HOUSE AMENDMENTS TO
HOUSE BILL 3099

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

April 21

1   On page 1 of the printed bill, line 3, delete "182.126," and delete "184.305,".

2   In line 4, delete "283.100,".

3   In line 6, delete "291.055,".

4   Delete lines 10 through 28 and delete page 2.

5   On page 3, delete lines 1 through 32 and insert:

6   "**SECTION 1. (1) As used in this section and sections 2 to 8 of this 2015 Act, 'enterprise**

7   **information technology and telecommunications' means:**

8   **"(a) Technologies, resources, systems and services that state agencies use to generate,**

9   **process, store and secure information for governmental purposes, including geographic in-**

10 **formation;**

11 **"(b) Technologies, resources, systems and services that state agencies use to send, re-**

12 **ceive, process or otherwise facilitate telecommunications for governmental purposes; and**

13 **"(c) Technologies, resources, systems and services that state agencies use to install,**

14 **maintain, repair, update, replace, remove or otherwise support the technologies, resources,**

15 **systems or services described in paragraphs (a) and (b) of this subsection.**

16 **"(2)(a) Except as otherwise provided in this section, sections 2 to 8 of this 2015 Act and**

17 **the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.128, 182.132, 184.473,**

18 **184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143,**

19 **283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039,**

20 **291.042, 291.047, 291.990, 403.450, 403.455, 403.460 and 413.308 and sections 1, 3, 4 and 5, chapter**

21 **782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12,**

22 **13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act, the du-**

23 **ties, functions and powers that the Oregon Department of Administrative Services has with**

24 **respect to enterprise information technology and telecommunications are imposed upon,**

25 **transferred to and vested in the State Chief Information Officer.**

26 **"(b) The duties, functions and powers described in paragraph (a) of this subsection in-**

27 **clude, but are not limited to:**

28 **"(A) The duty and function to plan and set standards for, coordinate and oversee enter-**

29 **prise information technology and telecommunications among state agencies; and**

30 **"(B) The power to specify policies, goals and directives and adopt rules related to enter-**

31 **prise information technology and telecommunications among state agencies.**

32 "**SECTION 2. (1) The Director of the Oregon Department of Administrative Services shall**

33 **manage and organize the Oregon Department of Administrative Services to ensure that the**

34 **department fulfills the duties, implements the functions and exercises the powers that re-**

35 **main to the department with respect to enterprise information technology and telecommu-**

1 nications in a manner that is consistent with the manner in which the State Chief

2 Information Officer fulfills the duties, implements the functions and exercises the powers

3 that are imposed upon, transferred to and vested in the State Chief Information Officer un-

4 der section 1 of this 2015 Act.

5 "(2) The Governor shall resolve any dispute between the State Chief Information Officer

6 and the department that relates to the apportionment of duties, functions and powers under

7 section 1 of this 2015 Act and as to the director's management and organization of the de-

8 partment under this section. The Governor's decision under this subsection is final.

9 "SECTION 3. (1) The State Chief Information Officer, in consultation with the Director

10 of the Oregon Department of Administrative Services, shall direct and oversee the expendi-

11 ture of all moneys for enterprise information technology and telecommunications that are

12 appropriated to the Oregon Department of Administrative Services and that are necessary

13 for the State Chief Information Officer to fulfill the duties, implement the functions and

14 exercise the powers imposed upon, transferred to and vested in the State Chief Information

15 Officer under section 1 of this 2015 Act.

16 "(2) The expenditure classifications, if any, established by Acts that authorize or limit

17 expenditures by the department remain applicable to expenditures that the State Chief In-

18 formation Officer directs or oversees under this section.

19 "SECTION 4. The State Chief Information Officer's assumption of duties, functions and

20 powers in accordance with section 1 of this 2015 Act does not affect any action, proceeding

21 or prosecution involving or with respect to the duties, functions and powers that began be-

22 fore and were pending at the time the State Chief Information Officer assumed the duties,

23 functions and powers.

