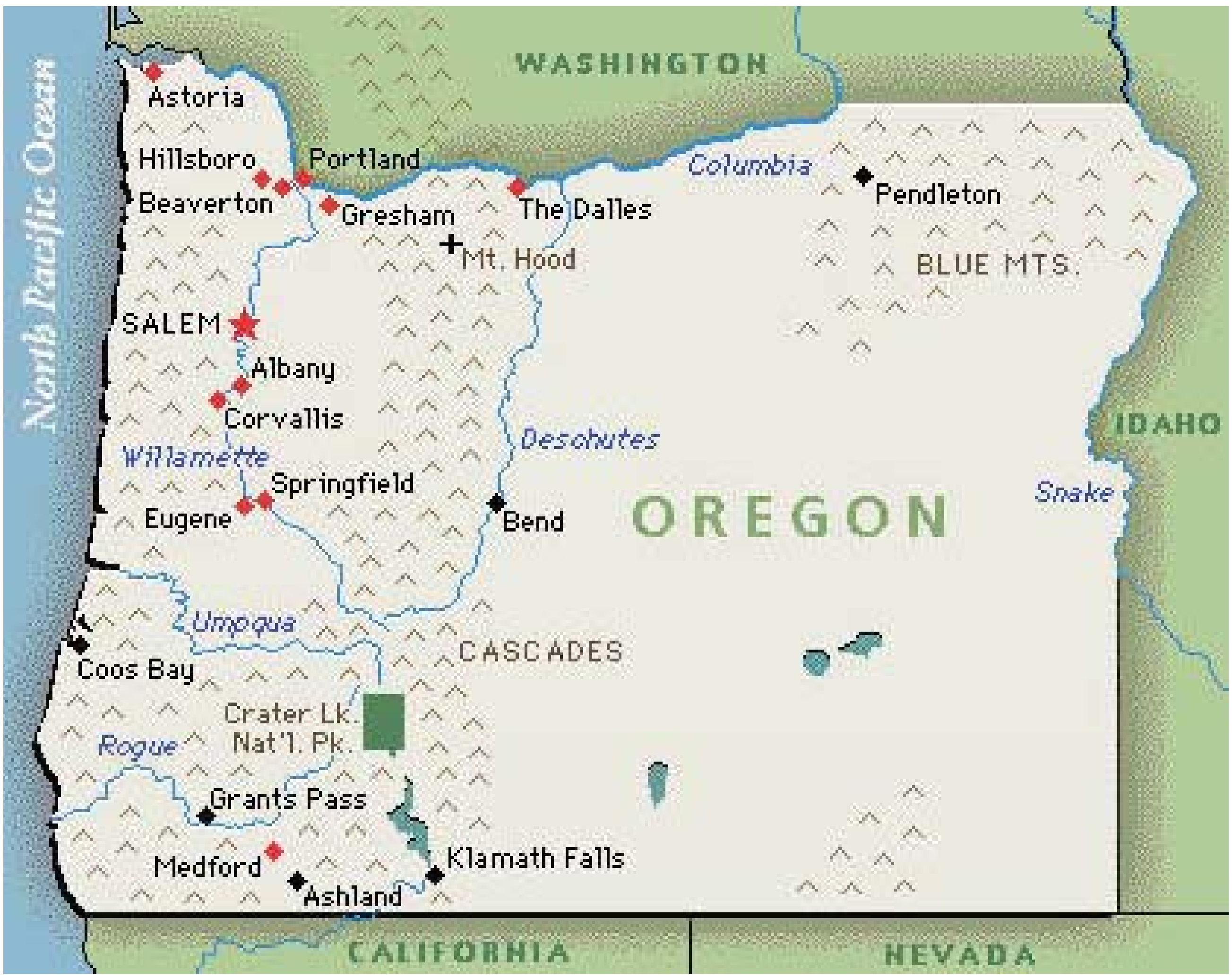
Regional Plan For the Public Safety 700 MHz Band Region 35 (Oregon)



Version 11
October 5, 2015

Plan Drafting Versions

Draft Version	Date	General Description of Content
1	May 6th, 2003	Based on National Template. Added By-laws and committee positions contact information.
2	June 23rd, 2005	Joe Kuran assemble all meeting minutes and notes into one document
3	Sept 16th, 2008	Joe Kuran revived plan and removed wide band reference.
4	January 29, 2009	Technical Committee of the 700 MHz RPC revision of Section 8
5	February 12, 2009	Technical Committee of the 700 MHz RPC revision of Section 8 & 9 and clean-up of Sections 1-4
6	March 16, 2009	Revisions plus clean-up of Sections 1-6. Stopped after Section 7. Sections 8-9 need further revisions after final determination of repacking issue.
7	April 21, 2009	Accept changes from previous versions. Reformat and Proof entire document, separate Appendices into separate document. Edit sections 6.2, 6.7, 6.8, 8. Remove references to CAPRAD pre-pack.
8	June 25, 2009 July 7, 2009	Accept changes from previous versions. Edit Sections 10-14. Add new channel pack.
9	August 5, 2009	Conform draft to APCO template by adding sections and language, and reorganizing document slightly
10 – Final Approved by the FCC	December 15,2009	Incorporate review of all Sections. Proofread, conform document and clean up formatting.
11	October 5, 2015	Revised OWEN to Wireless Communications System of ODOT throughout / Updated Section 2.1 / Updated Section3, 3.2, 3.3 / Added Section 4.6 / Updated Section 8.7, 9.2, 13.5.3.2 / Revised Section 13.5.4

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LIST OF APPENDICES

LIST OF ATTACHMENTS - Deleted

1 SCOPE

The Region 35 700 MHz Regional Plan initially includes the following elements:

1) Region 35 is defined as the entire State of Oregon

2) The broad classifications of entities eligible to apply for spectrum are defined in accordance with National Coordination Committee's (NCC) definitions.

3) Good faith attempts were made to contact all eligible agencies in order to assure their ability to participate in development and management of the Plan. These attempts are documented and attached as **Appendix A**.

4) The Regional Planning Committee worked with the Oregon SIEC to set Oregon's policies for the authorities and responsibilities of the Regional Planning Committee.

5) The Planning Committee worked with the Oregon SIEC to set up the methodology for the initial spectrum allocation.

6) The Planning Committee agreed on how the application process will be administered. This application process includes guidelines for spectrum use, application requirements, and the application review process and appeal/dispute resolution.

7) The Plan includes guidelines for future revisions and amendments of the Plan.

The statewide frequency allotment in this plan was developed by members of the Planning Committee. Once the FCC approves the Region 35 Plan, the allocation will be uploaded into the Computer Assisted Pre-Coordination Resource and Database (CAPRAD) database for Oregon's and adjacent states' actual allocation

Interoperability guidelines and usage must be in accordance with the requirements of the State Interoperability Executive Committee (SIEC). In the event of a conflict between the interoperability rules for National Calling and Tactical channels in this plan and Oregon SIEC guidelines, the SIEC guidelines will prevail.

1.1 INTRODUCTION TO THE REGION 35 REGIONAL PLANNING COMMITTEE

In order to help alleviate major wireless radio congestion, the Federal Communication Commission (FCC) released 60 MHz of television broadcast spectrum – channels 60-69 (746-805 MHz) for use by land mobile radios. In addition to alleviating the congestion for wireless radio systems, the FCC also hoped to provide public safety access to new technologies that may require additional use of bandwidth, and promote interoperability. To accomplish these goals, the FCC originally allocated 24 MHz of this spectrum with 12 MHz for narrowband voice and data applications and 12 MHz for broadband data applications. Subsequently, the FCC reallocated the 12 MHz of broadband spectrum to a single nationwide licensee to develop a nationwide broadband system on behalf of public safety. The remaining 12 MHz of narrowband voice and data paired spectrum is divided as follows:

Within the 12 MHz of paired spectrum (6 MHz of operational channels) for public safety, the following is a breakdown of how channels can be used:

- 475 kHz for interoperability
- 4 MHz for general use
- 1.2 MHz for state use
- 325 kHz reserved for future FCC allocation

The Region 35 (Oregon) Regional Planning Committee (RPC) is tasked with the administration and management of the 4 MHz of general use spectrum. The State of Oregon has a Statewide Interoperability Executive Council (Oregon SIEC), which is tasked with development of statewide interoperability policy and with developing a strategy for Oregon agencies to coordinate public safety communications in Oregon. The Wireless Communications Section, part of the Oregon Department of Transportation (ODOT) is the department responsible for setting policy and the administration of the state use spectrum. First Net (First Responder Network Authority) will be responsible for licensing the 10 MHz of broadband spectrum.

1.2 REGION 35 700 MHZ RPC MISSION STATEMENT

- Through cooperation, and collaborative effort, develop a PLAN for the implementation of the 700 MHz Public Safety General Use Radio Band in the State of Oregon.
- Ensure that radio spectrum is available in order to facilitate the Oregon SIEC interoperability strategy between all public safety agencies and related support agencies in Oregon.
- Establish responsible management of the PLAN into the future.

1.3 GENERAL DESCRIPTION OF REGION 35 (OREGON)

The State of Oregon is a single planning region (Region 35) for both the 700 MHz and 800 MHz public safety bands. Region 35 is bordered by Washington (Region 43) on the North, the Pacific Ocean on the West, the State of Idaho (Region 12) to the East, the State of Nevada (Region 27), and Northern California (Region 6) to the South.

The Cascade Mountains divide the state into western and eastern halves of the state that have uniquely different topographies, population distributions, economic conditions and climates. While much of the state is composed of wilderness or rural areas, there are significant areas of urban and sub-urban development as well. Most of these urban and sub-urban areas are in the western portion of the state, and the most significant of these is in the Portland Metropolitan Area. Smaller urban communities, including Salem, Eugene, Medford, Grants Pass and Ashland dot the Interstate 5 corridor down to the California border. Oregon has thirty-six counties.

Portland (Multnomah County) is the largest city in this region and along with the cities of Beaverton (Washington County), Gresham (Multnomah County) and Vancouver (Clark County, Washington State) makes up a metropolitan area that is the most significant economic engine in the state. The three county area (Clackamas, Multnomah, and Washington) includes over 42% of the current state population.

The eastern/central portion of the state is significantly more rural and agricultural in character than the western side of the state. The largest urban area in Central/Eastern Oregon is anchored by the city of Bend (Deschutes County).

2 REGIONAL PLANNING COMMITTEE LEADERSHIP

A board of elected officers leads the RPC. Elections are held in accordance with the RPC Bylaws.

2.1 OFFICERS - At the time of the original transmittal of this plan to the FCC, the following individuals served in leadership roles in Region 35:

Chair
Joe Kuran
Technical System Manager
Washington County Consolidated Communication Agency

Vice Chair
Dick Slinger
Linn County Sheriff

Secretary
John Swiecick
TriMet

Treasurer
Sally E. Porter
Oregon Interoperability Wireless Network

At the time of this Amended transmittal of this plan to the FCC, the following individuals serve in leadership roles in region 35:

Chair

John Hartsock
Clackamas 800 Radio Group
11300 SE Fuller Rd
Milwaukie, OR 97222
503-780-4806
John.hartsock@C800.org

Vice Chair
Kurt Chandler
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Secretary/Treasure
Shawn Halsey
Umatilla Morrow Radio & Data District
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2.2 RPC STRUCTURE

The RPC has adopted by laws that govern its operation, meeting schedule and membership. Officer requirements, voting procedures and membership attendance requirements are listed in the Region 35 Planning Committee bylaws. **Appendix B** contains the Region 35 bylaws.

From time to time, as described in the RPC By-Laws, officer positions will be subject to re-election. At any such time that one of these four positions is vacated and then refilled, the Chair will be responsible for taking the following actions:

- Providing notice to the FCC of the changes
- Providing notice to the NPSTC Support Office of the changes
- Modifying the Region 35 web site (www.region-35.org) to reflect the changes.

Such changes will not be considered Plan modifications, and will not require that this Plan be reissued to the FCC for public notice and comment cycles.

2.3 RPC MEMBERSHIP

Non-voting membership in the Region 35 Regional Planning Committee is open to any interested party. To become a voting member, a party must represent an eligible Oregon public safety or public service organization. Voting member eligibility is described in the bylaws. **Appendix C** lists the most recent roster of members. Voting and operating procedures are described in the by-laws.

3 REGIONAL PROFILE

Oregon covers 98,386 square miles, making it the 9th largest of the 50 states. The highest point in Oregon is Mount Hood, at 11,239 feet above sea level and the lowest point is sea level where Oregon meets the Pacific Ocean. The Mean Elevation of Oregon is 3,300 feet above sea level.

Oregon is known for its forests where about 1/10 of the nation's timber resides. In fact, Oregon is the leading provider of lumber in the United States.

Oregon's geography can be divided into six areas; the Coast Range, the Willamette Lowland, the Cascade Mountains, the Klamath Mountains, the Columbia Plateau, and the Basin and Range Region.

The **Coast Range** runs from north to south along the Pacific Ocean. Much of these low mountain ranges are forested with evergreens such as Spruce, Fir, and Hemlock. The average mountaintop in the Coast Range rises less than 2,000 feet above sea level, though Mary's Peak, southwest of Corvallis, Oregon, reaches 4,097 feet above sea level. Along the coast, cliffs rise almost 1,000 feet high over the Pacific Ocean. The Triangle Lake Valley was a very ancient lake. Many small coastal lakes are scattered throughout the Coast Range.

The **Willamette Lowlands** are a narrow strip of land to the east of the Coast Range along the Willamette River. The Willamette River flows north into the Columbia River. The soil is rich in the Willamette Lowlands and the climate is mild.

To the east of the Willamette Lowlands, the **Cascade Mountains** rise to 11,239 feet above sea level (Mount Hood). The Cascade Mountains provide a rugged landscape where many of the nation's highest peaks can be found. Mount Hood is the highest point in Oregon. Other high peaks include Mt. Jefferson at 10,497 feet above sea level, Three Sisters, over 10,000 feet above sea level, and Mount McLoughlin, 9,495 feet high. Many lakes can be found in the Cascade Mountains. Crater Lake is the deepest lake in the United States. It's 1,932 feet deep!

In the southwest corner of Oregon are the **Klamath Mountains**. The Klamath Mountains are covered by dense forests.

Covering most of eastern Oregon and extending into Idaho and Washington is the **Columbia Plateau**. Thousands of years ago, the Columbia Plateau was formed by lava flowing from cracks in the earth's crust. Oregon's Wheat farms are found on the Columbia Plateau. Much of the Columbia Plateau is quite rugged, however, and mountains such as the Blue Mountains and the Wallowa Mountains rise in the northeast. On the Oregon/Idaho border the Snake River has cut Hells Canyon deep into the earth. The average depth of this gorge, located between the Wallowa Mountains and the Seven Devils Mountains in Idaho, is 5,500 feet.

The **Basin and Range Region** covers a section of southeastern Oregon. The Basin and Range Region in Oregon is marked by high basins and a few steep mountains. Much of this region is semi desert.

The 2000 census placed the population of Oregon at 3,421,399 persons. Over 42% of this number resides in the three Portland Metropolitan area; including Clackamas, Multnomah, and Washington counties, as well as Clark County WA. The Portland Metropolitan area is immediately adjacent to the State of Washington and Clark County

Region 35 (State of Oregon) has four (4) adjacent regions. They are as follows:

- Northern California: Region 6
- Idaho: Region 12
- Nevada, Region: 27
- Washington: Region 43

In previous NPSPAC 821 MHz frequency allotments, spectrum amounts disproportionate to population densities were allocated due to differing methodologies used in adjacent NPSPAC Regions and the timing of adjacent regions plan approval. This resulted in what is today an inadequate number of channels available in the Portland Metropolitan area to meet the needs of public systems as population and the urban area expand.

Outside of the Portland Metropolitan Area, the 800 MHz spectrum is used in a countywide system in Oregon's Deschutes County and in the City of Salem in Marion County.

In the 700 MHz band, county-like-region allotments have been developed based on the Portland Metropolitan Area's requirements, the ODOT trunked radio system, and the population estimates of the counties and the major county-cities throughout Oregon. In all cases, the first step in Region 35's allotment process was to first protect all adjacent Regions. The allotment also recognizes the presence of existing regional efforts at joint-use regional systems. In promoting the spectral efficient use of simulcast, allotments include multiple county-like-regions where frequencies will be used in adjacent counties.

The State of Oregon is currently completing a 700 MHz P25 trunked radio system. It will cover a large horseshoe-shaped area which includes the Willamette Valley, the Columbia River from Portland to Arlington, and Central Oregon from the Columbia River down into Klamath County.

Region 35 defines a county-like-region as either a single Oregon county with an extension outside the boundary of that county by fifteen miles, or a grouping of adjacent Oregon counties that the collective boundary extends fifteen miles outside of those counties aggregated boundaries. This fifteen-mile extension of a county's boundaries does not apply to boundaries that abut adjacent states.

