

Requested by JOINT COMMITTEE ON INFORMATION MANAGEMENT AND TECHNOLOGY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4155**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line.

3 In line 3, delete “276A.335” and insert “repealing ORS 276A.326 and
4 276A.329”.

5 Delete lines 4 through 19 and delete pages 2 through 12 and insert:
6

7 **“OREGON CYBERSECURITY**
8 **“(Definitions)**

9
10 **“SECTION 1. Definitions. As used in sections 3, 7 and 10 of this 2022**
11 **Act:**

12 **“(1) ‘Education service district’ means a district created under ORS**
13 **334.010 that provides regional educational services to component school**
14 **districts.**

15 **“(2) ‘Library’ means a public agency that provides to all residents**
16 **of a local government unit free and equal access to library and infor-**
17 **mation services that are suitable for persons of all ages.**

18 **“(3) ‘Local government’ means a city or county.**

19 **“(4) ‘Public body’ has the meaning given that term in ORS 174.109.**

20 **“(5) ‘Regional government’ means a metropolitan service district**
21 **formed under ORS chapter 268.**

1 “(6) ‘School district’ has the meaning given that term in ORS
2 330.003.

3 “(7) ‘Special district’ means a district as defined in ORS 198.010.

4

5 “(Oregon Cybersecurity Advisory Council)

6

7 “SECTION 2. ORS 276A.326 is repealed and section 3 of this 2022 Act
8 is enacted in lieu thereof.

9 “SECTION 3. Oregon Cybersecurity Advisory Council. (1) The
10 Oregon Cybersecurity Advisory Council is established within the
11 Oregon Cybersecurity Center of Excellence. The council consists of 15
12 voting members appointed by the Governor after consultation with the
13 State Chief Information Officer. A majority of the council’s voting
14 members must be geographically diverse representatives of public
15 universities listed in ORS 352.002, local governments, regional govern-
16 ments, special districts, education service districts, school districts or
17 libraries.

18 “(2) The membership of the council consists of:

19 “(a) One member who represents Indian tribes, as defined in ORS
20 97.740;

21 “(b) One member who represents the Association of Oregon Coun-
22 ties;

23 “(c) One member who represents the League of Oregon Cities;

24 “(d) One member who represents the Special Districts Association
25 of Oregon;

26 “(e) One member who represents regional governments;

27 “(f) One member who represents the Oregon Association of Educa-
28 tion Service Districts;

29 “(g) One member who represents the Oregon School Boards Asso-
30 ciation;

1 **“(h) One member who represents the Coalition of Oregon School**
2 **Administrators;**

3 **“(i) One member who represents public universities listed in ORS**
4 **352.002;**

5 **“(j) One member who represents community colleges;**

6 **“(k) One member who represents the office of Enterprise Informa-**
7 **tion Services;**

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

11 **“(m) One member who represents cyber-related industries in**
12 **Oregon;**

13 **“(n) One member who represents a public sector information tech-**
14 **nology association in Oregon; and**

15 **“(o) One member who represents a private sector information**
16 **technology or telecommunications association in Oregon.**

17 **“(3) The council shall elect one member of the council to serve as**
18 **chairperson and one member of the council to serve as vice chair-**
19 **person.**

20 **“(4)(a) A majority of the voting members of the council constitutes**
21 **a quorum for the transaction of business.**

22 **“(b) Official action by the council requires the approval of a ma-**
23 **jority of the voting members of the council.**

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

26 **“(b) Before the expiration of the term of a voting member, the**
27 **Governor, after consultation with the State Chief Information Officer,**
28 **shall appoint a successor whose term begins on July 1 following the**
29 **appointment. A voting member is eligible for reappointment.**

30 **“(c) If there is a vacancy for any cause, the Governor, after con-**

1 sultation with the State Chief Information Officer, shall make an ap-
2 pointment to become immediately effective for the unexpired term.

3 “(6) The council shall meet at times and places specified by the call
4 of the chairperson or a majority of the voting members of the council.

5 “(7) Members of the council are not entitled to compensation, but
6 the center may reimburse a member of the council for actual and
7 necessary travel and other expenses incurred in performing the
8 member’s official duties, in the manner and amounts provided for in
9 ORS 292.495, from funds appropriated to the Higher Education Coordi-
10 nating Commission for purposes of the council or the center.

11 “(8) The council may:

12 “(a) Adopt rules, policies and procedures necessary for the opera-
13 tion of the council.

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

16 “(c) Appoint nonvoting members to the council.

17 “(9) All agencies of state government, as defined in ORS 174.111, are
18 directed to assist the council in the performance of the council’s duties
19 and, to the extent permitted by laws relating to confidentiality, shall
20 furnish information and advice the council considers necessary to
21 perform the council’s duties.

