

Senate Bill 204

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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 that state agencies and education service districts practice proactive transparency. Defines "proactive transparency."

Directs State Chief Information Officer to work with state agencies and education service districts to determine information state agencies and education service districts shall publish on transparency website, and to establish information standards. Removes specified list of information required to be published on website.

A BILL FOR AN ACT

1
2 Relating to Oregon transparency website; amending ORS 276A.250 and 276A.253; and repealing sec-
3 tion 14, chapter 131, Oregon Laws 2019.

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

5 **SECTION 1.** ORS 276A.250 is amended to read:

6 276A.250. As used in ORS 276A.250 to 276A.262[,]:

7 (1) **"Data" and "publishable data" have the meanings given those terms in ORS 276A.350.**

8 (2) **"Information" includes publishable data.**

9 (3) **"Proactive transparency" means making information publicly accessible through the**
10 **initiative of a state agency or education service district, without the information needing to**
11 **be requested.**

12 (4) "State agency" means any officer, board, commission, department, division or institution of
13 state government, as defined in ORS 174.111.

14 **SECTION 2.** ORS 276A.253 is amended to read:

15 276A.253. (1) **It is the intent of the Legislative Assembly that state agencies and education**
16 **service districts practice proactive transparency and make information on how state gov-**
17 **ernment and education service districts operate, budget and expend funds publicly accessible.**

18 [(1)(a)] (2)(a) **In support of the practice of proactive transparency and making the infor-**
19 **mation described in subsection (1) of this section publicly accessible,** the State Chief Informa-
20 tion Officer shall maintain and make available an Oregon transparency website **that allows any**
21 **person to view information published on the website.** [The website must allow any person to view
22 information that is a public record and is not exempt from disclosure under ORS 192.311 to 192.478,
23 including but not limited to information described in subsection (3) of this section.] The State Chief
24 Information Officer shall provide on the [home page of the] website a method for users to offer sug-
25 gestions regarding the form or content of the website.

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

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)(a) The State Chief Information Officer shall work with state agencies and education**
 2 **service districts to determine the information state agencies and education service districts**
 3 **shall publish on the Oregon transparency website.**

4 **(b) Information published on the website must be:**

5 **(A) A public record;**

6 **(B) Produced from existing data; and**

7 **(C) Provided in a format and manner that the State Chief Information Officer requires.**

8 **(c) Information published on the website may not be:**

9 **(A) Exempt from disclosure under ORS 192.311 to 192.478.**

10 **(B) Proprietary.**

11 **(d) Information may not be required to be published on the website if the information**
 12 **has been made publicly accessible:**

13 **(A) By a state agency or education service district by other means, including being pub-**
 14 **lished on the web portal maintained under ORS 276A.353, when such means are the state**
 15 **agency’s or education service district’s regular means for making the information publicly**
 16 **accessible; and**

17 **(B) In a format and manner that the State Chief Information Officer approves.**

18 [(2)] **(4)(a) To the extent practicable and subject to laws relating to confidentiality,** state
 19 agencies and education service districts[, *to the extent practicable and subject to laws relating to*
 20 *confidentiality, when at no additional cost, using existing data and existing resources of the state*
 21 *agency or education service district and without reallocation of resources,*] shall:

22 [(a)] **(A) Furnish information to the Oregon transparency website by posting reports and**
 23 **publishable data and providing links to existing information system applications in accordance with**
 24 **standards that the State Chief Information Officer establishes under subsection (5) of this**
 25 **section; and**

26 [(b)] **(B) Provide the information in the format and manner that the State Chief Information**
 27 **Officer requires.**

28 **(b) Notwithstanding paragraph (a) of this subsection, an education service district shall**
 29 **furnish the information described in paragraph (a) of this subsection only when the district**
 30 **can do so at no additional cost, using existing data and existing resources of the district**
 31 **without reallocation of resources.**

32 [(3) *To the extent practicable and subject to laws relating to confidentiality, when at no additional*
 33 *cost, using existing data and existing resources of the state agency or education service district and*
 34 *without reallocation of resources, the Oregon transparency website must contain information about each*
 35 *state agency and education service district, including but not limited to:]*

36 **(5) The State Chief Information Officer shall work with state agencies and education**
 37 **service districts to establish information standards for state agencies and education service**
 38 **districts publishing information on the Oregon transparency website. The information stan-**
 39 **dards may include standardized methods and procedures for aggregating, screening, submit-**
 40 **ting and publishing information required to be published under this section. The State Chief**
 41 **Information Officer shall align the information standards as closely as possible with the open**
 42 **data standard and technical standards manual established by the Chief Data Officer under**
 43 **ORS 276A.356 and 276A.359. At a minimum, the information standards shall apply to the fol-**
 44 **lowing:**

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

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

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

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

6 (e) **Contracts and subcontracts that a state agency enters into, to the extent disclosure
7 is allowed by law; and**

8 (f) **Any other publishable data related to budget, revenue, expenditures or contracting
9 required by the State Chief Information Officer.**

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

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

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

17 *[(h) A copy of any audit report that the Secretary of State issues for the state agency or the edu-
18 cation service district;]*

