

A-Engrossed
Senate Bill 872

Ordered by the Senate March 24
Including Senate Amendments dated March 24

Sponsored by JOINT COMMITTEE ON LEGISLATIVE INFORMATION MANAGEMENT AND TECHNOLOGY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Department of Information Technology. Transfers duties, functions, powers and responsibilities related to information resources, information technology and telecommunications from Oregon Department of Administrative Services to new department.

Becomes operative July 1, 2018.

[Declares emergency, effective on passage.]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to information technology in state government; creating new provisions; amending ORS
3 177.200, 178.100, 181A.265, 182.126, 182.128, 182.132, 184.483, 184.484, 184.486, 279A.050, 279A.075,
4 279B.030, 279B.040, 279B.075, 283.100, 283.140, 283.143, 283.510, 283.520, 291.003, 291.016, 291.018,
5 291.030, 291.032, 291.055, 291.990, 293.875, 403.450, 403.455, 403.460, 403.465, 461.120 and 576.306
6 and section 2, chapter 48, Oregon Laws 2016; repealing ORS 182.122, 182.124, 184.473, 184.475,
7 184.477, 291.034, 291.035, 291.037, 291.038, 291.039 and 291.041; and prescribing an effective date.

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

9 **SECTION 1. As used in sections 1 to 11 of this 2017 Act, unless the context requires**
10 **otherwise:**

11 (1)(a) **“Executive department” has the meaning given that term in ORS 174.112.**

12 (b) **“Executive department” does not include the Secretary of State or the State Treas-**
13 **urer.**

14 (2) **“Geographic data” means digital data that consist of geographic or projected map**
15 **coordinate values, identification codes and associated descriptive data to locate and describe**
16 **boundaries or features on, above or below the surface of the earth, demographic data or re-**
17 **lated data.**

18 (3) **“Geographic information system” means hardware, software, and data for capturing,**
19 **managing, analyzing and displaying geographic data.**

20 (4) **“Information resources” means media, instruments, plans and methods for collecting,**
21 **processing, transmitting and storing data and information, including telecommunications.**

22 (5) **“Information system” means computers, hardware, software, storage media, net-**
23 **works, operational procedures and processes used in collecting, processing, storing, sharing**
24 **or distributing information within, or with any access beyond ordinary public access to, the**
25 **state’s shared computing and network infrastructure.**

26 (6) **“Information technology” means present and future forms of hardware, software and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 services for data processing, office automation and telecommunications.

2 (7)(a) "Information technology initiative" means a project to develop or provide, with a
3 state contracting agency's or public corporation's own personnel and resources, or to obtain
4 by means of a procurement or set of related procurements:

5 (A) New hardware, software or services for data processing, office automation or tele-
6 communications;

7 (B) An overhaul, upgrade or replacement of a substantial portion of the hardware or
8 software in an existing data processing, office automation or telecommunications system;
9 or

10 (C) A substantial expansion of existing data processing, office automation or telecom-
11 munications services.

12 (b) "Information technology initiative" does not include:

13 (A) A procurement for preliminary quality assurance services or quality management
14 services;

15 (B) A routine update to or purchase of hardware or software within an existing data
16 processing, office automation or telecommunications system;

17 (C) A renewal of an existing contract for data processing, office automation or telecom-
18 munications services under terms and conditions that are substantially the same as in the
19 existing contract; or

20 (D) A replacement of a component of an existing data processing, office automation or
21 telecommunications system that is not essential for the system to function as designed or
22 that occurs at the end of the component's anticipated life cycle.

23 (8) "Internet access service" means electronic connectivity to the Internet and the ser-
24 vices of the Internet.

25 (9) "Open systems" means systems that allow state agencies freedom of choice by pro-
26 viding a vendor-neutral operating environment where different computers, applications, sys-
27 tem software and networks operate together easily and reliably.

28 (10) "Preliminary quality assurance services" means a set of services in which a con-
29 tractor provides an independent and objective review of a state contracting agency's or a
30 public corporation's plans, specifications, estimates, documentation, available resources and
31 overall purpose for an information technology initiative, including services in which the
32 contractor evaluates a proposed information technology initiative against applicable quality
33 standards and best practices from private industry and other sources.

34 (11) "Procurement" has the meaning given that term in ORS 279A.010.

35 (12)(a) "Public corporation" means a corporation:

36 (A) The operations of which are subject to control by the state or by an agency or
37 instrumentality of the state, or by officers of the state or of an agency or instrumentality
38 of the state;

39 (B) That is organized, at least in part, to serve a public purpose; and

40 (C) That receives public funds or other support from an entity described in subparagraph
41 (A) of this paragraph.

42 (b) "Public corporation" does not include:

43 (A) A person or entity described in ORS 174.108 (3);

44 (B) A city, county, local service district, school district, education service district, com-
45 munity college district or community college service district or a university with a governing

1 board listed in ORS 352.054; or

2 (C) An administrative subdivision of an entity described in subparagraph (B) of this par-
3 agraph.

4 (13) “Quality management services” means a set of services in which a contractor pro-
5 vides an independent and objective review and evaluation of a state contracting agency’s, a
6 public corporation’s or another contractor’s performance with respect to an information
7 technology initiative, such as services in which the contractor:

8 (a) Identifies quality standards that apply or should apply to the information technology
9 initiative;

10 (b) Suggests methods and means by which the state contracting agency, the public cor-
11 poration or the other contractor may meet quality standards identified in paragraph (a) of
12 this subsection;

13 (c) Reviews and evaluates the state contracting agency’s, the public corporation’s or the
14 other contractor’s performance regularly as the information technology initiative progresses
15 from start to finish;

16 (d) Identifies omissions or gaps in the state contracting agency’s, the public corporation’s
17 or the other contractor’s planning, execution, control, methodology, communication or re-
18 porting as the information technology initiative progresses from start to finish;

19 (e) Identifies risks in the state contracting agency’s, the public corporation’s or the other
20 contractor’s plans or approach to designing, developing or implementing the information
21 technology initiative and suggests methods to reduce, mitigate or eliminate the risks;

22 (f) Assists the state contracting agency or the public corporation in testing or otherwise
23 evaluating the hardware, software or services that are developed, provided or obtained as
24 part of an information technology initiative to determine whether the hardware, software
25 or services conform with the quality standards identified in paragraph (a) of this subsection;

26 (g) Advises the State Chief Information Officer, the state contracting agency or the
27 public corporation as to whether the hardware, software or services that are developed,
28 provided or obtained as part of an information technology initiative meet the contracting
29 agency’s or the public corporation’s needs, specifications or expectations and otherwise en-
30 able the state contracting agency or the public corporation to achieve the objectives for the
31 information technology initiative; or

32 (h) Identifies unsatisfactory performance and suggests methods the State Chief Infor-
33 mation Officer, the state contracting agency, the public corporation or the other contractor
34 might use to eliminate the causes of unsatisfactory performance.

35 (14)(a) “State agency” means every state officer, board, commission, department, insti-
36 tution, branch or agency of the state government.

37 (b) Notwithstanding paragraph (a) of this subsection, “state agency” includes the follow-
38 ing entities only if an entity opts to be defined as a state agency under sections 1 to 11 of
39 this 2017 Act:

40 (A) The Legislative Assembly or any of the Legislative Assembly’s standing, special or
41 interim committees;

42 (B) The judicial department, the courts and the officers and committees of the judicial
43 department and the courts; and

44 (C) The Public Defense Services Commission.

45 (15) “State contracting agency” has the meaning given that term in ORS 279A.010.

1 (16) "State government" has the meaning given that term in ORS 174.111.

2 (17) "State-of-the-art services" means the highest level at which equipment, facilities and
3 the capability to distribute digital communication signals that transmit voice, data, video and
4 images over a distance have developed at the time during which the equipment, facility or
5 capability was installed or operating.

6 (18) "Statewide integrated videoconferencing" means a statewide electronic system ca-
7 pable of transmitting video, voice and data communications.

8 (19) "Statewide online access" means electronic connectivity to information resources
9 such as computer conferencing, electronic mail, databases and Internet access.

10 (20) "Telecommunications" means hardware, software and services for transmitting
11 voice, data, video and images over a distance.

12 **SECTION 2.** The Legislative Assembly finds and declares that:

13 (1) Information is a strategic asset of the state that must be managed and secured as a
14 valuable state resource.

15 (2) Continuous and efficient operations of state government information systems and in-
16 formation technology are both vital and necessary for providing access to information and
17 delivering government services.

18 (3) The expanding need, use and importance of information resources, information sys-
19 tems, information technology and telecommunications in this state require strong and ef-
20 fective management.

21 (4) Coordinated management of information resources and technology can aid in provid-
22 ing security, responsibility and accountability for the state's large repository of information
23 and can help to reduce complexity and redundancy, decrease costs and ensure timely updat-
24 ing and replacement of aging technologies.

25 (5) A state agency with the dedicated mission of overseeing information resources and
26 information technologies in state government is the preferred method for producing a more
27 efficient, uniform, secure and sustainable method for delivering and operating the state's
28 information resources and information technologies.

29 **SECTION 3.** (1) The Department of Information Technology is established for the purpose
30 of directing, coordinating and overseeing state information technology and telecommuni-
31 cations in accordance with section 4 of this 2017 Act and other statutes, rules and policies
32 that govern the state's or state agencies' budgeting, planning, acquiring, managing, over-
33 seeing and using information resources, telecommunications and information technology.

34 (2) The Department of Information Technology is under the supervision and control of
35 the State Chief Information Officer, who is responsible for performing the duties, functions
36 and powers of the department.

37 (3)(a) The Governor shall appoint the State Chief Information Officer, who serves at the
38 pleasure of the Governor. The Governor's appointment of the State Chief Information Officer
39 is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

40 (b) The State Chief Information Officer director must be paid a salary as provided by law
41 or, if the law does not prescribe a salary, as prescribed by the Governor.

42 (4) The State Chief Information Officer may adopt rules in accordance with ORS chapter
43 183 to exercise and carry out the duties, functions and powers committed to the Department
44 of Information Technology under section 4 of this 2017 Act and other statutes, rules or pol-
45 icies that commit functions to the department or to the State Chief Information Officer.

1 **(5) The State Chief Information Officer must be a person who, by training and experi-**
2 **ence, is well qualified to:**

3 **(a) Perform the duties that the Governor specifies; and**

4 **(b) Carry out the functions specified in section 4 of this 2017 Act and in other statutes,**
5 **rules or policies that commit functions to the Department of Information Technology or the**
6 **State Chief Information Officer.**

7 **(6) The State Chief Information Officer shall:**

8 **(a) Serve as the Governor's chief advisor concerning information resources, information**
9 **technology, information systems, geographic information systems, information systems se-**
10 **curity and telecommunications.**

11 **(b) Implement and maintain an information technology governance program for the**
12 **executive department.**

13 **(c) Adopt rules, policies and standards for budgeting, planning, acquiring, installing, op-**
14 **erating and overseeing telecommunications and information technology for the executive**
15 **department.**

16 **(d) Review and make recommendations to the Governor and the Legislative Assembly**
17 **concerning state agency information technology budget requests.**

18 **(e) Adopt plans, rules, policies and standards for the executive department concerning**
19 **geographic information systems and geographic data.**

20 **(f) Adopt state information systems security plans, rules, policies and standards for the**
21 **executive department.**

22 **(g) Assess state agencies each biennium to evaluate compliance with the State Chief In-**
23 **formation Officer's rules, policies and standards and provide results of the assessments to**
24 **the Governor and to the Joint Legislative Committee on Information Management and**
25 **Technology.**

26 **(h) Develop and promote training programs in information technology, information sys-**
27 **tems security, geographic information systems, enterprise architecture and project and**
28 **portfolio management.**

29 **(i) Enhance sharing and coordination among federal, tribal, regional, state government**
30 **and local government entities in this state with respect to geographic information systems**
31 **and geographic data.**

32 **(j) Oversee information technology and telecommunications procurements as provided in**
33 **ORS 279A.050 (7).**

34 **(k) Conduct a market analysis each biennium to determine whether the state data center**
35 **is the most effective and efficient method for providing information technology and infor-**
36 **mation resources to state agencies and other users. In conducting the market analysis, the**
37 **State Chief Information Officer shall consider best practices and trends among federal, state**
38 **and local government entities and the extent to which new or emerging technologies affect**
39 **how the state provides information technology and information resources. The State Chief**
40 **Information Officer shall provide the results of the analysis to the Governor and to the Joint**
41 **Legislative Committee on Information Management and Technology and may recommend**
42 **changes in the information technology and information resources that the state data center**
43 **provides or in methods that the state data center uses to provide information technology and**
44 **information resources.**

45 **(L) Identify information technology services that the Department of Information Tech-**

1 nology recommends for design, delivery and management as enterprise or shared information
2 technology services and, each biennium, report to the Governor and the Joint Legislative
3 Committee on Information Management and Technology concerning the status of new en-
4 terprise or shared information technology services.

5 (m) Adopt or update each biennium an Enterprise Information Resources Management
6 Strategy for the state. In addition to the functions described in section 7 of this 2017 Act,
7 the Enterprise Information Resources Management Strategy must provide for integrating
8 statewide technology initiatives, ensuring compliance with information technology rules,
9 policies and standards, promoting coordination, consolidation and alignment of information
10 resources and technologies and effectively managing the state's and state agencies' infor-
11 mation technology portfolios. In developing the Enterprise Information Resources Manage-
12 ment Strategy, the State Chief Information Officer shall consult with and consider advice
13 and suggestions from the department, state agencies and local governments, from private
14 sector information technology experts, from the Legislative Fiscal Officer, from the Joint
15 Legislative Committee on Information Management and Technology or from individual
16 members of the Legislative Assembly that the President of the Senate and the Speaker of
17 the House of Representatives appoint for the purpose of consulting with the State Chief In-
18 formation Officer under this subsection.

19 (n) Identify and recommend to the Governor, within the State Chief Information Officer's
20 biennial budget request, resources that are necessary to implement the Enterprise Infor-
21 mation Resources Management Strategy.

22 (o) Develop standards, protocols and procedures for executive department agencies to use
23 in searching for and identifying requested public records that are retained in electronic form
24 and to use in fulfilling public records requests that seek records in electronic form.

25 (7) The State Chief Information Officer may:

26 (a) Organize and reorganize the Department of Information Technology in the manner
27 the State Chief Information Officer considers necessary to conduct the work of the depart-
28 ment properly.

29 (b) Divide the department into administrative programs, units or sections and appoint
30 an individual to administer each program, unit or section that the State Chief Information
31 Officer establishes under this subsection. The individual the State Chief Information Officer
32 appoints serves at the pleasure of the State Chief Information Officer and must be well
33 qualified by technical training and experience in the functions the individual will perform.
34 The State Chief Information Officer's actions under this paragraph are subject to ORS
35 chapter 240.