3.1 ESTABLISHED MUTUAL AID SYSTEMS

There are a significant number of established Interoperability systems standards and policies in place within the State of Oregon. The listing below is relatively complete and provides users of this Plan information about non-700 MHz interoperability opportunities in the Region.

- **(OPEN)** – 155.475 MHz is a national law enforcement frequency (VLAW31) available for use in police emergency communications networks operated under statewide law enforcement emergency communication plans.

- **STATE FIRE NET**– 154.280 MHz, is managed by the Oregon State Fire Marshall. Authorization to use STATE FIRE NET must be requested through the Fire Marshall. This is a nationwide, FCC designated mutual aid channel, VFIRE28, which can be used by fire districts and departments for command, control, and coordination at the scene of an incident.

- **OREGON EMERGENCY MANAGEMENT (OEM) MANAGES SEARCH AND RESCUE (SAR) – 155.805 MHZ**. Authorization to use SAR must be requested through OEM. This is a mutual aid channel to be used only when conducting search and rescue operations using only mobiles and portables.

- **NPSPAC 800 MHz Interoperability Channels** – In addition to the nationally adopted 8CALL90 and 8TAC channels in the NPSPAC band, Region 35 further identified a set of five (5) channels that could be used for on-scene tactical purposes in a simplex mode or on temporary low-power repeaters for significant events. The Plan further identifies operational practices to be followed in using both the national channels and these regional channels. Full details should be read in the Region 35 NPSPAC plan, which can be found in the 800 MHz section of (**www.region-35.org**).
  - National Calling Channel (8CALL90): 806/851.0125 MHz
  - National Working Channel (8TAC91): 806/851.5125 MHz
  - National Working Channel (8TAC92): 807/852.0125 MHz
  - National Working Channel (8TAC93): 807/852.5125 MHz
  - National Working Channel (8TAC94): 808/853.0125 MHz

Note 1: The 8CALL90 channel shall be used to contact other users in the Region for the purpose of requesting incident related information and assistance. If necessary, the calling party will be asked to move to one of the 8TAC channels for continuing incident operations or other interoperability communication needs. This channel can be implemented in full repeat mode.

Note 2: The TAC channels are to be used primarily for coordination activity between different agencies in a mutual aid situation, or emergency activities of a single agency. Incidents requiring multi-agency participation will be coordinated over these channels by the agency controlling the incident. These channels can be implemented in full repeat mode.

- **Region 35's Tactical Channels** are identified with intended primary uses but all channels are available for all public safety functions if incident conditions warrant.
  - OROPS-1 – Oregon Tactical 806/851.3250 MHz
  - OROPS-2 – Oregon Tactical 806/851.3875 MHz
  - OROPS-3 – Oregon Tactical 806/851.7500 MHz
  - OROPS-4 – Oregon Tactical 806/851.7750 MHz
  - OROPS-5 -- Oregon Tactical 806/851.8000 MHz

- **MEDNET** - The UHF MEDCOM channels are in use across Oregon State to support hospital to hospital, EMS medical control and aero medical communications, in addition to itinerant EMS operations. Systems implemented in the 700 MHz band should consider including these unique requirements into their system designs, and where possible provide cross patching to locally implement MED channels to meet these interoperability needs within their region.

- **Hospital Emergency Administrative Radio (HEAR)** – 155.340 (VMED28), and 155.280 MHz are common channels used by hospitals for communication with ambulance services for medical control. This channel can be used while at the scene or en route to the emergency medical facility. Licensing for use of this channel is requested through the FCC.

3.2 THE OREGON STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL (SIEC)

The Oregon Statewide Interoperability Executive Council (SIEC), created in 2002 by Governor's Executive Order 02-17. In 2005 the Oregon Legislature passed HB 2101, which creates the Oregon SIEC within the Oregon Emergency Management Department. In 2015 the Oregon Legislature passed HB3099 which modified the SIEC and moved it to the State Chief Information Officer. (See Appendix D for the full text of the statues) The SIEC is charged with improving and developing interoperable public safety communication systems in Oregon. Through the Governor, its advisory recommendations will form public safety communication policy in Oregon.

The 23 voting members of the SIEC represent a unique partnership of state and local public safety organizations that have a strong interest in the creation and operation of public safety communication systems. These partners are working hard to deliver tangible results because they understand that weaknesses in the current communication systems compromise their individual and collective ability to protect the public, and they are committed to solving Oregon's interoperability problems.

The SIEC involves counties, cities, special districts, fire and law enforcement associations, 9-1-1 public safety telecommunications groups, state agencies, the Governor's Public Safety Advisor, and other public participants who are working together to create a blueprint for future communications coordination within Oregon. It is the ability of these different groups to work together that will allow the full and successful development of wireless radio interoperability in Oregon.

3.2.1 SIEC PURPOSE

The purposes of the SIEC are detailed in Oregon HB 3099 included as **Appendix D**.

The SIEC has completed the "Oregon Statewide Interoperable Communications Plan (SCIP)", "Short Term Interoperability Guidelines", and "Short-Term Physical Plant Guidelines".

The State of Oregon provides a SIEC web site where the above referenced documents and other SIEC information are maintained. (www.oregon.gov/SIEC/index.shtml).

3.2.2 SIEC ROLE IN REGIONAL PLAN

The SIEC may provide guidance to the RPC in matters of interoperability policy for statewide interoperability.

3.3 ANTICIPATED IMPACT OF ADDING 700 MHZ INTEROPERABILITY CHANNELS

Without question, many areas within Region 35 have a need for additional spectrum to meet their operational needs. We expect several areas, particularly the heavily populated Portland metro area, to make extensive use of this band as new or expanded systems are brought on line to meet pent-up demand. The ODOT trunked network will require some general use frequencies in addition to the State use frequencies to provide the capacity and coverage necessary for the State effort. In many smaller communities, however, the addition of new systems in the new 700 MHz frequency band will likely add to overall interoperability challenges rather than lessen them. This added complexity is the result of the mandate for digital transmission in the 700 MHz band and the high number of small VHF systems throughout rural Oregon that bring many more interoperability challenges when 700 MHz systems are interleaved into this VHF analog legacy world. We expect that very few rural VHF systems will be replaced by 700 MHz systems; in many areas we expect to see 700 MHz systems added to the mix of communications options available in the area.

Therefore, it will be extremely important as new 700 MHz systems are planned and deployed, that the sponsors of those systems are well informed of other legacy systems in all other bands that are operating in their area, or in locations where they may be called upon to render mutual aid assistance. Since, for the foreseeable future, public safety communicators are likely to employ systems operating in all available public safety bands using dissimilar technology, only good collaboration, open inter-agency communication and good system planning will allow us to sustain reasonable levels of interoperability in an ever more complex environment.

For the 700 MHz band, new systems will be expected to incorporate appropriate interoperability into their plans and designs, instead of expecting legacy systems to figure out how to operate with the newcomers. It is not enough for the new systems to meet the interoperability requirements within the Plan for that band (700 MHz or 800 MHz); they also need to provide mechanisms to interoperate with VHF and UHF users to a level that is appropriate for their operations.

Typically, this is accomplished through some mix of fixed infrastructure or transportable equipment that can accomplish cross-band and cross-system patches. These approaches have proven to be effective in meeting interoperability needs within this region and across the country, and this Plan anticipates further deployment of these technologies as systems are implemented in the 700 MHz band.

The Oregon SIEC is the primary policy body addressing these cross-band interoperability issues. The 700 MHz RPC is actively involved in assisting and advising on interoperability issues, and works collaboratively with the SIEC technical committee, partnership committee and strategic planning committee. The SIEC is also working on a plan to tie P25 systems together using ISSI connections

The State radio system will include interoperability elements to maintain working relationships between trunked radio system users and selected conventional systems. Around the trunked system, existing State Police and Transportation VHF repeaters will be linked to talkgroups to bridge the two different services. Within the coverage of the State system, additional radios for selected county and local government systems will also be linked to talkgroups. This dual approach will allow continued communications between users who have a long history of operability, and will bring new capabilities to groups which have not previously been able to communicate.

3.4 OVERVIEW OF PUBLIC SAFETY ENTITIES IN THE REGION

The following is a brief description of the most predominant entities in the Region that will need to be accommodated by this Plan.

3.4.1 FEDERAL AGENCIES

The Region has the typical presence of federal public safety agencies. There is also some limited military presence in the Region. Due to the significant amount of state and federal forestlands and national parks in the Region, there is also a significant amount of interaction between state and local fire agencies and the various federal agencies involved in fire suppression activities. There is a federal Integrated Wireless Network (IWN) multiagency, shared law enforcement digital trunked radio system along the length of Oregon's Interstate 5 highway.

3.4.2 STATE AGENCIES

The Oregon State Police, Oregon Department of Transportation, Department of Corrections, and the Oregon Department of Forestry all play significant roles in providing public safety services. Additional state agencies have roles in providing public safety services to residents of the State of Oregon. The Emergency Management Division of the Military Department is responsible for providing statewide coordination of resources during extreme emergency or disaster conditions. The State of Oregon has assigned its 700 MHz trunked radio system to the ODOT Wireless Communications Section (WCS). WCS reports not only to its own management, but also to the State Radio Users Group, which was formed to provide oversight and guidance for the WCS. It is composed of representatives from the five State Agencies previously listed.

3.4.3 COUNTY AGENCIES

The most significant public safety function of each county is its Sheriff's Office. County Sheriffs are directly elected public officials in all 36 counties, and are generally responsible for law enforcement in the unincorporated areas of the counties and in some incorporated cities under contracted services arrangements. Counties are also responsible for operating public health programs and some extend this into providing basic and advanced life support services directly to the public.

There is also the normal array of other governmental services offered by counties that contribute to the public safety, including the operation of public works and roads agencies, surface water management functions, water systems, sewage and sewage treatment systems, bus and transportation systems, etc.

3.4.4 CITY AGENCIES

The police department is the most common public safety service provided by incorporated cities. Many cities also operate a fire department and typically these fire departments offer basic life support (and occasionally advanced life support) EMS services. Some cities have not formed fire departments and instead receive fire protection from fire protection districts that often pre-date the formation of the city and have larger jurisdictional boundaries than the cities. Cities also often provide services such as roads and public works functions.

3.4.5 SPECIAL PURPOSE DISTRICTS

There are a considerable number of special purpose districts in Oregon State. The most common of these are fire protection districts, school districts, water districts, transit districts and sewer districts, but there are also hospital districts, port districts, electric districts, etc. These special districts often have jurisdictional boundaries that are quite large and often surround one or more incorporated cities. They are typically led by a 3 to 5-member board of commissioners who are directly elected by the public in the district.

3.4.6 TRIBAL NATIONS

There are several federally recognized tribes in the state of Oregon. Historically, all federally recognized tribes in the United States have been considered sovereign in their own lands, maintaining a government-to-government relationship with federal and state governments. Tribes residing on reservations are eligible to receive benefits and services from the Bureau of Indian Affairs (BIA) and the Indian Health service (IHS), such as assistance with the development of tribal governments and courts, resource management, educational grants and programs, housing programs and medical and dental care. Most tribes maintain an independent government with a constitution and bylaws. Tribal Councils establish laws, enforce tribal ordinances and may elect a business committee to manage real property and other assets. Many maintain a reservation police force and a tribal court including a chief judge and associate justices.

3.4.7 E-911 AND PSAP'S

For supporting 9-1-1 services, the State of Oregon has established a fully enhanced system which allows the public safety answering points (PSAP) to know the address and location of the 9-1-1 caller when making a call through the local exchange telephone network. There are 43 primary PSAP's within the state. Oregon State Patrol is a secondary PSAP. The State is also addressing the need for wireless 9-1-1 service. Wireless enhanced 911 services are broken down into Phase I and Phase II service. With Phase I service the call back number and cell sector is displayed in the PSAP for 911 calls. Phase II service provides the call back number and the latitude and longitude of the 911 caller.

In addition to providing 9-1-1 service, designated PSAP's also serve as National Warning System (NAWAS) warning points and Emergency Alert System (EAS) entry points.

4 REGIONAL PLAN ADMINISTRATION

4.1 OPERATIONS OF THE REGIONAL PLAN COMMITTEE

This Committee will use Robert's Rules of Order to conduct meetings. All decisions will be by clear consensus vote with each eligible voting member having one vote. The meetings are open to all persons and a public input time is given for anyone to express a viewpoint or to have input to the planning. Operations of the Regional Planning Committee are described in the Region 35 By-Laws (**Appendix B**).

4.2 INFORMATION AND NOTIFICATION PROCESS

The Region 35 regional planning process for the 700 MHz band was officially convened on January 16, 2002 in, Portland, Oregon. Joel Harrington, Chair of the Region 35 NPSPAC 800 MHz Regional Review Committee, served as the Convener. This meeting was properly noticed by the FCC under DA 00-2250 published on October 31, 2001.

Since the National Coordination Committee (NCC) action was still underway at that time, the RPC realized it would only be engaging in fact-finding and information building until final NCC action was completed and FCC rules established. Therefore, subsequent meetings of the RPC were announced via various mechanisms, but few were put on Notice to the FCC. Established emailing lists for the Region 35 800 MHz process were all advised of 700 MHz meetings, as were known interested parties such as the state APCO Chapter, Police and Fire Chiefs Associations, etc.

A web site was established for the region (www.region-35.org) and all meeting agendas and minutes were posted on that web site, as well as key resource documents and links to other web sites and web documents. Further, an information sheet was developed that was posted on the web site and provided to vendor representatives to distribute while making sales visits to customers throughout the state. All of this was done in an effort to raise awareness of the availability of the 700 MHz band and the existence of a regional planning process.

Today, the web site provides a tool on the home page that allows any interested party to sign up for a list server function. Every meeting announcement, resource documents, discussion threads and other information are circulated through this list for the broadest possible transfer of information. A listing of the list server members at the time this Plan was filed with the FCC for approval is provided in **Appendix E**.

Further efforts to increase awareness and visibility for the planning process included:

- Posting information and a web link on the web site of the Oregon Chapter of APCO (http://www.oregonapconena.org).
- Emailing the information flyer to the Oregon APCO list server as an attachment to an email message encouraging participation.
- Publishing notices of RPC meetings with the FCC

  (http://wireless.fcc.gov/publicsafety/700MHz/regions/region35.html).
- Sending these same notices to a broad distribution list including public safety and governmental associations across the state.

4.3 PROCEDURE FOR REQUESTING 700 MHZ SPECTRUM ALLOCATION

After plan approval, agencies desiring a spectrum allocation shall submit an application to the Chair of the Region 35 RPC in writing indicating their need for spectrum. The application will be considered, providing that harmful interference is not caused to existing users or incumbent broadcasters. The technical parameters to determine the extent of any possible interference are given in Section 7 of this Plan. Agencies will need to provide the Committee with a full justification for the requested spectrum. All applications will be considered on a first come, first served basis. To be considered the application must include the information detailed in Section 9.3 of this Plan.

When the Chair receives a request for spectrum, the request will be distributed to all parties on the listserv. Any disputes must be received within 30 calendar days. ***Disputes will only be considered if an agency or the Chair can show harmful interference is likely based on the input submitted by the agency requesting the new allocation or if the allocation does not conform to plan criteria.***

If the parties cannot resolve the issues and so inform the Chair within 14 calendar days, then the dispute shall be resolved in accordance with the Regional Committee Appeal/Dispute

Resolution Process as outlined in Section 13.5 herein. Absent a dispute, the allocation will be approved by the Chair and submitted to the FCC as a plan amendment.

4.4 PROCEDURE FOR FREQUENCY COORDINATION

The Region 35 Planning Committee will utilize and refer to the Region 35 Pre-Coordination, 700 MHz Frequency Allotment. This Region 35 Pre-Coordination Allotment is contained in **Appendix F.** This pre-coordination allotment develops interference controlled, possible, channel "pre-coordination allotments" in each county-like region within Oregon, using criteria such as Oregon's historical use of the 800 MHz band, current population, most current Census data, height above average terrain (HAAT) and historical Oregon public safety use to provide spectrally efficient frequency allotments. This pre-coordination frequency allotment considered the current heavy use of 800 MHz spectrum in the Portland Metropolitan area, and preplanned the additional heavy use of the 700 MHz band in the Metropolitan area. It also considered the addition of new 700/800 MHz systems for TriMet and the State system in the Portland Metropolitan area. This pre-loading of 700 MHz channels into the Portland Metropolitan area reflects the fact that over the past 20 years, there has been almost no use made of the 800 MHz band outside of the Portland Metropolitan area, the Salem area, Deschutes County and Benton County in Washington adjacent to the Oregon Counties of Gilliam, Morrow, and Umatilla.

