

Senate Bill 222

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Dennis Richardson)

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 **as introduced**.

Declares state policy regarding transparency for all spending by state agencies.

Modifies reporting requirement for state agency revenues and expenditures. Requires Oregon transparency website to contain itemized information about state agency payroll and nonpayroll expenditures, updated monthly.

Makes reporting requirement regarding nonpayroll expenditures operative on January 1, 2020.

Makes reporting requirement regarding payroll expenditures operative on August 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Oregon transparency website; creating new provisions; amending ORS 276A.253; and
3 prescribing an effective date.

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

5 **SECTION 1. ORS 276A.256 and section 2 of this 2019 Act are added to and made a part**
6 **of ORS 276A.250 to 276A.262.**

7 **SECTION 2. It is the policy of the State of Oregon to maintain full and timely transpar-**
8 **ency for all spending by each state agency.**

9 **SECTION 3.** ORS 276A.253 is amended to read:

10 276A.253. (1)(a) The State Chief Information Officer shall maintain and make available an
11 Oregon transparency website. The website must allow any person to view information that is a
12 public record and is not exempt from disclosure under ORS 192.311 to 192.478, including but not
13 limited to information described in subsection (3) of this section. The State Chief Information Officer
14 shall provide on the home page of the website a method for users to offer suggestions regarding the
15 form or content of the website.

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

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

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

25 (b) Provide the information in the format and manner that the State Chief Information Officer
26 requires.

27 (3)(a) To the extent practicable and subject to laws relating to confidentiality, when at no ad-

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.

ditional cost, using existing data and existing resources of the [state agency or] education service district and without reallocation of resources, the Oregon transparency website must contain information about each [state agency and] education service district, including but not limited to:

[(a)] (A) Annual revenues [of state agencies and education service districts];

[(b)] (B) Annual expenditures [of state agencies and education service districts];

[(c)] (C) Annual human resources expenses, including compensation[, of state agencies and education service districts];

[(d)] Annual tax expenditures of state agencies, including, when possible, the identity of the recipients of each tax expenditure;]

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

[(f)] (D) A prominently placed graphic representation of the primary funding categories and approximate number of individuals that [the state agency or] the education service district serves;

[(g)] (E) A description of the mission, function and program categories of the [state agency or] education service district;

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

[(i)] (G) The local service plans of the education service [districts] **district**;

[(j)] (H) A copy of each report required by statute for **the** education service [districts] **district**; and

[(k)] (I) A copy of all notices of public meetings of the education service [districts] **district**.

(b) To the extent practicable and subject to laws relating to confidentiality, the Oregon transparency website must contain information about each state agency, including but not limited to:

(A) Annual revenues;

(B) Annual nonpayroll expenditures, including the following information updated monthly and listed separately by category:

(i) The name of the state agency and the division within the state agency;

(ii) The budget category and subcategory for each expenditure;

(iii) Invoice description;

(iv) Vendor name, city and state;

(v) Expenditure amount; and

(vi) Payment date;

(C) Annual human resources expenses, including compensation;

(D) Annual tax expenditures, including, when possible, the identity of the recipients of each tax expenditure;

(E) A description of the percentage of expenditures made in this state and the percentage of expenditures made outside this state under all contracts for goods or services the state agency enters into during each biennium;

(F) A prominently placed graphic representation of the primary funding categories and approximate number of individuals that the state agency serves;

(G) A description of the mission, function and program categories of the state agency; and

(H) A copy of any audit report that the Secretary of State issues for the state agency.

1 **(c) Notwithstanding paragraph (b) of this subsection, the Oregon transparency website**
 2 **is required to contain only the information described in paragraph (b)(D) to (H) of this sub-**
 3 **section that is available using existing data and existing resources of the state agency and**
 4 **without reallocation of resources.**

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

6 (a) The State Chief Information Officer shall post on the Oregon transparency website notices
 7 of public meetings the state agency must provide under ORS 192.640. If the state agency maintains
 8 a website where minutes or summaries of the public meetings are available, the state agency shall
 9 provide the State Chief Information Officer with the link to the state agency website for posting on
 10 the Oregon transparency website.

