delete “, 403.460 and 413.308” and insert “and 403.460”.  
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