36 (c) Appoint a deputy director who serves at the State Chief Information Officer's pleas-
37 ure and who has full authority to act for the State Chief Information Officer in the State
38 Chief Information Officer's absence, but who is otherwise subject to the State Chief Infor-
39 mation Officer's control. The State Chief Information Officer shall appoint the deputy di-
40 rector by written order that the State Chief Information Officer files with the Secretary of
41 State.

42 (d) Appoint subordinate officers and employees of the department, prescribe the officers'
43 and employees' duties and fix compensation for the officers and employees. The State Chief
44 Information Officer's actions under this paragraph are subject to ORS chapter 240.

45 (e) Delegate to an employee of the department or to another individual any duty, function

1 or power that the State Chief Information Officer may exercise or perform under section 4
2 of this 2017 Act or under other statutes, rules or policies that commit functions to the de-
3 partment or to the State Chief Information Officer. For the purpose of performing an official
4 act in the State Chief Information Officer's name, the State Chief Information Officer may
5 delegate a duty, function or power by means of an interagency agreement, an intergovern-
6 mental agreement in accordance with ORS chapter 190 or a contract. An official act that an
7 individual performs in the name of the State Chief Information Officer under a delegation
8 from the State Chief Information Officer under this paragraph is an official act of the State
9 Chief Information Officer or the department.

10 **SECTION 4. (1)(a)** The Department of Information Technology shall oversee and coordi-
11 nate planning, budgeting, architecture and standardization, consolidation, acquisition and
12 oversight of all information and telecommunications technology for state government and
13 agencies of state government to address statewide and individual state agencies' plans and
14 activities in the most integrated, economic and efficient manner, in a manner that minimizes
15 duplication, fragmentation, redundancy and cost in state government operations and in a
16 manner that most effectively meets state government and state agency program needs.

17 (b)(A) Except as otherwise provided by law, the Secretary of State and the State Treas-
18 urer, in collaboration with the department, shall develop and adopt plans, policies, standards
19 and procedures for budgeting, planning, procuring, managing, overseeing and using informa-
20 tion technology and telecommunications for the Secretary of State or the State Treasurer,
21 as appropriate. Each office shall ensure that the office's plans, policies, standards and pro-
22 cedures are, to the extent possible, compatible with the plans, policies, standards and pro-
23 cedures that the department develops and adopts for other state agencies within the
24 executive department.

25 (B) The Secretary of State and the State Treasurer shall submit to the Legislative Fiscal
26 Office:

27 (i) Copies of plans, policies, standards and procedures that the Secretary of State and the
28 State Treasurer develop and adopt under subparagraph (A) of this paragraph. The Secretary
29 of State and the State Treasurer shall submit copies of the plans, policies, standards and
30 procedures within 30 calendar days after adopting or amending the plans, policies, standards
31 or procedures.

32 (ii) Copies of any independent information technology audits or quality assurance reports
33 that are public records and are not exempt from disclosure under ORS 192.410 to 192.505. The
34 Secretary of State and the State Treasurer shall submit copies of the audits or reports
35 within 30 calendar days after receiving the audits or reports.

36 (iii) An annual report on all information technology initiatives and all procurements with
37 an estimated contract price that exceeds \$1 million. The Secretary of State and the State
38 Treasurer shall submit the report not later than December 31 of each calendar year.

39 (2) To accomplish the purpose set forth in subsection (1)(a) of this section, the State
40 Chief Information Officer shall:

41 (a) Adopt rules, policies and standards to plan for, develop architecture for and stand-
42 ardize the state's information resources and technologies. In developing rules, policies and
43 standards, the State Chief Information Officer shall consult with state agencies that have
44 needs that information resources may satisfy. State agencies shall cooperate with the State
45 Chief Information Officer and the Department of Information Technology in preparing and

1 complying with rules, policies and standards that the State Chief Information Officer adopts.

2 (b) Formulate rules, policies and standards to promote electronic communication and
3 information sharing among state agencies and programs, between state and local govern-
4 ments and with the public where appropriate.

5 (c) Formulate rules, policies, plans, standards and specifications to ensure that informa-
6 tion resources and technologies fit together in a statewide system capable of providing ready
7 access to information, information technology or telecommunication resources. The State
8 Chief Information Officer shall base the plans and specifications on industry standards for
9 open systems to the greatest extent possible.

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

13 (4) The State Chief Information Officer has the responsibility to review, oversee and en-
14 sure that state agencies' rules and planning, acquisition and implementation activities re-
15 lated to information technology and telecommunications align with and support the
16 Enterprise Information Resources Management Strategy. State agencies shall cooperate with
17 the State Chief Information Officer and the Department of Information Technology to ensure
18 that the state agencies' rules and planning, acquisition and implementation activities align
19 with and support the Enterprise Information Resources Management Strategy. If the State
20 Chief Information Officer delegates authority under ORS 279A.075 to procure information
21 technology, a state contracting agency shall procure information technology fairly,
22 competitively and in a manner that is consistent with the State Chief Information Officer's
23 rules, policies and standards.

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

27 (b) The Department of Information Technology shall, when procuring telecommuni-
28 cations network services, consider the goals and objectives outlined within the Enterprise
29 Information Resources Management Strategy and the policy, acquisition, coordination and
30 consolidation objectives for information technology that are specified in ORS 283.500 to
31 283.520 and 283.524.

32 (6)(a) The Department of Information Technology, upon request, may furnish and deliver
33 statewide integrated videoconferencing and statewide online access service to a public or
34 private entity that primarily conducts activities for the direct good or benefit of the public
35 or community at large in providing educational, economic development, health care, human
36 services, public safety, library or other public services. The State Chief Information Officer
37 shall adopt rules to guide the department in furnishing and delivering the service.

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

41 (c) The State Chief Information Officer by rule shall restrict the Internet access service
42 that the department furnishes or delivers to private entities if the service would directly
43 compete with two or more local established providers of Internet access services within the
44 local exchange telecommunications service area.

45 (d) The rates and services the department establishes and provides under this section are

1 not subject to the Public Utility Commission's regulation or authority.

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

15 (8) This section does not apply to any public university listed in ORS 352.002.

16 **SECTION 5.** (1) As used in this section, "state agency" means a board, commission, de-
17 partment, division, office or other entity within the executive department, except:

- 18 (A) The Secretary of State;
- 19 (B) The State Treasurer;
- 20 (C) The Oregon State Lottery; and
- 21 (D) A public university that is listed in ORS 352.002.

22 (2) The Department of Information Technology may provide technical services to state
23 agencies for data processing systems development and developing data processing methods
24 and applications in a manner that is consistent with the State Chief Information Officer's
25 rules, policies and standards. The technical services may include consulting and program-
26 ming services and assistance in locating electronic data processing installations. The de-
27 partment shall determine and charge the cost of the technical services, or portions of the
28 technical services, to the state agency that the department serves. The state agency shall
29 pay the cost to the department in the same manner that the state agency pays other claims
30 against the state agency. The department shall deposit all moneys that the department re-
31 ceives from state agencies for services under this section into the State Information Tech-
32 nology Operating Fund.

33 **SECTION 6.** (1) The purposes of information technology portfolio-based management are
34 to:

- 35 (a) Ensure that state agencies link the state agencies' information technology invest-
36 ments with business plans;
- 37 (b) Facilitate risk assessment of information technology projects and investments;
- 38 (c) Ensure that state agencies justify information technology investments on the basis
39 of sound business cases;
- 40 (d) Ensure that state agencies facilitate the development and review of information
41 technology performance related to business operations;
- 42 (e) Identify projects that can cross agency and program lines to leverage resources; and
- 43 (f) Assist in state government-wide planning for common, shared information technology
44 infrastructure.

45 (2) The Department of Information Technology shall integrate state agency strategic and

1 business planning, technology planning and budgeting and project expenditure processes into
2 the department's portfolio-based management and oversight of state information technology
3 resources.

4 (3) The department shall conduct and maintain a continuous inventory of each state
5 agency's current and planned investments in information technology, a compilation of in-
6 formation about the current and planned investments and the total life cycle cost of the
7 current and planned investments. Each state agency shall cooperate with the department in
8 conducting and maintaining the inventory. The State Chief Information Officer shall develop
9 and implement state government-wide rules, policies and standards for conducting and
10 maintaining the required inventory and for managing the state government-wide information
11 technology portfolio. State agencies shall participate in the department's information tech-
12 nology portfolio-based management program and shall comply with the rules, policies and
13 standards that the State Chief Information Officer establishes under this subsection. The
14 provisions of this subsection do not relieve any state agency from accountability for equip-
15 ment, materials, supplies and tangible and intangible personal property under the state
16 agency's control.

17 (4) The department shall ensure that state agencies implement portfolio-based manage-
18 ment of information technology resources in accordance with this section and with rules,
19 policies and standards that the State Chief Information Officer adopts.

20 (5) Before adopting rules to implement the provisions of this section, the State Chief
21 Information Officer shall present the proposed rules to the Joint Legislative Committee on
22 Information Management and Technology.

23 (6) As used in this section, "state agency" has the meaning given that term in section 5
24 of this 2017 Act.

25 **SECTION 7.** (1) The purpose of enterprise information resources management is to cre-
26 ate a plan and implement a state government-wide approach for managing distributed infor-
27 mation technology assets to minimize total ownership costs from acquisition through
28 retirement, while realizing maximum benefits for transacting the state's business and deliv-
29 ering services to the residents of this state.

30 (2) With input and recommendations from state agencies, the State Chief Information
31 Officer each biennium shall adopt an Enterprise Information Resources Management Strat-
32 egy in accordance with section 4 of this 2017 Act. The Enterprise Information Resources
33 Management Strategy must, among other functions, enable the Department of Information
34 Technology to manage and oversee distributed information technology assets throughout
35 state government. The Enterprise Information Resources Management Strategy must pre-
36 scribe the state government-wide infrastructure and services for managing these assets. The
37 State Chief Information Officer shall submit the Enterprise Information Resources Manage-
38 ment Strategy to the Joint Legislative Committee on Information Management and Tech-
39 nology for review.

40 (3) Following review by the Joint Legislative Committee on Information Management and
41 Technology, the department shall ensure state agency implementation of the Enterprise In-
42 formation Resources Management Strategy, including the development of appropriate rules,
43 policies and standards along with budget, resource and management plans that are necessary
44 to implement the Enterprise Information Resources Management Strategy.

45 (4) State agencies shall participate in managing information technology assets in ac-

1 cordance with the Enterprise Information Resources Management Strategy and shall comply
2 with the rules, policies and standards of the State Chief Information Officer.

3 (5) A state agency that implements an information technology initiative that the de-
4 partment estimates will cost more than \$1 million shall implement the information technol-
5 ogy initiative under rules, policies and standards that the State Chief Information Officer
6 develops, sets or adopts. The information technology initiative is subject to the department's
7 oversight, and the department may require the state agency to obtain approval to implement
8 the information technology initiative or may direct the state agency to stop or modify the
9 implementation, cancel or modify a procurement related to the information technology ini-
10 tiative, modify the scope of the information technology initiative or take another action be-
11 fore awarding a public contract. After a state agency executes a public contract related to
12 the information technology initiative, the State Chief Information Officer may direct the
13 state agency to take any action in accordance with the terms and conditions of the public
14 contract that the department deems necessary or advisable to administer and enforce the
15 public contract, including directing the state agency to suspend performance or terminate
16 the public contract in whole or in part.

17 **SECTION 8.** (1) The State Chief Information Officer has responsibility for and authority
18 over information systems security in the executive department, including responsibility for
19 taking all measures that are reasonably necessary to protect the availability, integrity or
20 confidentiality of information systems or the information stored in information systems. The
21 State Chief Information Officer shall, after consultation and collaborative development with
22 state agencies, establish a state information systems security plan and associated standards,
23 policies and procedures. The plan must align with and support the Enterprise Information
24 Resources Management Strategy described in section 3 of this 2017 Act.

25 (2) The Department of Information Technology may:

26 (a) Review and verify the security of information systems operated by or on behalf of
27 state agencies;

28 (b) Monitor state network traffic to identify and react to security threats; and

29 (c) Conduct vulnerability assessments of state agency information systems for the pur-
30 pose of evaluating and responding to the susceptibility of information systems to attack,
31 disruption or any other event that threatens the availability, integrity or confidentiality of
32 information systems or the information stored in information systems.

33 (3) The Department of Information Technology shall contract with qualified, independent
34 consultants for the purpose of conducting vulnerability assessments under subsection (2) of
35 this section.

36 (4) In collaboration with appropriate agencies, the State Chief Information Officer shall
37 develop and implement policies for responding to events that damage or threaten the avail-
38 ability, integrity or confidentiality of information systems or the information stored in in-
39 formation systems, whether those systems are within, interoperable with or outside the
40 state's shared computing and network infrastructure. In the policies, the State Chief Infor-
41 mation Officer shall prescribe actions reasonably necessary to:

42 (a) Promptly assemble and deploy in a coordinated manner the expertise, tools and
43 methodologies required to prevent or mitigate the damage caused or threatened by an event;

44 (b) Promptly alert other persons of the event and of the actions reasonably necessary to
45 prevent or mitigate the damage caused or threatened by the event;

1 (c) Implement forensic techniques and controls developed under subsection (5) of this
2 section;

3 (d) Evaluate the event for the purpose of possible improvements to the security of in-
4 formation systems; and

5 (e) Communicate and share information with appropriate agencies, using preexisting in-
6 cident response capabilities.

7 (5) After consultation and collaborative development with appropriate agencies, the De-
8 partment of Information Technology shall implement forensic techniques and controls for
9 the security of information systems, whether those systems are within, interoperable with
10 or outside the state's shared computing and network infrastructure. The techniques and
11 controls must include using specialized expertise, tools and methodologies to investigate
12 events that damage or threaten the availability, integrity or confidentiality of information
13 systems or the information stored in information systems. The Department of Information
14 Technology shall consult with the Oregon State Police, the Office of Emergency Manage-
15 ment, the Governor and others as necessary in developing forensic techniques and controls
16 under this section.

17 (6) The State Chief Information Officer shall ensure that reasonably appropriate remedial
18 actions are undertaken when the State Chief Information Officer finds that such actions are
19 reasonably necessary by reason of vulnerability assessments of information systems under
20 subsection (2) of this section, evaluation of events under subsection (4) of this section and
21 other evaluations and audits.

22 (7)(a) State agencies are responsible for securing computers, hardware, software, storage
23 media, networks, operational procedures and processes used in collecting, processing, stor-
24 ing, sharing or distributing information outside the state's shared computing and network
25 infrastructure, following information security standards, policies and procedures established
26 by the State Chief Information Officer and developed collaboratively with the state agencies.
27 State agencies may establish plans, standards and measures that are more stringent than
28 the standards established by the State Chief Information Officer to address specific agency
29 needs if the plans, standards and measures do not contradict or contravene the state infor-
30 mation systems security plan. Independent agency security plans must be developed within
31 the framework of the state information systems security plan.