24 "SECTION 5. (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064,

25 181.715, 181.725, 182.122, 182.124, 182.128, 182.132, 184.473, 184.475, 184.477, 184.483, 184.484,

26 184.486, 279A.050, 279A.075, 279B.075, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520,

27 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.990, 403.450,

28 403.455, 403.460 and 413.308 and sections 1, 3, 4 and 5, chapter 782, Oregon Laws 2009, section

29 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87,

30 Oregon Laws 2014, by sections 9 to 60 of this 2015 Act do not relieve a person of a liability,

31 duty or obligation accruing under or with respect to the duties, functions and powers

32 transferred by section 1 of this 2015 Act. The State Chief Information Officer may collect or

33 enforce any such liability, duty or obligation.

34 "(2)(a) The rights and obligations that the Oregon Department of Administrative Services

35 legally incurred under contracts, leases and business transactions the department executed,

36 entered into or began before the operative date of section 1 of this 2015 Act and that accrued

37 under or with respect to the duties, functions and powers transferred by section 1 of this

38 2015 Act remain with the department unless the Director of the Oregon Department of Ad-

39 ministrative Services delegates or transfers the rights and obligations to the State Chief

40 Information Officer. For the purpose of succession to rights or obligations that the director

41 delegates or transfers to the State Chief Information Officer, the State Chief Information

42 Officer is a continuation of the department and not a new authority.

43 "(b) The rights and obligations that the State Chief Information Officer or the depart-

44 ment legally incurs under contracts, leases or business transactions related to enterprise

45 information technology and telecommunications after the operative date of section 1 of this

1 **2015 Act belong to the State Chief Information Officer.**

2 "**SECTION 6.** **Notwithstanding the State Chief Information Officer's assumption of duties,**

3 **functions and powers in accordance with section 1 of this 2015 Act, the rules of the Oregon**

4 **Department of Administrative Services, with respect to duties, functions or powers, that are**

5 **in effect on the operative date of section 1 of this 2015 Act continue in effect until the State**

6 **Chief Information Officer supersedes or repeals the rules.**

7 "**SECTION 7.** **If an uncodified law or resolution of the Legislative Assembly, or a rule,**

8 **document, record or proceeding that the Legislative Assembly authorizes, refers to the**

9 **Oregon Department of Administrative Services in the context of a duty, function or power**

10 **the State Chief Information Officer assumes under section 1 of this 2015 Act, the reference**

11 **is a reference to the State Chief Information Officer or an officer or employee of the office**

12 **of the State Chief Information Officer who by sections 1 to 7 of this 2015 Act is charged with**

13 **carrying out the duties, functions and powers.**

14 "**SECTION 8.** **(1) There is established the State Information Technology Operating Fund**

15 **in the State Treasury, separate and distinct from the General Fund. The moneys in the State**

16 **Information Technology Operating Fund may be invested as provided in ORS 293.701 to**

17 **293.857. Interest earnings on the fund assets must be credited to the fund.**

18 "**(2) The Director of the Oregon Department of Administrative Services shall deposit into**

19 **the State Information Technology Operating Fund moneys for enterprise information tech-**

20 **nology and telecommunications that are appropriated to the Oregon Department of Admin-**

21 **istrative Services and that are necessary for the State Chief Information Officer to fulfill the**

22 **duties, implement the functions and exercise the powers imposed upon, transferred to and**

23 **vested in the State Chief Information Officer under section 1 of this 2015 Act. Amounts in**

24 **the fund are continuously appropriated to the State Chief Information Officer for the pur-**

25 **poses authorized by law.**".

