

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO  
B-ENGROSSED HOUSE BILL 3099**

1 On page 1 of the printed B-engrossed bill, line 6, delete “, 403.460 and  
2 413.308” and insert “and 403.460”.

3 In line 8, after the semicolon insert “repealing section 1, chapter 456,  
4 Oregon Laws 2015 (Enrolled Senate Bill 515);”.

5 In line 24, delete “, 403.460 and 413.308” and insert “and 403.460”.

6 On page 3, line 10, delete “, 403.460 and 413.308” and insert “and  
7 403.460”.

8 On page 12, after line 22, insert:

9 **“SECTION 16a.** If Senate Bill 80 becomes law, ORS 184.473, as amended  
10 by section 16 of this 2015 Act, is amended to read:

11 “184.473. As used in ORS 184.475 and 184.477:

12 “(1) ‘Executive department’ has the meaning given that term in ORS  
13 174.112.

14 “(2) ‘Information technology’ includes, but is not limited to, all present  
15 and future forms of hardware, software and services for data processing, of-  
16 fice automation and telecommunications.

17 “(3) ‘State agency’ means a board, commission, department, division, office  
18 or other entity within the executive department of state government, except:

19 “(a) The Secretary of State;

20 “(b) The State Treasurer;

21 “(c) The Oregon State Lottery; and

22 “(d) [*The State Board of Higher Education,*] A public university that is

1 listed in ORS 352.002 [*or a public university with a governing board that is*  
2 *listed in ORS 352.054*].”.

3 On page 16, after line 24, insert:

4 **“SECTION 19a. If Senate Bill 515 becomes law, section 1, chapter**  
5 **456, Oregon Laws 2015 (Enrolled Senate Bill 515), is repealed and ORS**  
6 **184.483, as amended by section 19 of this 2015 Act, is amended to read:**

7 “184.483. (1)(a) The State Chief Information Officer shall maintain and  
8 make available an Oregon transparency website. The website must allow any  
9 person to view information that is a public record and is not exempt from  
10 disclosure under ORS 192.410 to 192.505, including but not limited to infor-  
11 mation described in subsection (3) of this section. **The State Chief Infor-**  
12 **mation Officer shall provide on the home page of the website a method**  
13 **for users to offer suggestions regarding the form or content of the**  
14 **website.**

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

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

23 “(a) Furnish information to the Oregon transparency website by posting  
24 reports and providing links to existing information system applications in  
25 accordance with standards that the State Chief Information Officer estab-  
26 lishes; and

27 “(b) Provide the information in the format and manner that the State  
28 Chief Information Officer requires.

29 “(3) To the extent practicable and subject to laws relating to  
30 confidentiality, when at no additional cost, using existing data and existing

1 resources of the state agency or education service district and without real-  
2 location of resources, the Oregon transparency website must contain infor-  
3 mation about each state agency and education service district, including but  
4 not limited to:

5 “(a) Annual revenues of state agencies and education service districts;

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

7 “(c) Annual human resources expenses, including compensation, of state  
8 agencies and education service districts;

9 “(d) Annual tax expenditures of state agencies, including, when possible,  
10 the identity of the recipients of each tax expenditure;

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

15 “(f) A prominently placed graphic representation of the primary funding  
16 categories and approximate number of individuals that the state agency or  
17 the education service district serves;

18 “(g) A description of the mission, function and program categories of the  
19 state agency or education service district;

20 “(h) A copy of any audit report that the Secretary of State issues for the  
21 state agency or the education service district;

22 “(i) The local service plans of the education service districts;

23 “(j) A copy of each report required by statute for education service dis-  
24 tricts; and

25 “(k) A copy of all notices of public meetings of the education service  
26 districts.

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

29 “(a) The State Chief Information Officer shall post on the Oregon trans-  
30 parency website notices of public meetings the state agency must provide

1 under ORS 192.640. If the state agency maintains a website where minutes  
2 or summaries of the public meetings are available, the state agency shall  
3 provide the State Chief Information Officer with the link to the state agency  
4 website for posting on the Oregon transparency website.