32 (b) A state agency shall report the results of any vulnerability assessment, evaluation
33 or audit conducted by the agency to the Department of Information Technology for the
34 purposes of consolidating statewide security reporting and, when appropriate, to prompt a
35 state incident response.

36 (8) This section does not apply to:

37 (a) Research and student computer systems used by or in conjunction with any public
38 university listed in ORS 352.002; and

39 (b)(A) Gaming systems and networks operated by the Oregon State Lottery or contrac-
40 tors of the State Lottery; or

41 (B) The results of Oregon State Lottery reviews, evaluations and vulnerability assess-
42 ments of computer systems outside the state's shared computing and network
43 infrastructure.

44 (9) The State Chief Information Officer shall adopt rules to implement the provisions of
45 this section.

1 **SECTION 9.** (1) Notwithstanding section 8 of this 2017 Act, the Secretary of State, the
2 State Treasurer and the Attorney General have sole discretion and authority over informa-
3 tion systems security in their respective agencies, including the discretion and authority to
4 take all measures that are reasonably necessary to protect the availability, integrity or
5 confidentiality of information systems or the information stored in information systems.

6 (2) The Secretary of State, the State Treasurer and the Attorney General shall each es-
7 tablish an information systems security plan and associated standards, policies and proce-
8 dures in collaboration with the Department of Information Technology as provided in section
9 8 of this 2017 Act.

10 (3) The plan established under subsection (2) of this section, at a minimum, must:

11 (a) Be compatible with the state information systems security plan and associated stan-
12 dards, policies and procedures established by the State Chief Information Officer under sec-
13 tion 8 (1) of this 2017 Act;

14 (b) Assign responsibility for:

15 (A) Reviewing, monitoring and verifying the security of the Secretary of State's, the
16 State Treasurer's and the Attorney General's information systems; and

17 (B) Conducting vulnerability assessments of information systems for the purpose of
18 evaluating and responding to the susceptibility of information systems to attack, disruption
19 or any other event that threatens the availability, integrity or confidentiality of information
20 systems or the information stored in information systems;

21 (c) Contain policies for responding to events that damage or threaten the availability,
22 integrity or confidentiality of information systems or the information stored in information
23 systems, whether the systems are within, interoperable with or outside the state's shared
24 computing and network infrastructure;

25 (d) Prescribe actions reasonably necessary to:

26 (A) Promptly assemble and deploy in a coordinated manner the expertise, tools and
27 methodologies required to prevent or mitigate the damage caused or threatened by an event;

28 (B) Promptly alert the Department of Information Technology and other persons of the
29 event and of the actions reasonably necessary to prevent or mitigate the damage caused or
30 threatened by the event;

31 (C) Implement forensic techniques and controls developed under paragraph (e) of this
32 subsection;

33 (D) Evaluate the event for the purpose of possible improvements to the security of in-
34 formation systems; and

35 (E) Communicate and share information with agencies, using preexisting incident re-
36 sponse capabilities; and

37 (e) Describe and implement forensic techniques and controls for the security of infor-
38 mation systems, whether those systems are within, interoperable with or outside the state's
39 shared computing and network infrastructure, including the use of specialized expertise,
40 tools and methodologies, to investigate events that damage or threaten the availability, in-
41 tegrity or confidentiality of information systems or the information stored in information
42 systems.

43 (4) The Secretary of State, the State Treasurer and the Attorney General shall partic-
44 ipate in the planning process that the State Chief Information Officer conducts under section
45 8 (1) of this 2017 Act.

1 (5) If the Department of Information Technology cannot agree with the Secretary of
2 State, the State Treasurer or the Attorney General on a joint information systems security
3 plan and associated operational standards and policies, the Department of Information
4 Technology may take steps reasonably necessary to condition, limit or preclude electronic
5 traffic or other vulnerabilities between information systems for which the Secretary of State,
6 the State Treasurer or the Attorney General has authority under subsection (1) of this sec-
7 tion and the information systems for which the State Chief Information Officer has authority
8 under section 8 (1) of this 2017 Act.

9 **SECTION 10.** (1) The State Information Technology Operating Fund is established in the
10 State Treasury, separate and distinct from the General Fund. The moneys in the State In-
11 formation Technology Operating Fund may be invested as provided in ORS 293.701 to 293.857.
12 Interest earnings on the fund assets must be credited to the fund.

13 (2) The State Chief Information Officer shall deposit into the State Information Tech-
14 nology Operating Fund moneys for information resources, information systems, information
15 technology and telecommunications that are appropriated to the Department of Information
16 Technology and that are necessary for the department to provide the services and functions
17 that the department and the State Chief Information Officer must provide by law. Amounts
18 in the fund are continuously appropriated to the Department of Information Technology for
19 the purposes authorized by law.

20 **SECTION 11.** (1)(a) A state contracting agency or a public corporation that implements
21 an information technology initiative shall obtain quality management services from a quali-
22 fied contractor if the value of the information technology initiative exceeds \$5 million unless
23 the State Chief Information Officer exempts the information technology initiative in writing
24 from the requirement to obtain quality management services. The State Chief Information
25 Officer may require quality management services for an information technology initiative the
26 value of which does not exceed \$5 million if the information technology initiative meets cri-
27 teria or standards that the State Chief Information Officer specifies in rules or policies.

28 (b) A state contracting agency or public corporation may, subject to ORS 279B.040, pro-
29 cure preliminary quality assurance services from a contractor if the information technology
30 initiative meets the criteria or standards set forth in paragraph (a) of this subsection or if
31 the state contracting agency or public corporation otherwise believes that the preliminary
32 quality assurance services will enable the contracting agency or public corporation to im-
33 plement an information technology initiative successfully.

34 (2) A state contracting agency or public corporation may not artificially divide or frag-
35 ment an information technology initiative so as to avoid the application of this section.

36 (3) Notwithstanding any procurement authority that a state contracting agency or a
37 public corporation has that is not subject to the authority of the Director of the Oregon
38 Department of Administrative Services or the State Chief Information Officer under ORS
39 279A.050 (2) or (7), the state contracting agency or public corporation is subject to the pro-
40 visions of subsection (1) of this section and shall consult with and follow the rules, policies
41 and procedures of the State Chief Information Officer in determining the extent of prelimi-
42 nary quality assurance services or quality management services that the state contracting
43 agency or public corporation will require for an information technology initiative.

44 (4)(a) If a state contracting agency or a public corporation awards a contract for pre-
45 liminary quality assurance services or quality management services, the contract must pro-

1 vide that at the same time a contractor provides a preliminary or final report to the contract
2 administrator, the contractor shall also provide a copy of the report to:

3 (A) The State Chief Information Officer;

4 (B) The Director of the Oregon Department of Administrative Services;

5 (C) The Legislative Fiscal Officer; and

6 (D) As appropriate for the specific information technology initiative:

7 (i) The director of the state contracting agency or, if a board or commission sets policy
8 for the state contracting agency, the board or commission; or

9 (ii) The governing body of the public corporation.

10 (b) The state contracting agency or public corporation shall provide the contractor with
11 names, addresses and other contact information the contractor needs to comply with para-
12 graph (a) of this subsection.

13 (5) This section does not apply to the Secretary of State or the State Treasurer.

14 **SECTION 12.** (1) As used in this section and sections 13 to 18 of this 2017 Act:

15 (a) "Information technology functions" means technologies, resources, hardware, soft-
16 ware, systems, services and personnel that state agencies employ to:

17 (A) Generate, process, store, transmit and secure information, including geographic in-
18 formation, for governmental purposes;

19 (B) Send, receive, process or facilitate telecommunications or otherwise transmit data
20 and information for governmental purposes; and

21 (C) Install, maintain, repair, update, replace, remove or otherwise support the items de-
22 scribed in subparagraphs (A) and (B) of this paragraph.

23 (b)(A) "State agency" means every state board, commission, department, institution,
24 branch or agency of the state government whose costs are paid wholly or in part from funds
25 held in the State Treasury.

26 (B) "State agency" does not include:

27 (i) The legislative department;

28 (ii) The judicial department;

29 (iii) The Secretary of State;

30 (iv) The State Treasurer;

31 (v) The Oregon State Lottery;

32 (vi) The Oregon State Bar;

33 (vii) The Public Defense Services Commission;

34 (viii) Oregon Health and Science University;

35 (ix) A public university listed in ORS 352.002; and

36 (x) A semi-independent state agency listed in ORS 182.454.

37 (2)(a) Except as provided in paragraph (b) of this subsection, all of the duties, functions
38 and powers of the Oregon Department of Administrative Services related to information
39 technology functions that are now vested in the State Chief Information Officer are imposed
40 upon, transferred to and vested in the Department of Information Technology.

41 (b) The Oregon Department of Administrative Services shall retain all of the duties,
42 functions and powers related specifically to the department's own information technology
43 operations and shall exercise the powers and perform the duties and functions in a manner
44 that is consistent with rules, policies and standards that the State Chief Information Officer
45 adopts.

1 (c) All of the duties, functions and powers of the Oregon Department of Administrative
2 Services with respect to procuring and establishing price agreements for goods, services and
3 personal services related to information technology and telecommunications are imposed
4 upon, transferred to and vested in the Department of Information Technology and the State
5 Chief Information Officer.

6 (3) The State Chief Information Officer and the Director of the Oregon Department of
7 Administrative Services shall develop a comprehensive plan for consolidating within the De-
8 partment of Information Technology control and supervision over the information technology
9 duties, functions and powers described in subsection (2)(a) and (c) of this section by July 1,
10 2018.

11 (4) The Director of the Oregon Department of Administrative Services, in accordance
12 with the plan described in subsection (3) of this section, shall:

13 (a) Deliver to the State Chief Information Officer all records and property within the
14 jurisdiction of the Oregon Department of Administrative Services that relate to the duties,
15 functions and powers transferred under subsection (2) of this section.

16 (b) Transfer to the State Chief Information Officer all employees who directly support
17 and are engaged primarily in exercising duties, functions and powers transferred under sub-
18 section (2) of this section.

19 (5) The State Chief Information Officer shall take possession of the records and property,
20 and shall take charge of the employees and employ them in exercising the duties, functions
21 and powers transferred to the State Chief Information Officer under subsection (2) of this
22 section without reducing the employees' compensation. The State Chief Information Officer
23 may change or terminate an employee's employment or change an employee's compensation
24 as provided by law.

25 (6) The Governor shall resolve any dispute between the Oregon Department of Adminis-
26 trative Services and the Department of Information Technology relating to any of the
27 transfers described in this section. The Governor's decision is final.

28 **SECTION 13.** (1) Any unexpended balances of amounts the Oregon Department of Ad-
29 ministrative Services may expend for the biennium beginning July 1, 2017, from revenues
30 dedicated, continuously appropriated, appropriated or otherwise made available for the pur-
31 pose of administering and enforcing the duties, functions and powers transferred by section
32 12 of this 2017 Act are transferred to and are available for the State Chief Information Offi-
33 cer to expend during the biennium beginning July 1, 2017, for the purpose of administering
34 and enforcing the duties, functions and powers transferred by section 12 of this 2017 Act.

35 (2) Expenditure classifications, if any, established by laws that authorize or limit expen-
36 ditures by the Oregon Department of Administrative Services remain applicable to expen-
37 ditures by the Department of Information Technology under this section.

38 **SECTION 14.** The transfer of duties, functions and powers to the Department of Infor-
39 mation Technology under section 12 of this 2017 Act does not affect any action, proceeding
40 or prosecution that began before and was pending at the time of the transfer and that in-
41 volved the duties, functions and powers, except that the Department of Information Tech-
42 nology is substituted for the Oregon Department of Administrative Services in the action,
43 proceeding or prosecution.

44 **SECTION 15.** (1) Sections 1 to 19 of this 2017 Act, the amendments to ORS 177.200,
45 178.100, 181A.265, 182.126, 182.128, 182.132, 184.483, 184.484, 184.486, 279A.050, 279A.075,

1 279B.030, 279B.040, 279B.075, 283.100, 283.140, 283.143, 283.510, 283.520, 291.003, 291.016, 291.018,
 2 291.030, 291.032, 291.055, 291.990, 293.875, 403.450, 403.455, 403.460, 403.465, 461.120 and 576.306
 3 and section 2, chapter 48, Oregon Laws 2016, by sections 20 to 55 of this 2017 Act and the
 4 repeal of ORS 182.122, 182.124, 184.473, 184.475, 184.477, 291.034, 291.035, 291.037, 291.038, 291.039
 5 and 291.041 by section 56 of this 2017 Act do not relieve a person of a liability, duty or obli-
 6 gation that accrued under or with respect to the duties, functions and powers transferred
 7 under section 12 of this 2017 Act. The Department of Information Technology may collect
 8 or enforce any such liability, duty or obligation.

9 (2) Rights and obligations that the Oregon Department of Administrative Services legally
 10 incurred with respect to information technology functions under contracts, leases and busi-
 11 ness transactions the state agency executed, entered into or began before the operative date
 12 specified in section 57 of this 2017 Act remain with the Oregon Department of Administrative
 13 Services until the department transfers, and the State Chief Information Officer accepts, the
 14 contract, lease or business transaction or until the date on which a renewal of the contract,
 15 lease or business transaction occurs, whichever is earlier. For the purpose of succession to
 16 the rights and obligations of the Oregon Department of Administrative Services, the De-
 17 partment of Information Technology is a continuation of the Oregon Department of Admin-
 18 istrative Services and not a new authority.

19 **SECTION 16.** Notwithstanding the transfer of duties, functions and powers under section
 20 12 of this 2017 Act, the rules of the Oregon Department of Administrative Services that
 21 concern information technology functions and information technology procurement that the
 22 Oregon Department of Administrative Services performs and that are transferred under
 23 section 12 of this 2017 Act in effect on the operative date specified in section 57 of this 2017
 24 Act continue in effect until new rules of the Department of Information Technology super-
 25 sede or repeal the Oregon Department of Administrative Services rules. References to the
 26 Oregon Department of Administrative Services or an officer or employee of the Oregon De-
 27 partment of Administrative Services in rules that concern information technology functions
 28 and information technology procurement that the Oregon Department of Administrative
 29 Services performs and that are transferred under section 12 of this 2017 Act are references
 30 to the Department of Information Technology, the State Chief Information Officer or an of-
 31 ficer or employee of the Department of Information Technology.

32 **SECTION 17.** If a statute or resolution of the Legislative Assembly or a rule, document,
 33 record or proceeding authorized by the Legislative Assembly refers to the Oregon Depart-
 34 ment of Administrative Services or an officer or employee of the Oregon Department of
 35 Administrative Services in connection with an exercise of information technology functions
 36 and information technology procurement transferred under section 12 of this 2017 Act, the
 37 reference is a reference to the Department of Information Technology, the State Chief In-
 38 formation Officer or an officer or employee of the Department of Information Technology.