11 (b) The State Chief Information Officer shall post on the Oregon transparency website a link for
 12 the website that the Secretary of State maintains for rules that the state agency adopts. If the state
 13 agency maintains a website where the state agency posts the rules, or where any information re-
 14 lating to the rules of the agency is posted, the state agency shall provide the State Chief Information
 15 Officer with the link to the website for posting on the Oregon transparency website.

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

22 (A) Information on professional, personal and material contracts;

23 (B) The date of each contract and the amount payable under the contract;

24 (C) The period during which the contract is or was in effect; and

25 (D) The names and addresses of vendors.

26 (d) The State Chief Information Officer shall provide an economic development section on the
 27 Oregon transparency website for posting of information submitted to the State Chief Information
 28 Officer by state agencies responsible for administering specific economic development programs. The
 29 section shall include, but not be limited to, the following information, if it is already collected or
 30 available within an existing database maintained by the state agency in the course of administering
 31 the economic development program:

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

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

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

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

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

43 (F) Information required to be posted on the Oregon transparency website under ORS 276A.256.

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

45 (A) May not include proprietary information; and

1 (B) Shall be provided to the State Chief Information Officer by the state agency in the format
2 and manner required by the State Chief Information Officer.

3 (f) The State Chief Information Officer shall post on the Oregon transparency website informa-
4 tion describing the process for requesting copies of public records from a public body, including a
5 link to the public records section of the Department of Justice webpage. At the request of a state
6 agency or education service district, the State Chief Information Officer shall include a link to a
7 location on the webpage of the agency or district that describes the process for requesting public
8 records from the agency or district.

9 (5) In operating, refining and recommending enhancements to the Oregon transparency website,
10 the State Chief Information Officer and the Transparency Oregon Advisory Commission created in
11 ORS 276A.259 shall consider and, to the extent practicable, adhere to the following principles:

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

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

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

18 (6) If a state agency or an education service district is not able to include information described
19 in this section on the Oregon transparency website because of the lack of availability of information
20 or cost in acquiring information, the Transparency Oregon Advisory Commission created in ORS
21 276A.259 shall list the information that is not included for the state agency or education service
22 district in the commission's report to the Legislative Assembly required under ORS 276A.259.

23 (7)(a) For the purpose of providing transparency in the revenues, expenditures and budgets of
24 the following entities, the State Chief Information Officer shall include on the Oregon transparency
25 website a page that provides links to websites established by:

26 (A) Local governments, as defined in ORS 174.116.

27 (B) Special government bodies, as defined in ORS 174.117.

28 (C) Semi-independent state agencies listed in ORS 182.454.

29 (D) Public universities listed in ORS 352.002.

30 (E) Public university statewide programs operated by a public university listed in ORS 352.002.

31 (F) The Oregon Health and Science University.

32 (G) The Oregon Tourism Commission.

33 (H) The Oregon Film and Video Office.

34 (I) The Travel Information Council.

35 (J) The Children's Trust Fund of Oregon Foundation.

36 (K) Oregon Corrections Enterprises.

37 (L) The State Accident Insurance Fund Corporation.

38 (M) The Oregon Utility Notification Center.

39 (N) Any public corporation created under a statute of this state and specifically designated as
40 a public corporation.

41 (b) The State Chief Information Officer shall include a link to an entity's website after receiving
42 a request from the entity and shall consider recommendations from the Transparency Oregon Advi-
43 sory Commission for including other links to websites of the entities listed in paragraph (a) of this
44 subsection.

45 (c) At the request of any local government, as defined in ORS 174.116, or special government

1 body, as defined in ORS 174.117, the State Chief Information Officer shall include on the Oregon
2 transparency website notices of public meetings required to be provided under ORS 192.640 by the
3 local government or special government body. The local government or special government body
4 must submit public meeting notice information in the format and manner required by the State Chief
5 Information Officer.

6 (d) The office of the State Chief Information Officer shall include a prominent link on the home
7 page of the Oregon transparency website for information posted to the page described in paragraph
8 (a) of this subsection.

9 **SECTION 4.** ORS 276A.253, as amended by section 3 of this 2019 Act, is amended to read:

10 276A.253. (1)(a) The State Chief Information Officer shall maintain and make available an
11 Oregon transparency website. The website must allow any person to view information that is a
12 public record and is not exempt from disclosure under ORS 192.311 to 192.478, including but not
13 limited to information described in subsection (3) of this section. The State Chief Information Officer
14 shall provide on the home page of the website a method for users to offer suggestions regarding the
15 form or content of the website.