5 “(b) The State Chief Information Officer shall post on the Oregon trans-  
6 parency website a link for the website that the Secretary of State maintains  
7 for rules that the state agency adopts. If the state agency maintains a  
8 website where the state agency posts the rules, or where any information  
9 relating to the rules of the agency is posted, the state agency shall provide  
10 the State Chief Information Officer with the link to the website for posting  
11 on the Oregon transparency website.

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

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

21 “(B) The date of each contract and the amount payable under the con-  
22 tract;

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

24 “(D) The names and addresses of vendors.

25 “(d) **The State Chief Information Officer shall provide an economic**  
26 **development section on the Oregon transparency website for posting**  
27 **of information submitted to the State Chief Information Officer by**  
28 **state agencies responsible for administering specific economic devel-**  
29 **opment programs. The section shall include, but not be limited to, the**  
30 **following information, if it is already collected or available within an**

1 existing database maintained by the state agency in the course of ad-  
2 ministering the economic development program:

3 “(A) The names of filmmakers or companies that have received re-  
4 imbursements from the Oregon Production Investment Fund under  
5 ORS 284.368 and the amount of each reimbursement;

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

10 “(C) The names of persons who received grants or loans from the  
11 Oregon Innovation Council under ORS 284.735 or 284.742 and the pur-  
12 pose and amount of the grant or loan;

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

15 “(E) Copies of, or links to, annual certifications required to be filed  
16 under ORS 285C.506 for the business development income tax ex-  
17 emption; and

18 “(F) Information required to be posted on the Oregon transparency  
19 website under ORS 184.484.

20 “(e) The information reported under paragraph (d) of this sub-  
21 section:

22 “(A) May not include proprietary information; and

23 “(B) Shall be provided to the State Chief Information Officer by the  
24 state agency in the format and manner required by the State Chief  
25 Information Officer.

26 “(f) The State Chief Information Officer shall post on the Oregon  
27 transparency website information describing the process for requesting  
28 copies of public records from a public body, including a link to the  
29 public records section of the Department of Justice webpage. At the  
30 request of a state agency or education service district, the State Chief

1 **Information Officer shall include a link to a location on the webpage**  
2 **of the agency or district that describes the process for requesting**  
3 **public records from the agency or district.**

4 “(5) In operating, refining and recommending enhancements to the Oregon  
5 transparency website, the State Chief Information Officer and the Transpar-  
6 ency Oregon Advisory Commission created in ORS 184.486 shall consider and,  
7 to the extent practicable, adhere to the following principles:

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

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

11 “(c) The website should teach users about how state government and ed-  
12 ucation service districts work and provide users with the opportunity to  
13 learn something about how state government and education service districts  
14 raise and spend revenue.

15 “(6) If a state agency or an education service district is not able to in-  
16 clude information described in this section on the Oregon transparency  
17 website because of the lack of availability of information or cost in acquiring  
18 information, the Transparency Oregon Advisory Commission created in ORS  
19 184.486 shall list the information that is not included for the state agency  
20 or education service district in the commission’s report to the Legislative  
21 Assembly required under ORS 184.486.

22 “(7)(a) The State Chief Information Officer shall include on the Oregon  
23 transparency website a page that provides links to websites established by  
24 local governments, as defined in ORS 174.116, and by special government  
25 bodies, as defined in ORS 174.117, for the purpose of providing transparency  
26 in the revenues, expenditures and budgets of the local governments and spe-  
27 cial government bodies.

28 “(b) The State Chief Information Officer shall include a link to the local  
29 government’s or special government body’s website after receiving a request  
30 from the local government or special government body, and shall consider

1 recommendations from the Transparency Oregon Advisory Commission for  
2 including other links to local government and special government body  
3 websites.