The Region 35 Regional Planning Committee has the ability to accept recommendations and the authority to change the original frequency pre-coordination allotment to reflect subsequent actual need and actual systems' developments. Any changes to the regional pre-coordination allotments must be approved at a meeting of the full Regional Planning Committee. If approved, the Chair will file a Plan amendment indicating the approved changes with the FCC. If approved by the FCC, the changes will then be uploaded into the CAPRAD database for use by all frequency coordinators.

Applicants must submit their initial FCC application to the Regional Planning Committee so the committee can ensure the application complies with all elements of the regional plan. If approved, the Regional Planning Committee will make sufficient notification to the applicant's selected FCC certified Frequency Coordinators through the CAPRAD database. If applications are not in concurrence with the Regional Plan, the applicant must include all FCC rule waiver requests with their application package to the RPC. This process meets the requirements of Rule 90.176 (c).

To request channels from Region 35, the applicant must submit a copy of the FCC application to the RPC Chair for dissemination to the Region 35 Scoring Sub-Committee. The applicant must also submit an interference prediction map using the most recent version of TIA/EIA TSB 88 as the guideline. The map must show all that all required contours achieve the required separation and the system coverage limitations. If an application is objected to by an agency that holds co channel and/or adjacent channel license(s) or is within a similar pre-coordination allotment county-like-region that alleges interference, the applicant agency may provide an engineering study (conducted by or on behalf of) the applicant agency for review and approval or denial by the RPC. Additionally, the objecting agency may request documented field tests that are done to verify interference signal conformance or non-conformance with the required contour levels. If the objecting agency ultimately agrees, they shall issue a letter of concurrence to the applying agency. The final RPC authority will be the RPC whenever it is satisfied that the application is consistent with the required interference contour levels and with the requirements of the Regional Plan. In all cases, the FCC will be the final authority in approving applications.

Applicant agencies will need to fully document technical information, sites, tower heights, antenna height above ground level, area of coverage, transmitter ERP, along with any other technical information required for RPC sub-committee review and coordinator review. Applicant agencies are expected to construct systems with maximum signal levels in their coverage area and minimum signal levels in co-channel and adjacent channel user's coverage areas. Coverage area in the context of this plan will be defined as the geographical boundaries of agency(s) served by the system plus fifteen miles. The RPC realizes that radio signals don't stop at political borders. Our attempt is to maximize the use of the frequencies by packing as many users as many users as possible per channel while providing public safety grade of interference elimination.

4.5 ADJACENT REGION SPECTRUM ALLOCATION

Region 35 shares borders with Washington, Nevada, Idaho, and Northern California. Region 35 will coordinate channel allocations with all its bordering regions. This Plan requires adjacent state notification as well as FCC Certified Frequency Coordinator notification. The Region 35 RPC has very carefully included all adjacent regions' pre-coordination allotments into the Region 35 pre-coordination allotment.

Region 35 will provide data to the Association of Public Safety Communications Officials

(APCO) Pre-coordination Data Base to assist with adjacent region coordination.

~~6.2~~

~~6.3~~4.6 REGIONAL PLAN UPDATES

~~6.4~~

4.6.1 The Region 35 700 MHz Regional Planning Committee submits this 700 MHz plan modification to the Commission in accordance with the Report and Order (14-172) and the requirements assigned to each regional planning committee therein.

Region 35 will modify its existing 700 MHz plan utilizing the following channel plan for the former Reserve Channels:

We modify the Region 35 700 MHz plan to utilize ALL former Reserve channels as "floating allotments" to supplement the existing General Use allotments in each region: 37-38, 61-62, 77-78,117-118, 141-142, 157-158,197-198, 221-222, 237-238, 277-278, 301-302, 317-318, 643-644, 683-684, 699-700, 723-724, 763-764, 779-780, 803-804, 843-844, 859-860, 883-884 and 923-924, 39-940**,** . Allowing these remaining channels to supplement the existing General Use allotments utilized within the region will promote maximum flexibility of the use of these channels in each region.

Region 35 700 MHz Regional Planning Committee encourages the Commission to permit the introduction of new 700 MHz General Use channels in a flexible manner where the channels are available to all existing allotments where the channel use can be most optimum.

This 700 MHz Regional plan modification reiterates the Intra-Region and Inter-Region coordination protocol in use currently in the region and that these new flexible allotments will be subject to the same coordination protocol within the region. Region 35 will utilize the same intra-region and inter-region coordination practices with these new, flexible General Use allotments as required in our current plan. Region 35 states that at least half of these Reserve channels shall be available to Region 35 with the balance being available to the adjacent regions.

Region 35 hereby places a moratorium on the use of these former reserve channels until such time as the Intra-Region and Inter-Region coordination is complete and approved by the Region 35 Committee and adjacent Region Committees.

Region 35 requires that any Region 35/Oregon use of these frequencies shall be on a P25 – TDMA simulcast system. **(P25) Phase 2** refers to P25 requirements and standards for a digital Common Air Interface (CAI), Time Division Multiple Access (TDMA) based, which provides one voice channel per 6.25 kHz channel spectrum efficiency. The current standards effort focuses on 2-slot TDMA which provides two voice traffic channels in a 12.5 kHz allocation.

4.6.2 **Air to Ground (previously known as secondary trunked channels) In its Report and Order (FCC 14-172) dated October 24, 2014 the FCC re-designated the 700 MHz Secondary Trunked channels and reserved them for specific Air to Ground communications between low-altitude aircraft and associated ground stations. The secondary channels are the most suitable channels for this specific Air to Ground purpose as they have no incumbents and little risk of co-channel interference since there are no current Secondary Trunked licensees.**

The eight (8) 12.5 KHz Air to Ground channels are listed below:

FCC Channel	Base	Mobile	Status
21-22	769.131250	799.131250	Available
101-102	769.631250	799.631250	Available
181-182	770.131250	800.131250	Available
261-262	770.631250	800.631250	Available
659-660	773.118750	803.118750	Available
739-740	773.618750	803.618750	Available
819-820	774.118750	804.118750	Available
899-900	774.618750	804.618750	Available

The FCC also adopted a two (2) watt ERP limit for the use of these channels along with restricting airborne use of these channels to altitudes below 1500 feet Above Ground Level (AGL). To limit area impacted by the airborne operations. Given the proximity of these Secondary Trunking Channels to the designated Interoperability channels in the 700 MHz band (immediately adjacent to), the FCC assigned the responsibility for coordinating these channels to each state while permitting aircraft use on both the upper and lower portion of each Secondary Trunked Channel pair.

Region 35 hereby acknowledges that the State of Oregon shall administer and manage the Air to Ground Channels (secondary trunk channels).

5 SYSTEM DESIGN/EFFICIENCY REQUIREMENTS

5.1 INTERFERENCE PROTECTION

The pre-coordination frequency allotment was based on an assumption that systems will be engineered on an interference-limited basis, not a noise floor-limited basis. Each allotment was based upon a minimum geographical separation of 75 miles to any other co-channel use. Agencies are expected to design their systems for maximum signal levels within their coverage area and minimum levels outside of their defined service area. Coverage area is normally the geographical boundaries of the Agency(s) served plus fifteen miles beyond the geographical boundary.

Systems should be designed to produce minimum signal strength of 40 dBu in the system coverage area while minimizing signal power out of the coverage area. TIA/EIA TSB88 (or latest version) will be used to determine harmful interference assuming 40 dBu, or greater, signal in all systems' coverage areas. This may require patterned antennas and extra sites compared to a design that assumes noise limited coverage.

5.2 ORPHANED CHANNELS

The General Use pool allotments within Region 35 have a channel allotment bandwidth of 25 kHz. These 25 kHz allotments have been characterized as "Technology Neutral" and flexible enough to accommodate multiple technologies utilizing multiple bandwidths. If agencies choose a technology that requires less than 25 kHz channel bandwidth for their system, there is the potential for residual, "orphaned channels" of 6.25 kHz or 12.5 kHz bandwidth immediately adjacent to the assigned channel within a given county area.

The Region 35 RPC encourages applicants to use both halves of the 25 kHz channel. Using Project 25 digital technology and modern equipment the 12.5 kHz channels that are adjacent to each other may be used with as little as 2 miles of geographic separation. An orphan channel may be used at another location within the county-like region area where it was originally approved, if it meets co- and adjacent channel interference criteria. Region 35 will utilize **"county-like areas"** as guidelines for channel implementation with the area of Region 35. The definition of **"county-like area"** in this plan is the geographical/political boundaries of a given county, plus a distance of up to 15 miles outside of the county. These county-like areas may also be comprised of multiple counties and the 15-mile area outside of those multiple counties.

If the channel, or a portion of a channel, is being moved into a "county-like area" that is within 30 miles of an adjacent region, Region 35 will require concurrence from the affected region. By extending the “county-like area” by a designated distance, it is anticipated this will increase the possibility that orphaned channel remainders will still be able to be utilized within the “county-like area”, and reduce the potential for orphaned channels to lay dormant. All pre-coordination allotments and subsequent allocations will be documented on the CAPRAD database.

If the “orphaned channel” remainder does not meet co-channel and adjacent channel interference criteria by moving it within the “county-like area” as listed above, and it is determined by the region that the “orphaned channel” cannot be utilized in the region without exceeding the distance described in the “county-like area” listed above, Region 35 will submit a plan amendment to the FCC to repack the channel to a location where its potential use will maintain maximum spectral efficiency. This FCC plan amendment will require affected region concurrence.

When in the best interest of public safety communications and efficient spectrum use within the Region, the Region 35 Regional Planning Committee shall have the authority to move orphan channel allotments, and/or co-/adjacent-channel allotments affected by the movement of orphan channels, within its “county-like areas”, which are defined above. This is to retain spectrum efficiency and/or minimize co-channel or adjacent channel interference between existing allocations within the region utilizing disparate bandwidths and technologies.

6 700 MHZ TACTICAL MUTUAL AID AND INTEROPERABILITY

6.1 INTRODUCTION

The ability of agencies to effectively respond to mutual aid requests directly depends on their ability to communicate with each other. The state of Oregon is subject to natural disasters such as the geological activity at numerous still active Cascade Mountain range volcano locations, Tsunamis, on shore and off shore earthquakes, and wild land fires, and mutual aid is common among agencies. This plan seeks to facilitate the communications necessary for effective mutual aid.

The state of Oregon will administer the 700 MHz Interoperability (I/O) channels via its SIEC under National Coordination Committee’s (NCC) guidelines.

6.2 GUIDELINE FOR INTEROPERABILITY CHANNELS

In order to obtain 700 MHz channels, all agencies requesting General Use spectrum from this Plan will be required to implement the Interoperability Channels' Plan adopted by the Oregon SIEC. Policies for implementation of interoperability channels will be set by the Oregon SIEC.

7 ADDITIONAL SPECTRUM SET ASIDE FOR INTEROPERABILITY IN THE REGION

No additional I/O channels are defined at this time within Region 35. Should the RPC reallocate general use channels for I/O use in the future, these additional I/O channels will comply with the same policies as the nationally defined I/O channels and Section 6 of this Plan.

8 ALLOCATION OF NARROWBAND "GENERAL USE" SPECTRUM

8.1 INTRODUCTION

The FCC adopted channel plan for the 700 MHz public safety spectrum is shown in **Appendix G**. The largest portion of this spectrum is characterized as general use. The initial allotment of general use narrowband spectrum in Region 35 **(See Appendix F; "**Region 35 Frequency Allotment Plan") was done on a county-area basis and takes into consideration county-area population, the State trunked radio and interoperability system design, and hypothetical spectrum coverage predictions. This packing has also been done with coordination with neighboring Region 12 (Idaho), Region 6 (Northern California), Region 27 (Nevada) and Region 43 (Washington). However, this allotment is only a starting point for the initial licensing application windows, and it is acknowledged by the RPC that the desired allotments may change as the band becomes more populated over time.

As applications by eligible licensees (as defined by Part 90 rules) are made to the RPC, it will assign specific channels based on the most efficient spectrum utilization possible and as further described in other sections of this document. All such assignments will be maintained in the CAPRAD database and that is the only database neighboring regions and frequency coordinators should use to determine channel utilization in Region 35.

8.2 NARROWBAND SPECTRUM USE

The Region 35 Technical Sub-Committee recommends that allotments be made on the basis of one 25 KHz channel for every two (2) voice channel requests and one 12.5 KHz channel for each narrowband data channel request. This recommendation is approved by the full Committee and is part of this plan. Allotments will be made in 25 KHz groups to allow for various digital technologies to be implemented. All eligible agencies requesting spectrum will be allocated channels, providing channels are available, if plan requirements are met. Agencies using Frequency Division Multiplexing (FDMA) will be expected to maintain 12.5 KHz equivalency when developing systems and will be expected to utilize both 12.5 KHz portions of the 25 KHz block. In most cases, this will require the geographic separation of each 12.5 KHz adjacent channel. In order to promote spectrum efficiency, Region 35 will recommend that systems allocated 25 KHz channel blocks will utilize the entire channel and not "orphan" any portions of a system designated channel (See Section 5.2).

8.3 LOW POWER SECONDARY OPERATIONS

To facilitate portable operation by any licensee, and to provide channels for such operation without impacting the use of primary channels, certain low power secondary use will be permitted. Any public safety entity otherwise licensed to use one or more channels under this Plan may receive authorization to license any additional channel for secondary use, subject to the following criteria:

- All operation of units on such authorized channels will be considered secondary to other licenses on both co-channel and adjacent channels,
- No channels on or adjacent to, those designated in the Plan for wide area operation and/or mutual aid use will be authorized,
- Channels will be authorized for use in specific areas only, such areas to be within the licensees authorized operational area,
- Maximum power will be limited to 6 watts ERP,
- Use aboard aircraft is prohibited,
- Applications for channels may be submitted to the Committee for consideration at any time and must be accompanied by a showing of need. The Committee may select and authorize licensing of these secondary use channels after consideration of potential interference to co-channel and adjacent channel allotments, allocations and licensees. Authorization may be granted for use of any suitable channel, without prior allotment or allocation to the requesting agency,

In the event the channels authorized for low power secondary operation are needed by others during any window opening for reassignment, no protection will be afforded to the licensed secondary user, and they may be required to change frequencies or surrender licenses to prevent interference to primary use channels.

8.4 LOW POWER CHANNELS

The FCC in the 700 MHz band plan set aside channels 1 - 8 paired with 961-968 for low power use for on-scene incident response purposes using mobiles and portables subject to Commission-approved regional planning committee regional plans. Transmitter power must not exceed 2 watts (ERP).

Channels 9 –12 paired with 969-972 paired are licensed nationwide for itinerant operation. Transmitter power must not exceed 2 watts (ERP).

These channels may operate using analog operation. To facilitate analog modulation this plan will allow aggregation of two channels for 12.5 kHz bandwidth. On scene temporary base and mobile relay stations are allowed (to the extent FCC rules allow) with an antenna height limit of 6.1 meter (20 feet) above the ground. However, users are encouraged to operate in simplex mode whenever possible. This plan does not limit use to only analog operations; these channels are intended for use in a wide variety of applications that may require digital modulation types.

In its dialog leading up to CFR §90.531 allocating the twelve low power 6.25 kHz frequency pairs (of which eight fall under RPC jurisdiction), the Federal Communications Commission (FCC) suggested that there is a potential for multiple low power applications, and absent a compelling showing, a sharing approach be employed rather than making exclusive assignments for each specific application because low power operations can co-exist [in relatively close proximity] on the same frequencies with minimal potential for interference due to the 2 watt power restriction.

Whereas advantages exist in not making assignments, the reverse is also true. If, for example, firefighters operate on a specific frequency or set of frequencies in one area, there is some logic in replicating that template throughout the region for firefighter equipment. If there are no assignments, such a replication is unlikely.

In seeking the middle ground with positive attributes showing up both for assignments and no assignments, we recommend the following regarding assignments associated with the eight narrowband channels for which the RPC's have responsibility.

Channel #'s 1-4/949-952 are set aside as generic channels for use by public safety agencies operating within Region 35.

Channel #'s 5-6/953-954 are designated as Fire Protection channels for licensing and exclusive use by the Fire Protection discipline.

Channel #'s 7-8/955-956 are set aside as Law Enforcement channels exclusive use by the Law Enforcement discipline.

Simplex operations may occur on either the base or mobile channels. Users are cautioned to coordinate on scene use among all agencies involved. Users should license multiple channels and be prepared to operate on alternate channels at any given operational area.

8.5 SYSTEM IMPLEMENTATION

Because no Broadcast Television stations operate within this band in Oregon, Region 35 will not be affected by interference potential from existing television stations operating in the 700 MHz spectrum. A notification, in writing, has already been issued to secondary television station operators / licensees in this band that would be affected of the intended use of 700 MHz spectrum in the State of Oregon (**Appendix H**). This allows for an applicant to have an immediate review of their application package and, when approved, meet intended construction timeframes identified within the application submittal.