26 On page 6, line 37, restore the comma and delete the second "and".

27 In line 38, after the comma insert "at" and delete "Officer" and insert "Officer's direction,".

28 In line 44, after "with" insert "the Oregon Department of Administrative Services,".

29 On page 8, delete lines 40 through 45.

30 On page 9, delete lines 1 through 9.

31 In line 10, delete "15" and insert "14".

32 In lines 33 and 34, delete the boldfaced material.

33 On page 10, line 32, delete "16" and insert "15".

34 In line 33, restore the bracketed material and delete the boldfaced material.

35 In line 34, delete the boldfaced material and before "advice" insert "approval of the State Chief

36 Information Officer and the".

37 In line 39, restore the bracketed material and delete the boldfaced material.

38 In line 40, delete "Officer".

39 In line 43, restore the bracketed material and delete the boldfaced material.

40 In line 45, restore the bracketed material.

41 On page 11, line 1, delete the boldfaced material.

42 In line 4, restore the bracketed material and delete the boldfaced material and before

43 "advisory" insert "State Chief Information Officer and the".

44 In lines 9 through 12 restore the bracketed material and delete the boldfaced material.

45 Delete lines 13 through 29.

In line 30, delete "18" and insert "16".

On page 12, line 3, delete "19" and insert "17".

Delete lines 39 through 44 and insert:

"(5) Before adopting rules to implement the provisions of this section, the State Chief Informa-
tion Officer shall present the proposed rules to the Joint Legislative Committee on Information
Management and Technology.".

In line 45, delete "20" and insert "18".

On page 13, delete lines 27 through 29 and insert:

"(5) A state agency that implements an information technology initiative, as defined in section
1, chapter 77, Oregon Laws 2014, that the State Chief Information Officer estimates will cost more
than $1 million shall implement the information technology initiative under rules, policies and
standards that the State Chief Information Officer develops, sets or adopts. The information tech-
nology initiative is subject to the State Chief Information Officer's oversight and the State Chief
Information Officer may require the state agency to obtain approval to implement the information
technology initiative or may direct the state agency to stop or modify the implementation, cancel
or modify a procurement related to the information technology initiative, modify the scope of the
information technology initiative or take another action before awarding a public contract. After a
state agency executes a public contract related to the information technology initiative, the State
Chief Information Officer may direct the state agency to suspend the public contract or terminate
the public contract in accordance with the public contract's terms and conditions.".

In line 30, delete "21" and insert "19".

In line 31, after "(1)" insert "(a)".

In line 32, delete "develop" and insert "maintain".

After line 35, insert:

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

On page 15, line 4, delete "creating,".

In line 31, delete "22" and insert "20".

On page 17, line 2, delete "23" and insert "21".

On page 18, line 22, delete "24" and insert "22".

In line 35, before "State" insert "director may delegate to the" and delete "has all" and delete
"available".

On page 20, delete lines 24 through 41 and insert:

"(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Depart-
ment of Administrative Services has exclusive authority, unless the director delegates the authority,
to procure or supervise the procurement of all price agreements on behalf of the state agencies
identified in subsection (6) of this section under which more than one state agency may order goods,
services or personal services.

"(b) The director may delegate to the State Chief Information Officer the exclusive authority to
procure or supervise the procurement of all price agreements related to information technology and
telecommunications on behalf of the state agencies identified in subsection (6) of this section.
Notwithstanding any authority that a state agency may have under subsection (3) or (6) of this
section, the state agency may not establish a price agreement or enter into a contract for goods,
services, personal services, construction materials, equipment or supplies without the approval of

1 the director or the State Chief Information Officer if the director or the State Chief Information

2 Officer has established a price agreement for the goods, services, personal services, construction

3 materials, equipment or supplies.

4 "(c) The State Chief Information Officer may review any solicitation document for procuring

5 information technology or telecommunications that a state contracting agency intends to issue be-

6 fore the state contracting agency issues the solicitation document and may require the state con-

7 tracting agency to name the State Chief Information Officer as a third-party beneficiary with full

8 authority to enforce the terms and conditions of any public contract for information technology or

9 telecommunications. The State Chief Information Officer must approve a state contracting agency's

10 procurement for information technology or telecommunications if the procurement has an antic-

11 ipated contract price of $1 million or more. The State Chief Information Officer may require the

12 state contracting agency to name the State Chief Information Officer as the contracting party on

13 behalf of the State of Oregon in a procurement for information technology or telecommunications

14 that has an anticipated contract price of $1 million or more.".

