

D R A F T

SUMMARY

Transfers Oregon Cybersecurity Advisory Council from office of Enterprise Information Services to Oregon Cybersecurity Center of Excellence. Modifies composition and duties, powers and functions of council.

Establishes Oregon Cybersecurity Center of Excellence within Portland State University to supplement activities of State Chief Information Officer regarding cybersecurity. Charges center with coordinating, funding or providing cybersecurity education, awareness and training for public, private and nonprofit sectors, cybersecurity workforce development and cybersecurity-related goods and services to Oregon public bodies. Directs Portland State University, Oregon State University and University of Oregon to jointly operate center by agreement and to provide administrative and staff support and facilities for center.

Establishes Oregon Cybersecurity Center of Excellence Operating Fund. Continuously appropriates moneys in fund to Higher Education Coordinating Commission for distribution to center to carry out functions and operations of center.

Establishes Oregon Cybersecurity Workforce Development Fund. Continuously appropriates moneys in fund to commission for distribution to center to invest in cybersecurity workforce development programs.

Establishes Oregon Cybersecurity Grant Program Fund. Continuously appropriates moneys in fund to commission for distribution to center to provide cybersecurity-related goods and services to Oregon public bodies.

Establishes Oregon Cybersecurity Public Awareness Fund. Continuously appropriates moneys in fund to commission for distribution to center to raise public awareness regarding cybersecurity threats and resources to be safer and more secure online.

Becomes operative October 1, 2023.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to cybersecurity; creating new provisions; repealing ORS 276A.326

3 and 276A.329; and declaring an emergency.

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

2
3 **OREGON CYBERSECURITY**
4 **(Definitions)**

5
6 **SECTION 1. Definitions. As used in this section and sections 3, 7**
7 **and 10 of this 2023 Act:**

8 (1) “Education service district” means a district created under ORS
9 334.010 that provides regional educational services to component school
10 districts.

11 (2) “Library” means a public agency that provides free and equal
12 access to library and information services that are suitable for persons
13 of all ages.

14 (3) “Local government” means a city or county.

15 (4) “Public body” has the meaning given that term in ORS 174.109.

16 (5) “Regional government” means:

17 (a) A metropolitan service district formed under ORS chapter 268.

18 (b) An intergovernmental entity created by an intergovernmental
19 agreement under ORS 190.010.

20 (6) “School district” has the meaning given that term in ORS
21 330.003.

22 (7) “Special district” means a district as defined in ORS 198.010.

23
24 **(Oregon Cybersecurity Advisory Council)**

25
26 **SECTION 2. ORS 276A.326 is repealed and section 3 of this 2023 Act**
27 **is enacted in lieu thereof.**

28 **SECTION 3. Oregon Cybersecurity Advisory Council. (1) The Oregon**
29 **Cybersecurity Advisory Council is established within the Oregon**
30 **Cybersecurity Center of Excellence. The council consists of 15 voting**
31 **members appointed by the Governor after consultation with the State**

1 **Chief Information Officer and the director of the Oregon Cybersecurity**
2 **Center of Excellence or the director's designee. A majority of the**
3 **council's voting members must be geographically diverse represen-**
4 **tatives of public universities listed in ORS 352.002, local governments,**
5 **regional governments, special districts, education service districts,**
6 **school districts or libraries.**

7 **(2) The membership of the council consists of:**

8 **(a) One member who represents Indian tribes, as defined in ORS**
9 **97.740;**

10 **(b) One member who represents the Association of Oregon Coun-**
11 **ties;**

12 **(c) One member who represents the League of Oregon Cities;**

13 **(d) One member who represents the Special Districts Association**
14 **of Oregon;**

15 **(e) One member who represents regional governments;**

16 **(f) One member who represents the Oregon Association of Educa-**
17 **tion Service Districts;**

18 **(g) One member who represents the Oregon School Boards Associ-**
19 **ation;**