After the RPC assignment of channels the agency must submit its FCC application for license, and an implementation plan within one year of the channel allocation. If the agency does not implement in the timeframes specified, that agency's assigned channels may be removed from the list of assigned channels. The applicant agency may file a request with the Region Chair for an extension of time to implement. The request should include all details describing why the agency has not implemented and a new implementation schedule. The Committee Chair will advertise this request and set a date for the full committee to vote on the request. If no request for extension is received or the Committee votes not to extend implementation, the Committee Chair will advertise this action and to give other agencies a chance to request an assignment for use of that spectrum.

Should system implementation not take place within FCC timelines and guidelines for licensing, the channels will be returned for re-assignment to others. A one (1) year extension may be supported by the RPC, if it can be shown that circumstances are beyond the control of the applicant. The applicant will be responsible for contacting the FCC to request an extension. Applicants must be acting to the extent of their power to implement the project within their authority.

Semi-Annual system implementation status reports are required from all agencies receiving assignments from the RPC. If progress is made and the system is ultimately implemented the system can be determined "complete" and no further status reports are required.

8.6 MINIMUM CHANNEL LOADING

In order to ensure efficient use of allocated channels, the RPC will evaluate loading information as presented by applicants. The RPC will make an approval of appropriate channels based upon verifiable loading.

8.7 APPLICATION FILING AND PROCESSING

Complete applications received by the RPC will be processed as follows: The RPC will make every effort to process applications for channels within ninety (90) calendar days of receipt. The RPC will meet at least quarterly when applications are pending. Only complete applications in hand forty-five (45) calendar days prior to the next scheduled RPC meeting will be added to the agenda to be considered for assignment. Applications that are incomplete or not received forty-five (45) calendar days prior to the RPC meeting will be held until the next meeting or returned to the applicant (if incomplete).

Channel assignments will only be made to agencies within the channel allocations for the county-like area where they operate until all available channels are licensed. The only exception to this would be for agencies that operate across multiple county areas, in which case channel assignments may be made by the RPC from those multiple county areas. The allocation will be based on the most efficient utilization of spectrum.

Following assignment of channels by the RPC, the CAPRAD database will be updated to indicate the specific channel assignments to the specific agencies, and further frequency coordination and licensing efforts can rely on the CAPRAD database as the single-point source of information on specific channel assignments in the Region.

8.8 PRIORITY FOR RECEIVING SPECTRUM ALLOCATIONS

Priority for channel allocations will be made on a first come first served basis. Cooperative multi-agency system implementations will be given priority over non-shared single agency systems.

When applying for the new 700 MHz channels, the RPC expects applicants to relinquish any amount of any currently used spectrum and make that spectrum available for use by other agencies in Region 35 upon beneficial use of an implemented 700 MHz radio system. This currently licensed spectrum may be in any public safety band.

Agencies with a primary voice communication system operating under a NPSPAC band 800 MHz license, which are requesting 700 MHz channels for system expansion, are not asked to relinquish this spectrum but will be asked to include this spectrum that is already licensed into the loading requirements for a radio system as defined in this plan. The reason for this requested inclusion is that most, if not all, radio equipment developed for the 700 MHz band is expected to be also capable of operation on any existing 800 MHz NPSPAC licensed systems already in use and will likely to be included in justification of the loading of NPSPAC channels. Without this inclusion, it would theoretically be possible for an agency to double its frequency spectrum allocations by applying for an equivalent number of 700 MHz channels, for each 800 MHz channel that it has already licensed and justified loading criteria for, and reuse the same mobile or portable users for both bands, to both planning committees, in Region 35. Although separated in FCC rules and regulations, Region 35 will work with NPSPAC planning committees to attempt to make the most efficient use of spectrum for Public Safety in Region 35.

Agencies are encouraged to relinquish frequencies that will no longer be used as soon as possible in accordance with FCC rules and regulations.

The number of channels an applicant should retain would be an amount required to provide minimum interoperable communications to surrounding jurisdictions. In order to promote the interests of agencies that will benefit from an applicant submitting a request for 700 MHz spectrum, it is requested that the applicant submit a list of all channels and licenses held on existing public safety channels, and those channels that will be expected to be unlicensed when full beneficial use of 700 MHz channels are realized. The RPC will only distribute this information, and not decide if it is sufficient or not. It must be stressed that the Region 35 Regional Planning Committee supports and promotes multi-agency systems that allow for regional/wide area coverage within the region.

8.9 APPLICATION SCORING COMMITTEE

Upon approval of the plan by the RPC, the RPC Chair shall appoint a Scoring Committee consisting of the RPC Chair and at least two other RPC members who are not applicants for licenses.

This Scoring Committee will develop an application evaluation methodology for each scoring category contained in Section 9. The Scoring Committee shall determine the minimum number of points each application must receive in each category to qualify for further consideration. The evaluation methodology and minimum number of points each application must receive shall be made available to all potential applicants.

If there are competing applications for channel assignments, the scoring methodology will be used to evaluate competing applications for channels filed in the same time frame within the applicable county-like area allocations, and from the remaining pool of narrowband channels once the county-like area allocations sunset. The applications receiving the highest number of points will receive the channels.

In the event of otherwise irresolvable problems during application processing, the Regional Committee Appeal/Dispute Resolution Process outlined in Section 13.5 herein shall be followed.

9 APPLICANT REQUIREMENTS AND EVALUATION

9.1 INTRODUCTION

The applicant evaluation criteria established in this plan, will be followed for approval. All requests will be considered on a first come, first served basis. In cases, where specific frequency allotments are required by numerous applicants at the same time, the applicant evaluation matrix point system will be utilized to determine the successful applicant. In all cases, area of coverage, technical requirements, and channel loading criteria will be applied. Exceptions may apply upon unique circumstances, after review and approval by the RPC. Deviations from FCC rules are not to be approved unless a fully justified waiver request has been presented to the RPC. The Region 35 Scoring Sub-Committee will evaluate and process applications within thirty (30) days after notified of receipt by CAPRAD. It shall be responsibility of the RPC to evaluate each situation on its own merit.

9.2 CHANNEL LOADING REQUIREMENTS

Each applicant for a trunked system shall demonstrate their channel loading on a case by case study based on the type of system and user agency. Applicant shall utilizethe CAPRAD Channel Loading Calculator or equivalent as approved by the Region35 Committee. The number of radios shown on the channel loading calculation will be placed in service within five (5) years of the initial plan approval date. If that is not the case, then less than fully loaded channels shall be returned to the allotment pool and the licensee shall modify their license accordingly. Mobile, portable and control stations will be considered as mobile units.

9.3 APPLICATION REQUIREMENTS

Each application must contain the following:

1. FCC ULS 601 Form(s),
2. A short description of the proposed system,
3. A justification for the additional spectrum,
4. An interference prediction map using the current version of TIA/EIA TSB 88 guidelines, Maps showing all interference predicted in the proposed system,
5. Documents indicating agency-funding commitments sufficient to fund the development of the proposed system(s)
6. An indication as to when they will migrate from their existing system to the new system, if applicable.
7. A list of all channels and licenses held on existing public safety channels, and those channels that will be unlicensed when full beneficial use of 700 MHz channels are realized.
8. A statement that notice of the application for spectrum has been provided to the PSAP managers of the affected “county-like” regions of the state that may be impacted to ensure that affected communities have knowledge of the application.
9. Explanation of the systems future growth for all agencies involved in the system, including how the system will be loaded and what equipment type and quantity is planned to be purchased to load the system,
10. State of compliance the applicant’s agency will conform with interoperability requirements of the SIEC plan,
11. Documentation that will assist the evaluation of the application against the Point Matrix system identified in Section 9.4.

After approval by the RPC the applicant may then forward the application with the RPC letter of approval to the Applicant's designated coordinator for technical review. The coordinator will provide appropriate information to CAPRAD. Upon approval by the coordinator the Applicant may submit to the FCC for licensure.

9.4 EVALUATION MATRIX POINT SYSTEM

If the number of channels being requested exceeds the number of channels in the county area allocation, or if multiple applicants have filed in the same window for more channels than exist in the allocation to a single county area, the RPC Scoring Committee will evaluate the competing applications by assigning points to each application using the scoring categories below. In this event, the Scoring Committee will conduct the detailed analysis of the competing applications and prepare a scoring report. That report will be presented to the voting membership and a majority vote by the voting members present at the meeting will determine the final channel distribution to each applicant. The RPC may request that the FCC release reserve frequencies if, in their view, this is the most efficient resolution of competing applications.

9.5 SCORING CATEGORIES

The following scoring categories will be used by the Scoring Committee to create the scoring methodology used in each filing window:

9.5.1 SERVICE (MAXIMUM 350 POINTS)

Police, fire, local government, combined systems, multi-jurisdictional systems, etc.

9.5.2 INTERSYSTEM & INTRA-SYSTEM INTEROPERABILITY (MAXIMUM 100 POINTS)

This category will be scored considering how well the proposed system will be able to communicate with other levels of government and services during an emergency on "regular" channels, not the I/O channels. Interoperability must exist among many agencies to successfully accomplish the highest level of service delivery to the public during a major incident, accident, natural disaster or terrorist attack. Applicants requesting 700 MHz spectrum shall inform the region of how and with whom they have been achieving interoperability in their present system.

The applicant shall stipulate how they will accomplish interoperability in their proposed system (gateway, switch, cross-band repeater, console cross-patch, software defined radio or other means) for each of the priorities listed below:

A. Disaster and extreme emergency operation for mutual aid and interagency communications.

B. Emergency or urgent operation involving imminent danger to life or property.

C. Special event control, generally of a preplanned nature (including task force operations).

D. Single agency secondary communications. This is the default priority when no other priority is declared and includes routine day to day (non-emergency) operations.

9.5.3 LOADING (MAXIMUM 150 POINTS)

This category will be scored considering how many individual user devices and user organizations are served divided by the number of channels to be licensed. Points will be awarded for an application to use channels as part of a cooperative, multi-organization system. Where the channel application is for expansion of an existing 800 MHz system, evaluators will consider whether all available 800 MHz channels been assigned (where technically feasible). A showing of maximum efficiency or a demonstration of the system's mobile usage pattern could be required in addition to loading information.

9.5.4 SPECTRUM EFFICIENT TECHNOLOGY (MAXIMUM 350 POINTS)

This category will be scored based on how spectrally efficient the system's technology is. Trunked systems are considered efficient as well as any technological systems feature, which is designed to enhance the efficiency of the system and provide for the efficient use of the spectrum. Spectral efficiency that achieves the equivalent of one voice channel in 6.25 kHz of bandwidth also achieves the highest efficiency criterion.

9.5.5 SYSTEMS IMPLEMENTATION FACTORS (MAXIMUM 100 POINTS)

This category will be scored based on funding and system planning details as well as construction and implementation schedule. For instance, the criteria could consider the rate of growth of the system. A document stipulating what the agency is planning to implement signed by an official within the organization with budget authority should be provided.

9.5.6 GEOGRAPHIC EFFICIENCY (MAXIMUM 100 POINTS)

This category will be scored based on the ratio of subscriber units to area covered and the channel reuse potential. The higher the ratio (mobiles divided by square miles of coverage) the more efficient the use of the frequencies. Those systems which cover large geographic areas will have a greater potential for channel reuse and will therefore receive a high score in this subcategory.

9.5.7 GIVEBACKS (MAXIMUM 200 POINTS)

This category will be scored based on the number of channels given back and the extent of availability and usability of those channels to others.

10 AN EXPLANATION OF HOW ALL THE REGION'S ELIGIBLE NEEDS WERE CONSIDERED, AND TO THE EXTENT POSSIBLE MET

As described elsewhere in this Plan, the initial allocation of channels in the narrowband general use category in Region 35 was made using a combination of historical data derived from two decades of 800 MHz band usage within the Region, by population, by geography and by signal propagation parameters to determine channel distribution. Over the course of several meetings of the RPC during the drafting of the textual portions of this plan, participants were asked to comment on the spectrum needs of their agencies in the 700 MHz band and any agencies they were aware of in their geographic area. These comments are recorded in the Minutes of the meetings of the RPC. Consistently, the comments received indicated that the attached Region 35 Frequency Allotment Plan (**Appendix F**) provided adequate spectrum distribution across the Region to meet the foreseeable needs of the eligible users.

11 EVIDENCE THAT THE PLAN HAS BEEN SUCCESSFULLY COORDINATED WITH ADJACENT REGIONS

The Final Draft of this Plan was formally transmitted to Region 6 (Northern California), Region 12 (Idaho), Region 27 (Nevada) and Region 43 (Washington) for formal review and consent. Consent letters or further suggested edits were requested. Copies of the consent letters are attached in **Appendix I.**

12 DETAILED DESCRIPTION OF HOW THE PLAN PUTS SPECTRUM TO THE BEST POSSIBLE USE

This plan provides generous allocations in all regions of the State, including the most rural areas, where generally, the entire 800 MHz band remains available for licensing. It also considers the adjacent States, to ensure that interference can be avoided. Finally, the maximum numbers of general use channels are assigned in the most populous regions of the State. The committee is confident that the approach used provides the most efficient allocations, and will serve the needs of all public safety communications users and radio system managers.

As described elsewhere in this Plan, the initial allocation of channels in Region 35 was made through a pre-packing process that utilized a combination of historical 800 MHz band usage information, population, geography and signal propagation parameters to determine channel distribution. Population is the most significant driver in predicting call for service demands on public safety agencies, and call for service demand is one of the largest drivers in the need for spectrum. Therefore, the melding of propagation influences across population aggregations on a county-area basis provides a distribution model that most closely reflects the spectrum demands of the public safety agencies within those areas.

The RPC believes that utilizing the pre-packing for initial channel allocation of the narrowband spectrum, on a county-like area basis, and the subsequent first-come, first-served processing of applications for channel assignments, will result in the most efficient use of the spectrum as well as meeting the broadest set of needs of the eligible users of the spectrum.

13 FUTURE PLANNING PROCESS

13.1 FUTURE PLANNING & MINUTES

Region 35 will maintain a website (www.region-35.org) on which all plan documents, Bylaws, meeting schedules, meeting minutes and application filing procedures will be maintained. The RPC anticipates that two types of Plan modifications will be made in the future; administrative changes that do not alter spectrum allocations in the Plan, and spectrum changes that do alter spectrum allocations in the Plan. Each of these types of changes will be handled through a different process.

13.2 ADMINISTRATIVE PLAN CHANGES

From time to time, the RPC may need to make changes to the Plan or Bylaws that are purely administrative in nature and that do not alter spectrum allocations within the county-area allocations. Examples of such changes include changes in officer positions, changes in meeting schedules, changes in application processing procedures, etc.

Administrative changes to the Plan or Bylaws will be offered to the RPC at a properly scheduled meeting and adopted at that meeting if possible. At the option of the RPC, the change may be held over for subsequent meetings to allow further information to be collected or further debate to occur. Once the change is adopted by the RPC, the amended Plan or Bylaws will be filed with the FCC for formal ratification. Copies will also be provided to neighbor regions (Region 6 (Northern California), Region 12 (Idaho), Region 27 (Nevada) and Region 43 (Washington)) so they are aware of the administrative change.

13.3 SPECTRUM ALLOCATION CHANGES

From time to time the RPC may need to make changes to the Plan that alters the geographic area-allocation of channels between county-like areas or the strategy of distributing channels across the region,

Changes of this nature will be offered to the RPC at properly scheduled meetings. They will be discussed and debated by a quorum of the membership at that meeting and at least one subsequent meeting. Once the change is approved by the RPC, notification of the change will be sent to neighbor regions (Washington, Idaho, Nevada, and Northern California) for coordination and concurrence. Neighbor regions will be requested to provide comments and concerns, or consent, within 45 calendar days of receiving notice of the change.

Once neighbor region comments or consent is received, or following the 45 calendar day comment period, the RPC will again consider the changes at the next scheduled meeting, incorporate any further changes needed, and vote to approve the change and submit it to the FCC for ratification.

13.4 DATABASE MAINTENANCE

Region 35 will use the APCO International (CAPRAD) database, specifically designed for use in the 769-775/799-805 MHz public safety band. This database will contain frequency availability and pre-allotment. The Regional Committees shall use the CAPRAD database to review pending and/or complete pre-allotments for the adjacent regions to assist in completing their respective plans.

The FCC's designated public safety frequency advisors will use the CAPRAD database during the application process (pre-coordination). Frequency advisors, as well as RPCs, will be required to maintain the database as the applications are processed and granted by the Commission.