4 **“(c) At the request of any local government, as defined in ORS**  
5 **174.116, or special government body, as defined in ORS 174.117, the**  
6 **State Chief Information Officer shall include on the Oregon transpar-**  
7 **ency website notices of public meetings required to be provided under**  
8 **ORS 192.640 by the local government or special government body. The**  
9 **local government or special government body must submit public**  
10 **meeting notice information in the format and manner required by the**  
11 **State Chief Information Officer.**

12 **“(d) The office of the State Chief Information Officer shall include a**  
13 **prominent link on the home page of the Oregon transparency website for**  
14 **information posted to the page described in this subsection.”.**

15 On page 19, delete lines 16 through 45 and delete pages 20 and 21.

16 On page 22, delete lines 1 through 3 and insert:

17 **“SECTION 22. ORS 279A.050, as amended by section 1, chapter 167,**  
18 **Oregon Laws 2015 (Enrolled Senate Bill 7), is amended to read:**

19 **“279A.050. (1)(a) Except as otherwise provided in the Public Contracting**  
20 **Code, a contracting agency shall exercise all **of the contracting agency’s****  
21 **procurement authority in accordance with the provisions of the Public Con-**  
22 **tracting Code.**

23 **“(b) If a contracting agency has authority under this section to carry out**  
24 **functions described in this section, or has authority to make procurements**  
25 **under a provision of law other than the Public Contracting Code, the con-**  
26 **tracting agency need not exercise the contracting agency’s authority in ac-**  
27 **cordance with the provisions of the code if, under ORS 279A.025, the code**  
28 **does not apply to the contract or contracting agency.**

29 **“(2)(a) Except as otherwise provided in **paragraph (b) of this subsection****  
30 **and the Public Contracting Code, for state agencies the Director of the**

1 Oregon Department of Administrative Services has all the authority **avail-**  
2 **able** to carry out the provisions of the Public Contracting Code.

3 **“(b) Except as otherwise provided in the Public Contracting Code,**  
4 **for state agencies the director may delegate to the State Chief Infor-**  
5 **mation Officer the authority to procure or supervise the procurement**  
6 **of all goods, services and personal services related to information**  
7 **technology and telecommunications for state contracting agencies.**  
8 **This paragraph does not apply to contracts under which the contractor**  
9 **delivers to the state agency information technology products or ser-**  
10 **vices incidentally in performing a personal services contract described**  
11 **in ORS chapter 279C or a construction contract described in ORS**  
12 **chapter 279C.**

13 **“(3) Except as otherwise provided in the Public Contracting Code, the**  
14 **Director of Transportation has all the authority **available** to:**

15 **“(a) Procure or supervise the procurement of all services and personal**  
16 **services to construct, acquire, plan, design, maintain and operate passenger**  
17 **terminal facilities and motor vehicle parking facilities in connection with**  
18 **any public transportation system in accordance with ORS 184.689 (5);**

19 **“(b) Procure or supervise the procurement of all goods, services, public**  
20 **improvements and personal services that relate to operating, maintaining or**  
21 **constructing highways, bridges and other transportation facilities that are**  
22 **subject to the authority of the Department of Transportation; and**

23 **“(c) Establish standards for, prescribe forms for and conduct the pre-**  
24 **qualification of prospective bidders on public improvement contracts that**  
25 **relate to operating, maintaining or constructing highways, bridges and other**  
26 **transportation facilities that are subject to the authority of the Department**  
27 **of Transportation.**

28 **“(4) Except as otherwise provided in the Public Contracting Code, the**  
29 **Secretary of State has all the authority to procure or supervise the pro-**  
30 **curement of goods, services and personal services related to programs under**



1 the authority of the Secretary of State.

2 “(5) Except as otherwise provided in the Public Contracting Code, the  
3 State Treasurer has all the authority to procure or supervise the procure-  
4 ment of goods, services and personal services related to programs under the  
5 authority of the State Treasurer.