15 In line 42, delete "25" and insert "23".

16 On page 21, line 7, after the period insert "The State Chief Information Officer may require the

17 Director of the Oregon Department of Administrative Services to obtain the State Chief Information

18 Officer's review and approval before the director delegates authority to a state contracting agency

19 to conduct a procurement for information technology or telecommunications.".

20 In line 8, delete "26" and insert "24".

21 In line 10, delete "when" and insert "if" and after the comma delete "the" and insert "a".

22 In line 11, delete "or" and insert a comma and delete "it" and insert "the state contracting

23 agency".

24 In line 13, after "section" insert "and if the director has delegated the necessary authority to

25 the State Chief Information Officer".

26 Delete lines 27 through 37.

27 In line 38, delete "28" and insert "25".

28 On page 22, line 4, delete "29" and insert "26".

29 In line 5, after the period delete the rest of the line and delete lines 6 through 18 and insert:

30 "(1) The Oregon Department of Administrative Services shall exercise budgetary management,

31 supervision and control over all telephone and telecommunications service for all state agencies in

32 a manner that is consistent with plans, standards, policies, goals, directives and rules that the State

33 Chief Information Officer sets, specifies or adopts. The department may operate central mail, shuttle

34 bus or messenger services for state agencies located in Salem, Portland or other cities, if doing so

35 is economical. The department may charge the cost of maintaining and operating any central tele-

36 phone exchange, switching system, network service and facility, intercity or intracity network trunk

37 or line or switchboard to the state agencies that the department serves and the department shall

38 charge the cost of providing mail, shuttle bus and messenger services to the state agencies that the

39 department serves. The state agencies shall pay the costs to the department in the same manner in

40 which the state agencies pay other claims.".

41 Delete lines 31 through 45.

42 On page 23, delete lines 1 through 18 and insert:

43 "**SECTION 27.** ORS 283.143 is amended to read:

44 "283.143. [*(1) To encourage utilization of statewide integrated videoconferencing and statewide on-*

45 *line access services, the Oregon Department of Administrative Services shall, in addition to any other*

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

6 "[*(2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Ser-*
7 *vices shall not impose the surcharge established by this section on the Oregon University System or the*
8 *Oregon Health and Science University. The Oregon Department of Administrative Services shall enter*
9 *into an agreement with the Oregon University System and the Oregon Health and Science University*
10 *on the amounts to be paid by the Oregon University System and the Oregon Health and Science Uni-*
11 *versity to the Oregon Department of Administrative Services in lieu of the surcharge provided for in*
12 *this section.*]

13 "**(1) To encourage utilization of statewide integrated videoconferencing and statewide**
14 **online access services, the Oregon Department of Administrative Services may, in addition**
15 **to any other charge or assessment for providing telecommunications services to state agen-**
16 **cies, impose upon each state agency and public corporation a surcharge, in an amount the**
17 **department establishes. The department shall deposit all surcharge moneys into the Oregon**
18 **Department of Administrative Services Operating Fund. The department may expend moneys**
19 **in the fund for state agency and public corporation telecommunication and videoconferencing**
20 **activities, under such terms and conditions as the department may prescribe and in a man-**
21 **ner that is consistent with plans, standards, policies, goals, directives and rules that the**
22 **State Chief Information Officer sets, specifies or adopts.**

23 "**(2) Notwithstanding subsection (1) of this section, the Oregon Department of Adminis-**
24 **trative Services may not impose the surcharge established by this section on the Oregon**
25 **University System or the Oregon Health and Science University. The Oregon Department of**
26 **Administrative Services shall enter into an agreement with the Oregon University System**
27 **and the Oregon Health and Science University on the amounts that the Oregon University**
28 **System and the Oregon Health and Science University must pay to the Oregon Department**
29 **of Administrative Services in lieu of the surcharge provided for in this section.**