20 **(h) One member who represents the Coalition of Oregon School**
21 **Administrators;**

22 **(i) One member who represents public universities listed in ORS**
23 **352.002;**

24 **(j) One member who represents community colleges;**

25 **(k) One member who represents the office of Enterprise Informa-**
26 **tion Services;**

27 **(L) One member who represents a critical infrastructure sector in**
28 **Oregon as defined by the Cybersecurity and Infrastructure Security**
29 **Agency of the United States Department of Homeland Security;**

30 **(m) One member who represents cyber-related industries in Oregon;**

31 **(n) One member who represents a public sector information tech-**

1 **nology association in Oregon; and**

2 **(o) One member who represents a private sector information tech-**
3 **nology or telecommunications association in Oregon.**

4 **(3) The council shall elect one member of the council to serve as**
5 **chairperson and one member of the council to serve as vice chair-**
6 **person.**

7 **(4)(a) A majority of the voting members of the council constitutes**
8 **a quorum for the transaction of business.**

9 **(b) Official action by the council requires the approval of a majority**
10 **of the voting members of the council.**

11 **(5)(a) The term of office of each voting member of the council is**
12 **four years, but a member serves at the pleasure of the Governor.**

13 **(b) Before the expiration of the term of a voting member, the**
14 **Governor, after consultation with the State Chief Information Officer**
15 **and the director of Oregon Cybersecurity Center of Excellence or the**
16 **director's designee, shall appoint a successor whose term begins on**
17 **July 1 following the appointment. A voting member is eligible for re-**
18 **appointment.**

19 **(c) If there is a vacancy for any cause, the Governor, after consul-**
20 **tation with the State Chief Information Officer and the director of**
21 **Oregon Cybersecurity Center of Excellence or the director's designee,**
22 **shall make an appointment to become immediately effective for the**
23 **unexpired term.**

24 **(6) The council shall meet at times and places specified by the call**
25 **of the chairperson or a majority of the voting members of the council.**

26 **(7) Members of the council are not entitled to compensation, but**
27 **the Oregon Cybersecurity Center of Excellence may reimburse a**
28 **member of the council for actual and necessary travel and other ex-**
29 **penses incurred in performing the member's official duties, in the**
30 **manner and amounts provided for in ORS 292.495, from funds appro-**
31 **riated to the Higher Education Coordinating Commission for purposes**

1 of the council.

2 (8) The council may:

3 (a) Adopt rules, policies and procedures necessary for the operation
4 of the council.

5 (b) Establish subcommittees, advisory committees or other work
6 groups necessary to assist the council in performing its duties.

7 (c) Appoint nonvoting members to the council.

8 (9) All agencies of state government, as defined in ORS 174.111, are
9 directed to assist the council in the performance of the council's duties
10 and, to the extent permitted by laws relating to confidentiality, shall
11 furnish information and advice the council considers necessary to
12 perform the council's duties.

13 **SECTION 4. Initial terms.** Notwithstanding the term of office spec-
14 ified in section 3 of this 2023 Act, of the members appointed to the
15 Oregon Cybersecurity Advisory Council under section 3 of this 2023
16 Act:

17 (1) One-third shall serve for a term ending July 1, 2025.

18 (2) One-third shall serve for a term ending July 1, 2026.

19 (3) The remaining members shall serve for a term ending July 1,
20 2027.

21 **SECTION 5. Transfer.** (1) The duties, functions and powers of the
22 office of Enterprise Information Services relating to the Oregon
23 Cybersecurity Advisory Council are imposed upon, transferred to and
24 vested in the Oregon Cybersecurity Center of Excellence, established
25 under section 7 of this 2023 Act.

26 (2)(a) The State Chief Information Officer shall deliver to a repre-
27 sentative of Portland State University, on behalf of the Oregon
28 Cybersecurity Center of Excellence, all records and property within the
29 jurisdiction of the officer that relate to the duties, functions and
30 powers transferred by this section.

