

**PROPOSED AMENDMENTS TO
HOUSE BILL 3099**

1 On page 3 of the printed bill, delete lines 5 through 32 and insert:

2 **“SECTION 8. (1) There is established the State Information Tech-**
3 **nology Operating Fund in the State Treasury, separate and distinct**
4 **from the General Fund. The moneys in the State Information Tech-**
5 **nology Operating Fund may be invested as provided in ORS 293.701 to**
6 **293.857. Interest earnings on the fund assets must be credited to the**
7 **fund.**

8 **“(2) The Director of the Oregon Department of Administrative Ser-**
9 **vices shall deposit into the State Information Technology Operating**
10 **Fund moneys for enterprise information technology and telecommu-**
11 **nications that are appropriated to the Oregon Department of Admin-**
12 **istrative Services and that are necessary for the State Chief**
13 **Information Officer to fulfill the duties, implement the functions and**
14 **exercise the powers imposed upon, transferred to and vested in the**
15 **State Chief Information Officer under section 1 of this 2015 Act.**
16 **Amounts in the fund are continuously appropriated to the State Chief**
17 **Information Officer for the purposes authorized by law.**

18 **“(3) As used in this section, ‘enterprise information technology and**
19 **telecommunications’ means:**

20 **“(a) Technologies, resources, systems and services that state agen-**
21 **cies use to generate, process, store and secure information for gov-**
22 **ernmental purposes, including geographic information;**

1 **“(b) Technologies, resources, systems and services that state agen-**
2 **cies use to send, receive, process or otherwise facilitate telecommuni-**
3 **cations for governmental purposes; and**

4 **“(c) Technologies, resources, systems and services that state agen-**
5 **cies use to install, maintain, repair, update, replace, remove or oth-**
6 **erwise support the technologies, resources, systems or services**
7 **described in paragraphs (a) and (b) of this subsection.”.**

8 On page 12, delete lines 39 through 44 and insert:

9 “(5) Before adopting rules to implement the provisions of this section, the
10 State Chief Information Officer shall present the proposed rules to the Joint
11 Legislative Committee on Information Management and Technology.”.

12 On page 13, delete lines 27 through 29 and insert:

13 “(5) A state agency that implements an information technology initiative,
14 as defined in section 1, chapter 77, Oregon Laws 2014, that the State Chief
15 Information Officer estimates will cost more than \$1 million shall implement
16 the information technology initiative under rules, policies and standards that
17 the State Chief Information Officer develops, sets or adopts. The information
18 technology initiative is subject to the State Chief Information Officer’s
19 oversight and the State Chief Information Officer may require the state
20 agency to obtain approval to implement the information technology initiative
21 or may direct the state agency to stop or modify the implementation, cancel
22 or modify a procurement related to the information technology initiative,
23 modify the scope of the information technology initiative or take another
24 action before awarding a public contract. After a state agency executes a
25 public contract related to the information technology initiative, the State
26 Chief Information Officer may direct the state agency to suspend the public
27 contract or terminate the public contract in accordance with the public
28 contract’s terms and conditions.”.

29 In line 31, after “(1)” insert “(a)”.

30 In line 32, delete “develop” and insert “maintain”.

1 After line 35, insert:

2 “(b) The Oregon Department of Administrative Services shall assist the
3 State Chief Information Officer in performing duties under paragraph (a) of
4 this subsection to the extent the State Chief Information Officer deems the
5 assistance necessary.”.

6 On page 15, line 4, delete “creating,”.

7 On page 18, line 35, before “State” insert “the director may delegate to
8 the” and delete “has all” and delete “available”.

9 On page 20, delete lines 24 through 41 and insert:

10 “(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director
11 of the Oregon Department of Administrative Services has exclusive author-
12 ity, unless the director delegates the authority, to procure or supervise the
13 procurement of all price agreements on behalf of the state agencies identified
14 in subsection (6) of this section under which more than one state agency may
15 order goods, services or personal services.

16 “(b) The director may delegate to the State Chief Information Officer the
17 exclusive authority to procure or supervise the procurement of all price
18 agreements related to information technology and telecommunications on
19 behalf of the state agencies identified in subsection (6) of this section.
20 Notwithstanding any authority that a state agency may have under sub-
21 section (3) or (6) of this section, the state agency may not establish a price
22 agreement or enter into a contract for goods, services, personal services,
23 construction materials, equipment or supplies without the approval of the
24 director or the State Chief Information Officer if the director or the State
25 Chief Information Officer has established a price agreement for the goods,
26 services, personal services, construction materials, equipment or supplies.