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

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

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

22 *[(4) In addition to the information described in subsection (3) of this section:]*

23 *[(a) The State Chief Information Officer shall post on the Oregon transparency website notices of
24 public meetings the state agency must provide under ORS 192.640. If the state agency maintains a
25 website where minutes or summaries of the public meetings are available, the state agency shall provide
26 the State Chief Information Officer with the link to the state agency website for posting on the Oregon
27 transparency website.]*

28 *[(b) The State Chief Information Officer shall post on the Oregon transparency website a link for
29 the website that the Secretary of State maintains for rules that the state agency adopts. If the state
30 agency maintains a website where the state agency posts the rules, or where any information relating
31 to the rules of the agency is posted, the state agency shall provide the State Chief Information Officer
32 with the link to the website for posting on the Oregon transparency website.]*

33 *[(c) The State Chief Information Officer shall provide links on the Oregon transparency website for
34 information that the State Chief Information Officer receives concerning contracts and subcontracts that
35 a state agency or education service district enters into, to the extent that disclosing the information is
36 allowed by law and the information is already available on websites that the state agency or education
37 service district maintains. To the extent available, the information to which the State Chief Information
38 Officer links under this section must include:]*

39 *[(A) Information on professional, personal and material contracts;]*

40 *[(B) The date of each contract and the amount payable under the contract;]*

41 *[(C) The period during which the contract is or was in effect; and]*

42 *[(D) The names and addresses of vendors.]*

43 *[(d) The State Chief Information Officer shall provide an economic development section on the
44 Oregon transparency website for posting of information submitted to the State Chief Information Officer
45 by state agencies responsible for administering specific economic development programs. The section*

1 shall include, but not be limited to, the following information, if it is already collected or available
 2 within an existing database maintained by the state agency in the course of administering the economic
 3 development program:]

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

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

9 [(C) The names of persons who received grants, loans or equity investments from the Oregon In-
 10 novation Council under ORS 284.742 and the purpose and amount of the grant, loan or equity invest-
 11 ment;]

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

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

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

17 [(e) The information reported under paragraph (d) of this subsection:]

18 [(A) May not include proprietary information; and]

19 [(B) Shall be provided to the State Chief Information Officer by the state agency in the format and
 20 manner required by the State Chief Information Officer.]

21 [(f) The State Chief Information Officer shall post on the Oregon transparency website information
 22 describing the process for requesting copies of public records from a public body, including a link to
 23 the public records section of the Department of Justice webpage. At the request of a state agency or
 24 education service district, the State Chief Information Officer shall include a link to a location on the
 25 webpage of the agency or district that describes the process for requesting public records from the
 26 agency or district.]

27 [(5)] (6) In operating, refining and recommending enhancements to the Oregon transparency
 28 website, the State Chief Information Officer and the Transparency Oregon Advisory Commission
 29 created in ORS 276A.259 shall consider and, to the extent practicable, adhere to the following
 30 principles:

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

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

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

37 [(6)] (7) If a state agency or an education service district is not able to include information de-
 38 scribed in this section on the Oregon transparency website because of the lack of availability of
 39 information or cost in acquiring information, the Transparency Oregon Advisory Commission cre-
 40 ated in ORS 276A.259 shall list the information that is not included for the state agency or educa-
 41 tion service district in the commission's report to the Legislative Assembly required under ORS
 42 276A.259.

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

- 1 [(A) *Local governments, as defined in ORS 174.116.*]
- 2 [(B) *Special government bodies, as defined in ORS 174.117.*]
- 3 [(C) *Semi-independent state agencies listed in ORS 182.454.*]
- 4 [(D) *Public universities listed in ORS 352.002.*]
- 5 [(E) *Public university statewide programs operated by a public university listed in ORS 352.002.*]
- 6 [(F) *The Oregon Health and Science University.*]
- 7 [(G) *The Oregon Tourism Commission.*]
- 8 [(H) *The Oregon Film and Video Office.*]
- 9 [(I) *The Travel Information Council.*]
- 10 [(J) *The Children’s Trust Fund of Oregon Foundation.*]
- 11 [(K) *Oregon Corrections Enterprises.*]
- 12 [(L) *The State Accident Insurance Fund Corporation.*]
- 13 [(M) *The Oregon Utility Notification Center.*]
- 14 [(N) *Any public corporation created under a statute of this state and specifically designated as a*
- 15 *public corporation.*]

16 [(b) *The State Chief Information Officer shall include a link to an entity’s website after receiving*
 17 *a request from the entity and shall consider recommendations from the Transparency Oregon Advisory*
 18 *Commission for including other links to websites of the entities listed in paragraph (a) of this sub-*
 19 *section.*]

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

26 [(d) *The office of Enterprise Information Services shall include a prominent link on the home page*
 27 *of the Oregon transparency website for information posted to the page described in paragraph (a) of*
 28 *this subsection.*]

29 (8) Nothing in this section prohibits the State Chief Information Officer or the Oregon Depart-
 30 ment of Administrative Services from incurring costs or requesting additional resources to develop,
 31 maintain or enhance the Oregon transparency website.

32 **SECTION 3. Section 14, chapter 131, Oregon Laws 2019, is repealed.**

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