22 “SECTION 4. Initial terms. Notwithstanding the term of office
23 specified in section 3 of this 2022 Act, of the members appointed to the
24 Oregon Cybersecurity Advisory Council by section 3 of this 2022 Act:

25 “(1) One-third shall serve for a term ending July 1, 2024.

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

27 “(3) The remaining members shall serve for a term ending July 1,
28 2026.

29 “SECTION 5. Transfer. (1) The duties, functions and powers of the
30 office of Enterprise Information Services relating to the Oregon

1 Cybersecurity Advisory Council are imposed upon, transferred to and
2 vested in the Oregon Cybersecurity Center of Excellence, established
3 under section 7 of this 2022 Act.

4 “(2)(a) The State Chief Information Officer shall deliver to a repre-
5 sentative of Portland State University, on behalf of the Oregon
6 Cybersecurity Center of Excellence, all records and property within the
7 jurisdiction of the officer that relate to the duties, functions and
8 powers transferred by this section.

9 “(b) A representative of Portland State University, on behalf of the
10 Oregon Cybersecurity Center of Excellence, shall take possession of
11 the records and property described in paragraph (a) of this subsection.

12 “(c) The Governor shall resolve any dispute between the office of
13 Enterprise Information Systems and the Oregon Cybersecurity Center
14 of Excellence relating to transfers of records and property under this
15 subsection, and the Governor’s decision is final.

16 “(3)(a) The unexpended balances of amounts authorized to be ex-
17 pended by the office of Enterprise Information Systems for the
18 biennium ending June 30, 2023, from revenues dedicated, continuously
19 appropriated, appropriated or otherwise made available for the purpose
20 of administering and enforcing the duties, functions and powers
21 transferred by this section are transferred to and are available for
22 expenditure by Portland State University, on behalf of the Oregon
23 Cybersecurity Center of Excellence for the biennium ending June 30,
24 2023, for the purpose of administering and enforcing the duties, func-
25 tions and powers transferred by this section.

26 “(b) The expenditure classifications, if any, established by Acts au-
27 thorizing or limiting expenditures by the office of Enterprise Infor-
28 mation Systems remain applicable to expenditures by Portland State
29 University on behalf of the Oregon Cybersecurity Center of Excellence.

30

1 “(Oregon Cybersecurity Center of Excellence)
2

3 **“SECTION 6. ORS 276A.329 is repealed and section 7 of this 2022 Act**
4 **is enacted in lieu thereof.**

5 **“SECTION 7. Oregon Cybersecurity Center of Excellence. (1) The**
6 **Oregon Cybersecurity Center of Excellence is established at Portland**
7 **State University. The center shall operate under the joint direction**
8 **and control of Portland State University, Oregon State University and**
9 **the University of Oregon.**

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

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

15 **“(b) Cybersecurity workforce development programs in coordination**
16 **with:**

17 **“(A) Public universities listed in ORS 352.002;**

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

19 **“(C) Science, technology, engineering and mathematics and career**
20 **and technical education programs;**

21 **“(c) Research about cybersecurity education and training method-**
22 **ologies;**

23 **“(d) Research and development of cybersecurity technologies, tools,**
24 **policies and processes; and**

25 **“(e) Cybersecurity-related goods and services to Oregon public**
26 **bodies, with priority given to local governments, regional govern-**
27 **ments, special districts, education service districts, school districts**
28 **and libraries.**

29 **“(3) The center shall:**

30 **“(a) Serve as the statewide advisory body to the Legislative As-**

1 **sembly, Governor and State Chief Information Officer on**
2 **cybersecurity and cybersecurity-related issues for local governments,**
3 **regional governments, special districts, education service districts,**
4 **school districts and libraries.**

5 **“(b) Develop, update and submit biennially to the Governor and the**
6 **appropriate committees of the Legislative Assembly the Oregon**
7 **Cybersecurity Modernization Plan described in subsection (6) of this**
8 **section.**

9 **“(c) Provide to public, private and nonprofit sectors in this state**
10 **information and recommend best practices concerning cybersecurity,**
11 **cyber resilience and recovery measures, including legal, insurance and**
12 **other topics.**

13 **“(d) Coordinate the sharing of information related to cybersecurity**
14 **risks, warnings and incidents, and promote public awareness and**
15 **shared, real-time situational awareness among public, private and**
16 **nonprofit sector entities.**

17 **“(e) Provide cybersecurity assessment, monitoring and incident re-**
18 **sponse services to public bodies, with priority given to public bodies**
19 **with the greatest need for services, including local governments, re-**
20 **gional governments, special districts, education service districts,**
21 **school districts and libraries.**

22 **“(f) Collaborate with public bodies to coordinate cybersecurity ef-**
23 **forts with ongoing information technology modernization projects.**