13.5 REGIONAL COMMITTEE APPEAL / DISPUTE RESOLUTION PROCESS

13.5.1 INTRODUCTION

The RPC is established under section 90.527 of the FCC's rules and regulations. It is an independent Committee apart from the FCC with authority to evaluate applications for public safety uses of the spectrum allocated under FCC Docket 96-86. In addition, appeals and disputes from decisions made with respect to a variety of matters regulated by the RPC will be heard. The formal requirements of the appeal/dispute process are set out below.

In order to ensure that the appeal/dispute process is open and understandable to the public, the RPC has developed this procedure. Those involved in the appeal/dispute process can expect the RPC and its members to follow the procedures (as may be amended from time to time). Where any matter arises during the course of an appeal/dispute that is not dealt with in this document, the RPC will do whatever is necessary to enable it to adjudicate fairly, effectively and completely on the appeal/dispute. Any changes made to the procedure will require a modification to the Regional Plan and will be made available to the public.

The RPC will make every effort to process appeals and disputes in a timely fashion and issue decisions expeditiously. Initially the RPC Chair will attempt to resolve appeals and disputes *on an informal basis. If a party to the appeal*/dispute employs the Chair, then the Vice Chair will attempt resolution.

13.5.2 APPEAL/DISPUTE SUB-COMMITTEE

13.5.2.1 Members

The RPC Chair may organize the RPC into Sub-Committees, each comprised of one or more members; the Appeal/Dispute Sub-Committee is one of those.

The RPC Chair (or Vice Chair in the case of conflict of interest) will appoint a Dispute Resolution Sub-Committee consisting of at least three Voting Members of the RPC. All appointees must not be employed or retained by the disputing agency or any party to the appeal/dispute. That Sub-Committee will select a Chair and a secretary to document the proceedings.

13.5.2.2 Process

The RPC Chair (or Vice Chair in the case of conflict of interest) will represent the Region in presentations to the Dispute Resolution Sub-Committee. The Sub-Committee will hear input from the appealing/disputing agency, any affected agencies and the RPC Chair (or Vice Chair). The Committee will then meet within 30 calendar days to prepare a decision on the appeal/dispute. The decision of the Sub-Committee shall be binding upon the RPC.

13.5.2.3 Correspondence (Communicating) with the Sub-Committee

To ensure the appeal/dispute process is kept open and fair to the participants, any correspondence to the Sub-Committee must be sent to the Sub-Committee Chair and be copied to all other Sub-Committee members and other parties to the appeal/dispute, if applicable. Sub-Committee members will not contact a party on any matter relevant to the merits of the appeal/dispute, unless that member puts all other parties on notice and gives them an opportunity to participate. The appeal/dispute process is public in nature and all meetings regarding the appeal/dispute will be open to the public.

13.5.3 THE APPEAL/DISPUTE PROCESS

13.5.3.1 What can be appealed/disputed

The Sub-Committee hears appeals/disputes from a determination or allocation by the RPC and shall include the following: number of channels assigned, ranking in the assignment matrix, interference, or any other criteria that the region shall establish.

13.5.3.2 Who can appeal/dispute

- In order to file an appeal/dispute the entity submitting such an appeal/dispute shall have filed a valid application or shall file one within twenty calendar days of the notice for the Committee's meeting to consider the application being appealed.

Further that the entity appealing shall be qualified for the same allotment of frequencies.

- An official of the entity who filed the original application to the RPC must be the person who files the appeal/dispute on behalf of the entity.

- An official of an entity who is eligible to file an application to the RPC and would be directly affected by the matter being appealed or disputed.

13.5.3.3 How to appeal/dispute

A notice of appeal/dispute must be served upon the RPC Chair. The notice of appeal/dispute may be "delivered" via US mail, courier, fax, or e-mail (the notice must be on the appealing entity's official letterhead and include the originator's signature, such as using a scanned image in Portable Document Format (PDF) of an original letter), to the Chair of the RPC. The Chair will, in-turn, transmit notice of the appeal/dispute to RPC members via the list server within five working days of receipt.

To be accepted for consideration the notice of appeal/dispute **must** include:

1. The name and address of the appellant;
2. The name of the person, if any, making the request for an appeal/dispute on behalf of the appellant;
3. The address for service of the appellant;
4. The grounds for an appeal/dispute (a detailed explanation of the appellant's objections to the determination - describe errors in the decision);
5. A description of the relief requested (What the appellant wants the RPC to do at the end of the appeal/dispute.);
6. The signature of the appellant or the appellant's representative.

13.5.3.4 Time limit for filing the appeal/dispute

To appeal/dispute a determination or allocation the appeal/dispute must deliver a notice of appeal/dispute **within thirty (30) calendar days** after the enactment date of the decision. If a notice of appeal/dispute is not delivered within the time required, the right to an appeal/dispute is lost.

13.5.3.5 Extension of time to appeal/dispute

The RPC has the discretion to extend the time to appeal/dispute before the thirty (30) calendar day deadline. A request for an extension should be made to the RPC, in writing, and include the reasons for the delay in filing the notice of appeal/dispute and any other reasons which the requester believes support the granting of an extension of time to file the appeal/dispute. A request for an extension should accompany the notice of appeal/dispute.

In deciding whether to grant an extension, the RPC will consider whether fairness requires an extension. The RPC will take into account the length of the delay, the adequacy of the reasons for the delay, the prejudice to those affected by the delay and any impacts that may result from an extension. Other factors not identified could be relevant depending on the circumstances of the particular case.

The Officers of the RPC and one Voting Member at large chosen by the Officers shall determine if the extension shall be granted. Officers or the Voting Member must not be employed or retained by the appealing/disputing agency or any party to the appeal/dispute.

13.5.3.6 Rejection of a notice of appeal/dispute

The RPC may reject a notice of appeal/dispute if:

(a) It is determined that the appellant does not have standing to appeal/dispute; or

(b) The RPC does not have jurisdiction over the subject matter or the relief requested.

The Officers of the RPC and one Voting Member at large chosen by the Officers shall determine if the appeal/dispute will be rejected. Officers or the Voting Member must not be employed or retained by the appealing/disputing agency or any party to the appeal/dispute. The RPC will notify the appellant of the rejection within fifteen (15) calendar days.

13.5.3.7 Adding parties to the appeal

In addition to the parties mentioned above, the RPC has the discretion to add any other person who may be "affected" by the appeal/dispute as a party to the appeal/dispute. Anyone wanting to obtain party status should make a written request to the RPC as early as possible. The written request should contain the following information:

a. The name, address, telephone number and email address (if any), of the person submitting the request;

b. A detailed description of how the person is “affected” by the notice of appeal/dispute and

c. The reasons why the person should be included in the appeal/dispute; and

d. The signature of the person submitting the request.

13.5.3.8 Intervener status

The RPC may also invite or permit someone to participate in a hearing as an intervener. Interveners are generally individuals or groups that do not meet the criteria to become a party (i.e. “may be affected by the appeal”) but have sufficient interest in, or some relevant expertise or view in relation to the subject matter of the appeal/dispute.

Someone wanting to take part in an appeal/dispute as an intervener should send a written request to the RPC. The written request should contain information that qualifies the intervener’s interest and expertise to assist in the matter while also demonstrating that they should not be considered a party.

Prior to inviting or permitting a person to participate in a proceeding as an intervener, or deciding on the extent of that participation, the RPC will provide all parties with an opportunity to make representations if they wish to do so.

13.5.3.9 Type of appeal/dispute (written or oral) hearing

An appeal may be conducted by way of written submissions, oral hearing or a combination of both. The Appeal/Dispute Sub-Committee will determine the appropriate type of appeal/dispute after a complete notice of appeal/dispute has been received.

The Sub-Committee will normally conduct an oral hearing although it may order that a hearing proceed by way of written submissions in certain cases. Where a hearing by written submissions is being considered, the Sub-Committee may request input from the parties.

13.5.3.10 Burden of proof

The general rule is that the burden or responsibility for proving a fact is on the person who asserts it.

13.5.3.11 Notification of expert evidence

Any party that intends to present expert evidence at a hearing will be required to provide the Sub-Committee, and all other parties to the appeal/dispute, with reasonable advance notice that an expert will be called to give an opinion. The notice should include a brief statement of the expert's qualifications and areas of expertise.

If a party intends to produce, at a hearing, a written statement or report prepared by an expert, a copy of the statement or report should be provided to the Sub-Committee and all parties to the appeal/dispute within a reasonable time before the statement or report is given in evidence. Unless there are compelling reasons for later admission, expert reports should be distributed thirty (30) calendar days prior to the hearing date.

13.5.3.12 Documents

If a party will be referring to a document that was not provided to the Sub-Committee and all parties prior to the hearing, sufficient copies of the document must be brought to the hearing for the Sub-Committee and all other parties.

13.5.3.13 Sub-Committee Decision

The Sub-Committee shall issue its decision of the appeal/dispute in a timely manner, after considering all documentation and testimony provided by the parties to the appeal/dispute. Unless extenuating circumstances require additional time, the Sub-Committee shall issue its decision, in writing, no later than thirty (30) days after the hearing date on the appeal/dispute.

13.5.4 APPEALING THE APPEALS SUB-COMMITTEE'S DECISION

Should the final decision from the Appeal/Dispute Sub-Committee not be acceptable to the appealing/disputing agency/agencies, the appellant has the right to forward an appeal/dispute to the National Regional Planning Oversight Committee for review. As a last resort, the appellate may forward its dispute to the Federal Communications Commission for final resolution.

14 CERTIFICATION BY THE CHAIR THAT REGIONAL PLANNING PROCESS WAS OPEN TO THE PUBLIC

I hereby certify that all Region 35 Regional Planning Committee meetings, including sub-committee or executive committee meetings were open to the public.

Signed ______________________________

Region 35 Chairperson

Appendix B

Region 35 700 MHz Planning Committee By-Laws

Appendix E

Bylaws of the 700 MHz Regional Planning Committee-
Region 35 (Oregon)

Revised May 18, 2015

BYLAWS OF REGION 35

NAME & PURPOSE

1.1 **Name and purpose**. The name of the Region shall be Region 35-Regional Planning Committee. Its primary purpose is to foster and promote cooperation, planning, development and evolution of Regional Plans and the implementation of these plans in the 700 MHz Public Safety Band within the State of Oregon.

MEMBERS

For purposes of this document, the term "member," unless otherwise specified, refers to both voting and non-voting members.

2.1 **Numbers, Election and Qualification.** The Regional 35 700 MHz Regional Planning Committee shall have two classes of members, "voting members" and "non-voting members." New members may be added at annual, special, or regular meetings. Tools to promote participation and involvement in the Region 35 700 MHz Committee in the form of a list-serve and/or regional newsletters will be researched by the committee. The newsletter may be distributed both electronically and in print form.

Voting Members. Voting members shall consist of one (1) representative from any single agency engaged in public safety eligible to hold a license under 47 CFR 90.20, 47 CFR 90.523 or CFR 2.103. Except that a single agency shall be allowed no more than one vote for each distinct eligibility category (e.g. police, fire, EMS, highway) within the agency's organization or political jurisdiction. In voting on any issue, the individual must identify himself/herself and the agency and eligibility category in which he or she represents. Voting members may not vote on issues involving their entity.

Non-Voting Members. Non-voting members are all other non-public safety personnel interested in furthering the goals of public safety communications.

2.2 **Tenure.** In general, each member shall hold MEMBERSHIP from the date of acceptance until resignation or removal.

2.3 **Powers and Rights**. In addition to such powers and rights as are vested in them by law, or these bylaws, the members shall have such other powers and rights as the membership may determine.

2.4 **Suspensions and Removal.** A representative may be suspended or removed with cause by vote of a majority of members after reasonable notice and opportunity to be heard. To retain consistent voting rights, members should attend one (1) meeting in a 24-month period. The loss of voting rights does not remove a member from active status; it simply requires attendance at a meeting (Special or Regular) to reinstate voting privileges. The voting limitations of an individual have no effect on the voting ability of a public safety entity. The public safety entity reserves the right to send another representative to vote on issues regarding 700 MHz implementation, or send the original voting representative to the next special or regular meeting.

A vote of the committee is the final determining factor regarding removal of a member from Region 35. A period of 6 months from the first day or removal is required before a removed member is eligible for reinstatement for membership in the Regional Planning Committee.

2.5 **Resignation**. A member may resign by delivering written resignation to the chairman, vice-chairman, treasurer or secretary of the Regional Committee or to a meeting of the members. A resigning member is eligible for reinstatement to the Regional Planning Committee after a period of six months has lapsed, beginning on the first day of resignation.

2.6 **Meetings**. The Region 35 700 MHz Planning Committee will meet no less than one time per calendar year and the meeting may be held in the Portland Metro Region, Oregon**.** **.** Committee meeting will not be held on holidays or weekend days. When deemed necessary by the Chairperson, additional meetings of the Region 35 Regional Planning Committee may be called. Video and/or Audio Teleconferencing may be utilized at meetings to include as many members as possible in the Committee meeting. The use of electronic E-mail and the Region 35 list-server (region35.org) will be utilized by members and officers of Region 35 as needed to convey regional issues at hand.

2.7 **Special Meetings.** The Chairperson has the authority to call a meeting of the Regional Planning Committee when he/she deems it in the best interest of the Region and will provide notice of the special meeting to existing members of the Region (and the public) at least 5 days prior to the meeting. . Special meetings of the members may be held at any time and at any place within the Regional Committee area. Special meetings of the members may be called by the chairman or by the vice-chairman, or in case of death, absence, incapacity, by any other officer or, upon written application of two or more members.

2.8 Call and Notice.

A. Annual meeting. Reasonable notice of the time and place of scheduled meetings of the members, not being less than 30 days, shall be given to each member. Such notice may specify the purposes of a meeting, but will specify meeting content if required by law or these bylaws or unless there is to be considered at the meeting (i) amendments to these bylaws or (ii) removal or suspension of a member who is an officer. Announcements of meetings, stating the time and place where the meeting is to be held may be published on the list serve, Committee web site, in newspapers and land mobile radio periodicals. In addition, a press release may be issued; urging parties interested in public safety communications to attend. Region 35 will notify the Federal Communications Commission, Chief of the Wireless Telecommunications Bureau, when a meeting time and place has been established for the Region 35 700 MHz Regional Planning Committee.

B. Reasonable and sufficient notice. Except as otherwise expressly provided, it shall be reasonable and sufficient notice to a member to send notice by mail at least five days or by e-mail/facsimile at least three days before any special meetings, addressed to such member at his or her usual or last known business address, or, to give notice to such member in person or by telephone at least three days before the meeting.

2.9 Quorum. At any meeting of the members, a majority of the officers and a minimum of at least three (3) voting members shall constitute a quorum. Any meeting may be adjourned to such date or dates not more than ninety days after the first session of the meeting by a majority of the votes cast upon the question, whether or not a quorum is present, and the meeting may be held as adjourned without further notice.

2.10 Action by Vote. Each voting member, representing a particular agency (one vote per agency) shall have one vote; non-voting members have no voting rights. When a quorum is present at any meeting, a majority of the votes properly cast by voting members present shall decide any question, including election to any office, unless otherwise provided by law or these bylaws.

2.11 Action by Writing. Any action required or permitted to be taken at any meeting of the members may be taken without a meeting if all members entitled to vote on the matter consent to the action in writing and the written consents are filed with the records of the meeting of the members. Such consents shall be treated for all purposes as a vote at a meeting.

2.12 Proxies. Voting members may vote either in person or by written proxy dated not more than one week before the meeting named therein, which proxies shall be filed before being noted with the secretary or other person responsible for recording the proceedings of the meeting. An RPC member present via teleconference (audio or video) shall have voting status parallel to a member present at the meeting. If the facility is unable to accommodate teleconferencing (audio or video), or for any other reason teleconferencing cannot be accommodated in the meeting place, it is the responsibility of the member to attend the meeting in person or to vote by written proxy to have full voting rights. Unless otherwise specifically limited by their terms, such proxies shall entitle the holders thereof to vote at any adjournment of the meeting for which the proxy exists and the proxy shall terminate after the final adjournment of such meeting.

2.13 **Voting on One's Own Application.** At no time can a voting member vote on his/her application.

2.14 **Special Interest Voting.** A voting member cannot have a commercial interest in any of his/her Region and/or adjacent Region's application(s) on which he/she is reviewing, approving and/or voting.

OFFICERS AND AGENTS

3.1 **Number and qualification.** The officers of the Region 35 700 MHz Regional Planning Committee shall consist of a chairman, a vice-chairman and a secretary. All officers must be voting members of the Regional Committee.

3.2 **Election.** The officers shall be elected by the voting members at their first meeting and, thereafter, at a meeting determined by the membership. The terms of the officers in the Region 35 700 MHz RPC will be for two (2) years. In order to allow for consistency in the plan creation and initialization process, the terms of elected officers will begin on the date of the FCC's approval of the Region 35 plan.