31 (b) A representative of Portland State University, on behalf of the

1 **Oregon Cybersecurity Center of Excellence, shall take possession of**
2 **the records and property described in paragraph (a) of this subsection.**

3 **(c) The Governor shall resolve any dispute between the office of**
4 **Enterprise Information Services and the Oregon Cybersecurity Center**
5 **of Excellence relating to transfers of records and property under this**
6 **subsection, and the Governor’s decision is final.**

7 **(3)(a) The unexpended balances of amounts authorized to be ex-**
8 **pende d by the office of Enterprise Information Services for the**
9 **biennium beginning July 1, 2023, from revenues dedicated, contin-**
10 **uously appropriated, appropriated or otherwise made available for the**
11 **purpose of administering and enforcing the duties, functions and**
12 **powers transferred by this section are transferred to and are available**
13 **for expenditure by Portland State University, on behalf of the Oregon**
14 **Cybersecurity Center of Excellence for the biennium beginning July**
15 **1, 2023, for the purpose of administering and enforcing the duties,**
16 **functions and powers transferred by this section.**

17 **(b) The expenditure classifications, if any, established by Acts au-**
18 **thorizing or limiting expenditures by the office of Enterprise Infor-**
19 **mation Services remain applicable to expenditures by Portland State**
20 **University on behalf of the Oregon Cybersecurity Center of Excellence.**

21
22 **(Oregon Cybersecurity Center of Excellence)**
23

24 **SECTION 6. ORS 276A.329 is repealed and section 7 of this 2023 Act**
25 **is enacted in lieu thereof.**

26 **SECTION 7. Oregon Cybersecurity Center of Excellence. (1) The**
27 **Oregon Cybersecurity Center of Excellence is established at Portland**
28 **State University. The center shall operate under the joint direction**
29 **and control of Portland State University, Oregon State University and**
30 **the University of Oregon. A director shall be appointed to oversee the**
31 **center pursuant to procedures set forth in the charter developed and**

1 **adopted under subsection (5) of this section.**

2 **(2) The purpose of the center is to supplement the activities of the**
3 **State Chief Information Officer regarding cybersecurity in this state**
4 **by coordinating, funding or providing:**

5 **(a) Awareness, education and training about cybersecurity and**
6 **cybersecurity-related issues for public, private and nonprofit sectors;**

7 **(b) Cybersecurity workforce development programs in coordination**
8 **with:**

9 **(A) Public universities listed in ORS 352.002;**

10 **(B) Community colleges operated under ORS chapter 341; and**

11 **(C) Science, technology, engineering and mathematics and career**
12 **and technical education programs;**

13 **(c) Research about cybersecurity education and training methodol-**
14 **ogies;**

15 **(d) Research and development of cybersecurity technologies, tools,**
16 **policies and processes; and**

17 **(e) Cybersecurity-related goods and services to Oregon public**
18 **bodies, with priority given to local governments, regional govern-**
19 **ments, special districts, education service districts, school districts**
20 **and libraries.**

21 **(3) The center shall:**

22 **(a) Serve as the statewide advisory body to the Legislative Assem-**
23 **bly, Governor and State Chief Information Officer on cybersecurity**
24 **and cybersecurity-related issues for local governments, regional gov-**
25 **ernments, special districts, education service districts, school districts**
26 **and libraries.**

27 **(b) Develop, update and submit biennially to the Governor and the**
28 **appropriate committees of the Legislative Assembly the Oregon**
29 **Cybersecurity Resilience Plan described in subsection (6) of this sec-**
30 **tion.**

31 **(c) Provide to public, private and nonprofit sectors in this state in-**

1 formation and recommend best practices concerning cybersecurity,
2 cyber resilience and recovery measures, including legal, insurance and
3 other topics.

4 (d) Coordinate the sharing of information related to cybersecurity
5 threats, risks, warnings and incidents, and promote public awareness
6 and shared, real-time situational awareness among public, private and
7 nonprofit sector entities.

