Enrolled

Senate Bill 528

Sponsored by Senator STEINER HAYWARD, Representative HARKER; Senators BOQUIST, BURDICK, CLOSE, FERRIOLI, GEORGE, GIROD, HANSELL, HASS, JOHNSON, KNOPP, KRUSE, OLSEN, STARR, THOMSEN, WINTERS, Representatives BARKER, BARNHART, BARTON, BUCKLEY, DAVIS, GALLEGOS, GELSER, GREENLICK, NATHANSON, PARRISH, READ, UNGER, VEGA PEDERSON

CHAPTER ....

AN ACT

Relating to state data processing development; creating new provisions; amending ORS 291.042; and declaring an emergency.

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

SECTION 1. ORS 291.042 is amended to read:

291.042. (1) [*Subject to the approval of the Joint Legislative Committee on Information Management and Technology,*] **Except as provided in subsection (2) of this section,** the Oregon Department of Administrative Services:

[*(a) May obtain copyrights and patents on copyrightable or patentable data processing programs, information or materials developed, published or produced by state agency staff.*]

[*(b) May cause to have sold, leased, or otherwise made available such data processing programs, information or materials to any agency or legislative body of any state or the federal government under such terms and conditions as may be agreed to by the committee and the agencies.*]

(a) **May hold copyrights and obtain patents on copyrightable or patentable data processing programs, information or materials developed, published or produced by a state agency.**

(b) **May cause to have sold, leased or otherwise made available the data processing programs, information or materials to any agency, judicial body or legislative body of any unit of local government, any state or the federal government under terms and conditions agreed to by the state agency that developed, published or produced the programs, information or materials.**

(2) **The Secretary of State, the State Treasurer, the judicial department as defined in ORS 174.113 and the legislative department as defined in ORS 174.114:**

(a) **May hold copyrights and obtain patents on copyrightable or patentable data processing programs, information or materials developed, published or produced by the Secretary of State, State Treasurer, judicial department or legislative department.**

(b) **May cause to have sold, leased or otherwise made available the data processing programs, information or materials to any agency, judicial body or legislative body of any unit of local government, any state or the federal government under terms and conditions agreed to by the Secretary of State, State Treasurer, judicial department or legislative department.**

[*(2)*] **(3) Except as provided in this subsection,** moneys collected under **subsection (1) of** this section [*shall be credited to the General Fund and*], less **state** agency expenses accrued in develop-

ing, producing and distributing software and in training software users, shall be **deposited in the General Fund and are** available for general governmental purposes. [*However,*] If resources expended for [*such*] **the** development, production, distribution and training activities were from fees or assessments charged and collected by the **state** agency, the net proceeds of moneys collected under **subsection (1) of** this section shall be [*credited to*] **deposited in** the same accounts [*to*] **in** which the fees or assessments are [*credited*] **deposited** and shall be used to reduce the fees or assessments charged by the **state** agency to the extent permitted by law.

(4) Except as provided in this subsection, moneys collected under subsection (2) of this section, less expenses of the Secretary of State, State Treasurer, judicial department or legislative department accrued in developing, producing and distributing software and in training software users, shall be deposited in the General Fund and are available for general governmental purposes. If resources expended for the development, production, distribution and training activities were from fees or assessments charged and collected by the secretary, treasurer, judicial department or legislative department, the net proceeds of moneys collected under subsection (2) of this section shall be deposited in the same accounts in which the fees or assessments are deposited and shall be used to reduce the fees or assessments charged by the secretary, treasurer, judicial department or legislative department to the extent permitted by law.

(5) As used in this section:

(a) "Data processing programs" includes software programs.

(b) "State agency" has the meaning given that term in ORS 291.002.

SECTION 2. The amendments to ORS 291.042 by section 1 of this 2013 Act apply to data processing programs, information or materials developed, published, produced, sold, leased or otherwise made available prior to, on or after the effective date of this 2013 Act.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

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Passed by Senate March 20, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 12, 2013

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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Kate Brown, Secretary of State