24 **“(g) Identify and participate in appropriate federal, multistate, re-**
25 **gional, state, local or private sector programs and efforts that support**
26 **or complement the center’s purpose.**

27 **“(h) Pursue and leverage federal sources of cybersecurity and cyber**
28 **resilience funding to achieve state goals related to cybersecurity and**
29 **cyber resilience.**

30 **“(i) Manage and award funds distributed to the center for**

1 **cybersecurity and cyber resilience initiatives.**

2 **“(j) Encourage the development of Oregon’s cybersecurity**
3 **workforce by, at a minimum:**

4 **“(A) Identifying gaps and needs in workforce programs.**

5 **“(B) Fostering the growth and development of cybersecurity**
6 **workforce development programs and career and technical education**
7 **in school districts, community colleges and public universities listed**
8 **in ORS 352.002.**

9 **“(C) Assisting in curriculum review and standardization and pro-**
10 **viding recommendations to improve programs.**

11 **“(D) Fostering industry involvement in internships, mentorship and**
12 **apprenticeship programs and experiential learning programs.**

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

15 **“(4)(a) Portland State University, Oregon State University and the**
16 **University of Oregon shall enter into an operating agreement for ad-**
17 **ministering the center, including the provision of administrative and**
18 **staff support and facilities.**

19 **“(b) A public university listed in ORS 352.002 or community college**
20 **in Oregon not listed in paragraph (a) of this subsection may join the**
21 **operating agreement and provide administrative and staff support and**
22 **facilities.**

23 **“(5) Portland State University, Oregon State University and the**
24 **University of Oregon, in consultation with the Oregon Cybersecurity**
25 **Advisory Council, shall develop a charter to serve as the governing**
26 **document for the center. The charter must contain provisions re-**
27 **garding the center’s operations, budget and any funds administered**
28 **by the center. Portland State University, Oregon State University and**
29 **the University of Oregon shall annually review and, as necessary, up-**
30 **date the charter.**

1 **“(6) The Oregon Cybersecurity Modernization Plan developed and**
2 **updated under this section must, at a minimum:**

3 **“(a) Identify cybersecurity risks in critical infrastructure, local**
4 **governments, school districts and public sector entities;**

5 **“(b) Establish risk-based assessment procedures;**

6 **“(c) Survey and identify technology and process gaps and provide**
7 **recommendations to address the gaps;**

8 **“(d) Survey public awareness, educational, training and workforce**
9 **development programs and provide recommendations to improve the**
10 **programs; and**

11 **“(e) Provide financial estimates and impacts associated with the**
12 **cost of implementing or not implementing recommendations, includ-**
13 **ing pilot programs and statewide implementation.**

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

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

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

26 **“(c) Establish, in consultation with the State Chief Information**
27 **Officer, a statewide cybersecurity planning committee that meets the**
28 **purpose, composition and cybersecurity expertise requirements de-**
29 **scribed in the Infrastructure Investment and Jobs Act (P.L. 117-58).**

30 **“(d) Provide a statewide forum for discussing and resolving**

1 cybersecurity issues.

2 “(8) All agencies of state government, as defined in ORS 174.111, are
3 directed to assist the council in the performance of the council’s duties
4 and, to the extent permitted by laws relating to confidentiality, shall
5 furnish information and advice the council considers necessary to
6 perform the council’s duties.

7 **“SECTION 8. Center operating fund. (1) The Oregon Cybersecurity**
8 **Center of Excellence Operating Fund is established in the State**
9 **Treasury, separate and distinct from the General Fund. Interest**
10 **earned by the Oregon Cybersecurity Center of Excellence Operating**
11 **Fund must be credited to the 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 carrying out
20 the functions and operations of the center.

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

27 **“SECTION 9. Cybersecurity workforce development fund. (1) The**
28 **Oregon Cybersecurity Workforce Development Fund is established in**
29 **the State Treasury, separate and distinct from the General Fund. In-**
30 **terest earned by the Oregon Cybersecurity Workforce Development**

1 **Fund must be credited to the fund.**

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

3 **“(a) Amounts donated to the fund;**

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

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

7 **“(3) Moneys in the fund are continuously appropriated to the Higher**
8 **Education Coordinating Commission for distribution to the Oregon**
9 **Cybersecurity Center of Excellence for the purposes of making tar-**
10 **geted investments in workforce development programs designed to**
11 **accelerate the growth, qualifications and availability of Oregon’s**
12 **cybersecurity workforce.**

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

19 **“SECTION 10. Cybersecurity grant program fund. (1) The Oregon**
20 **Cybersecurity Grant Program Fund is established in the State Treas-**
21 **ury, separate and distinct from the General Fund. Interest earned by**
22 **the Oregon Cybersecurity Grant Program Fund must be credited to the**
23 **fund.**