39 **SECTION 18.** The State Chief Information Officer shall deposit all moneys appropriated
 40 to the Department of Information Technology for the purpose of consolidating information
 41 technology functions and information technology procurement that are transferred to the
 42 department under section 12 of this 2017 Act into the State Information Technology Operat-
 43 ing Fund.

44 **SECTION 19.** (1) The appointment of the State Chief Information Officer described in
 45 section 3 of this 2017 Act is a continuation of the appointment of the State Chief Information

1 **Officer described in ORS 291.039 and not a new appointment.**

2 (2) **The Enterprise Information Resources Management Strategy described in section 3**
3 **of this 2017 Act is a continuation of the Enterprise Information Resources Management**
4 **Strategy described in ORS 291.039 and not a new strategy.**

5 (3) **The State Information Technology Operating Fund established in section 10 of this**
6 **2017 Act is a continuation of the State Information Technology Operating Fund established**
7 **in ORS 291.041 and not a new fund.**

8 **SECTION 20.** ORS 177.200 is amended to read:

9 177.200. (1) The Secretary of State shall implement portfolio-based management of information
10 technology resources, as described in this section, to:

11 (a) Ensure that the [*Office of the*] Secretary of State links [*its*] **the Secretary of State's** infor-
12 mation technology investments with business plans;

13 (b) Facilitate risk assessment of information technology projects and investments;

14 (c) Ensure that the [*office*] **Secretary of State** justifies information technology investments on
15 the basis of sound business cases;

16 (d) Ensure that the [*office*] **Secretary of State** facilitates development and review of information
17 technology performance related to business operations;

18 (e) Identify projects that can cross agency and program lines to leverage resources; and

19 (f) Assist in state government-wide planning for common, shared information technology
20 infrastructure.

21 (2) The Secretary of State shall integrate strategic and business planning, technology planning
22 and budgeting and project expenditure processes into the Secretary of State's information technol-
23 ogy portfolio-based management.

24 (3) The Secretary of State shall conduct and maintain a continuous inventory of current **assets**
25 and planned investments in information technology, a compilation of information about [*those*] **the**
26 **assets and planned investments and** the total life cycle cost of [*those*] **the assets and planned**
27 **investments.**

28 (4) The Secretary of State shall develop and implement standards, processes and procedures for
29 the required inventory and for [*the management of*] **managing** the information technology portfolio.

30 (5) As used in this section, "information technology" has the meaning given that term in [*ORS*
31 *184.473*] **section 1 of this 2017 Act.**

32 **SECTION 21.** ORS 178.100 is amended to read:

33 178.100. (1) The State Treasurer shall implement portfolio-based management of information
34 technology resources, as described in this section, to:

35 (a) Ensure that the [*office of the*] State Treasurer links [*its*] **the State Treasurer's** information
36 technology investments with business plans;

37 (b) Facilitate risk assessment of information technology projects and investments;

38 (c) Ensure that the [*office*] **State Treasurer** justifies information technology investments on the
39 basis of sound business cases;

40 (d) Ensure that the [*office*] **State Treasurer** facilitates development and review of information
41 technology performance related to business operations;

42 (e) Identify projects that can cross agency and program lines to leverage resources; and

43 (f) Assist in state government-wide planning for common, shared information technology
44 infrastructure.

45 (2) The State Treasurer shall integrate strategic and business planning, technology planning and

1 budgeting and project expenditure processes into the State Treasurer’s information technology
2 portfolio-based management.

3 (3) The State Treasurer shall conduct and maintain a continuous inventory of current **assets**
4 and planned investments in information technology, a compilation of information about [*those*] **the**
5 assets and **planned investments and** the total life cycle cost of [*those*] **the assets and planned**
6 **investments**.

7 (4) The State Treasurer shall develop and implement standards, processes and procedures for the
8 required inventory and for [*the management of*] **managing** the information technology portfolio.

9 (5) As used in this section, “information technology” has the meaning given that term in [*ORS*
10 *184.473*] **section 1 of this 2017 Act**.

11 **SECTION 22.** ORS 181A.265, as amended by section 40, chapter 117, Oregon Laws 2016, is
12 amended to read:

13 181A.265. (1) The Department of State Police or another criminal justice agency that the State
14 Chief Information Officer designates shall operate a Criminal Justice Information Standards program
15 that coordinates information among state criminal justice agencies. The program must:

16 (a) Ensure that in developing new information systems, data can be retrieved to support evalu-
17 ating criminal justice planning and programs, including, but not limited to, evaluating the ability
18 of the programs to reduce future criminal conduct;

19 (b) Ensure that maximum effort is made for the safety of public safety officers;

20 (c) Establish methods and standards for data interchange and information access between crim-
21 inal justice information systems, in compliance with information technology rules, policies and
22 standards that the State Chief Information Officer adopts;

23 (d) Design and implement improved applications for exchange of agency information; and

24 (e) Implement the capability to exchange images between criminal justice agencies.

25 (2) The program shall develop a plan to accelerate data sharing and information integration
26 among criminal justice agencies. The plan must include, but is not limited to including, priorities,
27 timelines, development costs, resources needed, the projected ongoing cost of support, critical suc-
28 cess factors and any known barriers to accomplishing the plan. The plan must align with and sup-
29 port the Enterprise Information Resources Management Strategy described in [*ORS 291.039*] **section**
30 **3 of this 2017 Act**. Representatives of criminal justice agencies and public safety agencies, in-
31 cluding but not limited to local law enforcement agencies, courts of criminal jurisdiction, district
32 attorneys, city attorneys with criminal prosecutive functions, public defender organizations estab-
33 lished under ORS chapter 151, community corrections directors, jail managers and county juvenile
34 departments, shall be invited to participate in the planning process. The program shall present the
35 plan to the State Chief Information Officer no later than May 30 of each even-numbered year for
36 development of the Governor’s budget. The program shall submit the plan to the Joint Legislative
37 Committee on Information Management and Technology no later than December 31 of each even-
38 numbered year.

39 (3) Notwithstanding the meaning given “criminal justice agency” in ORS 181A.010, as used in
40 this section and ORS 181A.270, “criminal justice agency” includes, but is not limited to:

41 (a) The Judicial Department;

42 (b) The Attorney General;

43 (c) The Department of Corrections;

44 (d) The Department of State Police;

45 (e) Any other state agency with law enforcement authority designated by order of the Governor;

- 1 (f) The Department of Transportation;
- 2 (g) The State Board of Parole and Post-Prison Supervision;
- 3 (h) The Department of Public Safety Standards and Training;
- 4 (i) The State Department of Fish and Wildlife;
- 5 (j) The Oregon Liquor Control Commission;
- 6 (k) The Oregon Youth Authority;
- 7 (L) The Youth Development Division; and
- 8 (m) A university that has established a police department under ORS 352.121 or 353.125.

9 **SECTION 23.** ORS 182.126 is amended to read:

10 182.126. As used in this section and ORS 182.128 and 182.132:

11 [(1) “Convenience fee” means a fee for using an electronic government portal or governmental ser-
12 vices available by means of an electronic government portal that the State Chief Information Officer
13 charges or authorizes an electronic government portal provider to charge under ORS 182.132 (3).]

14 [(2)] (1) “Electronic government portal” means an electronic information delivery system acces-
15 sible by means of the Internet that a state agency designates officially as a means by which the
16 state agency delivers information, products or services.

17 [(3)] (2) “Electronic government portal provider” means a person that on behalf of a state
18 agency provides facilities, goods or services necessary to develop, host, operate, maintain or other-
19 wise implement an electronic government portal or provides facilities, goods or services that assist
20 a state agency in designing, developing, hosting, operating, maintaining or otherwise implementing
21 an electronic government portal.

22 (3) “Portal provider fee” means a fee that the Department of Information Technology
23 charges or authorizes an electronic government portal provider to charge under ORS 182.132
24 (3) for using an electronic government portal or governmental services that are available by
25 means of an electronic government portal.

26 (4) “State agency” means the executive department, as defined in ORS 174.112.

27 **SECTION 24.** ORS 182.128 is amended to read:

28 182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of 13
29 members appointed as follows:

30 (a) The President of the Senate shall appoint two nonvoting members from among members of
31 the Senate.

32 (b) The Speaker of the House of Representatives shall appoint two nonvoting members from
33 among members of the House of Representatives.

34 (c) The Governor shall appoint:

35 (A) Three members who represent state agencies;

36 (B) Two members who represent the public; and

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

38 (d) The State Chief Information Officer shall appoint **one member who represents the State**
39 **Chief Information Officer.** [two members as follows:]

40 [(A) a representative of the State Chief Information Officer; and]

41 [(B) A representative of the Oregon Department of Administrative Services.]

42 (e) **The Director of the Oregon Department of Administrative Services shall appoint one**
43 **member who represents the department.**

44 [(e)] (f) The State Treasurer shall appoint one member who represents the State Treasurer.

45 (2) Members of the Legislative Assembly who are members of the advisory board are nonvoting

1 members and may act only in an advisory capacity.

2 (3) The advisory board shall:

3 (a) Advise the [*State Chief Information Officer*] **Department of Information Technology** and
4 the Oregon Department of Administrative Services concerning:

5 (A) The development of electronic government portals for the [*State Chief Information Officer,*
6 *the*] **Department of Information Technology** and other state agencies;

7 (B) The amount, collection methods or other aspects of a [*convenience*] **portal provider** fee that
8 the [*State Chief Information Officer*] **Department of Information Technology** or an electronic
9 government portal provider collects;

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

12 (D) Terms and conditions of contracts between state agencies and electronic government portal
13 providers; and

14 (E) Rules necessary to implement electronic government portals.

15 (b) Monitor the layout, content and usability of electronic government portals and advise the
16 [*State Chief Information Officer and the*] **Department of Information Technology** on ways to im-
17 prove the delivery of government services by means of electronic government portals, the account-
18 ability of state agencies' use of electronic government portals to provide government services and
19 user satisfaction with electronic government portals.

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

21 (A) Consider the needs of residents of this state;

22 (B) Evaluate the performance and transparency of state agency delivery of government services;
23 and

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

25 (i) Electronic government portals; and

26 (ii) State agencies' performance and accountability in using electronic government portals to
27 provide government services.

28 (4) A majority of the **voting** members of the advisory board constitutes a quorum for transacting
29 business.

30 (5) A majority of the **voting** members of the advisory board must approve official action by the
31 advisory board.

32 (6) The advisory board shall elect one of the members of the advisory board to serve as chair-
33 person.

34 (7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall make
35 an appointment that becomes immediately effective.

36 (8) The advisory board shall meet at times and places that the chairperson or a majority of the
37 **voting** members of the advisory board specifies.

38 (9) The advisory board may adopt rules necessary to operate the advisory board.

39 (10) The [*Oregon Department of Administrative Services*] **Department of Information Tech-**
40 **nology** shall provide staff support to the advisory board.

41 (11) Members of the advisory board who are not members of the Legislative Assembly may not
42 receive compensation, but may be reimbursed for actual and necessary travel and other expenses the
43 members incur in the performance of the members' official duties in the manner and amounts pro-
44 vided for in ORS 292.495. Claims for expenses the members incur in performing functions of the ad-
45 visory board shall be paid out of funds appropriated to the [*Oregon Department of Administrative*

1 *Services*] **Department of Information Technology** for purposes of the advisory board.

2 (12) All state agencies shall assist the advisory board in the advisory board's performance of the
3 advisory board's duties and, to the extent permitted by laws relating to confidentiality, to furnish
4 information and advice as the members of the advisory board consider necessary to perform the
5 duties of the advisory board.

6 **SECTION 25.** ORS 182.132 is amended to read:

7 182.132. (1) The [*State Chief Information Officer*] **Department of Information Technology**, with
8 the advice of the Electronic Government Portal Advisory Board, shall provide the ability for state
9 agencies to offer government services by means of an electronic government portal. The electronic
10 government portal must be secure and must comply with the information security rules, policies and
11 standards that the State Chief Information Officer adopts under [*ORS 182.122*] **section 8 of this**
12 **2017 Act** and meet the usability standards developed in cooperation with the advisory board.

13 (2) For the purposes of subsection (1) of this section, the State Chief Information Officer, under
14 the provisions of the Public Contracting Code, may contract with an electronic government portal
15 provider in a manner that is consistent with the State Chief Information Officer's rules, policies and
16 standards.

17 (3)(a) The [*State Chief Information Officer*] **Department of Information Technology** may
18 charge members of the public a [*convenience*] **portal provider** fee or may authorize an electronic
19 government portal provider to charge a [*convenience*] **portal provider** fee for an electronic govern-
20 ment service if the advisory board recommends that the [*State Chief Information Officer*] **depart-**
21 **ment** charge or authorize a [*convenience*] **portal provider** fee for the electronic government service.
22 The [*convenience*] **portal provider** fee must reflect the costs incurred in hosting, operating, main-
23 taining or implementing the electronic government portal.

24 (b) The [*State Chief Information Officer*] **department** shall cooperate with the advisory board to
25 identify the electronic government portals or governmental services to which the [*convenience*]
26 **portal provider** fee applies.

27 (4) The State Chief Information Officer may adopt rules to implement the provisions of this
28 section.

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

33 **SECTION 26.** ORS 184.483 is amended to read:

34 184.483. (1)(a) The [*State Chief Information Officer*] **Department of Information Technology**
35 shall maintain and make available an Oregon transparency website. The website must allow any
36 person to view information that is a public record and is not exempt from disclosure under ORS
37 192.410 to 192.505, including but not limited to information described in subsection (3) of this section.
38 The [*State Chief Information Officer*] **department** shall provide on the home page of the website a
39 method for users to offer suggestions regarding the form or content of the website.

40 (b) The Oregon Department of Administrative Services shall assist the [*State Chief Information*]
41 *Officer*] **Department of Information Technology** in performing duties under paragraph (a) of this
42 subsection to the extent the State Chief Information Officer deems the assistance necessary.

43 (2) State agencies and education service districts, to the extent practicable and subject to laws
44 relating to confidentiality, when at no additional cost, using existing data and existing resources of
45 the state agency or education service district and without reallocation of resources, shall:

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

4 (b) Provide the information in the format and manner that the [*State Chief Information Officer*]
5 **Department of Information Technology** requires.