30 "<u>SECTION 28.</u> ORS 283.505 is amended to read:

31 "283.505. [*(1) The Oregon Department of Administrative Services shall coordinate the consolidation*
32 *and operation of all telecommunications systems used by the state and state agencies. Notwithstanding*
33 *any other provision of law, no agent or agency of the state shall construct, purchase or otherwise gain*
34 *access to a telecommunications system without the prior approval of the department.*]

35 "**(1) The Oregon Department of Administrative Services shall coordinate, in a manner**
36 **that is consistent with plans, standards, policies, goals, directives and rules that the State**
37 **Chief Information Officer sets, specifies or adopts, the consolidation and operation of all**
38 **telecommunications systems, including emergency telecommunications systems, that the**
39 **state and state agencies use. Notwithstanding any other provision of law, an agent or agency**
40 **of the state may not construct, purchase or otherwise gain access to a telecommunications**
41 **system without the prior approval of the State Chief Information Officer.**

42 "(2) [*The department shall coordinate the consolidation and operation of emergency telecommuni-*
43 *cations systems used by the state and state agencies. The provisions of this section shall not be con-*
44 *strued to require consolidation of*] **The provisions of this section do not require emergency**
45 **service providers, as defined by the State Chief Information Officer, to consolidate** telecom-

1   munications systems [*used by*] **that** emergency service providers **use**[*, as defined by the*

2 *department,*] into nonemergency networks.".

3   In line 19, delete "32" and insert "29".

4   Delete lines 28 through 39 and insert:

5   "(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon Department of Adminis-

6 trative Services may provide advanced digital communications services directly, may enter into an

7 interagency or intergovernmental agreement under ORS chapter 190 to have another state agency

8 or governmental agency provide advanced digital communications services or may acquire advanced

9 digital communications services by entering into contracts with telecommunications providers or a

10 consortium of telecommunications providers in a manner that is consistent with the State Chief In-

11 formation Officer's rules, policies and standards.

12   "(3) After a telecommunications provider or a consortium of telecommunications providers has

13 installed an advanced digital communications network, the Oregon Department of Administrative

14 Services shall provide all telecommunications services and operations for the state and state agen-

15 cies directly, or shall enter into interagency or intergovernmental agreements under ORS chapter

16 190 to have another state agency or another governmental agency provide the telecommunications

17 services and operations in a manner that is consistent with the State Chief Information Officer's

18 rules, policies and standards. The department may not approve the procurement of any telecommu-

19 nications system or equipment that is incompatible with the network or that is inconsistent with the

20 State Chief Information Officer's rules, policies and standards.".

21   In line 40, delete "33" and insert "30".

22   On <u>page 24</u>, line 9, delete "34" and insert "31".

23   In line 10, restore the bracketed material.

24   In line 11, restore the bracketed material and delete "State Chief Information Officer may".

25   In line 16, restore the bracketed material and delete the boldfaced material.

26   In line 17, delete "Information Officer".

27   In line 20, delete "35" and insert "32".

28   In line 21, restore the bracketed material and delete the boldfaced material.

29   In line 22, delete "ficer may".

30   In line 26, delete "36" and insert "33".

31   On <u>page 25</u>, line 35, delete "37" and insert "34".

32   On <u>page 26</u>, line 21, delete "38" and insert "35".

33   In line 28, delete "39" and insert "36".

34   In line 30, restore the bracketed material and delete "2016" and insert "2020".

35   In line 31, restore "(2)".

36   In line 32, delete "2016" and insert "2020".

37   In line 33, delete "40" and insert "37".

38   In line 41, delete "41" and insert "38".

39   On <u>page 27</u>, line 7, delete "42" and insert "39".

40   In line 19, delete "43" and insert "40".

41   In line 20, after the period delete the rest of the line and delete lines 21 through 28 and insert:

42   "The Oregon Department of Administrative Services may provide technical services to state