6 “(6) The state agencies listed in this subsection have all the authority to  
7 do the following in accordance with the Public Contracting Code:

8 “(a) The Department of Human Services to procure or supervise the pro-  
9 curement of goods, services and personal services under ORS 179.040 for the  
10 department’s institutions and the procurement of goods, services and per-  
11 sonal services for constructing, demolishing, exchanging, maintaining, oper-  
12 ating and equipping housing for the purpose of providing care to individuals  
13 with intellectual disabilities or other developmental disabilities, subject to  
14 applicable provisions of ORS 427.335;

15 “(b) The Oregon Health Authority to procure or supervise the procure-  
16 ment of goods, services and personal services under ORS 179.040 and con-  
17 struction materials, equipment and supplies for the authority’s institutions  
18 and the procurement of goods, services, personal services, construction ma-  
19 terials, equipment and supplies for constructing, demolishing, exchanging,  
20 maintaining, operating and equipping housing for individuals with chronic  
21 mental illness, subject to applicable provisions of ORS 426.504;

22 “(c) The State Department of Fish and Wildlife to procure or supervise  
23 the procurement of construction materials, equipment, supplies, services and  
24 personal services for public improvements, public works or ordinary con-  
25 struction described in ORS 279C.320 that is subject to the authority of the  
26 State Department of Fish and Wildlife;

27 “(d) The State Parks and Recreation Department to procure or supervise  
28 the procurement of all goods, services, public improvements and personal  
29 services related to state parks;

30 “(e) The Oregon Department of Aviation to procure or supervise the pro-

1 curement of construction materials, equipment, supplies, services and per-  
2 sonal services for public improvements, public works or ordinary  
3 construction described in ORS 279C.320 that is subject to the authority of  
4 the Oregon Department of Aviation;

5 “(f) The Oregon Business Development Department to procure or super-  
6 vise the procurement of all goods, services, personal services and public im-  
7 provements related to its foreign trade offices operating outside the state;

8 “(g) The Housing and Community Services Department to procure or su-  
9 pervise the procurement of goods, services and personal services as provided  
10 in ORS 279A.025 (2)(n);

11 “(h) The Department of Corrections to procure or supervise the procure-  
12 ment of construction materials, equipment, supplies, services and personal  
13 services for public improvements, public works or ordinary construction de-  
14 scribed in ORS 279C.320 that is subject to the authority of the Department  
15 of Corrections;

16 “(i) The Department of Corrections, subject to any applicable provisions  
17 of ORS 279A.120, 279A.125, 279A.145 and 283.110 to 283.395, to procure or  
18 supervise the procurement of goods, services and personal services under  
19 ORS 179.040 for its institutions;

20 “(j) The Department of Veterans’ Affairs to procure or supervise the pro-  
21 curement of real estate broker and principal real estate broker services re-  
22 lated to programs under the department’s authority;

23 “(k) The Oregon Military Department to procure or supervise the pro-  
24 curement of construction materials, equipment, supplies, services and per-  
25 sonal services for public improvements, public works or ordinary  
26 construction described in ORS 279C.320 that is subject to the authority of  
27 the Oregon Military Department;

28 “(L) The Department of Education, subject to any applicable provisions  
29 of ORS 329.075, 329.085 and 329.485 and the federal No Child Left Behind  
30 Act of 2001 (P.L. 107-110, 115 Stat. 1425), to procure or supervise the pro-

1 curement of goods, services, personal services and information technology  
2 related to student assessment; and

3 “(m) Any state agency to conduct a procurement when the agency is  
4 specifically authorized by any provision of law other than the Public Con-  
5 tracting Code to enter into a contract.