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

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

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

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

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

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

19 (f) A prominently placed graphic representation of the primary funding categories and approxi-
20 mate number of individuals that the state agency or the education service district serves;

21 (g) A description of the mission, function and program categories of the state agency or educa-
22 tion service district;

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

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

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

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

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

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

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

40 (c) The [*State Chief Information Officer*] **department** shall provide links on the Oregon trans-
41 parency website for information that the [*State Chief Information Officer*] **department** receives
42 concerning contracts and subcontracts that a state agency or education service district enters into,
43 to the extent that disclosing the information is allowed by law and the information is already
44 available on websites that the state agency or education service district maintains. To the extent
45 available, the information to which the [*State Chief Information Officer*] **department** links under this

1 section must include:

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

6 (d) The *[State Chief Information Officer]* **department** shall provide an economic development
7 section on the Oregon transparency website for posting of information submitted to the *[State Chief*
8 *Information Officer]* **department** by state agencies responsible for administering specific economic
9 development programs. The section *[shall]* **must** include, but not be limited to, the following infor-
10 mation, if *[it]* **the information** is already collected or available within an existing database *[main-*
11 *tained by]* **that** the state agency **maintains** in the course of administering the economic development
12 program:

13 (A) The names of filmmakers or companies that have received reimbursements from the Oregon
14 Production Investment Fund under ORS 284.368 and the amount of each reimbursement;

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

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

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

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

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

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

26 (A) May not include proprietary information; and

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

29 (f) The *[State Chief Information Officer]* **department** shall post on the Oregon transparency
30 website information describing the process for requesting copies of public records from a public
31 body, 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]* **de-**
33 **partment** shall include a link to a location on the webpage of the agency or district that describes
34 the 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]* **department** and the Transparency Oregon Advisory Commis-
37 sion created in ORS 184.486 shall consider and, to the extent practicable, adhere to the following
38 principles:

39 (a) The website must be accessible without cost and be easy to use;

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

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

45 (6) If a state agency or an education service district is not able to include information described

1 in this section on the Oregon transparency website because of the lack of availability of information
 2 or cost in acquiring information, the Transparency Oregon Advisory Commission created in ORS
 3 184.486 shall list the information that is not included for the state agency or education service dis-
 4 trict in the commission's report to the Legislative Assembly required under ORS 184.486.

5 (7)(a) The [*State Chief Information Officer*] **department** shall include on the Oregon transpar-
 6 ency website a page that provides links to websites established by local governments, as defined in
 7 ORS 174.116, and by special government bodies, as defined in ORS 174.117, for the purpose of pro-
 8 viding transparency in the revenues, expenditures and budgets of the local governments and special
 9 government bodies.

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

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

21 (d) The [*office of the State Chief Information Officer*] **department** shall include a prominent link
 22 on the home page of the Oregon transparency website for information posted to the page described
 23 in this subsection.

24 **SECTION 27.** ORS 184.484, as amended by section 8, chapter 112, Oregon Laws 2016, is
 25 amended to read:

26 184.484. (1) For each statute that authorizes a tax expenditure with a purpose connected to
 27 economic development and that is listed in subsection (2) of this section, the state agency charged
 28 with certifying or otherwise administering the tax expenditure shall submit a report to the [*State*
 29 *Chief Information Officer*] **Department of Information Technology**. If a statute does not exist to
 30 authorize a state agency to certify or otherwise administer the tax expenditure, or if a statute does
 31 not provide for certification or administration of the tax expenditure, the Department of Revenue
 32 shall submit the report.

33 (2) This section applies to:

34 (a) ORS 285C.175, 285C.309, 285C.362, 307.123, 307.455, 315.141, 315.331, 315.336, 315.341, 315.507,
 35 315.514, 315.533, 316.698, 316.778, 317.124, 317.391 and 317.394 and sections 1 to 5, chapter 112,
 36 Oregon Laws 2016.

37 (b) Grants awarded under ORS 469B.256 in any tax year in which certified renewable energy
 38 contributions are received as provided in ORS 315.326.

39 (c) ORS 315.354 except as applicable in ORS 469B.145 (2)(a)(L) or (N).

40 (d) ORS 316.116, if the allowed credit exceeds \$2,000.

41 (3) The following information, if the information is already available in an existing database the
 42 state agency maintains, must be included in the report required under this section:

43 (a) The name of each taxpayer or applicant approved for the allowance of a tax expenditure or
 44 a grant award under ORS 469B.256.

45 (b) The address of each taxpayer or applicant.

1 (c) The total amount of credit against tax liability, reduction in taxable income or exemption
2 from property taxation granted to each taxpayer or applicant.

3 (d) Specific outcomes or results required by the tax expenditure program and information about
4 whether the taxpayer or applicant meets those requirements. This information must be based on data
5 the state agency has already collected and analyzed in the course of administering the tax expend-
6 iture. Statistics must be accompanied by a description of the methodology employed in the statistics.

7 (e) An explanation of the state agency's certification decision for each taxpayer or applicant, if
8 applicable.

9 (f) Any additional information that the taxpayer or applicant submits and that the state agency
10 relies on in certifying the determination.

11 (g) Any other information that state agency personnel deem valuable as providing context for
12 the information described in this subsection.

13 (4) The information reported under subsection (3) of this section may not include proprietary
14 information or information that is exempt from disclosure under ORS 192.410 to 192.505 or 314.835.

15 (5) No later than September 30 of each year, a state agency described in subsection (1) of this
16 section shall submit to the [State Chief Information Officer] **Department of Information Technol-**
17 **ogy** the information required under subsection (3) of this section as applicable to applications for
18 allowance of tax expenditures the state agency approved during the agency fiscal year ending during
19 the current calendar year. The information must then be posted on the Oregon transparency website
20 described in ORS 184.483 no later than December 31 of the same year.

21 (6)(a) In addition to the information described in subsection (3) of this section, the [State Chief
22 Information Officer] **Department of Information Technology** shall post on the Oregon transpar-
23 ency website:

24 (A) Copies of all reports that the [State Chief Information Officer] **Department of Information**
25 **Technology**, the Department of Revenue or the Oregon Business Development Department receives
26 from counties and other local governments relating to properties in enterprise zones that have re-
27 ceived tax exemptions under ORS 285C.170, 285C.175 or 285C.409, or that are eligible for tax ex-
28 emptions under ORS 285C.309, 315.507 or 317.124 by reason of being in an enterprise zone; and

29 (B) Copies of any annual reports that agencies described in subsection (1) of this section are
30 required by law to produce regarding the administration of statutes listed in subsection (2) of this
31 section.

32 (b) The reports must be submitted to the [State Chief Information Officer] **Department of In-**
33 **formation Technology** in a manner and format that the [State Chief Information Officer] **depart-**
34 **ment** prescribes.

35 (7) The information described in this section that is available on the Oregon transparency
36 website must be accessible in the format and manner required by the [State Chief Information
37 Officer] **Department of Information Technology**.

38 (8) The information described in this section must be provided to the Oregon transparency
39 website by posting reports and providing links to existing information systems applications in ac-
40 cordance with standards established by the State Chief Information Officer.

41 **SECTION 28.** ORS 184.486 is amended to read:

42 184.486. (1) There is created the Transparency Oregon Advisory Commission consisting of nine
43 members appointed as follows:

44 (a) The President of the Senate shall appoint two members from among members of the Senate,
45 one from the majority party and one from the minority party.

1 (b) The Speaker of the House of Representatives shall appoint two members from among mem-
2 bers of the House of Representatives, one from the majority party and one from the minority party.

3 (c) The Governor shall appoint one member from an executive branch agency.

4 (d) The State Chief Information Officer shall appoint one member.

5 (e) The Legislative Fiscal Officer shall appoint one member.

6 (f) The President of the Senate and the Speaker of the House of Representatives shall each ap-
7 point one member of the public with experience or interest in public finance, public relations,
8 measurement of performance outcomes or technology.

9 (2) The commission shall advise and make recommendations to the [*State Chief Information Of-*
10 *ficer*] **Department of Information Technology** regarding the creation, contents and operation of,
11 and enhancements to, the Oregon transparency website.

12 (3) A majority of the members of the commission constitutes a quorum for transacting business.

13 (4) A majority of the members of the commission must approve official action by the commission.

14 (5) The commission shall elect one of the commission's members to serve as chairperson not
15 later than October 1 of each odd-numbered year.

16 (6) If there is a vacancy for any cause, the appointing authority shall make an appointment that
17 becomes immediately effective.

18 (7) The commission shall meet at times and places that the chairperson or a majority of the
19 members of the commission specifies.

20 (8) The commission may adopt rules necessary to operate the commission.

21 (9) The commission shall use the services of permanent staff of the Legislative Fiscal Office to
22 the greatest extent practicable to staff the commission. The [*State Chief Information Officer*] **De-**
23 **partment of Information Technology** may provide additional assistance.

24 (10) Notwithstanding ORS 171.072, members of the commission who are members of the Legis-
25 lative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the
26 commission.

27 (11) Members of the commission who are not members of the Legislative Assembly are not en-
28 titled to compensation or reimbursement for expenses and serve as volunteers on the commission.

29 (12) All agencies of state government, as defined in ORS 174.111, shall assist the commission in
30 performing the commission's duties and, to the extent permitted by laws relating to confidentiality,
31 to furnish such information and advice as the members of the commission consider necessary to
32 perform the members' duties.

33 (13) The commission shall report to the Legislative Assembly not later than February 15 of each
34 odd-numbered year. The report must describe:

35 (a) Enhancements made to the Oregon transparency website during the previous two calendar
36 years;

37 (b) Possible future enhancements to the website, including but not limited to including informa-
38 tion that relates to:

39 (A) Performance outcomes that measure the success of state agency programs in achieving
40 goals;

41 (B) State agency bond debt;

42 (C) State agency expenses for capital improvements;

43 (D) Numbers and descriptions of jobs created through state agency contracts and subcontracts;

44 (E) Lists of businesses and individuals that receive tax credits, deductions, refunds, rebates and
45 other subsidies from a state agency;

1 (F) Lists of the names of contractors that received a contract from a state agency, including the
2 number of contracts and compensation the contractors received; and

3 (G) Lists of the number of contracts that each state agency entered into during a biennium and
4 the amount of moneys each state agency spent on the contracts; and

5 (c) The feasibility of including an interactive application where citizens can simulate balancing
6 a biennial budget for the state.

7 (14) The term of office of each member is four years, but a member serves at the pleasure of the
8 appointing authority. Before a member's term expires, the appointing authority shall appoint a suc-
9 cessor whose term begins on January 1 next following. A member is eligible for reappointment. If
10 there is a vacancy for any cause, the appointing authority shall make an appointment that becomes
11 immediately effective for the unexpired term.

12 **SECTION 29.** ORS 279A.050 is amended to read:

13 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting
14 agency shall exercise all of the contracting agency's procurement authority in accordance with the
15 provisions of the Public Contracting Code.

16 (b) If a contracting agency has authority under this section to carry out functions described in
17 this section, or has authority to make procurements under a provision of law other than the Public
18 Contracting Code, the contracting agency need not exercise the contracting agency's authority in
19 accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the
20 contract or contracting agency.

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

24 (b) Except as otherwise provided in the Public Contracting Code, for state agencies [*the director*
25 *may delegate to*] the State Chief Information Officer **has all of** the authority **available** to procure
26 or supervise the procurement of all goods, services and personal services related to information
27 technology and telecommunications for state contracting agencies. This paragraph does not apply
28 to contracts under which the contractor delivers to the state agency information technology pro-
29 ducts or services incidentally in performing a personal services contract described in ORS chapter
30 279C or a construction contract described in ORS chapter 279C.

31 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation
32 has all the authority available to:

33 (a) Procure or supervise the procurement of all services and personal services to construct, ac-
34 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking
35 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

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

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

43 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all
44 the authority **available** to procure or supervise the procurement of goods, services and personal
45 services related to programs under the authority of the Secretary of State.

1 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the
2 authority **available** to procure or supervise the procurement of goods, services and personal services
3 related to programs under the authority of the State Treasurer.

4 (6) The state agencies listed in this subsection have all the authority **available** to do the fol-
5 lowing in accordance with the Public Contracting Code:

6 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-
7 vices and personal services under ORS 179.040 for the department's institutions and the procurement
8 of goods, services and personal services for constructing, demolishing, exchanging, maintaining, op-
9 erating and equipping housing for the purpose of providing care to individuals with intellectual
10 disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

11 (b) The Oregon Health Authority to procure or supervise the procurement of goods, services and
12 personal services under ORS 179.040 and construction materials, equipment and supplies for the
13 authority's institutions and the procurement of goods, services, personal services, construction ma-
14 terials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating
15 and equipping housing for individuals with chronic mental illness, subject to applicable provisions
16 of ORS 426.504;

17 (c) The State Department of Fish and Wildlife to procure or supervise the procurement of con-
18 struction materials, equipment, supplies, services and personal services for public improvements,
19 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
20 of the State Department of Fish and Wildlife;

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

23 (e) The Oregon Department of Aviation to procure or supervise the procurement of construction
24 materials, equipment, supplies, services and personal services for public improvements, public works
25 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
26 Department of Aviation;

27 (f) The Oregon Business Development Department to procure or supervise the procurement of
28 all goods, services, personal services and public improvements related to *[its]* **the department's**
29 foreign trade offices operating outside the state;

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

32 (h) The Department of Corrections to procure or supervise the procurement of construction
33 materials, equipment, supplies, services and personal services for public improvements, public works
34 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-
35 ment of Corrections;

36 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,
37 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-
38 vices and personal services under ORS 179.040 for *[its]* **the department's** institutions;

39 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate
40 broker and principal real estate broker services related to programs under the department's au-
41 thority;

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

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

5 (m) Any state agency to conduct a procurement *[when]* **if** the agency is specifically authorized
 6 by any provision of law other than the Public Contracting Code to enter into a contract.

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

12 (b) The *[director may delegate to the]* State Chief Information Officer *[the]* **has** exclusive author-
 13 ity to procure or supervise the procurement of all price agreements related to information technol-
 14 ogy and telecommunications on behalf of the state agencies identified in subsection (6) of this
 15 section. Notwithstanding any authority that a state agency may have under subsection (3) or (6)
 16 of this section, the state agency may not establish a price agreement or enter into a contract for
 17 goods, services or personal services without the approval of *[the director or]* the State Chief Infor-
 18 mation Officer *[if the director or the State Chief Information Officer has established a price agreement*
 19 *for the goods, services or personal services]*.

20 (c) The *[State Chief Information Officer]* **Department of Information Technology** may review
 21 any solicitation document for procuring information technology or telecommunications that a state
 22 agency intends to issue before the state agency issues the solicitation document and may require the
 23 state agency to name the State Chief Information Officer as a third-party beneficiary with full au-
 24 thority to enforce the terms and conditions of any public contract for information technology or
 25 telecommunications. The State Chief Information Officer must approve a state agency's procurement
 26 for information technology or telecommunications *[if the procurement has an anticipated contract*
 27 *price of \$1 million or more]* **unless the State Chief Information Officer delegates to the state**
 28 **agency the authority to approve the procurement.** The *[State Chief Information Officer]* **De-**
 29 **partment of Information Technology** may require the state agency to name the State Chief In-
 30 formation Officer as the contracting party on behalf of the State of Oregon in a procurement for
 31 information technology or telecommunications that has an anticipated contract price of \$1 million
 32 or more.