3.3 **Tenure** The officers shall each hold office until the biannual election meeting of the members held within two years form the adoption of these bylaws, or until their successor, if any, is chosen, or in each case until he or she sooner dies, resigns, is removed or becomes disqualified..

3.4 **Chairman and Vice Chairman.** The chairman shall be the chief executive officer of the Regional Committee and, subject to the control of the voting members, shall have general charge and supervision of the affairs of the Regional Committee. The chairman shall preside at all meetings of the Regional Committee. The Vice Chairman, if any, shall have such duties and powers, as the voting members shall determine. The Vice-Chairman shall have and may exercise all the powers and duties of the chairman during the absence of the chairman or in the event of his or her inability to act.

3.5 **Treasurer**. The treasurer shall be the chief financial officer and the chief accounting officer of the Regional Committee. The treasurer shall be in charge of its financial affairs, funds, and valuable papers and shall keep full and accurate records thereof. In the absence of a treasurer within the Region 35 700 MHz Planning Committee, the Chairperson shall assign Region 35 treasurer duties as deemed necessary.

3.6 **Secretary.** The secretary shall record and maintain records of all proceedings of the members in a file or series of files kept for that purpose, which file or files shall be kept within the Region and shall be open at all reasonable times to the inspection of any member. Such file or files shall also contain records of all meetings and the original, or attested copies, of bylaws and names of all members and the address (including e-mail address, if available) of each. If the secretary is absent from any meetings of members, a temporary secretary chosen at the meeting shall exercise the duties of the secretary at the meeting. In the absence of a secretary within the Region 35 700 MHz Planning Committee, the Chairperson shall assign Region 35 Secretary duties as deemed necessary.

3.7 **Suspensions or Removal.** An officer of the Region 35 Regional Planning Committee may be suspended with cause by vote of a majority of the voting members in attendance.

3.8 **Resignation.** An officer may resign by delivering his or her written resignation to the chairman, vice-chairman, treasurer, or secretary of the Regional Committee. Such resignation shall be effective upon receipt (unless specified to be effective at some other time), and acceptance thereof shall not be necessary to make it effective unless it so states.

3.9 **Vacancies.** If the office of any officer becomes vacant, the voting members may elect a successor. Each such successor shall hold office for the remainder terms, and in the case of the chairman, vice chairman, treasurer and clerk until his or her successor is elected and qualified, or in each case until he or she sooner dies, resigns, is removed or become disqualified.

AMENDMENTS

These bylaws may be altered, amended or repealed in whole or in part by vote. The voting members may by a two-thirds vote of a quorum, alter, amend, or repeal any bylaws adopted by the Regional Committee members or otherwise adopt, alter, amend or repeal any provision which FCC regulation or these bylaws requires action by the voting members.

DISSOLUTION

This Regional Committee may be dissolved by the consent of two-thirds plus one of an assembled quorum of the membership at a special meeting called for such purpose. The FCC shall be notified.

RULES OF PROCEDURES

The Conduct of Regional Meetings including without limitation, debate and voting, shall be governed by Robert's Rules of Order, newly revised 2011 eleventh editionpublished by Da Capo Press,

Appendix C

Region 35 700 MHz Members

Members	Region 35 700 Committee	
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Appendix D
Oregon Statute HB3099 revising the SIEC

Enrolled
House Bill 3099

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

CHAPTER ....

AN ACT

Relating to state information technology; creating new provisions; amending ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014; repealing section 1, chapter 456, Oregon Laws 2015 (Enrolled Senate Bill 515); and declaring an emergency.

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

SECTION 1. (1) As used in this section and sections 2 to 8 of this 2015 Act, "enterprise information technology and telecommunications" means:

(a) Technologies, resources, systems and services that state agencies use to generate, process, store and secure information for governmental purposes, including geographic information;

(b) Technologies, resources, systems and services that state agencies use to send, receive, process or otherwise facilitate telecommunications for governmental purposes; and

(c) Technologies, resources, systems and services that state agencies use to install, maintain, repair, update, replace, remove or otherwise support the technologies, resources, systems or services described in paragraphs (a) and (b) of this subsection.

(2)(a) Except as otherwise provided in this section, sections 2 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act, the duties, functions and powers that the Oregon Department of Administrative Services has with respect to enterprise information technology and telecommunications are imposed upon, transferred to and vested in the State Chief Information Officer.

(b) The duties, functions and powers described in paragraph (a) of this subsection include, but are not limited to:

(A) The duty and function to plan and set standards for, coordinate and oversee enterprise information technology and telecommunications among state agencies; and

(B) The power to specify policies, goals and directives and adopt rules related to enterprise information technology and telecommunications among state agencies.

SECTION 2. (1) The Director of the Oregon Department of Administrative Services shall:

(a) Manage and organize the Oregon Department of Administrative Services to ensure that the department fulfills the duties, implements the functions and exercises the powers that remain to the department with respect to enterprise information technology and telecommunications in a manner that is consistent with the manner in which the State Chief Information Officer fulfills the duties, implements the functions and exercises the powers that are imposed upon, transferred to and vested in the State Chief Information Officer under section 1 of this 2015 Act;

(b) Deliver to the State Chief Information Officer all records and property within the jurisdiction of the director that relate to the duties, functions and powers transferred by section 1 of this 2015 Act; and

(c) Transfer to the State Chief Information Officer those employees engaged primarily in fulfilling the duties, implementing the functions and exercising the powers transferred by section 1 of this 2015 Act.

(2) The State Chief Information Officer shall take possession of the records and property and shall take charge of the employees and employ the employees in fulfilling the duties, implementing the functions and exercising the powers transferred under section 1 of this 2015 Act without a reduction in the employees' compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the State Chief Information Officer and the department that relates to transfers of records, property and employees, or the apportionment of duties, functions and powers under section 1 of this 2015 Act, and with respect to the director's management of the department in accordance with subsection (1)(a) of this section. The Governor's decision under this subsection is final.

SECTION 3. (1) The unexpended balances of amounts the Oregon Department of Administrative Services is authorized to expend during the biennium beginning July 1, 2015, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2015 Act are transferred to and are available for the State Chief Information Officer to expend during the biennium beginning July 1, 2015, for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2015 Act.

(2) The expenditure classifications, if any, established by Acts that authorize or limit expenditures by the department remain applicable to expenditures that the State Chief Information Officer directs or oversees under this section.

SECTION 4. The transfer of duties, functions and powers to the State Chief Information Officer by section 1 of this 2015 Act does not affect any action, proceeding or prosecution involving or with respect to duties, functions and powers that began before and was pending at the time of the transfer, except that the State Chief Information Officer is substituted for the Oregon Department of Administrative Services in the action, proceeding or prosecution.

SECTION 5. (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act do not relieve a person of a liability, duty or obligation accruing under or with respect to the duties, func-

tions and powers transferred by section 1 of this 2015 Act. The State Chief Information Officer may collect or enforce any such liability, duty or obligation.

(2)(a) The rights and obligations that the Oregon Department of Administrative Services legally incurred under contracts, leases and business transactions the department executed, entered into or began before the operative date of section 1 of this 2015 Act and that accrued under or with respect to the duties, functions and powers transferred by section 1 of this 2015 Act remain with the department unless the Director of the Oregon Department of Administrative Services delegates or transfers the rights and obligations to the State Chief Information Officer. For the purpose of succession to rights or obligations that the director delegates or transfers to the State Chief Information Officer, the State Chief Information Officer is a continuation of the department and not a new authority.

(b) The rights and obligations that the State Chief Information Officer or the department legally incurs under contracts, leases or business transactions related to enterprise information technology and telecommunications after the operative date of section 1 of this 2015 Act belong to the State Chief Information Officer.

SECTION 6. Notwithstanding the State Chief Information Officer's assumption of duties, functions and powers in accordance with section 1 of this 2015 Act, the rules of the Oregon Department of Administrative Services, with respect to duties, functions or powers, that are in effect on the operative date of section 1 of this 2015 Act continue in effect until the State Chief Information Officer supersedes or repeals the rules.

SECTION 7. If an uncodified law or resolution of the Legislative Assembly, or a rule, document, record or proceeding that the Legislative Assembly authorizes, refers to the Oregon Department of Administrative Services in the context of a duty, function or power the State Chief Information Officer assumes under section 1 of this 2015 Act, the reference is a reference to the State Chief Information Officer or an officer or employee of the office of the State Chief Information Officer who by sections 1 to 7 of this 2015 Act is charged with carrying out the duties, functions and powers.

SECTION 8. (1) There is established the State Information Technology Operating Fund in the State Treasury, separate and distinct from the General Fund. The moneys in the State Information Technology Operating Fund may be invested as provided in ORS 293.701 to 293.857. Interest earnings on the fund assets must be credited to the fund.

(2) The Director of the Oregon Department of Administrative Services shall deposit into the State Information Technology Operating Fund moneys for enterprise information technology and telecommunications that are appropriated to the Oregon Department of Administrative Services and that are necessary for the State Chief Information Officer to fulfill the duties, implement the functions and exercise the powers imposed upon, transferred to and vested in the State Chief Information Officer under section 1 of this 2015 Act. Amounts in the fund are continuously appropriated to the State Chief Information Officer for the purposes authorized by law.

SECTION 9. ORS 84.064 is amended to read:

84.064. (1) For purposes of ORS 84.049, 84.052 and 84.055, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall make determinations and adopt standards for state agencies.

(2) The [*department*] **State Chief Information Officer** shall adopt rules [*for the*] **to govern state agency** use of electronic signatures [*by state agencies*]. The rules [*shall*] **must** include control processes and procedures to ensure adequate integrity, security and confidentiality [*of state agency*] **for** business transactions [*conducted*] **that state agencies conduct** using electronic commerce and to ensure that [*those*] **the** transactions can be audited as [*may be*] **is** necessary for the normal conduct of business.

(3) As used in this section, "state agency" means every state officer and board, commission, department, institution, branch and agency of the state government [*whose*]**, the** costs **of which** are paid wholly or in part from funds held in the State Treasury, except:

(a) The Legislative Assembly, the courts, the district attorney for each county and [*their*] **the** officers and committees **of the Legislative Assembly, the courts and the district attorney**; and

(b) The Public Defense Services Commission.

SECTION 10. ORS 181.715 is amended to read:

181.715. (1) The Department of State Police or another criminal justice agency [*designated by the Director of the Oregon Department of Administrative Services*] **that the State Chief Information Officer designates** shall operate a Criminal Justice Information Standards program that coordinates information among state criminal justice agencies. The program [*shall*] **must**:

(a) Ensure that in developing new information systems, data can be retrieved to support [*evaluation of*] **evaluating** criminal justice planning and programs, including, but not limited to, **evaluating** the ability of the programs to reduce future criminal conduct;

(b) Ensure that maximum effort is made for the safety of public safety officers;

(c) Establish methods and standards for data interchange and information access between criminal justice information systems, in compliance with [*the*] **information** technology **rules, policies and** standards [*and policies of the Oregon Department of Administrative Services*] **that the State Chief Information Officer adopts**;

(d) Design and implement improved applications for exchange of agency information; and

(e) Implement the capability to exchange images between criminal justice agencies.

(2) The program shall develop a plan to accelerate data sharing and information integration among criminal justice agencies. The plan [*shall*] **must** include, but is not limited to **including**, priorities, timelines, development costs, resources needed, the projected ongoing cost of support, critical success factors and any known barriers to accomplishing the plan. **The plan must align with and support the Enterprise Information Resources Management Strategy described in ORS 291.039.** Representatives of criminal justice agencies and public safety agencies, including but not limited to local law enforcement agencies, courts of criminal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public defender organizations established under ORS chapter 151, community corrections directors, jail managers and county juvenile departments, shall be invited to participate in the planning process. The program shall present the plan to the [*Director of the Oregon Department of Administrative Services*] **State Chief Information Officer** no later than May 30 of each even-numbered year for development of the Governor's budget report. The program shall submit the plan to the Joint Legislative Committee on Information Management and Technology no later than December 31 of each even-numbered year.

(3) Notwithstanding the meaning given "criminal justice agency" in ORS 181.010, as used in this section and ORS 181.720, "criminal justice agency" includes, but is not limited to:

(a) The Judicial Department;

(b) The Attorney General;

(c) The Department of Corrections;

(d) The Department of State Police;

(e) Any other state agency with law enforcement authority designated by order of the Governor;

(f) The Department of Transportation;

(g) The State Board of Parole and Post-Prison Supervision;

(h) The Department of Public Safety Standards and Training;

(i) The State Department of Fish and Wildlife;

(j) The Oregon Liquor Control Commission;

(k) The Oregon Youth Authority;

(L) The Youth Development Division; and

(m) A university that has established a police department under ORS 352.383 or 353.125.

SECTION 11. ORS 181.725 is amended to read:

181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to advise the Department of State Police or the criminal justice agency [*designated by the Director of the Oregon Department of Administrative Services*] **that the State Chief Information Officer des-**

ignates under ORS 181.715 (1) about the department's or the agency's duties under ORS 181.715. The board consists of the following members:

(a) The State Court Administrator or the administrator's designee;

(b) The Director of the Department of Corrections or the director's designee;

(c) The Superintendent of State Police or the superintendent's designee;

(d) The executive director of the Oregon Criminal Justice Commission or the executive director's designee;

(e) The Director of Transportation or the director's designee;

(f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chairperson's designee;

(g) The Director of the Department of Public Safety Standards and Training or the director's designee;

(h) A chief of police designated by the Oregon Association Chiefs of Police;

(i) A sheriff designated by the Oregon State Sheriffs' Association;

(j) A jail manager designated by the Oregon Sheriff's Jail Command Council;

(k) A county juvenile department director designated by the Oregon Juvenile Department Directors' Association;

(L) A community corrections agency director designated by the Oregon Association of Community Corrections Directors;

(m) A district attorney designated by the Oregon District Attorneys Association;

(n) The [*administrator of the Enterprise Information Strategy and Policy Division of the Oregon Department of Administrative Services or the administrator's*] **State Chief Information Officer or the State Chief Information Officer's** designee;

(o) The Director of the Oregon Youth Authority or the director's designee;

(p) The State Fish and Wildlife Director or the director's designee;

(q) The administrator of the Oregon Liquor Control Commission or the administrator's designee; and

(r) The Youth Development Director or the director's designee.

(2) The board shall meet at such times and places as the board deems necessary.

(3) The members of the board are not entitled to compensation but are entitled to expenses as provided in ORS 292.495.

SECTION 12. ORS 182.122 is amended to read:

182.122. (1) As used in this section:

(a) "Executive department" has the meaning given that term in ORS 174.112.

(b) "Information systems" means computers, hardware, software, storage media, networks, operational procedures and processes used in [*the collection*] **collecting**, processing, [*storage*] **storing**, sharing or [*distribution of*] **distributing** information within, or with any access beyond ordinary public access to, the state's shared computing and network infrastructure.

(2) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** has responsibility for and authority over information systems security in the executive department, including **responsibility for** taking all measures **that are** reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems. The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall, after consultation and collaborative development with agencies, establish a state information systems security plan and associated standards, policies and procedures. **The plan must align with and support the Enterprise Information Resources Management Strategy described in ORS 291.039.**

(3) The [*Oregon Department of Administrative Services, in its sole discretion, shall*] **State Chief Information Officer may coordinate with the Oregon Department of Administrative Services to**:

(a) Review and verify the security of information systems operated by or on behalf of **state** agencies;

(b) Monitor state network traffic to identify and react to security threats; and

(c) Conduct vulnerability assessments of **state** agency information systems for the purpose of evaluating and responding to the susceptibility of information systems to attack, disruption or any other event that threatens the availability, integrity or confidentiality of information systems or the information stored in information systems.

(4) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall contract with qualified, independent consultants for the purpose of conducting vulnerability assessments under subsection (3) of this section.

(5) In collaboration with **appropriate** agencies, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall develop and implement policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. In the policies, the [*department*] **State Chief Information Officer** shall prescribe actions reasonably necessary to:

(a) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodologies required to prevent or mitigate the damage caused or threatened by an event;

(b) Promptly alert other persons of the event and of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the event;

(c) Implement forensic techniques and controls developed under subsection (6) of this section;

(d) Evaluate the event for the purpose of possible improvements to the security of information systems; and

(e) Communicate and share information with **appropriate** agencies, using preexisting incident response capabilities.

(6) After consultation and collaborative development with **appropriate** agencies[,] **and** the Oregon Department of Administrative Services**, the State Chief Information Officer** shall implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. The techniques and controls must include [*the use of*] **using** specialized expertise, tools and methodologies[,] to investigate events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems. The [*department*] **State Chief Information Officer** shall consult with the Oregon State Police, the Office of Emergency Management, the Governor and others as necessary in developing forensic techniques and controls under this section.