43 agencies for data processing systems development and developing data processing methods and ap-

44 plications in a manner that is consistent with the State Chief Information Officer's rules, policies

45 and standards. The technical services may include consulting and programming services and assist-

1 ance in locating electronic data processing installations. The department shall determine and
2 charge the cost of the technical services, or portions of the technical services, to the state agency
3 that the department serves. The state agency shall pay the cost to the department in the same
4 manner that the state agency pays other claims against the state agency.".
5   In line 29, delete "44" and insert "41".
6   On page 28, line 23, delete "State Chief Information Officer" and insert "Oregon Department of
7 Administrative Services procures information technology or the Director of the Oregon Department
8 of Administrative Services".
9   In line 24, delete "Oregon De-" and insert "department".
10   In line 25, delete "partment of Administrative Services".
11   In line 31, restore the bracketed material and delete the boldfaced material.
12   In line 37, restore "department" and delete "State Chief Information Officer".
13   In line 42, delete "furnishing" and insert "the department's furnishing of".
14   In line 43, restore the bracketed material and delete the boldfaced material.
15   In line 45, restore the bracketed material and delete the boldfaced material.
16   On page 29, line 3, delete "State Chief Information Officer" and insert "department".
17   In line 45, delete "45" and insert "42".
18   On page 30, lines 2 and 3, restore the bracketed material.
19   In line 3, delete "policy".
20   Delete lines 44 and 45 and insert:
21   "(J) Oversee information technology and telecommunications procurements as provided in ORS
22 279A.050 (7).".
23   On page 31, delete lines 1 through 3.
24   Delete lines 15 through 20 and insert:
25   "(L) Identify information technology services that the State Chief Information Officer recom-
26 mends for design, delivery and management as enterprise or shared information technology services
27 and, each biennium, report to the Governor and the Joint Legislative Committee on Information
28 Management and Technology concerning the status of new enterprise or shared information tech-
29 nology services.".
30   On page 32, delete lines 19 through 23.
31   In line 24, delete "(d)" and insert "(c)".
32   In line 28, delete "(e)" and insert "(d)".
33   In line 38, delete "46" and insert "43".
34   On page 33, line 44, delete "47" and insert "44".
35   On page 35, delete lines 2 through 45 and delete page 36.
36   On page 37, delete lines 1 through 32.
37   In line 33, delete "50" and insert "45".
38   On page 38, line 4, after the period insert "The state agency that employs the officer or em-
39 ployee may consult with the State Chief Information Officer before imposing a disciplinary
40 measure.".
41   In line 11, delete "51" and insert "46".
42   On page 40, line 37, delete "52" and insert "47".
43   On page 41, line 43, delete "53" and insert "48".
44   On page 43, line 3, delete "54" and insert "49".
45   In line 42, delete "55" and insert "50".

1   On page 44, line 27, delete "56" and insert "51".

2   On page 45, line 24, delete "57" and insert "52".

3   In line 32, delete "58" and insert "53".

4   In line 41, delete "59" and insert "54".

5   On page 46, line 14, delete "60" and insert "55".

6   In line 37, delete "61" and insert "56".

7   In line 44, delete "62" and insert "57".

8   On page 47, line 13, delete "63" and insert "58".

9   In line 23, delete "64" and insert "59".

10   In line 34, delete "65" and insert "60".

11   In line 42, delete "66" and insert "61".

12   In line 43, delete "182.126," and delete "184.305,".

13   In line 44, delete "283.100,".

14   On page 48, line 1, delete "291.055,".

15   In line 3, delete "65" and insert "60".

16   In line 11, delete "182.126," and delete "184.305,".

17   In line 12, delete "283.100,".

18   In line 14, delete "291.055,".

19   In line 16, delete "65" and insert "60".

20   In line 17, delete "67" and insert "62".

21   _____