33 **SECTION 30.** ORS 279A.075 is amended to read:

34 279A.075. (1) Unless otherwise provided in the Public Contracting Code, a person or agency that
 35 has an authority under the code may delegate and subdelegate the exercise of the authority in whole
 36 or in part. Notwithstanding delegations of authority under this section, the code and rules adopted
 37 under the code govern a person's or agency's exercise of the delegated authority.

38 (2) The Secretary of State, State Treasurer, Director of the Oregon Department of Administra-
 39 tive Services, State Chief Information Officer and Director of Transportation and other heads of
 40 state agencies with specific limited authority identified in ORS 279A.050 (6) may delegate authority
 41 to contract for and manage public contracts for their offices or agencies. The State Chief Informa-
 42 tion Officer *[may require the Director of the Oregon Department of Administrative Services to obtain*
 43 *the State Chief Information Officer's review and approval before the director delegates]* **has the ex-**
 44 **clusive authority to delegate** authority to a state contracting agency to conduct a procurement for
 45 information technology or telecommunications.

1 **SECTION 31.** ORS 279B.030, as amended by section 1, chapter 16, Oregon Laws 2016, is
2 amended to read:

3 279B.030. (1) Except as provided in ORS 279B.036, before conducting a procurement for services
4 with an estimated contract price that exceeds \$250,000, a contracting agency shall:

5 (a) Demonstrate, by means of a written cost analysis in accordance with ORS 279B.033, that the
6 contracting agency would incur less cost in conducting the procurement than in performing the
7 services with the contracting agency's own personnel and resources; or

8 (b) Demonstrate, in accordance with ORS 279B.036, that performing the services with the con-
9 tracting agency's own personnel and resources is not feasible.

10 (2) If a local contracting agency authorizes a department, bureau, office or other subdivision of
11 the local contracting agency to conduct a procurement on behalf of another department, bureau,
12 office or subdivision of the local contracting agency, the department, bureau, office or subdivision
13 on whose behalf the procurement is conducted shall comply with the requirement set forth in sub-
14 section (1) of this section.

15 (3) Subsection (1) of this section does not apply to:

16 (a) A local contracting agency or a local contract review board for a city that has a population
17 of not more than 15,000 or a county that has a population of not more than 30,000;

18 (b) A community college that enrolls not more than 1,000 full-time equivalent students, as de-
19 fined in ORS 341.005;

20 (c) A special district, as defined in ORS 198.010, a diking district formed under ORS chapter 551
21 and a soil and water conservation district organized under ORS 568.210 to 568.808;

22 (d) The Port of Portland; or

23 (e) Procurements for client services the definition and scope of which the Oregon Department
24 of Administrative Services specifies by rule.

25 (4)(a)(A) A state contracting agency that conducts a cost analysis in accordance with ORS
26 279B.033 or makes a determination under ORS 279B.036 in connection with a procurement for ser-
27 vices related to information technology, as defined in ORS 291.045, shall provide the State Chief
28 Information Officer and the Legislative Fiscal Office with copies of the final cost analysis the state
29 contracting agency prepared under ORS 279B.033 or the final determination the state contracting
30 agency made under ORS 279B.036.

31 (B) The requirement to provide the materials described in subparagraph (A) of this paragraph
32 to the State Chief Information Officer does not apply to the Secretary of State or the State Treas-
33 urer.

34 (b) The Legislative Fiscal Office may provide materials the office receives under paragraph (a)
35 of this subsection to a committee of the Legislative Assembly or to the Emergency Board in ac-
36 cordance with policies the office develops.

37 (c) The State Chief Information Officer shall adopt rules and develop policies for incorporating
38 materials the State Chief Information Officer receives under paragraph (a) of this subsection into
39 the oversight functions that the State Chief Information Officer exercises under [ORS 291.038] **sec-**
40 **tion 4 of this 2017 Act** and the planning functions that the State Chief Information Officer exercises
41 under [ORS 184.475 and 184.477] **sections 6 and 7 of this 2017 Act.**

42 **SECTION 32.** ORS 279B.040 is amended to read:

43 279B.040. (1) Except as provided in subsection (2) of this section, a state contracting agency that
44 procures personal services for the purpose of advising or assisting the state contracting agency in
45 developing specifications, a scope or statement of work, an invitation to bid, a request for proposals

1 or other solicitation documents and materials related to a procurement may not accept from the
 2 contractor, or an affiliate of the contractor, that advised or assisted the state contracting agency
 3 a bid or proposal for the goods or services described, specified or identified in the solicitation doc-
 4 uments or materials if a reasonable person would believe that, by giving the advice or assistance,
 5 the contractor or affiliate would have or would appear to have an advantage in obtaining the public
 6 contract that is the subject of the solicitation.

7 (2)(a) If a state contracting agency anticipates that the state contracting agency will or must
 8 seek advice or assistance of the type described in subsection (1) of this section from a contractor
 9 that is also engaged in providing goods or services that will be described or identified in the solic-
 10 itation documents and materials that result from the advice or assistance, and the state contracting
 11 agency wishes to accept a bid or proposal from the contractor, the state contracting agency, before
 12 awarding a contract for the advice or assistance, shall apply to the Director of the Oregon Depart-
 13 ment of Administrative Services **or, for a procurement for information technology or telecom-**
 14 **munications services, to the State Chief Information Officer** for an exception to the prohibition
 15 set forth in subsection (1) of this section.

16 (b) The state contracting agency in the application for the exception shall include findings and
 17 justifications, along with sufficient facts to support the findings and justifications, that will enable
 18 the director **or the State Chief Information Officer, as appropriate,** to make an independent
 19 judgment as to whether:

20 (A) The state contracting agency needs advice or assistance from a contractor to develop the
 21 solicitation documents and materials described in subsection (1) of this section;

22 (B) Accepting a bid or proposal from the contractor that gives the advice or assistance is the
 23 only practicable way in which the state contracting agency can conduct the procurement success-
 24 fully; and

25 (C) Approving the exception:

26 (i) Is unlikely to encourage favoritism in awarding public contracts or to substantially diminish
 27 competition for public contracts; and

28 (ii)(I) Is reasonably expected to result in substantial cost savings to the state contracting agency
 29 or the public; or

30 (II) Otherwise substantially promotes the public interest in a manner that could not be
 31 practicably realized by complying with the prohibition described in subsection (1) of this section.

32 (c)(A) If the director **or the State Chief Information Officer** approves the state contracting
 33 agency's application, the director **or the State Chief Information Officer** shall prepare written
 34 findings and justifications for the approval. The state contracting agency's findings, justifications
 35 and facts and the director's **or the State Chief Information Officer's** findings, justifications and
 36 approval are public records that are subject to disclosure as provided in ORS 192.410 to 192.505.

37 (B) If the director **or the State Chief Information Officer** disapproves the state contracting
 38 agency's application, the director **or the State Chief Information Officer** shall state [*the*
 39 *director's*] reasons for the disapproval in a written notice to the state contracting agency and shall
 40 indicate whether the disapproval extends only to the state contracting agency's acceptance of a bid
 41 or proposal from a contractor that gives advice or assistance in preparing solicitation documents
 42 and other materials or whether the director **or the State Chief Information Officer** also disagrees
 43 with the state contracting agency's stated need for advice or assistance from a contractor.

44 (C) The director's **or the State Chief Information Officer's** approval or disapproval is final.

45 (3) As used in this section, "affiliate" means a person that, directly or indirectly through one

1 or more intermediaries, controls, is controlled by or is under common control with a contractor
2 described in this section.

3 (4) This section does not apply to:

4 (a) The Secretary of State or the State Treasurer; or

5 (b) A bid or proposal for quality management services, as defined in [ORS 291.035] **section 1**
6 **of this 2017 Act**, that a state contracting agency receives from a contractor that provided prelimi-
7 nary quality assurance services, as defined in [ORS 291.035] **section 1 of this 2017 Act**, for the
8 same information technology initiative that is the subject of the state contracting agency's solicita-
9 tion for quality management services.

10 **SECTION 33.** ORS 279B.075 is amended to read:

11 279B.075. (1) A contracting agency may award a contract for goods or services without compe-
12 tition if the Director of the Oregon Department of Administrative Services, a local contract review
13 board, a state contracting agency, if the state contracting agency has procurement authority under
14 ORS 279A.050, the State Chief Information Officer, with respect to goods or services described in
15 subsection (2)(b) of this section [*and if the director has delegated the necessary authority to the State*
16 *Chief Information Officer*], or a person designated in writing by the director, board or state con-
17 tracting agency with procurement authority under ORS 279A.050 **or the State Chief Information**
18 **Officer**[.] determines in writing, in accordance with rules adopted under ORS 279A.065, that the
19 goods or services, or class of goods or services, are available from only one source.

20 (2) The determination of a sole source must be based on written findings that may include:

21 (a) That the efficient utilization of existing goods requires acquiring compatible goods or ser-
22 vices;

23 (b) That the goods or services required to exchange software or data with other public or pri-
24 vate agencies are available from only one source;

25 (c) That the goods or services are for use in a pilot or an experimental project; or

26 (d) Other findings that support the conclusion that the goods or services are available from only
27 one source.

28 (3) To the extent reasonably practical, the contracting agency shall negotiate with the sole
29 source to obtain contract terms that are advantageous to the contracting agency.

30 **SECTION 34.** ORS 283.100 is amended to read:

31 283.100. (1) The Oregon Department of Administrative Services shall provide general government
32 administrative functions for state agencies. The [*State Chief Information Officer*] **Department of**
33 **Information Technology** shall provide **information resources**, information technology and tele-
34 communications functions for state agencies. The [*department or the State Chief Information Officer*]
35 **Oregon Department of Administrative Services or the Department of Information Technol-**
36 **ogy, as appropriate**, shall allocate the costs that [*the*] **each** department [*or the State Chief Infor-*
37 *mation Officer*] determines for the services, or a portion of the services, to state agencies, which
38 shall pay the costs to the **appropriate** department [*or the State Chief Information Officer, as appro-*
39 *priate,*] in the same manner as the state agency pays other claims. The State Chief Information Of-
40 ficer shall deposit all moneys that the [*State Chief Information Officer*] **Department of Information**
41 **Technology** receives from state agencies for services under this section into the State Information
42 Technology Operating Fund.

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

44 (a) Require a state agency to transfer to the State Chief Information Officer information tech-
45 nology or telecommunications equipment, assets or resources that are under the state agency's

1 control;

2 (b) Require a state agency to subject employees of the state agency to the State Chief Informa-
3 tion Officer's direct supervision;

4 (c) Require a state agency to consolidate information technology or telecommunications equip-
5 ment, assets or resources with another state agency's information technology or telecommunications
6 equipment, assets or resources; or

7 (d) Prevent a state agency from providing information technology or telecommunications func-
8 tions for the state agency.

9 **SECTION 35.** ORS 283.140 is amended to read:

10 283.140. (1) The [*State Chief Information Officer*] **Department of Information Technology** shall
11 exercise budgetary management, supervision and control over all telephone and telecommunications
12 service for all state agencies in a manner that is consistent with plans, standards, policies, goals,
13 directives and rules that the State Chief Information Officer sets, specifies or adopts. The Oregon
14 Department of Administrative Services may operate central mail, shuttle bus or messenger services
15 for state agencies located in Salem, Portland or other cities, if doing so is economical. The [*State*
16 *Chief Information Officer*] **Department of Information Technology** may charge the cost of main-
17 taining and operating any central telephone exchange, switching system, network service and facil-
18 ity, intercity or intracity network trunk or line or switchboard to the state agencies that the [*State*
19 *Chief Information Officer*] **Department of Information Technology** serves. The [*department*]
20 **Oregon Department of Administrative Services** shall charge the cost of providing mail, shuttle
21 bus and messenger services to the state agencies that the [*department*] **Oregon Department of**
22 **Administrative Services** serves. The state agencies shall pay the costs to the [*State Chief Infor-*
23 *mation Officer or the department, as appropriate,*] **appropriate department** in the same manner in
24 which the state agencies pay other claims. The State Chief Information Officer shall deposit all
25 moneys that the [*State Chief Information Officer*] **Department of Information Technology** receives
26 from state agencies for services under this section into the State Information Technology Operating
27 Fund.

28 (2) If the [*department*] **Oregon Department of Administrative Services** operates central mail
29 service, the department shall:

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

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

34 (c) Adopt rules under which persons associated with government either temporarily or other-
35 wise, including but not limited to unsalaried volunteers, part-time employees, contractors with the
36 state and employees of contractors, political subdivisions and the federal government may use
37 shuttle bus services.

38 (3) As used in this section, "telecommunications" means media that communicate voice, data,
39 text, images or video over a distance using electrical, electronic or light wave transmission media.

40 **SECTION 36.** ORS 283.143 is amended to read:

41 283.143. (1) To encourage utilization of statewide integrated videoconferencing and statewide
42 online access services, the [*State Chief Information Officer*] **Department of Information Technol-**
43 **ogy** may, in addition to any other charge or assessment for providing telecommunications services
44 to state agencies, impose upon each state agency and public corporation a surcharge, in an amount
45 the [*State Chief Information Officer*] **department** establishes. The State Chief Information Officer

1 shall deposit all surcharge moneys into the State Information Technology Operating Fund. The [*State*
 2 *Chief Information Officer*] **department** may expend moneys in the fund for state agency and public
 3 corporation telecommunication and videoconferencing activities, under such terms and conditions
 4 as the State Chief Information Officer may prescribe and in a manner that is consistent with plans,
 5 standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies
 6 or adopts.

7 (2) Notwithstanding subsection (1) of this section, the [*State Chief Information Officer*] **depart-**
 8 **ment** may not impose the surcharge established by this section on [*the*] Oregon Health and Science
 9 University. The State Chief Information Officer shall enter into an agreement with [*the*] Oregon
 10 Health and Science University on the amount that [*the*] Oregon Health and Science University must
 11 pay to the [*State Chief Information Officer*] **department** in lieu of the surcharge provided for in this
 12 section.

13 **SECTION 37.** ORS 283.510 is amended to read:

14 283.510. (1) As used in this section:

15 (a) “Advanced digital communications” means equipment, facilities and capability to distribute
 16 digital communications signals for transmitting voice, data, image and video over distance.

17 (b) “Telecommunications provider” means any person that is capable of providing advanced
 18 digital communications including, but not limited to, a telecommunications utility as defined in ORS
 19 759.005, a competitive telecommunications provider as defined in ORS 759.005, a cable television
 20 provider or an interstate telecommunications provider.

21 (2) Notwithstanding ORS chapters 279A, 279B and 279C, the [*State Chief Information Officer*]
 22 **Department of Information Technology** may provide advanced digital communications services
 23 directly, may enter into an interagency or intergovernmental agreement under ORS chapter 190 to
 24 have another state agency or governmental agency provide advanced digital communications ser-
 25 vices or may acquire advanced digital communications services by entering into contracts with
 26 telecommunications providers or a consortium of telecommunications providers in a manner that is
 27 consistent with the State Chief Information Officer’s rules, policies and standards.