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

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

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

25 (b) Provide the information in the format and manner that the State Chief Information Officer
26 requires.

27 (3)(a) To the extent practicable and subject to laws relating to confidentiality, when at no ad-
28 ditional cost, using existing data and existing resources of the education service district and without
29 reallocation of resources, the Oregon transparency website must contain information about each
30 education service district, including but not limited to:

31 (A) Annual revenues;

32 (B) Annual expenditures;

33 (C) Annual human resources expenses, including compensation;

34 (D) A prominently placed graphic representation of the primary funding categories and approx-
35 imate number of individuals that the education service district serves;

36 (E) A description of the mission, function and program categories of the education service dis-
37 trict;

38 (F) A copy of any audit report that the Secretary of State issues for the education service dis-
39 trict;

40 (G) The local service plans of the education service district;

41 (H) A copy of each report required by statute for the education service district; and

42 (I) A copy of all notices of public meetings of the education service district.

43 (b) To the extent practicable and subject to laws relating to confidentiality, the Oregon trans-
44 parency website must contain information about each state agency, including but not limited to:

45 (A) Annual revenues;

1 (B) Annual nonpayroll expenditures, including the following information updated monthly and
2 listed separately by category:

- 3 (i) The name of the state agency and the division within the state agency;
- 4 (ii) The budget category and subcategory for each expenditure;
- 5 (iii) Invoice description;
- 6 (iv) Vendor name, city and state;
- 7 (v) Expenditure amount; and
- 8 (vi) Payment date;

9 (C) *[Annual]* **The following information regarding** human resources expenses, including
10 compensation[;], **updated monthly and listed separately by category:**

- 11 **(i) Position number;**
- 12 **(ii) Monthly salary;**
- 13 **(iii) Overtime pay;**
- 14 **(iv) Bonus pay;**
- 15 **(v) Holiday pay;**
- 16 **(vi) Standby duty pay;**
- 17 **(vii) Work-out-of-class and lead pay;**
- 18 **(viii) Public Employees Retirement System payments;**
- 19 **(ix) Public Employees Retirement System pension obligation bond payment;**
- 20 **(x) Health insurance costs;**
- 21 **(xi) Dental insurance costs;**
- 22 **(xii) Life insurance costs;**
- 23 **(xiii) Social Security and Medicare taxes;**
- 24 **(xiv) Public Employees' Benefit Board fees;**
- 25 **(xv) Workers' Benefit Fund assessments;**
- 26 **(xvi) Employment Relations Board assessments; and**
- 27 **(xvii) Any other payroll expenses required by the Secretary of State by rule;**

28 (D) Annual tax expenditures, including, when possible, the identity of the recipients of each tax
29 expenditure;

30 (E) A description of the percentage of expenditures made in this state and the percentage of
31 expenditures made outside this state under all contracts for goods or services the state agency en-
32 ters into during each biennium;

33 (F) A prominently placed graphic representation of the primary funding categories and approxi-
34 mate number of individuals that the state agency serves;

35 (G) A description of the mission, function and program categories of the state agency; and

36 (H) A copy of any audit report that the Secretary of State issues for the state agency.

37 (c) Notwithstanding paragraph (b) of this subsection, the Oregon transparency website is re-
38 quired to contain only the information described in paragraph (b)(D) to (H) of this subsection that
39 is available using existing data and existing resources of the state agency and without reallocation
40 of resources.

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

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

1 the Oregon transparency website.

2 (b) The State Chief Information Officer shall post on the Oregon transparency website a link for
3 the website that the Secretary of State maintains for rules that the state agency adopts. If the state
4 agency maintains a website where the state agency posts the rules, or where any information re-
5 lating to the rules of the agency is posted, the state agency shall provide the State Chief Information
6 Officer with the link to the website for posting on the Oregon transparency website.

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

13 (A) Information on professional, personal and material contracts;

14 (B) The date of each contract and the amount payable under the contract;

15 (C) The period during which the contract is or was in effect; and

16 (D) The names and addresses of vendors.

