

A-Engrossed
Senate Bill 240

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by Senator MANNING JR, Representative SMITH G (Pre-session filed.)

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.

Directs governmental agencies of this state to use electronic records and electronic signatures by July 1, 2020.

Directs each governmental agency of this state to submit website modernization plan to State Chief Information Officer **and appropriate committee of Legislative Assembly no later than September 15, 2020** [*by July 1, 2020, and to update plan biennially*]. Directs each governmental agency of this state to submit plan for use of electronic records and electronic signatures to State Chief Information Officer **and appropriate committee of Legislative Assembly no later than September 15, 2020** [*by July 1, 2020, and to update plan biennially*].

Directs each governmental agency of this state to ensure its websites effectively render on mobile devices and are accessible for persons with disabilities by July 1, 2021.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to electronic government records; creating new provisions; amending ORS 84.052; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 84.052 is amended to read:

6 84.052. (1) Except as otherwise provided in ORS 84.034 (6), each governmental agency of this
7 state shall [*determine whether, and the extent to which, it will*], **to the extent practicable**, send and
8 accept electronic records and electronic signatures to and from other persons and otherwise create,
9 generate, communicate, store, process, use and rely upon electronic records and electronic signa-
10 tures.

11 (2) To the extent that a governmental agency uses electronic records and electronic signatures
12 under subsection (1) of this section, the governmental agency, giving due consideration to security,
13 may specify:

14 (a) The manner and format in which the electronic records must be created, generated, sent,
15 communicated, received and stored and the systems established for those purposes;

16 [*(b) If electronic records must be signed by electronic means, the type of electronic signature re-*
17 *quired, the manner and format in which the electronic signature must be affixed to the electronic record*
18 *and the identity of, or criteria that must be met by, any third party used by a person filing a document*
19 *to facilitate the process;*]

20 [(c)] (b) Control processes and procedures as appropriate to ensure adequate preservation, dis-
21 position, integrity, security, confidentiality and auditability of electronic records; and

22 [(d)] (c) Any other required attributes for electronic records that are specified for corresponding
23 nonelectronic records or reasonably necessary under the circumstances.

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 *[(3) Except as otherwise provided in ORS 84.034 (6), ORS 84.001 to 84.061 do not require a gov-*
2 *ernmental agency of this state to use or permit the use of electronic records or electronic signatures.]*

3 **SECTION 2.** (1) As used in this section, the terms “electronic record,” “electronic sig-
4 nature” and “governmental agency” have the meanings given those terms in ORS 84.004.

5 (2) Each governmental agency of this state shall develop and implement a plan for the
6 use of electronic records and electronic signatures in an effort to digitize government pro-
7 cesses and work flows and to promote the use of intuitive and adaptive electronic forms.

8 (3) Each governmental agency of this state shall develop and implement a website mod-
9 ernization plan detailing improvements to the governance of digital services, including mod-
10 ernizing websites and enhancing the use of data analytics. Each governmental agency
11 website modernization plan must:

12 (a) Demonstrate plans for the effective delivery of digital services and the utilization of
13 data analytics and related tools to determine user goals, needs and behaviors.

14 (b) Include plans to ensure the effective rendering of all publicly facing websites on mo-
15 bile devices.

16 (c) Include plans to increase the use of data analytics to improve website operation and
17 enhance digital service delivery.

18 (d) Be posted on the agency’s publicly facing websites.

19 (4) The State Chief Information Officer may adopt any rules necessary for implementa-
20 tion of this section.

21 **SECTION 3.** Section 2 of this 2019 Act is amended to read:

22 **Sec. 2.** (1) As used in this section, the terms “electronic record,” “electronic signature” and
23 “governmental agency” have the meanings given those terms in ORS 84.004.

24 (2) Each governmental agency of this state shall ensure that each of its websites in-
25 tended for use by the public is:

26 (a) Effectively renderable on mobile devices; and

27 (b) Accessible for persons with disabilities.

28 [(2)] (3) Each governmental agency of this state shall develop and implement a plan for the use
29 of electronic records and electronic signatures in an effort to digitize government processes and
30 work flows and to promote the use of intuitive and adaptive electronic forms.

31 [(3)] (4) Each governmental agency of this state shall develop and implement a website mod-
32 ernization plan detailing improvements to the governance of digital services, including modernizing
33 websites and enhancing the use of data analytics. Each governmental agency website modernization
34 plan must:

35 (a) Demonstrate plans for the effective delivery of digital services and the utilization of data
36 analytics and related tools to determine user goals, needs and behaviors.

37 (b) Include plans to ensure the **continuation of** effective rendering of all publicly facing
38 websites on mobile devices.

39 (c) Include plans to increase the use of data analytics to improve website operation and enhance
40 digital service delivery.

41 (d) Be posted on the agency’s publicly facing websites.

42 [(4)] (5) The State Chief Information Officer may adopt any rules necessary for implementa-
43 tion of this section.

44 **SECTION 4.** The amendments to ORS 84.052 by section 1 of this 2019 Act apply to any
45 electronic record or electronic signature created, generated, sent, communicated, received

1 or stored on or after July 1, 2020.

2 **SECTION 5.** Each governmental agency of this state shall submit the plans described in
3 section 2 (2) and (3) of this 2019 Act to the State Chief Information Officer and the appro-
4 priate committee or interim committee of the Legislative Assembly no later than September
5 15, 2020.

6 **SECTION 6.** (1) The amendments to ORS 84.052 by section 1 of this 2019 Act become op-
7 erative on July 1, 2020.

8 (2) Section 2 of this 2019 Act becomes operative on January 1, 2020.

9 (3) The amendments to section 2 of this 2019 Act by section 3 of this 2019 Act become
10 operative on July 1, 2021.

11 **SECTION 7.** This 2019 Act takes effect on the 91st day after the date on which the 2019
12 regular session of the Eightieth Legislative Assembly adjourns sine die.
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