28 (3) After a telecommunications provider or a consortium of telecommunications providers has
 29 installed an advanced digital communications network, the [*State Chief Information Officer*] **depart-**
 30 **ment** shall provide all telecommunications services and operations for the state and state agencies
 31 directly, or shall enter into interagency or intergovernmental agreements under ORS chapter 190
 32 to have another state agency or another governmental agency provide the telecommunications ser-
 33 vices and operations in a manner that is consistent with the State Chief Information Officer’s rules,
 34 policies and standards. The [*State Chief Information Officer*] **department** may not approve the pro-
 35 curement of any telecommunications system or equipment that is incompatible with the network or
 36 that is inconsistent with the State Chief Information Officer’s rules, policies and standards.

37 **SECTION 38.** ORS 283.520 is amended to read:

38 283.520. (1) For the purposes of ORS 283.500 to 283.520, the [*State Chief Information Officer*]
 39 **Department of Information Technology** may, in a manner that is consistent with the State Chief
 40 Information Officer’s rules, policies and standards, enter into a contract or contracts with telecom-
 41 munications service providers and equipment manufacturers for purchasing, using or operating
 42 telecommunications equipment and services for a period not to exceed 10 years.

43 (2) For purposes of [*ORS 291.038*] **section 4 of this 2017 Act**, the [*State Chief Information*
 44 *Officer*] **department** may extend the benefits of telecommunications contracts for networks, equip-
 45 ment and services to nonprofit organizations that the State Chief Information Officer designates as

1 communities of interest under [ORS 291.038] **section 4 of this 2017 Act.**

2 **SECTION 39.** ORS 291.003 is amended to read:

3 291.003. Notwithstanding any provision of ORS 291.001 to 291.034, 291.201 to 291.222, 291.232 to
4 291.260, 291.261, 291.307 and 291.990 **and section 5 of this 2017 Act**, but subject to any applicable
5 judgment or settlement agreement, in all cases where federal funds are involved, the federal laws,
6 rules and regulations applicable to the federal funds [shall] govern.

7 **SECTION 40.** ORS 291.016 is amended to read:

8 291.016. The Oregon Department of Administrative Services, or the [State Chief Information Of-
9 ficer] **Department of Information Technology** for purposes related to information and telecom-
10 munications technology, may make or cause to be made administrative and organizational surveys
11 of the state agencies for the purpose of determining the feasibility of improving the administration
12 of the state government by eliminating unnecessary positions and activities, improving internal oper-
13 ating forms, avoiding duplication, and increasing efficiency and economical operation.

14 **SECTION 41.** ORS 291.018 is amended to read:

15 291.018. The Oregon Department of Administrative Services, or the [State Chief Information Of-
16 ficer] **Department of Information Technology** for purposes related to information and telecom-
17 munications technology, shall conduct research for use in administrative planning, policy review and
18 organization and methods improvement. Periodic administrative reports to the department, the State
19 Chief Information Officer and the Governor that are designed to outline factually the quantitative
20 and qualitative aspects of work performance by operating units may be required of state agencies.
21 [The department and the State Chief Information Officer] **Each department** may require state agen-
22 cies to submit information in reports that will permit sound analysis and will provide the basis for
23 detecting administrative weaknesses, correcting performance difficulties and permitting better plan-
24 ning and management of state services.

25 **SECTION 42.** ORS 291.030 is amended to read:

26 291.030. As used in ORS 291.032 [and 291.034,] “state agency” or “agency” includes the Legis-
27 lative Assembly, at [its option] **the option of the Legislative Assembly**, or any of [its] **the Legis-**
28 **lative Assembly’s** statutory, standing, special or interim committees, at the option of such
29 committee, the courts and [their] **the officers and committees** and the constitutional state officers
30 **of the courts**, at [their] **the officers’ and committees’** option, and the Public Defense Services
31 Commission, at the option of the commission.

32 **SECTION 43.** ORS 291.032 is amended to read:

33 291.032. The Oregon Department of Administrative Services, or the [State Chief Information Of-
34 ficer] **Department of Information Technology** for purposes related to information and telecom-
35 munications technology, may provide technical services to state agencies for management
36 improvement development and the development of economies in the organization and administration
37 of state agencies. The technical services may include consulting studies in work simplification, work
38 measurement, equipment utilization and other management improvement concepts. [The] **Each** de-
39 partment [or the State Chief Information Officer] shall determine and charge the cost of the technical
40 services, or portions of the technical services, to the state agency served. The state agency shall
41 pay the cost to the **appropriate** department [or the State Chief Information Officer, as appropriate,]
42 in the same manner that the state agency pays other claims against the state agency. The State
43 Chief Information Officer shall deposit all moneys that the [State Chief Information Officer] **De-**
44 **partment of Information Technology** receives from state agencies for services under this section
45 into the State Information Technology Operating Fund.

1 **SECTION 44.** ORS 291.055 is amended to read:

2 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
3 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
4 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
5 of adjournment sine die of the next regular session of the Legislative Assembly:

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

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

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

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

14 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-
15 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
16 the approved fees.

17 (2) This section does not apply to:

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

19 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
20 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-
21 butions and assessments calculated by cents per hour for workers' compensation coverage required
22 by ORS 656.506.

23 (c) Fees or payments required for:

24 (A) Health care services provided by the Oregon Health and Science University, by the Oregon
25 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

26 (B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter
27 698, Oregon Laws 2013.

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

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

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

33 (f) Any intergovernmental charges.

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

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

37 (i) Assessments on premiums charged by the Department of Consumer and Business Services
38 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
39 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
40 706.530 and 723.114.

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

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

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

1 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
2 budget or the legislatively approved budget for the agency.

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

4 (n) [*Convenience*] **Portal provider** fees as defined in ORS 182.126 and established by the State
5 Chief Information Officer under ORS 182.132 (3) and recommended by the Electronic Government
6 Portal Advisory Board.

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

11 (A) The reason for the fee decrease; and

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

13 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-
14 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

15 **SECTION 45.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, section
16 20, chapter 70, Oregon Laws 2015, and section 44b, chapter 807, Oregon Laws 2015, is amended to
17 read:

18 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
19 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
20 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
21 of adjournment sine die of the next regular session of the Legislative Assembly:

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

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

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

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

30 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-
31 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
32 the approved fees.

33 (2) This section does not apply to:

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

35 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
36 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-
37 butions and assessments calculated by cents per hour for workers' compensation coverage required
38 by ORS 656.506.

39 (c) Fees or payments required for:

40 (A) Health care services provided by the Oregon Health and Science University, by the Oregon
41 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

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

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

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

2 (f) Any intergovernmental charges.

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

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

6 (i) Assessments on premiums charged by the Department of Consumer and Business Services
7 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
8 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
9 706.530 and 723.114.

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

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

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

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

18 (n) [*Convenience*] **Portal provider** fees as defined in ORS 182.126 and established by the State
19 Chief Information Officer under ORS 182.132 (3) and recommended by the Electronic Government
20 Portal Advisory Board.

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

25 (A) The reason for the fee decrease; and

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

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

29 **SECTION 46.** ORS 291.990 is amended to read:

30 291.990. (1) If a person incurs or orders or votes to incur an obligation in violation of a provision
31 of the statutes listed in subsection (4) of this section, the person and the sureties on the person's
32 bond are jointly and severally liable for the violation to the person in whose favor the obligation
33 was incurred.

34 (2) Upon certification by the Oregon Department of Administrative Services or the [*State Chief*
35 *Information Officer*] **Department of Information Technology** that a state officer or employee of a
36 state agency has failed or refused to comply with a statute listed in subsection (4) of this section
37 or an order, rule, policy or regulation [*the*] **that either** department [*or the State Chief Information*
38 *Officer*] made in accordance with the statutes listed in subsection (4) of this section, the salary of
39 the officer or employee may not be paid until the officer or employee complies with the statute, or-
40 der, rule, policy or regulation. A state officer or employee who fails to comply with a statute listed
41 in subsection (4) of this section or with an order, rule, policy or regulation [*the*] **that either** de-
42 partment [*or the State Chief Information Officer*] made in accordance with a statute listed in sub-
43 section (4) of this section is subject to discipline or termination in accordance with ORS chapter 240
44 or otherwise as provided by law or under the personnel rules and policies of the state agency that
45 employs the officer or employee. The state agency that employs the officer or employee may consult

1 with the State Chief Information Officer before imposing a disciplinary measure.

2 (3) A violation of a provision of a statute listed in subsection (4) of this section is a Class A
3 violation.

4 (4) Subsections (1) to (3) of this section apply to ORS 84.064, [182.122, 182.124, 184.475,
5 184.477,] 279A.050, 279A.140, 279A.280, 279B.270, 283.020, 283.110, 283.140, 283.143, 283.305 to 283.390,
6 283.505, 283.510, 283.520, 283.524, 291.001 to 291.034, [291.035, 291.038, 291.039,] 291.047, 291.201 to
7 291.222, 291.232 to 291.260, 291.307, 292.220 and 292.230 **and sections 3, 4, 5, 6, 7, 8, 9 and 11 of**
8 **this 2017 Act.**

9 **SECTION 47.** ORS 293.875 is amended to read:

10 293.875. (1) The State Treasurer is designated the sole banking and cash management officer for
11 the state and may review, establish and modify procedures for the efficient handling of moneys under
12 the control of the State Treasury, the Secretary of State, the Judicial Department, the Legislative
13 Assembly, the Public Defense Services Commission and state agencies as defined in ORS 291.002.
14 The State Treasurer shall perform all activities necessary or desirable to fulfill the duties of the
15 treasurer as the banking and cash management officer. The activities may include, but are not lim-
16 ited to, entering into contracts for the provision of services related to the management, deposit and
17 transfer of, or payment from, moneys deposited with the State Treasurer through banks and other
18 financial institutions. The deposit, transfer or payment may be through physical presentation or
19 drafting of an instrument or document by electronic or other means.

20 (2) The State Treasurer shall continuously review the effectiveness of the cash management of
21 state agencies, the Secretary of State, the Judicial Department and the Legislative Assembly, and
22 when the State Treasurer considers it appropriate shall report in writing to the subject agency the
23 findings of this review, along with any recommendations. A copy of the report shall be provided to
24 the Legislative Fiscal Officer and to the Secretary of State.

25 (3) This section controls over any other law that gives another state agency general responsi-
26 bility for, or control over, the accounting, fiscal or electronic commerce affairs of the State Treas-
27 ury, the Secretary of State, the Judicial Department, the Legislative Assembly, the Public Defense
28 Services Commission and state agencies as defined in ORS 291.002. State agencies shall employ the
29 principles, standards and related requirements for cash management prescribed by the State Treas-
30 urer, including:

31 (a) Practices related to the use of credit, debit or similar cards or devices;

32 (b) The use of secure disbursing and receiving instruments, documents and systems; and

33 (c) The use of secure information resources, information technology and networks that meet the
34 requirements of the State Treasurer for the electronic management, deposit or transfer of, or pay-
35 ment from, moneys deposited with the State Treasurer.

36 (4) As used in this section, "information resources" and "information technology" have the
37 meanings given those terms in [ORS 291.038] **section 1 of this 2017 Act.**

38 **SECTION 48.** ORS 403.450 is amended to read:

39 403.450. (1) The State Interoperability Executive Council is [*created under the State Chief Infor-*
40 *mation Officer*] **established within the Department of Information Technology** to be the state-
41 wide interoperability governing body serving as the primary steering group for the Oregon
42 Statewide Communication Interoperability Plan. The membership of the council consists of:

43 (a) Two members from the Legislative Assembly, as follows:

44 (A) The President of the Senate shall appoint one member from the Senate with an interest in
45 public safety communications infrastructure; and

1 (B) The Speaker of the House of Representatives shall appoint one member from the House of
2 Representatives with an interest in public safety and emergency communications infrastructure.

3 (b) The following members appointed by the Governor:

4 (A) One member from the Department of State Police;

5 (B) One member from the Office of Emergency Management;

6 (C) One member from the State Forestry Department;

7 (D) One member from the Department of Corrections;

8 (E) One member from the Department of Transportation;

9 (F) One member from the [*office of the State Chief Information Officer*] **Department of Infor-**
10 **mation Technology**;

11 (G) One member from the Oregon Health Authority;

12 (H) One member from the Oregon Military Department;

13 (I) One member from the Department of Public Safety Standards and Training;

14 (J) One member from the Oregon Broadband Advisory Council;

15 (K) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe;
16 and

17 (L) One member of the public.

18 (c) The following members appointed by the Governor with the concurrence of the President of
19 the Senate and the Speaker of the House of Representatives:

20 (A) One member from the Oregon Fire Chiefs Association;

21 (B) One member from the Oregon Association Chiefs of Police;

22 (C) One member from the Oregon State Sheriffs' Association;

23 (D) One member from the Association of Oregon Counties;

24 (E) One member from the League of Oregon Cities;

25 (F) One member from the Special Districts Association of Oregon;

26 (G) One member who is an information technology officer of an Oregon city;

27 (H) One member who is an information technology officer of an Oregon county;

28 (I) One member who represents a nonprofit professional organization interested in the enhance-
29 ment of public safety communications systems; and

30 (J) One member of the public who works or resides in Federal Communications Commission
31 Region 35.

32 (2) Each agency or organization identified in subsection (1)(b)(A) to (J) and (1)(c)(A) to (H) of this
33 section shall recommend an individual from the agency or organization for membership on the
34 council.

35 (3) Members of the council are not entitled to compensation, but in the discretion of the State
36 Chief Information Officer may be reimbursed from funds available to the [*office of the State Chief*
37 *Information Officer*] **Department of Information Technology** for actual and necessary travel and
38 other expenses the members incur in performing the members' official duties in the manner and
39 amount provided in ORS 292.495.

40 (4) Members of the Legislative Assembly appointed to the council are nonvoting members and
41 may act in an advisory capacity only.

42 **SECTION 49.** ORS 403.450, as amended by section 4, chapter 87, Oregon Laws 2014, and section
43 48, chapter 807, Oregon Laws 2015, is amended to read:

44 403.450. (1) The State Interoperability Executive Council is [*created under the State Chief Infor-*
45 *mation Officer*] **established within the Department of Information Technology** to be the state-

1 wide interoperability governing body serving as the primary steering group for the Oregon
2 Statewide Communication Interoperability Plan. The membership of the council consists of:

3 (a) Two members from the Legislative Assembly, as follows:

4 (A) The President of the Senate shall appoint one member from the Senate with an interest in
5 public safety communications infrastructure; and

6 (B) The Speaker of the House of Representatives shall appoint one member from the House of
7 Representatives with an interest in public safety and emergency communications infrastructure.