(7) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall ensure that reasonably appropriate remedial actions are undertaken when the [*department*] **State Chief Information Officer** finds that such actions are reasonably necessary by reason of vulnerability assessments of information systems under subsection (3) of this section, evaluation of events under subsection (5) of this section and other evaluations and audits.

(8)(a) **State** agencies are responsible for [*the security of*] **securing** computers, hardware, software, storage media, networks, operational procedures and processes used in [*the collection*] **collecting**, processing, [*storage*] **storing**, sharing or [*distribution of*] **distributing** information outside the state's shared computing and network infrastructure**,** following information security standards, policies and procedures established by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** and developed collaboratively with **the** agencies. Agencies may establish plans, standards and measures that are more stringent than the standards established by the [*department*] **State Chief Information Officer** to address specific agency needs if [*those*] **the** plans, standards and measures do not contradict or contravene the state information systems security plan. Independent agency security plans [*shall*] **must** be developed within the framework of the state information systems security plan.

(b) [*An*] **A state** agency shall report the results of any vulnerability assessment, evaluation or audit conducted by the agency to the [*department*] **State Chief Information Officer** for the purposes of consolidating statewide security reporting and, when appropriate, to prompt a state incident response.

(9) This section does not apply to:

(a) Research and student computer systems used by or in conjunction with the State Board of Higher Education or any public university listed in ORS 352.002; and

(b)(A) Gaming systems and networks operated by the Oregon State Lottery or [*its*] contractors **of the State Lottery**; or

(B) The results of Oregon State Lottery reviews, evaluations and vulnerability assessments of computer systems outside the state's shared computing and network infrastructure.

(10) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall adopt rules to [*carry out its responsibilities under*] **implement the provisions of** this section.

SECTION 13. ORS 182.124 is amended to read:

182.124. (1) Notwithstanding ORS 182.122, the Secretary of State, the State Treasurer and the Attorney General have sole discretion and authority over information systems security in their respective agencies, including [*taking*] **the discretion and authority to take** all measures **that are** reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems.

(2) The Secretary of State, the State Treasurer and the Attorney General shall each establish an information systems security plan and associated standards, policies and procedures in collaboration with the [*Oregon Department of Administrative Services*] **State Chief Information Officer** as provided in ORS 182.122.

(3) The plan established under subsection (2) of this section, at a minimum, must:

(a) Be compatible with the state information systems security plan and associated standards, policies and procedures established by the [*department*] **State Chief Information Officer** under ORS 182.122 (2);

(b) Assign responsibility for:

(A) Reviewing, monitoring and verifying the security of the [*agency's*] **Secretary of State's, the State Treasurer's and the Attorney General's** information systems; and

(B) Conducting vulnerability assessments of information systems for the purpose of evaluating and responding to the susceptibility of information systems to attack, disruption or any other event that threatens the availability, integrity or confidentiality of information systems or the information stored in information systems;

(c) Contain policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether [*those*] **the** systems are within, interoperable with or outside the state's shared computing and network infrastructure;

(d) Prescribe actions reasonably necessary to:

(A) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodologies required to prevent or mitigate the damage caused or threatened by an event;

(B) Promptly alert **the State Chief Information Officer and** other persons of the event and of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the event;

(C) Implement forensic techniques and controls developed under paragraph (e) of this subsection;

(D) Evaluate the event for the purpose of possible improvements to the security of information systems; and

(E) Communicate and share information with agencies, using preexisting incident response capabilities; and

(e) Describe and implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure, including the use of specialized expertise, tools and methodologies, to investigate events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems.

(4) The Secretary of State, the State Treasurer and the Attorney General shall participate in the planning process [*conducted by the department*] **that the State Chief Information Officer conducts** under ORS 182.122 (2).

(5) If **the State Chief Information Officer cannot agree with the Secretary of State, the State Treasurer or the Attorney General on** a joint information systems security plan and associated operational standards and policies [*cannot be agreed upon by the Oregon Department of Administrative Services and a statewide elected official named in subsection (1) of this section, the department*]**, the State Chief Information Officer, in collaboration with the Oregon Department of Administrative Services,** may take steps reasonably necessary to condition, limit or preclude electronic traffic or other vulnerabilities between information systems for which the [*official*] **Secretary of State, State Treasurer or Attorney General** has authority under subsection (1) of this section and the information systems for which the [*department*] **State Chief Information Officer** has authority under ORS 182.122 (2).

SECTION 13a. ORS 182.126 is amended to read:

182.126. As used in this section and ORS 182.128 and 182.132:

(1) "Convenience fee" means a fee for using an electronic government portal or governmental services available by means of an electronic government portal that the [*Oregon Department of Administrative Services*] **State Chief Information Officer** charges or authorizes an electronic government portal provider to charge under ORS 182.132 (3).

(2) "Electronic government portal" means an electronic information delivery system accessible by means of the Internet that a state agency designates officially as a means by which the state agency delivers information, products or services.

(3) "Electronic government portal provider" means a person that on behalf of a state agency provides facilities, goods or services necessary to develop, host, operate, maintain or otherwise implement an electronic government portal or provides facilities, goods or services that assist a state agency in designing, developing, hosting, operating, maintaining or otherwise implementing an electronic government portal.

(4) "State agency" means the executive department, as defined in ORS 174.112.

SECTION 14. ORS 182.128 is amended to read:

182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of 13 members appointed as follows:

(a) The President of the Senate shall appoint two nonvoting members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint two nonvoting members from among members of the House of Representatives.

(c) The Governor shall appoint:

(A) Three members who represent state agencies;

(B) Two members who represent the public; and

(C) One member who attends a school, community college or university in this state.

(d) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information Officer** shall appoint two members as follows:

(A) [*The*] **A representative of the** State Chief Information Officer; and

(B) A representative of the Oregon Department of Administrative Services.

(e) The State Treasurer shall appoint one member who represents the State Treasurer.

(2) Members of the Legislative Assembly who are members of the advisory board are nonvoting members and may act only in an advisory capacity.

(3) The advisory board shall:

(a) Advise the **State Chief Information Officer and the** Oregon Department of Administrative Services concerning:

(A) The development of electronic government portals for the **State Chief Information Officer, the** department and other state agencies;

(B) The amount, collection methods or other aspects of a convenience fee that the [*department*] **State Chief Information Officer** or an electronic government portal provider collects;

(C) The priority of new governmental service applications that may be provided by means of an electronic government portal;

(D) Terms and conditions of contracts between state agencies and electronic government portal providers; and

(E) Rules necessary to implement electronic government portals.

(b) Monitor the layout, content and usability of electronic government portals and advise **the State Chief Information Officer and** the department on ways to improve the delivery of government services by means of electronic government portals, the accountability of state agencies' use of electronic government portals to provide government services and user satisfaction with electronic government portals.

(c) Study, propose, develop or coordinate activities that:

(A) Consider the needs of residents of this state;

(B) Evaluate the performance and transparency of state agency delivery of government services; and

(C) Further the effectiveness of and user satisfaction with:

(i) Electronic government portals; and

(ii) State agencies' performance and accountability in [*the use of*] **using** electronic government portals to provide government services.

(4) A majority of the members of the advisory board constitutes a quorum for [*the transaction of*] **transacting** business.

(5) [*Official action by the advisory board requires the approval of*] A majority of the members of the advisory board **must approve official action by the advisory board**.

(6) The advisory board shall elect one of the members of the advisory board to serve as chairperson.

(7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall make an appointment [*to become*] **that becomes** immediately effective.

(8) The advisory board shall meet at times and places [*specified by the call of*] **that** the chairperson or [*of*] a majority of the members of the advisory board **specifies**.

(9) The advisory board may adopt rules necessary [*for the operation of*] **to operate** the advisory board.

(10) The Oregon Department of Administrative Services shall provide staff support to the advisory board.

(11) Members of the advisory board who are not members of the Legislative Assembly [*are not entitled to*] **may not receive** compensation, but may be reimbursed for actual and necessary travel and other expenses the members incur in the performance of the members' official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses [*incurred*] **the members incur** in performing functions of the advisory board shall be paid out of funds appropriated to the Oregon Department of Administrative Services for purposes of the advisory board.

(12) All state agencies shall assist the advisory board in the advisory board's performance of the advisory board's duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice as the members of the advisory board consider necessary to perform the duties of the advisory board.

SECTION 15. ORS 182.132 is amended to read:

182.132. (1) The [*Oregon Department of Administrative Services*] **State Chief Information Officer**, with the advice of the Electronic Government Portal Advisory Board, shall provide the ability for state agencies to offer government services by means of an electronic government portal. The electronic government portal must be secure and must [*meet*] **comply with the information security rules, policies and standards that the State Chief Information Officer adopts under ORS 182.122 and meet the** usability standards developed in cooperation with the advisory board.

(2) For the purposes of subsection (1) of this section, the [*department*] **State Chief Information Officer,** under the provisions of the Public Contracting Code**,** may contract with an electronic government portal provider **in a manner that is consistent with the State Chief Information Officer's rules, policies and standards**.

(3)(a) The [*department*] **State Chief Information Officer** may charge members of the public a convenience fee or may authorize an electronic government portal provider to charge a convenience fee for an electronic government service if the advisory board recommends that the [*department*] **State Chief Information Officer** charge or authorize a convenience fee for the electronic government service. The convenience fee must reflect the costs incurred in hosting, operating, maintaining or implementing the electronic government portal.

(b) The [*department*] **State Chief Information Officer** shall cooperate with the advisory board to identify the electronic government portals or governmental services to which the convenience fee applies.

(4) The [*department*] **State Chief Information Officer** may adopt rules to implement the provisions of this section.

(5) Not later than the beginning of each odd-numbered year regular legislative session, the [*department*] **State Chief Information Officer** shall prepare and submit to the Legislative Assembly a report in the manner provided in ORS 192.245 that summarizes the [*department's*] **State Chief Information Officer's** activities under the provisions of this section.

SECTION 15a. ORS 184.305 is amended to read:

184.305. The Oregon Department of Administrative Services is created. The purpose of the Oregon Department of Administrative Services is to improve the efficient and effective use of state resources [*through the provision of*] **by providing**:

(1) Government infrastructure services that can best be provided centrally, including but not limited to purchasing, risk management, facilities management, surplus property and motor fleet;

(2) Rules and associated performance reviews of agency compliance with statewide policies;

(3) Leadership in [*the implementation of*] **implementing** a statewide performance measurement program;

(4) State employee workforce development and training;

(5) Personnel systems that promote fair, responsive and cost-effective human resource management;

(6) Objective, credible management information for, and analysis of, statewide issues for policymakers; **and**

(7) Statewide financial administrative systems[*; and*]**.**

[*(8) Statewide information systems and networks to facilitate the reliable exchange of information and applied technology.*]

SECTION 16. ORS 184.473 is amended to read:

184.473. As used in ORS 184.475 and 184.477:

(1) "Executive department" has the meaning given that term in ORS 174.112.

[*(1)*] **(2)** "Information technology" includes, but is not limited to, all present and future forms of hardware, software and services for data processing, office automation and telecommunications.

[*(2) "State agency" includes every state officer, board, commission, department, institution, branch or agency of the state government whose costs are paid wholly or in part from funds held in the State Treasury, except:*]

[*(a) The Secretary of State, the State Treasurer, the Legislative Assembly, the courts and their officers and committees; and*]

[*(b) The Public Defense Services Commission.*]

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

(a) The Secretary of State;

(b) The State Treasurer;

(c) The Oregon State Lottery; and

(d) The State Board of Higher Education, a public university that is listed in ORS 352.002 or a public university with a governing board that is listed in ORS 352.054.

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

184.473. As used in ORS 184.475 and 184.477:

(1) "Executive department" has the meaning given that term in ORS 174.112.

(2) "Information technology" includes, but is not limited to, all present and future forms of hardware, software and services for data processing, office automation and telecommunications.

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

(a) The Secretary of State;

(b) The State Treasurer;

(c) The Oregon State Lottery; and

(d) [*The State Board of Higher Education,*] A public university that is listed in ORS 352.002 [*or a public university with a governing board that is listed in ORS 352.054*].

SECTION 17. ORS 184.475 is amended to read:

184.475. (1) The purposes of information technology portfolio-based management are to:

(a) Ensure that state agencies link [*their*] **the state agencies'** information technology investments with business plans;

(b) Facilitate risk assessment of information technology projects and investments;

(c) Ensure that state agencies justify information technology investments on the basis of sound business cases;

(d) Ensure that state agencies facilitate development and review of information technology performance related to business operations;

(e) Identify projects that can cross agency and program lines to leverage resources; and

(f) Assist in state government-wide planning for common, shared information technology infrastructure.

(2) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall integrate state agency strategic and business planning, technology planning and budgeting and project expenditure processes into the [*department's information technology*] **State Chief Information Officer's** portfolio-based management **and oversight of state information technology resources**.

(3) [*In cooperation with state agencies, the department*] **The State Chief Information Officer** shall conduct and maintain a continuous inventory of each state agency's current and planned investments in information technology, a compilation of information about [*those assets*] **the current and planned investments** and the total life cycle cost of [*those assets.*] **the current and planned investments. Each state agency shall cooperate with the State Chief Information Officer in conducting and maintaining the inventory.** The [*department*] **State Chief Information Officer** shall develop and implement state government-wide **rules, policies and** standards[*, processes and procedures*] for **conducting and maintaining** the required inventory and for [*the management of*] **managing** the state government-wide information technology portfolio. State agencies shall participate in the **State Chief Information Officer's** information technology portfolio-based management **program** and shall comply with the **rules, policies and** standards[*, processes and procedures established by the department*] **that the State Chief Information Officer establishes** under this subsection. The provisions of this subsection do not relieve any state agency from accountability for equipment, materials, supplies and tangible and intangible personal property under [*its*] **the state agency's** control.

(4) The [*department*] **State Chief Information Officer** shall ensure that state agencies implement portfolio-based management of information technology resources in accordance with this section and with rules**, policies and standards** [*adopted by the Director of the Oregon Department of Administrative Services*] **that the State Chief Information Officer adopts**.

[*(5) This section does not apply to competitive research grants and contracts at public universities listed in ORS 352.002.*]

[*(6) In implementing the provisions of this section, the department shall submit state government-wide policies for review to the Joint Legislative Committee on Information Management and Technology.*]

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

SECTION 18. ORS 184.477, as amended by section 2, chapter 102, Oregon Laws 2014, is amended to read:

184.477. (1) The purpose of enterprise **information resources** management is to create a plan and implement a state government-wide approach for managing distributed information technology assets to minimize total ownership costs from acquisition through retirement, while realizing maximum benefits for transacting the state's business and delivering services to the residents of this state.

(2) With input and recommendations from state agencies, [*the Oregon Department of Administrative Services and*] the State Chief Information Officer each biennium shall [*develop, maintain or update, as appropriate,*] **adopt** an Enterprise Information Resources Management Strategy [*that*] **in accordance with ORS 291.039. The Enterprise Information Resources Management Strategy must**, among other functions, [*enables the department*] **enable the State Chief Information Officer** to manage **and oversee** distributed information technology assets throughout state government. The Enterprise Information Resources Management Strategy shall prescribe the state government-wide infrastructure and services for managing these assets. The [*department and the*] State Chief Information Officer shall submit the Enterprise Information Resources Management Strategy to the Joint Legislative Committee on Information Management and Technology for review.

(3) Following review by the Joint Legislative Committee on Information Management and Technology, the [*department and the*] State Chief Information Officer shall ensure state agency implementation of the Enterprise Information Resources Management Strategy, including the development of appropriate [*standards, processes and procedures*] **rules, policies and standards along with budget, resource and management plans that are necessary to implement the Enterprise Information Resources Management Strategy**.

(4) State agencies shall participate in managing information technology assets in accordance with the Enterprise Information Resources Management Strategy and shall comply with the **rules, policies and** standards[*, processes and procedures*] of the [*department and the*] State Chief Information Officer.

[*(5) This section does not apply to competitive research grants and contracts at public universities listed in ORS 352.002.*]

(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 technology 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 take any action in accordance with the terms and conditions of the public contract that the State Chief Information Officer deems necessary or advisable to administer and enforce the public contract, including directing the state agency to suspend performance or terminate the public contract in whole or in part.

SECTION 19. ORS 184.483 is amended to read:

184.483. (1)**(a)** The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall [*develop*] **maintain** and make available an Oregon transparency website. The website [*shall*] **must** allow any person to view information that is a public record and **is** not exempt from disclosure under ORS 192.410 to 192.505, including but not limited to information described in subsection (3) of this section.

(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.