6 “[*(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director*  
7 *of the Oregon Department of Administrative Services has exclusive authority,*  
8 *unless the director delegates this authority, to procure or supervise the pro-*  
9 *curement of:]*

10 “[*(A) All price agreements on behalf of the state agencies identified in*  
11 *subsection (6)(a) to (k) of this section under which more than one state agency*  
12 *may order goods, services or personal services; and]*

13 “[*(B) All state agency information technology contracts.]*

14 “[*(b) This subsection does not apply to contracts under which the contractor*  
15 *delivers to the state agency information technology products or services inci-*  
16 *dental to the performance of personal services contracts described in ORS*  
17 *chapter 279C or construction contracts described in ORS chapter 279C. ]*

18 “[*(c) If the director has established a price agreement for goods, services*  
19 *or personal services, a state agency identified in subsection (3) or (6)(a) to (k)*  
20 *of this section may not establish a price agreement or enter into a contract for*  
21 *the goods, services or personal services without the approval of the director.]*

22 “**(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Di-**  
23 **rector of the Oregon Department of Administrative Services has ex-**  
24 **clusive authority, unless the director delegates the authority, to**  
25 **procure or supervise the procurement of all price agreements on behalf**  
26 **of the state agencies identified in subsection (6) of this section under**  
27 **which more than one state agency may order goods, services or per-**  
28 **sonal services.**

29 “**(b) The director may delegate to the State Chief Information Of-**  
30 **ficer the exclusive authority to procure or supervise the procurement**

1 of all price agreements related to information technology and tele-  
2 communications on behalf of the state agencies identified in sub-  
3 section (6) of this section. Notwithstanding any authority that a state  
4 agency may have under subsection (3) or (6) of this section, the state  
5 agency may not establish a price agreement or enter into a contract  
6 for goods, services or personal services without the approval of the  
7 director or the State Chief Information Officer if the director or the  
8 State Chief Information Officer has established a price agreement for  
9 the goods, services or personal services.

10 “(c) The State Chief Information Officer may review any solicita-  
11 tion document for procuring information technology or telecommuni-  
12 cations that a state agency intends to issue before the state agency  
13 issues the solicitation document and may require the state agency to  
14 name the State Chief Information Officer as a third-party beneficiary  
15 with full authority to enforce the terms and conditions of any public  
16 contract for information technology or telecommunications. The State  
17 Chief Information Officer must approve a state agency’s procurement  
18 for information technology or telecommunications if the procurement  
19 has an anticipated contract price of \$1 million or more. The State  
20 Chief Information Officer may require the state agency to name the  
21 State Chief Information Officer as the contracting party on behalf of  
22 the State of Oregon in a procurement for information technology or  
23 telecommunications that has an anticipated contract price of \$1  
24 million or more.”

25 On page 25, after line 9, insert:

26 “**SECTION 27a.** If Senate Bill 80 becomes law, section 27 of this 2015  
27 Act (amending ORS 283.143) is repealed and ORS 283.143, as amended  
28 by section 84, chapter \_\_\_, Oregon Laws 2015 (Enrolled Senate Bill 80),  
29 is amended to read:

30 “283.143. [(1) *To encourage utilization of statewide integrated*

1 *videoconferencing and statewide online access services, the Oregon Department*  
2 *of Administrative Services shall, in addition to any other charge or assessment*  
3 *for providing telecommunications services to state agencies, impose upon each*  
4 *agency and public corporation a surcharge, in an amount established by the*  
5 *department. All surcharge moneys collected shall be deposited in the Oregon*  
6 *Department of Administrative Services Operating Fund, and may be expended*  
7 *only for state agency and public corporation telecommunication and*  
8 *videoconferencing activities, under such terms and conditions as the depart-*  
9 *ment may prescribe.]*

10 *“(2) Notwithstanding subsection (1) of this section, the Oregon Department*  
11 *of Administrative Services shall not impose the surcharge established by this*  
12 *section on the Oregon Health and Science University. The Oregon Department*  
13 *of Administrative Services shall enter into an agreement with the Oregon*  
14 *Health and Science University on the amounts to be paid by the Oregon Health*  
15 *and Science University to the Oregon Department of Administrative Services*  
16 *in lieu of the surcharge provided for in this section.]*