27 “(c) The State Chief Information Officer may review any solicitation
28 document for procuring information technology or telecommunications that
29 a state contracting agency intends to issue before the state contracting
30 agency issues the solicitation document and may require the state contract-

1 ing agency to name the State Chief Information Officer as a third-party
2 beneficiary with full authority to enforce the terms and conditions of any
3 public contract for information technology or telecommunications. The State
4 Chief Information Officer must approve a state contracting agency's pro-
5 curement for information technology or telecommunications if the procure-
6 ment has an anticipated contract price of \$1 million or more. The State Chief
7 Information Officer may require the state contracting agency to name the
8 State Chief Information Officer as the contracting party on behalf of the
9 State of Oregon in a procurement for information technology or telecommu-
10 nications that has an anticipated contract price of \$1 million or more.”.

11 On page 21, line 7, after the period insert “The State Chief Information
12 Officer may require the Director of the Oregon Department of Administrative
13 Services to obtain the State Chief Information Officer’s review and approval
14 before the director delegates authority to a state contracting agency to con-
15 duct a procurement for information technology or telecommunications.”.

16 In line 10, delete “when” and insert “if” and after the comma delete
17 “the” and insert “a”.

18 In line 11, delete “or” and insert a comma and delete “it” and insert “the
19 state contracting agency”.

20 In line 13, after “section” insert “and if the director has delegated the
21 necessary authority to the State Chief Information Officer”.

22 In line 28, after “283.100.” insert “(1)”.

23 After line 37, insert:

24 “(2) Except as otherwise provided by law, subsection (1) of this section
25 does not:

26 “(a) Require a state agency to transfer to the State Chief Information
27 Officer information technology or telecommunications equipment, assets or
28 resources that are under the state agency’s control;

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

1 “(c) Require a state agency to consolidate information technology or
2 telecommunications equipment, assets or resources with another state
3 agency’s information technology or telecommunications equipment, assets or
4 resources; or

5 “(d) Prevent a state agency from providing information technology or
6 telecommunications functions for the state agency.”.

7 On page 23, delete lines 28 through 39 and insert:

8 “(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon De-
9 partment of Administrative Services may provide advanced digital communi-
10 cations services directly, may enter into an interagency or intergovernmental
11 agreement under ORS chapter 190 to have another state agency or govern-
12 mental agency provide advanced digital communications services or may ac-
13 quire advanced digital communications services by entering into contracts
14 with telecommunications providers or a consortium of telecommunications
15 providers in a manner that is consistent with the State Chief Information
16 Officer’s rules, polices and standards.

17 “(3) After a telecommunications provider or a consortium of telecommu-
18 nications providers has installed an advanced digital communications net-
19 work, the Oregon Department of Administrative Services shall provide all
20 telecommunications services and operations for the state and state agencies
21 directly, or shall enter into interagency or intergovernmental agreements
22 under ORS chapter 190 to have another state agency or another govern-
23 mental agency provide the telecommunications services and operations in a
24 manner that is consistent with the State Chief Information Officer’s rules,
25 polices and standards. The department may not approve the procurement of
26 any telecommunications system or equipment that is incompatible with the
27 network or that is inconsistent with the State Chief Information Officer’s
28 rules, polices and standards.”.

29 On page 26, line 30, restore the bracketed material and delete “2016” and
30 insert “2020”.

1 In line 31, restore “(2)”.

2 In line 32, delete “2016” and insert “2020”.

3 On page 28, line 23, delete “State Chief Information Officer” and insert
4 “Oregon Department of Administrative Services procures information tech-
5 nology or the Director of the Oregon Department of Administrative
6 Services”.

7 In line 24, delete “Oregon De-” and insert “department”.

8 In line 25, delete “partment of Administrative Services”.

9 On page 30, lines 2 and 3, restore the bracketed material.

10 Delete lines 44 and 45 and insert:

11 “(J) Oversee information technology and telecommunications procure-
12 ments as provided in ORS 279A.050 (7).”.

13 On page 31, delete lines 1 through 3.

14 Delete lines 15 through 20 and insert:

15 “(L) Identify information technology services that the State Chief Infor-
16 mation Officer recommends for design, delivery and management as enter-
17 prise or shared information technology services and, each biennium, report
18 to the Governor and the Joint Legislative Committee on Information Man-
19 agement and Technology concerning the status of new enterprise or shared
20 information technology services.”.

21 On page 32, delete lines 19 through 23.

22 In line 24, delete “(d)” and insert “(c)”.

23 In line 28, delete “(e)” and insert “(d)”.

24 On page 38, line 4, after the period insert “The state agency that employs
25 the officer or employee may consult with the State Chief Information Officer
26 before imposing a disciplinary measure.”.

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