8 (b) The following members appointed by the Governor:

9 (A) One member from the Department of State Police;

10 (B) One member from the Office of Emergency Management;

11 (C) One member from the State Forestry Department;

12 (D) One member from the Department of Corrections;

13 (E) One member from the Department of Transportation;

14 (F) One member from the [*office of the State Chief Information Officer*] **Department of Infor-**
15 **mation Technology;**

16 (G) One member from the Oregon Health Authority;

17 (H) One member from the Oregon Military Department;

18 (I) One member from the Department of Public Safety Standards and Training;

19 (J) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe;
20 and

21 (K) One member of the public.

22 (c) The following members appointed by the Governor with the concurrence of the President of
23 the Senate and the Speaker of the House of Representatives:

24 (A) One member from the Oregon Fire Chiefs Association;

25 (B) One member from the Oregon Association Chiefs of Police;

26 (C) One member from the Oregon State Sheriffs' Association;

27 (D) One member from the Association of Oregon Counties;

28 (E) One member from the League of Oregon Cities;

29 (F) One member from the Special Districts Association of Oregon;

30 (G) One member who is an information technology officer of an Oregon city;

31 (H) One member who is an information technology officer of an Oregon county;

32 (I) One member who represents a nonprofit professional organization interested in the enhance-
33 ment of public safety communications systems; and

34 (J) One member of the public who works or resides in Federal Communications Commission
35 Region 35.

36 (2) Each agency or organization identified in subsection (1)(b)(A) to (I) and (1)(c)(A) to (H) of this
37 section shall recommend an individual from the agency or organization for membership on the
38 council.

39 (3) Members of the council are not entitled to compensation, but in the discretion of the State
40 Chief Information Officer may be reimbursed from funds available to the [*office of the State Chief*
41 *Information Officer*] **Department of Information Technology** for actual and necessary travel and
42 other expenses the members incur in performing the members' official duties in the manner and
43 amount provided in ORS 292.495.

44 (4) Members of the Legislative Assembly appointed to the council are nonvoting members and
45 may act in an advisory capacity only.

1 **SECTION 50.** ORS 403.455, as amended by section 61, chapter 117, Oregon Laws 2016, is
2 amended to read:

3 403.455. The State Interoperability Executive Council [*created*] **established** under ORS 403.450
4 shall:

5 (1) Develop, annually update and monitor implementation of the Oregon Statewide Communi-
6 cation Interoperability Plan, the goal of which is to achieve statewide interoperability of public
7 safety communications systems. To the maximum extent possible, the Oregon Statewide Communi-
8 cation Interoperability Plan shall align with and support the Enterprise Information Resources
9 Management Strategy described in [*ORS 291.039*] **section 3 of this 2017 Act**. As part of the exec-
10 utive council's duties under this subsection, the executive council shall:

11 (a) Recommend strategies to improve public safety communications interoperability among state,
12 local, tribal and federal public safety agencies;

13 (b) Develop standards to promote consistent design and development of public safety communi-
14 cations infrastructures and recommend changes in existing public safety infrastructures that are
15 necessary or appropriate for implementation of the interoperability plan;

16 (c) Identify immediate short-term technological and policy solutions to tie existing public safety
17 communications infrastructures together into an interoperable communications system;

18 (d) Develop long-term technological and policy recommendations to establish a statewide public
19 safety communications system to improve emergency response and day-to-day public safety oper-
20 ations; and

21 (e) Develop recommendations for legislation and for the development of state and local policies
22 that promote public safety communications interoperability in this state.

23 (2) Recommend to the Governor, for inclusion in the Governor's budget, investments by the State
24 of Oregon in public safety communications systems.

25 (3) Coordinate state, local and, as appropriate, tribal and federal activities related to obtaining
26 federal grants for support of interoperability and request technical assistance related to interoper-
27 ability.

28 (4) Conduct and submit an annual update of the interoperability plan to the United States De-
29 partment of Homeland Security, Office of Emergency Communications, aligning the update with
30 standards established in the National Emergency Communications Plan and by the federal office.

31 (5) Coordinate statewide interoperability activities among state, local and, as appropriate, tribal
32 and federal agencies.

33 (6) Advise the State Chief Information Officer, the Governor and the Legislative Assembly on
34 implementation of the interoperability plan.

35 (7) Serve as the Governor's Public Safety Broadband Advisory Group.

36 (8) Report to the Joint Committee on Ways and Means or to the Joint Interim Committee on
37 Ways and Means, and to the Joint Legislative Committee on Information Management and Tech-
38 nology, on or before February 1 of each odd-numbered year, on the development of the interoper-
39 ability plan and the executive council's other activities.

40 (9) Adopt rules necessary to carry out the executive council's duties and powers.

41 **SECTION 51.** ORS 403.460 is amended to read:

42 403.460. (1) The State Chief Information Officer shall establish and fill a full-time equivalent
43 position for a statewide interoperability coordinator to serve as the central coordination point for
44 the Oregon Statewide Communication Interoperability Plan and, through coordination and collab-
45 oration with agencies and entities in the emergency response community, to implement the interop-

1 erability plan.

2 (2) The statewide interoperability coordinator:

3 (a) Is the primary staff support provided by the [*State Chief Information Officer*] **Department**
4 **of Information Technology** for the State Interoperability Executive Council [*created*] **established**
5 under ORS 403.450;

6 (b) Shall assist the executive council in conducting and submitting annual updates to the inter-
7 operability plan, in coordination and collaboration with the emergency responders in this state;

8 (c) Shall ensure that the interoperability plan aligns with and supports the Enterprise Informa-
9 tion Resources Management Strategy;

10 (d) Shall identify funding opportunities for planned interoperability improvements and coordinate
11 efforts to acquire funding;

12 (e) Shall engage stakeholders to coordinate strategic interoperability plans;

13 (f) Shall serve as a member of the National Council of Statewide Interoperability Coordinators;
14 and

15 (g) Shall represent the State of Oregon in local, regional and national efforts to plan and im-
16 plement changes required to ensure communications operability, interoperability and continuity of
17 communications for emergency responders in this state.

18 (3) Public bodies, as defined in ORS 174.109, that own or operate public safety communications
19 infrastructure may collaborate and coordinate the public bodies' efforts and investments to achieve
20 the statewide interoperability goal the executive council sets and implement the interoperability
21 plan the executive council approves.

22 (4) Under the direction of the executive council and the State Chief Information Officer, the
23 statewide interoperability coordinator may mediate disputes between public bodies collaborating to
24 implement interoperable public safety communications systems.

25 **SECTION 52.** ORS 403.465 is amended to read:

26 403.465. In consultation with the State Interoperability Executive Council [*created*] **established**
27 in ORS 403.450, the State Chief Information Officer shall:

28 (1) Facilitate decision making and planning for potential implementation of the FirstNet net-
29 work; and

30 (2) Make recommendations to the state agency responsible for administering federal funds from
31 the United States Department of Commerce, National Telecommunications and Information Admin-
32 istration.

33 **SECTION 53.** ORS 461.120 is amended to read:

34 461.120. (1)(a) Except as otherwise provided by law, the provisions of ORS 279.835 to 279.855 and
35 ORS chapters 279A, 279B, 279C, 282 and 283 do not apply to the Oregon State Lottery Commission
36 unless otherwise provided by this chapter.

37 (b) Officers and employees of the Oregon State Lottery Commission are in the exempt service
38 for purposes of ORS chapter 240 and other related statutes.

39 (c) ORS 276.004 (2), 276.021, 276.093 to 276.098, 276.410 to 276.426, 276.428, 276.440, 283.085 to
40 283.092, [*291.038,*] 291.201 to 291.260 and 292.210 to 292.250 **and section 4 of this 2017 Act** do not
41 apply to the Oregon State Lottery Commission.

42 (d) ORS 293.075, 293.190, 293.205 to 293.225 and 293.275 do not apply to the Oregon State Lottery
43 Commission.

44 (e) ORS 279A.100 and ORS chapters 659 and 659A apply to the Oregon State Lottery Commis-
45 sion.

1 (f) Notwithstanding paragraph (a) of this subsection, the provisions of ORS 282.210 *[shall]* apply
2 to the Oregon State Lottery Commission.

3 (2) The commission shall, in accordance with ORS chapter 183, adopt and enforce rules to carry
4 out the provisions of this chapter.

5 **SECTION 54.** ORS 576.306 is amended to read:

6 576.306. (1) A commodity commission may contract with an independent contractor *[for the per-*
7 *formance of]* **to perform** any services. However, the commission may not contract with an inde-
8 pendent contractor to perform the discretionary functions of the commission. ORS 279.835 to 279.855
9 and ORS chapters 240, 279A, 279B and 279C do not apply to the commission in obtaining such ser-
10 vices, except that a contract for such services may not take effect until approved by the State De-
11 partment of Agriculture as provided in subsection (7) of this section.

12 (2) The commission may rent space or acquire supplies and equipment from any contractor as
13 described in subsection (1) of this section. ORS chapters 276, 278, 279A, 279B, 279C and 283 and ORS
14 279.835 to 279.855, 283.085 to 283.092 and *[291.038]* **section 4 of this 2017 Act** do not apply to such
15 rentals or acquisitions.

16 (3) Except as provided in this section, a contractor described in subsection (1) of this section
17 *[shall be considered]* **is** an independent contractor and not an employee, eligible employee, public
18 employee or employee of the state for purposes of Oregon law, including ORS chapters 236, 238,
19 238A, 240, 243, 291, 292, 316 and 652.

20 (4) *[Nothing in this section precludes]* **This section does not preclude** the state or a commission
21 from being considered the employer of the contractor described in subsection (1) of this section for
22 purposes of unemployment compensation under ORS chapter 657 and ORS 670.600.

23 (5) A contractor described in subsection (1) of this section *[shall be considered]* **is** an independ-
24 ent contractor and not a worker for purposes of ORS chapter 656 and ORS 670.600.

25 (6) A contractor described in subsection (1) of this section *[may not be considered]* **is not** a
26 public official, public officer, state officer or executive official for purposes of Oregon law, including
27 ORS chapters 236, 244, 292, 295 and 297 and ORS 171.725 to 171.785.

28 (7) The State Department of Agriculture shall review the contract described in subsection (1)
29 of this section for the adequacy of the clauses pertaining to statement of work, starting and ending
30 dates, consideration, subcontracts, funds authorized in the budget, amendments, termination, com-
31 pliance with applicable law, assignment and waiver, access to records, indemnity, ownership of work
32 product, nondiscrimination, successors in interest, attorney fees, tax certification or merger or any
33 other clause the department deems necessary.

34 (8) The Oregon Department of Administrative Services, in consultation with the State Depart-
35 ment of Agriculture, shall adopt rules necessary for the screening and selection of independent
36 contractors under this section.

37 (9) Except as provided in subsection (8) of this section, the State Department of Agriculture may
38 promulgate any rules necessary for the administration and enforcement of this section.

39 **SECTION 55.** Section 2, chapter 48, Oregon Laws 2016, is amended to read:

40 **Sec. 2.** (1) As used in this section, “executive department” has the meaning given that term in
41 ORS 174.112, except that “executive department” does not include the Secretary of State *[in per-*
42 *forming the duties of the constitutional office of Secretary of State or the State Treasurer in performing*
43 *the duties of the constitutional office of State Treasurer.]* **or the State Treasurer.**

44 (2) The Oregon Department of Administrative Services shall coordinate the efforts of each
45 executive department agency for which the department is the custodian of the public records of the

1 agency that are retained in electronic form, in fulfilling public records requests made of the agency.

2 (3) The department shall provide technical assistance to each executive department agency for
3 which the department is not the custodian of the public records of the agency that are retained in
4 electronic form, in fulfilling public records requests made of the agency.

5 (4) When an executive department agency is aware that the same public records request has
6 been made of itself and one or more other executive department agencies, the agency shall consult
7 with the department prior to producing records in order to ensure consistency between agencies in
8 the production of records.

9 (5) In providing coordination and technical assistance under this section, the department shall
10 apply the standards, protocols and procedures that the State Chief Information Officer develops un-
11 der [ORS 291.039 (4)(a)(O)] **section 3 (6)(o) of this 2017 Act.**

12 **SECTION 56. ORS 182.122, 182.124, 184.473, 184.475, 184.477, 291.034, 291.035, 291.037,**
13 **291.038, 291.039 and 291.041 are repealed.**

14 **SECTION 57. (1) Sections 1 to 19 of this 2017 Act, the amendments to ORS 177.200,**
15 **178.100, 181A.265, 182.126, 182.128, 182.132, 184.483, 184.484, 184.486, 279A.050, 279A.075,**
16 **279B.030, 279B.040, 279B.075, 283.100, 283.140, 283.143, 283.510, 283.520, 291.003, 291.016, 291.018,**
17 **291.030, 291.032, 291.055, 291.990, 293.875, 403.450, 403.455, 403.460, 403.465, 461.120 and 576.306**
18 **and section 2, chapter 48, Oregon Laws 2016, by sections 20 to 55 of this 2017 Act and the**
19 **repeal of ORS 182.122, 182.124, 184.473, 184.475, 184.477, 291.034, 291.035, 291.037, 291.038, 291.039**
20 **and 291.041 by section 56 of this 2017 Act become operative on July 1, 2018.**

21 **(2) The Governor, the Secretary of State, the State Treasurer, the Director of the Oregon**
22 **Department of Administrative Services, the State Chief Information Officer, the Director of**
23 **Transportation, a state contracting agency that adopts rules under ORS 279A.065 or a state**
24 **agency that is otherwise affected by the transfer of information technology and information**
25 **technology procurement functions to the State Chief Information Officer and the Depart-**
26 **ment of Information Technology may adopt rules and take any other action before the op-**
27 **erative date specified in subsection (1) of this section that is necessary to enable the**
28 **Governor, the Secretary of State, the State Treasurer, the director, the State Chief Infor-**
29 **mation Officer, the state contracting agency or the state agency, on or after the operative**
30 **date specified in subsection (1) of this section, to exercise all of the duties, functions and**
31 **powers conferred on the Governor, the Secretary of State, the State Treasurer, the director,**
32 **the State Chief Information Officer, the state contracting agency or the state agency by**
33 **sections 1 to 19 of this 2017 Act and the amendments to ORS 177.200, 178.100, 181A.265,**
34 **182.126, 182.128, 182.132, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.030, 279B.040,**
35 **279B.075, 283.100, 283.140, 283.143, 283.510, 283.520, 291.003, 291.016, 291.018, 291.030, 291.032,**
36 **291.055, 291.990, 293.875, 403.450, 403.455, 403.460, 403.465, 461.120 and 576.306 and section 2,**
37 **chapter 48, Oregon Laws 2016, by sections 20 to 55 of this 2017 Act.**

38 **SECTION 58. This 2017 Act takes effect on the 91st day after the date on which the 2017**
39 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

40