8 (e) Provide cybersecurity assessment, scanning and analysis, moni-
9 toring and incident response services to public bodies, with priority
10 given to public bodies with the greatest need for services, including
11 local governments, regional governments, special districts, education
12 service districts, school districts and libraries.

13 (f) Collaborate with public bodies to coordinate cybersecurity efforts
14 with ongoing information technology modernization and resilience
15 projects.

16 (g) Identify and participate in appropriate federal, multistate, re-
17 gional, state, local or private sector programs and efforts that support
18 or complement the center's purpose.

19 (h) Pursue and leverage federal sources of cybersecurity and cyber
20 resilience funding to achieve state goals related to cybersecurity and
21 cyber resilience.

22 (i) Manage and award funds distributed to the center for
23 cybersecurity and cyber resilience initiatives.

24 (j) Encourage the development of Oregon's cybersecurity workforce
25 by, at a minimum:

26 (A) Identifying gaps and needs in workforce programs.

27 (B) Fostering the growth and development of cybersecurity
28 workforce development programs and career and technical education
29 in school districts, community colleges operated under ORS chapter
30 341, and public universities listed in ORS 352.002.

31 (C) Assisting in curriculum review and standardization and provid-

1 **ing recommendations to improve programs.**

2 **(D) Fostering industry involvement in internships, mentorship and**
3 **apprenticeship programs and experiential learning programs.**

4 **(E) Building awareness of industry and career opportunities to re-**
5 **cruit students into cyber-related educational tracks.**

6 **(4)(a) Portland State University, Oregon State University and the**
7 **University of Oregon shall enter into an operating agreement for ad-**
8 **ministering the center, including the provision of administrative and**
9 **staff support and facilities.**

10 **(b) A public university listed in ORS 352.002, or a community college**
11 **operated under ORS chapter 341, not listed in paragraph (a) of this**
12 **subsection may join the operating agreement and provide administra-**
13 **tive and staff support and facilities. The process for joining the oper-**
14 **ating agreement shall be described in the operating agreement or the**
15 **charter developed under subsection (5) of this section.**

16 **(5) Portland State University, Oregon State University and the**
17 **University of Oregon, in consultation with the Oregon Cybersecurity**
18 **Advisory Council, shall develop and adopt a charter to serve as the**
19 **governing document for the center. The charter must contain pro-**
20 **visions regarding the center's operations, budget and any funds ad-**
21 **ministered by the center and the procedures for appointing the**
22 **director to oversee the center. Portland State University, Oregon State**
23 **University and the University of Oregon shall annually review and, as**
24 **necessary, update the charter.**

25 **(6) The Oregon Cybersecurity Resilience Plan developed and updated**
26 **under this section must, at a minimum:**

27 **(a) Identify cybersecurity risks in critical infrastructure, local gov-**
28 **ernments, regional governments, special districts, education service**
29 **districts, school districts and libraries;**

30 **(b) Establish risk-based assessment procedures;**

31 **(c) Survey and identify technology and process gaps and provide**

1 **recommendations to address the gaps;**

2 **(d) Survey public awareness, educational, training and workforce**
3 **development programs and provide recommendations to improve the**
4 **programs; and**

5 **(e) Provide financial estimates and impacts associated with the cost**
6 **of implementing or not implementing recommendations, including pi-**
7 **lot programs and statewide implementation.**

8 **(7) The center shall, in consultation with the council:**

9 **(a) Develop and update every four years a strategic plan, including**
10 **goals and objectives, for the center.**

11 **(b) Develop and submit a report on the center's strategic goals and**
12 **objectives, operations and funding requests for continued operations**
13 **and funds administered by the center, to the Governor and to the ap-**
14 **propriate committees of the Legislative Assembly, in the manner re-**
15 **quired by ORS 192.245, by February 1 of each odd-numbered year. The**
16 **report must identify any grants, donations, gifts or other forms of**
17 **conveyances of land, money, real or personal property or other valu-**
18 **able thing made to the state or the center for carrying out the pur-**
19 **poses of the center.**