17 (d) The State Chief Information Officer shall provide an economic development section on the
18 Oregon transparency website for posting of information submitted to the State Chief Information
19 Officer by state agencies responsible for administering specific economic development programs. The
20 section shall include, but not be limited to, the following information, if it is already collected or
21 available within an existing database maintained by the state agency in the course of administering
22 the economic development program:

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

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

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

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

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

34 (F) Information required to be posted on the Oregon transparency website under ORS 276A.256.

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

36 (A) May not include proprietary information; and

37 (B) Shall be provided to the State Chief Information Officer by the state agency in the format
38 and manner required by the State Chief Information Officer.

39 (f) The State Chief Information Officer shall post on the Oregon transparency website informa-
40 tion describing the process for requesting copies of public records from a public body, including a
41 link to the public records section of the Department of Justice webpage. At the request of a state
42 agency or education service district, the State Chief Information Officer shall include a link to a
43 location on the webpage of the agency or district that describes the process for requesting public
44 records from the agency or district.

45 (5) In operating, refining and recommending enhancements to the Oregon transparency website,

1 the State Chief Information Officer and the Transparency Oregon Advisory Commission created in
2 ORS 276A.259 shall consider and, to the extent practicable, adhere to the following principles:

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

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

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

9 (6) If a state agency or an education service district is not able to include information described
10 in this section on the Oregon transparency website because of the lack of availability of information
11 or cost in acquiring information, the Transparency Oregon Advisory Commission created in ORS
12 276A.259 shall list the information that is not included for the state agency or education service
13 district in the commission's report to the Legislative Assembly required under ORS 276A.259.

14 (7)(a) For the purpose of providing transparency in the revenues, expenditures and budgets of
15 the following entities, the State Chief Information Officer shall include on the Oregon transparency
16 website a page that provides links to websites established by:

17 (A) Local governments, as defined in ORS 174.116.

18 (B) Special government bodies, as defined in ORS 174.117.

19 (C) Semi-independent state agencies listed in ORS 182.454.

20 (D) Public universities listed in ORS 352.002.

21 (E) Public university statewide programs operated by a public university listed in ORS 352.002.

22 (F) The Oregon Health and Science University.

23 (G) The Oregon Tourism Commission.

24 (H) The Oregon Film and Video Office.

25 (I) The Travel Information Council.

26 (J) The Children's Trust Fund of Oregon Foundation.

27 (K) Oregon Corrections Enterprises.

28 (L) The State Accident Insurance Fund Corporation.

29 (M) The Oregon Utility Notification Center.

30 (N) Any public corporation created under a statute of this state and specifically designated as
31 a public corporation.

32 (b) The State Chief Information Officer shall include a link to an entity's website after receiving
33 a request from the entity and shall consider recommendations from the Transparency Oregon Advi-
34 sory Commission for including other links to websites of the entities listed in paragraph (a) of this
35 subsection.

36 (c) At the request of any local government, as defined in ORS 174.116, or special government
37 body, as defined in ORS 174.117, the State Chief Information Officer shall include on the Oregon
38 transparency website notices of public meetings required to be provided under ORS 192.640 by the
39 local government or special government body. The local government or special government body
40 must submit public meeting notice information in the format and manner required by the State Chief
41 Information Officer.

42 (d) The office of the State Chief Information Officer shall include a prominent link on the home
43 page of the Oregon transparency website for information posted to the page described in paragraph
44 (a) of this subsection.

45 **SECTION 5. The State Chief Information Officer may take any action before the opera-**

1 **tive dates specified in sections 6 and 7 of this 2019 Act that is necessary to enable the State**
2 **Chief Information Officer to exercise, on and after the operative dates specified in sections**
3 **6 and 7 of this 2019 Act, all of the duties, functions and powers conferred on the State Chief**
4 **Information Officer pursuant to the amendments to ORS 276A.253 by sections 3 and 4 of this**
5 **2019 Act.**

6 **SECTION 6. The amendments to ORS 276A.253 by section 3 of this 2019 Act become op-**
7 **erative on January 1, 2020.**

8 **SECTION 7. The amendments to ORS 276A.253 by section 4 of this 2019 Act become op-**
9 **erative on August 1, 2020.**

10 **SECTION 8. This 2019 Act takes effect on the 91st day after the date on which the 2019**
11 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

12