17 **“(1) To encourage utilization of statewide integrated**  
18 **videoconferencing and statewide online access services, the State Chief**  
19 **Information Officer may, in addition to any other charge or assess-**  
20 **ment for providing telecommunications services to state agencies,**  
21 **impose upon each state agency and public corporation a surcharge, in**  
22 **an amount the State Chief Information Officer establishes. The State**  
23 **Chief Information Officer shall deposit all surcharge moneys into the**  
24 **State Information Technology Operating Fund. The State Chief Infor-**  
25 **mation Officer may expend moneys in the fund for state agency and**  
26 **public corporation telecommunication and videoconferencing activ-**  
27 **ities, under such terms and conditions as the State Chief Information**  
28 **Officer may prescribe and in a manner that is consistent with plans,**  
29 **standards, policies, goals, directives and rules that the State Chief**  
30 **Information Officer sets, specifies or adopts.**

1       “(2) Notwithstanding subsection (1) of this section, the State Chief  
2 **Information Officer may not impose the surcharge established by this**  
3 **section on the Oregon Health and Science University. The State Chief**  
4 **Information Officer shall enter into an agreement with the Oregon**  
5 **Health and Science University on the amount that the Oregon Health**  
6 **and Science University must pay to the State Chief Information Offi-**  
7 **cer in lieu of the surcharge provided for in this section.”.**

8       On page 32, after line 27, insert:

9       “**SECTION 41a. If Senate Bill 80 becomes law, section 41 of this 2015**  
10 **Act (amending ORS 291.038) is repealed and ORS 291.038, as amended**  
11 **by section 4, chapter 102, Oregon Laws 2014, and section 90, chapter**  
12 **\_\_\_, Oregon Laws 2015 (Enrolled Senate Bill 80), is amended to read:**

13       “291.038. (1)(a) The State Chief Information Officer shall oversee [*policy*  
14 *for*] and coordinate **the** planning, **budgeting**, architecture and standardi-  
15 zation, **consolidation, acquisition and oversight** of all information and  
16 telecommunications technology by state government and agencies of state  
17 government so that statewide and individual state agencies’ plans and ac-  
18 tivities are addressed in the most integrated, economic and efficient manner,  
19 in a manner that minimizes duplication, fragmentation, redundancy and cost  
20 in state [*agency*] **government** operations and in a manner that most effec-  
21 tively meets state **government and state** agency program needs.

22       “(b)(A) **Except as otherwise provided by law, the office of the Sec-**  
23 **retary of State and the office of the State Treasurer, in collaboration**  
24 **with the State Chief Information Officer, shall develop and adopt**  
25 **plans, policies, standards and procedures for budgeting, planning,**  
26 **procuring, managing, overseeing and using information technology**  
27 **and telecommunications for the Secretary of State or the State**  
28 **Treasurer, as appropriate. Each office shall ensure that the office’s**  
29 **plans, policies, standards and procedures are, to the extent possible,**  
30 **compatible with the plans, policies, standards and procedures that the**

1 **State Chief Information Officer develops and adopts for other state**  
2 **agencies within the executive department.**

3 **“(B) The Secretary of State and the State Treasurer shall submit**  
4 **to the Legislative Fiscal Office:**

5 **“(i) Copies of plans, policies, standards and procedures that the**  
6 **Secretary of State and the State Treasurer develop and adopt under**  
7 **subparagraph (A) of this paragraph. The Secretary of State and the**  
8 **State Treasurer shall submit copies of the plans, policies, standards**  
9 **and procedures within 30 calendar days after adopting or amending the**  
10 **plans, policies, standards or procedures.**

11 **“(ii) Copies of any independent information technology audits or**  
12 **quality assurance reports that are public records and are not exempt**  
13 **from disclosure under ORS 192.410 to 192.505. The Secretary of State**  
14 **and the State Treasurer shall submit copies of the audits or reports**  
15 **within 30 calendar days after receiving the audits or reports.**

16 **“(iii) An annual report on all information technology initiatives, as**  
17 **defined in section 1, chapter 77, Oregon Laws 2014, and all procure-**  
18 **ments with an estimated contract price that exceeds \$1 million. The**  
19 **Secretary of State and the State Treasurer shall submit the report not**  
20 **later than December 31 of each calendar year.**