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

25 **“(a) Amounts donated to the fund;**

26 **“(b) Amounts appropriated or otherwise transferred to the fund by**
27 **the Legislative Assembly; and**

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

29 **“(3) Moneys in the fund are continuously appropriated to the Higher**
30 **Education Coordinating Commission for distribution to the Oregon**

1 **Cybersecurity Center of Excellence for the purposes of providing:**

2 **“(a) Cybersecurity assessment, monitoring, incident response and**
3 **technical assistance and other cybersecurity-related goods and services**
4 **to Oregon public bodies on a competitive basis with specific emphasis**
5 **on serving the unmet needs of local governments, regional govern-**
6 **ments, special districts, education service districts, school districts**
7 **and libraries.**

8 **“(b) Matching funds for federal moneys related to cybersecurity**
9 **received by public bodies.**

10 **“(4) The center shall adopt standards, objectives, criteria and eligi-**
11 **bility requirements for the use of moneys distributed from the fund.**
12 **In developing criteria and eligibility standards, the center shall take**
13 **into consideration any requirements of federal programs awarding**
14 **moneys related to cybersecurity.**

15 **“(5) The center shall submit to the Governor and to the appropriate**
16 **committees of the Legislative Assembly, in the manner provided under**
17 **ORS 192.245, a biennial report that summarizes the balance of the**
18 **fund, lists the deposits into and expenditures from the fund and pro-**
19 **vides such other details as necessary regarding the operation of the**
20 **fund.**

21 **“SECTION 11. Cybersecurity public awareness fund. (1) The Oregon**
22 **Cybersecurity Public Awareness Fund is established in the State**
23 **Treasury, separate and distinct from the General Fund. Interest**
24 **earned by the Oregon Cybersecurity Public Awareness Fund must be**
25 **credited to the fund.**

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

27 **“(a) Amounts donated to the fund;**

28 **“(b) Amounts appropriated or otherwise transferred to the fund by**
29 **the Legislative Assembly; and**

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

1 is appropriated to the Higher Education Coordinating Commission, for
2 the biennium ending June 30, 2023, out of the General Fund, the
3 amount of \$_____, to be deposited into the Oregon Cybersecurity
4 Workforce Development Fund established under section 9 of this 2022
5 Act.

6 “(3) In addition to and not in lieu of any other appropriation, there
7 is appropriated to the Higher Education Coordinating Commission, for
8 the biennium ending June 30, 2023, out of the General Fund, the
9 amount of \$_____, to be deposited into the Oregon Cybersecurity
10 Grant Program Fund established under section 10 of this 2022 Act.

11 “(4) In addition to and not in lieu of any other appropriation, there
12 is appropriated to the Higher Education Coordinating Commission, for
13 the biennium ending June 30, 2023, out of the General Fund, the
14 amount of \$_____, to be deposited into the Oregon Cybersecurity
15 Public Awareness Fund established under section 11 of this 2022 Act.

16

17 “MISCELLANEOUS

18

19 “SECTION 14. Repeal. Section 12 of this 2022 Act is repealed on
20 January 2, 2025.

21 “SECTION 15. Captions. The unit and section captions used in this
22 2022 Act are provided only for the convenience of the reader and do
23 not become part of the statutory law of this state or express any leg-
24 islative intent in the enactment of this 2022 Act.

25 “SECTION 16. Operative dates. (1) Sections 1, 3 to 5 and 7 to 14 of
26 this 2022 Act and the repeal of ORS 276A.326 and 276A.329 by sections
27 2 and 6 of this 2022 Act become operative on July 1, 2022.

28 “(2) The Governor, the State Chief Information Officer, the Oregon
29 Cybersecurity Advisory Council, Portland State University, Oregon
30 State University and the University of Oregon may take any action

1 before the operative date specified in subsection (1) of this section that
2 is necessary to enable the Governor, the State Chief Information Of-
3 ficer, the Oregon Cybersecurity Advisory Council, Portland State Uni-
4 versity, Oregon State University and the University of Oregon to
5 exercise, on and after the operative date specified in subsection (1) of
6 this section, all of the duties, functions and powers conferred on the
7 Governor, the State Chief Information Officer, the Oregon
8 Cybersecurity Advisory Council, Portland State University, Oregon
9 State University and the University of Oregon by sections 1, 3 to 5 and
10 7 to 14 of this 2022 Act and the repeal of ORS 276A.326 and 276A.329 by
11 sections 2 and 6 of this 2022 Act.

12 **SECTION 17. Effective date.** This 2022 Act being necessary for the
13 immediate preservation of the public peace, health and safety, an
14 emergency is declared to exist, and this 2022 Act takes effect on its
15 passage.”.

16