20 **(c) Provide a statewide forum for discussing and resolving**
21 **cybersecurity issues.**

22 **(8) All agencies of state government, as defined in ORS 174.111, are**
23 **directed to assist the center in the performance of the center's duties**
24 **and, to the extent permitted by laws relating to confidentiality, shall**
25 **furnish information and advice the center considers necessary to per-**
26 **form the center's duties.**

27 **SECTION 8. Center operating fund. (1) The Oregon Cybersecurity**
28 **Center of Excellence Operating Fund is established in the State**
29 **Treasury, separate and distinct from the General Fund. Interest**
30 **earned by the Oregon Cybersecurity Center of Excellence Operating**
31 **Fund must be credited to the fund.**

1 **(2) Moneys in the fund shall consist of:**

2 **(a) Amounts donated to the fund;**

3 **(b) Amounts appropriated or otherwise transferred to the fund by**
4 **the Legislative Assembly; and**

5 **(c) Other amounts deposited in the fund from any source.**

6 **(3) Moneys in the fund are continuously appropriated to the Higher**
7 **Education Coordinating Commission for distribution to the Oregon**
8 **Cybersecurity Center of Excellence for the purposes of carrying out**
9 **the functions and operations of the center.**

10 **(4) The center shall submit to the Governor and to the appropriate**
11 **committees of the Legislative Assembly, in the manner provided under**
12 **ORS 192.245, a biennial report that summarizes the balance of the**
13 **fund, lists the deposits into and expenditures from the fund and pro-**
14 **vides such other details as necessary regarding the operation of the**
15 **fund.**

16 **SECTION 9. Cybersecurity workforce development fund.** (1) **The**
17 **Oregon Cybersecurity Workforce Development Fund is established in**
18 **the State Treasury, separate and distinct from the General Fund. In-**
19 **terest earned by the Oregon Cybersecurity Workforce Development**
20 **Fund must be credited to the fund.**

21 **(2) Moneys in the fund shall consist of:**

22 **(a) Amounts donated to the fund;**

23 **(b) Amounts appropriated or otherwise transferred to the fund by**
24 **the Legislative Assembly; and**

25 **(c) Other amounts deposited in the fund from any source.**

26 **(3) Moneys in the fund are continuously appropriated to the Higher**
27 **Education Coordinating Commission for distribution to the Oregon**
28 **Cybersecurity Center of Excellence for the purposes of making tar-**
29 **geted investments in workforce development programs designed to**
30 **accelerate the growth, qualifications and availability of Oregon's**
31 **cybersecurity workforce.**

1 (4) The center shall submit to the Governor and to the appropriate
2 committees of the Legislative Assembly, in the manner provided under
3 ORS 192.245, a biennial report that summarizes the balance of the
4 fund, lists the deposits into and expenditures from the fund and pro-
5 vides such other details as necessary regarding the operation of the
6 fund.

7 SECTION 10. Cybersecurity grant program fund. (1) The Oregon
8 Cybersecurity Grant Program Fund is established in the State Treas-
9 ury, separate and distinct from the General Fund. Interest earned by
10 the Oregon Cybersecurity Grant Program Fund must be credited to the
11 fund.

12 (2) Moneys in the fund shall consist of:

13 (a) Amounts donated to the fund;

14 (b) Amounts appropriated or otherwise transferred to the fund by
15 the Legislative Assembly; and

16 (c) Other amounts deposited in the fund from any source.

17 (3) Moneys in the fund are continuously appropriated to the Higher
18 Education Coordinating Commission for distribution to the Oregon
19 Cybersecurity Center of Excellence for the purposes of providing:

20 (a) Cybersecurity assessment, scanning and analysis, monitoring,
21 incident response and technical assistance and other cybersecurity-
22 related goods and services to Oregon public bodies on a competitive
23 basis with specific emphasis on serving the unmet needs of local gov-
24 ernments, regional governments, special districts, education service
25 districts, school districts and libraries.