21 **“(2) To facilitate accomplishment of the purpose set forth in subsection**  
22 **(1)(a) of this section, the State Chief Information Officer shall:**

23 **“(a) Adopt rules, policies and standards to plan for, develop architecture**  
24 **for and standardize the state’s information resources and technologies. In**  
25 **developing rules, policies and standards, the State Chief Information Officer**  
26 **shall consult with state agencies that have needs that information resources**  
27 **may satisfy. State agencies shall cooperate with the State Chief Information**  
28 **Officer in preparing and complying with rules, policies and standards **that****  
29 **the State Chief Information Officer adopts.**

30 **“(b) Formulate rules, policies and standards to promote electronic com-**

1 munication and information sharing among state agencies and programs,  
2 between state and local governments and with the public where appropriate.

3 “[*(c) Seek to minimize duplicative or redundant advisory boards by recom-*  
4 *mending streamlined governance structures for information technology projects*  
5 *that involve more than one state agency, board or commission.*]

6 “[~~(3)~~ (c) [*The State Chief Information Officer shall*] Formulate rules,  
7 policies, plans, standards and specifications to ensure that information re-  
8 sources and technologies fit together in a statewide system capable of pro-  
9 viding ready access to information, [*computing*] **information technology** or  
10 telecommunication resources. Plans and specifications that the State Chief  
11 Information Officer adopts must be based on industry standards for open  
12 systems to the greatest extent possible.

13 “**(3)** Before adopting rules described in subsection (2) of this section, the  
14 State Chief Information Officer shall present the proposed rules to the Joint  
15 Legislative Committee on Information Management and Technology.

16 “**(4)** The State Chief Information Officer has the responsibility to review,  
17 oversee and ensure that state agencies’ rules and planning, acquisition and  
18 implementation activities **related to information technology and tele-**  
19 **communications** align with and support the [*statewide information resources*  
20 *management plan*] **Enterprise Information Resources Management**  
21 **Strategy. State agencies shall cooperate with the State Chief Infor-**  
22 **mation Officer to ensure that the state agencies’ rules and planning,**  
23 **acquisition and implementation activities align with and support the**  
24 **Enterprise Information Resources Management Strategy. If the**  
25 **Oregon Department of Administrative Services procures information**  
26 **technology or the Director of the Oregon Department of Administra-**  
27 **tive Services delegates authority under ORS 279A.075 to procure in-**  
28 **formation technology, the [*Oregon Department of Administrative Services***  
29 ***is responsible for procuring*] **department and a state contracting agency,**  
30 **as defined in ORS 279A.010, shall procure** information technology fairly,**



1 competitively and in a manner that is consistent with the State Chief Infor-  
2 mation Officer's rules, **policies and standards.**

3 “[~~(4)(a)~~] **(5)(a)** The policy of the State of Oregon is that state government  
4 telecommunications networks should be designed to provide state-of-the-art  
5 services where economically and technically feasible, using shared, rather  
6 than dedicated, lines and facilities.

7 “(b) The [*department*] **State Chief Information Officer** shall, when pro-  
8 curing telecommunications network services, consider [*achieving the eco-*  
9 *nomic development and quality of life outcomes set forth in the Oregon*  
10 *benchmarks*] **the goals and objectives outlined within the Enterprise**  
11 **Information Resources Management Strategy and the policy, acquisi-**  
12 **tion, coordination and consolidation objectives for information tech-**  
13 **nology that are specified in ORS 283.500 to 283.520 and 283.524.**

14 “[~~(5)(a)~~] **(6)(a)** The [*department*] **State Chief Information Officer**, upon  
15 request, may furnish and deliver statewide integrated videoconferencing and  
16 statewide online access service to a public or private entity that primarily  
17 conducts activities for the direct good or benefit of the public or community  
18 at large in providing educational, economic development, health care, human  
19 services, public safety, library or other public services. The [*department*]  
20 **State Chief Information Officer** shall adopt rules with respect to [*fur-*  
21 *nishing*] **the State Chief Information Officer's furnishing of** the service.

22 “(b) The [*department*] **State Chief Information Officer** shall establish  
23 statewide integrated videoconferencing and statewide online access user fees,  
24 services, delivery, rates and long range plans. The rates must reflect the  
25 [*department's*] **State Chief Information Officer's** cost in providing the  
26 service.

27 “(c) The [*department*] **State Chief Information Officer** by rule shall re-  
28 strict the [*department's furnishing or delivery of*] Internet access service **that**  
29 **the State Chief Information Officer furnishes or delivers** to private en-  
30 tities if the service would directly compete with two or more local estab-

1 lished providers of Internet access services within the local exchange  
2 telecommunications service area.

3 “(d) The rates and services established and provided under this section  
4 are not subject to the Public Utility Commission’s regulation or authority.

5 “[6] (7) An organization or organizations recognized as tax exempt under  
6 section 501(c)(3) of the Internal Revenue Code that primarily conduct activ-  
7 ities for the direct good or benefit of the public or community at large in  
8 providing educational, economic development, health care, human services,  
9 public safety, library or other public services and **that** have formed an af-  
10 filiation with one or more federal, state or local governmental units within  
11 this state may apply to the [department] **State Chief Information Officer**  
12 for designation as a community of interest. The application must be in the  
13 form that the [department] **State Chief Information Officer** prescribes and  
14 contain information [regarding] **about** the governmental affiliation relation-  
15 ship, the tax exempt status of each organization and the public benefit ser-  
16 vices the organization provides or intends to provide. The [department] **State**  
17 **Chief Information Officer** shall establish an application review and appeal  
18 process to ensure that designating the organizations as a community of in-  
19 terest for the purposes of including the organization in telecommunications  
20 contracts under ORS 283.520 will result in providing educational, medical,  
21 library or other services for public benefit.

22 “[7] (8) This section does not apply to any public university listed in  
23 ORS 352.002.

24 “[8] (9) As used in this section **and ORS 291.039**:

25 “(a) ‘Information resources’ means media, instruments, **plans** and methods  
26 for [planning,] collecting, processing, transmitting and storing data and in-  
27 formation, including telecommunications.

28 “(b) ‘Information technology’ [includes, but is not limited to,] **means**  
29 present and future forms of hardware, software and services for data pro-  
30 cessing, office automation and telecommunications.

1 “(c) ‘Internet access service’ means electronic connectivity to the Internet  
2 and the services of the Internet.

3 “(d) ‘Open systems’ means systems that allow state agencies freedom of  
4 choice by providing a vendor-neutral operating environment where different  
5 computers, applications, system software and networks operate together eas-  
6 ily and reliably.

7 “(e) ‘State-of-the-art services’ [*includes*] **means the highest level at**  
8 **which** equipment, facilities and the capability to distribute digital commu-  
9 nication signals that transmit voice, data, video and images over a distance  
10 **have developed at the time during which the equipment, facility or**  
11 **capability was installed or operating.**

12 “(f) ‘Statewide integrated videoconferencing’ means a statewide electronic  
13 system capable of transmitting video, voice and data communications.

14 “(g) ‘Statewide online access’ means electronic connectivity to informa-  
15 tion resources such as computer conferencing, electronic mail, databases and  
16 Internet access.

17 “(h) ‘Telecommunications’ means hardware, software and services for  
18 transmitting voice, data, video and images over a distance.”.

19 On page 46, delete lines 43 through 45.

20 On page 47, delete lines 1 through 39 and insert:

21 “**NOTE:** Section 51 was deleted by amendment. Subsequent sections were  
22 not renumbered.”.

23 On page 50, line 17, delete “, 403.460 and 413.308” and insert “and  
24 403.460”.

25 In line 30, delete “, 403.460 and 413.308” and insert “and 403.460”.

26