26 (b) Matching funds for federal moneys related to cybersecurity re-
27 ceived by public bodies.

28 (4) The center shall adopt standards, objectives, criteria and eligi-
29 bility requirements for the use of moneys distributed from the fund.
30 In developing criteria and eligibility standards, the center shall take
31 into consideration any requirements of federal programs awarding

1 moneys related to cybersecurity.

2 (5) The center shall submit to the Governor and to the appropriate
3 committees of the Legislative Assembly, in the manner provided under
4 ORS 192.245, a biennial report that summarizes the balance of the
5 fund, lists the deposits into and expenditures from the fund and pro-
6 vides such other details as necessary regarding the operation of the
7 fund.

8 SECTION 11. Cybersecurity public awareness fund. (1) The Oregon
9 Cybersecurity Public Awareness Fund is established in the State
10 Treasury, separate and distinct from the General Fund. Interest
11 earned by the Oregon Cybersecurity Public Awareness Fund must be
12 credited to the fund.

13 (2) Moneys in the fund shall consist of:

14 (a) Amounts donated to the fund;

15 (b) Amounts appropriated or otherwise transferred to the fund by
16 the Legislative Assembly; and

17 (c) Other amounts deposited in the fund from any source.

18 (3) Moneys in the fund are continuously appropriated to the Higher
19 Education Coordinating Commission for distribution to the Oregon
20 Cybersecurity Center of Excellence for the purposes of raising public
21 awareness about the importance of cybersecurity across Oregon and
22 ensuring that Oregonians better understand existing threats and have
23 the information and resources to be safer and more secure online.

24 (4) The center shall submit to the Governor and to the appropriate
25 committees of the Legislative Assembly in the manner provided under
26 ORS 192.245, a biennial report that summarizes the balance of the
27 fund, lists the deposits into and expenditures from the fund and pro-
28 vides such other details as necessary regarding the operation of the
29 fund.

30

31

(Deadlines)

1 **Public Awareness Fund established under section 11 of this 2023 Act.**

2

3

CAPTIONS

4

5 **SECTION 15. The unit and section captions used in this 2023 Act**
6 **are provided only for the convenience of the reader and do not become**
7 **part of the statutory law of this state or express any legislative intent**
8 **in the enactment of this 2023 Act.**

9

10

OPERATIVE AND EFFECTIVE DATES

11

12 **SECTION 16. (1) Sections 1, 3 to 5 and 7 to 12 of this 2023 Act and**
13 **the repeal of ORS 276A.326 and 276A.329 by sections 2 and 6 of this 2023**
14 **Act become operative on October 1, 2023.**

15 **(2) The Governor, the State Chief Information Officer, the Oregon**
16 **Cybersecurity Advisory Council, Portland State University, Oregon**
17 **State University and the University of Oregon may take any action**
18 **before the operative date specified in subsection (1) of this section that**
19 **is necessary to enable the Governor, the State Chief Information Of-**
20 **ficer, the Oregon Cybersecurity Advisory Council, Portland State Uni-**
21 **versity, Oregon State University and the University of Oregon to**
22 **exercise, on and after the operative date specified in subsection (1) of**
23 **this section, all of the duties, functions and powers conferred on the**
24 **Governor, the State Chief Information Officer, the Oregon**
25 **Cybersecurity Advisory Council, Portland State University, Oregon**
26 **State University and the University of Oregon by sections 1, 3 to 5 and**
27 **7 to 12 of this 2023 Act and the repeal of ORS 276A.326 and 276A.329 by**
28 **sections 2 and 6 of this 2023 Act.**

29 **SECTION 17. This 2023 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**
31 **declared to exist, and this 2023 Act takes effect on its passage.**