(2) State agencies and education service districts, to the extent practicable and subject to laws relating to confidentiality, when at no additional cost, using existing data and existing resources of the state agency or education service district and without reallocation of resources, shall:

(a) Furnish information to the Oregon transparency website by posting reports and providing links to existing information system applications in accordance with standards [*established by the Oregon Department of Administrative Services*] **that the State Chief Information Officer establishes**; and

(b) Provide the information in the format and manner [*required by the Oregon Department of Administrative Services*] **that the State Chief Information Officer requires**.

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

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

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

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

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

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

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

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

[*(h) Information about the state agency from the Oregon Progress Board;*]

[*(i)*] **(h)** A copy of any audit report [*issued by*] **that** the Secretary of State **issues** for the state agency or [*of any audit reports issued for*] the education service district;

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

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

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

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

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

(b) The [*department*] **State Chief Information Officer** shall post on the Oregon transparency website a link for the website [*maintained by*] **that** the Secretary of State **maintains** for rules [*adopted by*] **that** the state agency **adopts**. If the state agency maintains a website where the **state**

agency posts the rules [*of the agency are posted*], or where any information relating to the rules of the agency is posted, the state agency shall provide the [*department*] **State Chief Information Officer** with the link to [*that*] **the** website for posting on the Oregon transparency website.

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

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

(B) The date of each contract and the amount payable under the contract;

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

(D) The names and addresses of vendors.

(5) In [*creating,*] operating, refining and recommending enhancements to the Oregon transparency website, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** and the Transparency Oregon Advisory Commission created in ORS 184.486 shall consider and, to the extent practicable, adhere to the following principles:

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

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

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

(6) If a state agency or an education service district is not able to include information described in this section on the Oregon transparency website because of the lack of availability of information or cost in acquiring [*it*] **information**, the Transparency Oregon Advisory Commission created in ORS 184.486 shall list the information that is not included for [*that*] **the** state agency or education service district in the commission's report to the Legislative Assembly required under ORS 184.486.

(7) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall include on the Oregon transparency website a page that provides links to websites established by local governments, as defined in ORS 174.116, and by special government bodies, as defined in ORS 174.117, for the purpose of providing transparency in the revenues, expenditures and budgets of the [*public bodies*] **local governments and special government bodies**. The [*department*] **State Chief Information Officer** shall include a link to the **local government's or special government body's** website [*of the public body upon*] **after** receiving a request from the [*public body*] **local government or special government body**, and shall consider recommendations from the Transparency Oregon Advisory Commission for [*the inclusion of*] **including** other links to local **government** and special government body websites. The [*department*] **office of the State Chief Information Officer** shall include a prominent link on the home page of the Oregon transparency website for information posted to the page described in this subsection.

<u>SECTION 19a.</u> If Senate Bill 515 becomes law, section 1, chapter 456, Oregon Laws 2015 (Enrolled Senate Bill 515), is repealed and ORS 184.483, as amended by section 19 of this 2015 Act, is amended to read:

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

(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.

(2) State agencies and education service districts, to the extent practicable and subject to laws relating to confidentiality, when at no additional cost, using existing data and existing resources of the state agency or education service district and without reallocation of resources, shall:

(a) Furnish information to the Oregon transparency website by posting reports and providing links to existing information system applications in accordance with standards that the State Chief Information Officer establishes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The date of each contract and the amount payable under the contract;

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

(D) The names and addresses of vendors.

(d) The State Chief Information Officer shall provide an economic development section on the Oregon transparency website for posting of information submitted to the State Chief Information Officer by state agencies responsible for administering specific economic development programs. The section shall include, but not be limited to, the following information, if it is already collected or available within an existing database maintained by the state agency in the course of administering the economic development program:

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

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

(C) The names of persons who received grants or loans from the Oregon Innovation Council under ORS 284.735 or 284.742 and the purpose and amount of the grant or loan;

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

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

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

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

(A) May not include proprietary information; and

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

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

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

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

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

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

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

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

(b) The State Chief Information Officer shall include a link to the local government's or special government body's website after receiving a request from the local government or special government body, and shall consider recommendations from the Transparency Oregon Advisory Commission for including other links to local government and special government body websites.

(c) At the request of any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, the State Chief Information Officer shall include on the Oregon transparency website notices of public meetings required to be provided under ORS 192.640 by the local government or special government body. The local government or special government body must submit public meeting notice information in the format and manner required by the State Chief Information Officer.

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

SECTION 20. ORS 184.484 is amended to read:

184.484. (1) For each statute [*authorizing*] **that authorizes** a tax expenditure [*that has*] **with** a purpose connected to economic development and **that** is listed in subsection (2) of this section, the state agency charged with certifying or otherwise administering the tax expenditure shall submit a report to the [*Oregon Department of Administrative Services*] **State Chief Information Officer**. If [*no agency is authorized by*] **a** statute **does not exist to authorize a state agency to certify or otherwise administer the tax expenditure**, or if [*the*] **a** statute does not provide for certification or administration of the tax expenditure, the Department of Revenue shall submit the report.

(2) This section applies to:

(a) ORS 285C.175, 285C.309, 285C.362, 307.123, 307.455, 307.462, 315.141, 315.331, 315.336, 315.341, 315.507, 315.514, 315.533, 316.698, 316.778, 317.124, 317.391 and 317.394.

(b) Grants awarded under ORS 469B.256 in any tax year in which certified renewable energy contributions are received as provided in ORS 315.326.

(c) ORS 315.354 except as applicable in ORS 469B.145 (2)(a)(L) or (N).

(d) ORS 316.116, if the allowed credit exceeds $2,000.

(3) The following information, if [*it*] **the information** is already available in an existing database [*maintained by*] the **state** agency **maintains**, must be included in the report required under this section:

(a) The name of each taxpayer or applicant approved for the allowance of a tax expenditure or a grant award under ORS 469B.256.

(b) The address of each taxpayer or applicant.

(c) The total amount of credit against tax liability, reduction in taxable income or exemption from property taxation granted to each taxpayer or applicant.

(d) Specific outcomes or results required by the tax expenditure program and information about whether the taxpayer or applicant meets those requirements. This information [*shall*] **must** be based on data **the state agency has** already collected and analyzed [*by the agency*] in the course of administering the tax expenditure. Statistics must be accompanied by a description of the methodology employed in [*their generation*] **the statistics**.

(e) An explanation of the **state** agency's certification decision for each taxpayer or applicant, if applicable.

(f) Any additional information [*submitted by*] **that** the taxpayer or applicant **submits** and **that the state agency relies on in certifying the** [*relied upon by the agency in its certification*] determination.

(g) Any other information that **state** agency personnel deem valuable as providing context for the information described in this subsection.

(4) The information reported under subsection (3) of this section may not include proprietary information or information that is exempt from disclosure under ORS 192.410 to 192.505 or 314.835.

(5) No later than September 30 of each year, [*agencies*] **a state agency** described in subsection (1) of this section shall submit to the [*Oregon Department of Administrative Services*] **State Chief**

Information Officer the information required under subsection (3) of this section as applicable to applications for allowance of tax expenditures [*approved by*] the **state** agency **approved** during the agency fiscal year ending during the current calendar year. The information [*shall*] **must** then be posted on the Oregon transparency website [*required under*] **described in** ORS 184.483 no later than December 31 of the same year.

(6) In addition to the information described in subsection (3) of this section, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall post on the Oregon transparency website copies of all reports that the [*department*] **State Chief Information Officer**, the Department of Revenue or the Oregon Business Development Department receives from counties and other local governments relating to properties in enterprise zones that have received tax exemptions under ORS 285C.170, 285C.175 or 285C.409, or that are eligible for tax exemptions under ORS 285C.309, 315.507 or 317.124 by reason of being in an enterprise zone. The reports [*shall*] **must** be submitted to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** in a manner and format [*prescribed by the department*] **that the State Chief Information Officer prescribes**.

(7) The information described in this section that is available on the Oregon transparency website must be accessible in the format and manner required by the [*Oregon Department of Administrative Services*] **State Chief Information Officer**.

(8) The information described in this section [*shall be furnished*] **must be provided** to the Oregon transparency website by posting reports and providing links to existing information systems applications in accordance with standards established by the [*Oregon Department of Administrative Services*] **the State Chief Information Officer**.

SECTION 21. ORS 184.486 is amended to read:

184.486. (1) There is created the Transparency Oregon Advisory Commission consisting of nine members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate, one from the majority party and one from the minority party.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives, one from the majority party and one from the minority party.

(c) The Governor shall appoint one member from an executive branch agency.

(d) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information Officer** shall appoint one member.

(e) The Legislative Fiscal Officer shall appoint one member.

(f) The President of the Senate and the Speaker of the House of Representatives shall each appoint one member of the public with experience or interest in public finance, public relations, measurement of performance outcomes or technology.

(2) The commission shall advise and make recommendations to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** regarding the creation, contents and operation of, and enhancements to, the Oregon transparency website.

(3) A majority of the members of the commission constitutes a quorum for [*the transaction of*] **transacting** business.

(4) [*Official action by the commission requires the approval of*] A majority of the members of the commission **must approve official action by the commission**.

(5) The commission shall elect one of [*its*] **the commission's** members to serve as chairperson[*. The chairperson shall be selected*] not later than October 1 of each odd-numbered year.

(6) If there is a vacancy for any cause, the appointing authority shall make an appointment [*to become*] **that becomes** immediately effective.

(7) The commission shall meet at times and places [*specified by the call of*] **that** the chairperson or [*of*] a majority of the members of the commission **specifies**.

(8) The commission may adopt rules necessary [*for the operation of*] **to operate** the commission.

(9) The commission shall use the services of permanent staff of the Legislative Fiscal Office to the greatest extent practicable to staff the commission. The [*Oregon Department of Administrative Services*] **State Chief Information Officer** may provide additional assistance.

(10) Notwithstanding ORS 171.072, members of the commission who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the commission.

(11) Members of the commission who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission.

(12) All agencies of state government, as defined in ORS 174.111, [*are directed to*] **shall** assist the commission in [*the performance of its*] **performing the commission's** duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the commission consider necessary to perform [*their*] **the members'** duties.

(13) The commission shall report to the Legislative Assembly not later than February 15 of each odd-numbered year. The report [*shall*] **must** describe:

(a) Enhancements made to the Oregon transparency website during the previous two calendar years;

(b) Possible future enhancements to the website, including but not limited to [*the inclusion of*] **including** information [*relating*] **that relates** to:

(A) Performance outcomes that measure the success of state agency programs in achieving goals;

(B) State agency bond debt;

(C) State agency expenses for capital improvements;

(D) Numbers and descriptions of jobs created through state agency contracts and subcontracts;

(E) Lists of businesses and individuals [*receiving*] **that receive** tax credits, deductions, refunds, rebates and other subsidies from a state agency;

(F) Lists of the names of contractors [*who*] **that** received a contract from a state agency, including the number of contracts and compensation **the contractors** received; and

(G) Lists [*by contracting state agency*] of the number of contracts **that each state agency** entered into during a biennium and the amount of moneys **each state agency** spent on the contracts; and

(c) The feasibility of including an interactive application where citizens can simulate balancing a biennial budget for the state.

(14) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before [*the expiration of the term of a member*] **a member's term expires**, the appointing authority shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment [*to become*] **that becomes** immediately effective for the unexpired term.

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

279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting agency shall exercise all **of the contracting agency's** procurement authority in accordance with the provisions of the Public Contracting Code.

(b) If a contracting agency has authority under this section to carry out functions described in this section, or has authority to make procurements under a provision of law other than the Public Contracting Code, the contracting agency need not exercise the contracting agency's authority in accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the contract or contracting agency.

(2)**(a)** Except as otherwise provided in **paragraph (b) of this subsection and** the Public Contracting Code, for state agencies the Director of the Oregon Department of Administrative Services has all the authority **available** to carry out the provisions of the Public Contracting Code.

(b) Except as otherwise provided in the Public Contracting Code, for state agencies the director may delegate to the State Chief Information Officer the authority to procure or

supervise the procurement of all goods, services and personal services related to information technology and telecommunications for state contracting agencies. This paragraph does not apply to contracts under which the contractor delivers to the state agency information technology products or services incidentally in performing a personal services contract described in ORS chapter 279C or a construction contract described in ORS chapter 279C.

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

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

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

(c) Establish standards for, prescribe forms for and conduct the prequalification of prospective bidders on public improvement contracts that relate to operating, maintaining or constructing highways, bridges and other transportation facilities that are subject to the authority of the Department of Transportation.

(4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all the authority to procure or supervise the procurement of goods, services and personal services related to programs under the authority of the Secretary of State.

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

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

(a) The Department of Human Services to procure or supervise the procurement of goods, services and personal services under ORS 179.040 for the department's institutions and the procurement of goods, services and personal services for constructing, demolishing, exchanging, maintaining, operating and equipping housing for the purpose of providing care to individuals with intellectual disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

(b) The Oregon Health Authority to procure or supervise the procurement of goods, services and personal services under ORS 179.040 and construction materials, equipment and supplies for the authority's institutions and the procurement of goods, services, personal services, construction materials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating and equipping housing for individuals with chronic mental illness, subject to applicable provisions of ORS 426.504;

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

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

(e) The Oregon Department of Aviation to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon Department of Aviation;

(f) The Oregon Business Development Department to procure or supervise the procurement of all goods, services, personal services and public improvements related to its foreign trade offices operating outside the state;

(g) The Housing and Community Services Department to procure or supervise the procurement of goods, services and personal services as provided in ORS 279A.025 (2)(n);

(h) The Department of Corrections to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Department of Corrections;

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

(j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate broker and principal real estate broker services related to programs under the department's authority;

(k) The Oregon Military Department to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon Military Department;

(L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), to procure or supervise the procurement of goods, services, personal services and information technology related to student assessment; and

(m) Any state agency to conduct a procurement when the agency is specifically authorized by any provision of law other than the Public Contracting Code to enter into a contract.

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

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

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

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

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

(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department 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 or personal services without the approval of the director or the State Chief Information Officer if the director or the State Chief Information Officer has established a price agreement for the goods, services or personal services.

(c) The State Chief Information Officer may review any solicitation document for procuring information technology or telecommunications that a state agency intends to issue before the state agency issues the solicitation document and may require the state agency to name the State Chief Information Officer as a third-party beneficiary with full authority to enforce the terms and conditions of any public contract for information technology or

telecommunications. The State Chief Information Officer must approve a state agency's procurement for information technology or telecommunications if the procurement has an anticipated contract price of $1 million or more. The State Chief Information Officer may require the state agency to name the State Chief Information Officer as the contracting party on behalf of the State of Oregon in a procurement for information technology or telecommunications that has an anticipated contract price of $1 million or more.

SECTION 23. ORS 279A.075 is amended to read:

279A.075. (1) Unless otherwise provided in the Public Contracting Code, **a person or agency that has an authority under the code may delegate and subdelegate** the exercise of [*all authorities in the code may be delegated and subdelegated*] **the authority** in whole or in part. Notwithstanding delegations of authority under this section, **the code and rules adopted under the code govern** a person's or agency's exercise of the delegated authority [*is governed by the code and rules adopted under the code*].

(2) The Secretary of State, State Treasurer, Director of the Oregon Department of Administrative Services**, State Chief Information Officer** and Director of Transportation and other heads of state agencies with specific limited authority identified in ORS 279A.050 (6) may delegate [*their*] authority to contract for and manage public contracts for their offices or agencies. **The State Chief Information Officer may require the Director of the Oregon Department of Administrative Services to obtain the State Chief Information Officer's review and approval before the director delegates authority to a state contracting agency to conduct a procurement for information technology or telecommunications.**

SECTION 24. ORS 279B.075 is amended to read:

279B.075. (1) A contracting agency may award a contract for goods or services without competition [*when*] **if** the Director of the Oregon Department of Administrative Services, [*the*] **a** local contract review board [*or*]**,** a state contracting agency, if [*it*] **the state contracting agency** has procurement authority under ORS 279A.050, **the State Chief Information Officer, with respect to goods or services described in subsection (2)(b) of this section and if the director has delegated the necessary authority to the State Chief Information Officer,** or a person designated in writing by the director, board or state contracting agency with procurement authority under ORS 279A.050, determines in writing, in accordance with rules adopted under ORS 279A.065, that the goods or services, or class of goods or services, are available from only one source.

(2) The determination of a sole source must be based on written findings that may include:

(a) That the efficient utilization of existing goods requires [*the acquisition of*] **acquiring** compatible goods or services;

(b) That the goods or services required [*for the*] **to** exchange [*of*] software or data with other public or private agencies are available from only one source;

(c) That the goods or services are for use in a pilot or an experimental project; or

(d) Other findings that support the conclusion that the goods or services are available from only one source.

(3) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms **that are** advantageous to the contracting agency.

SECTION 24a. ORS 283.100 is amended to read:

283.100. **(1)** The Oregon Department of Administrative Services shall provide general government administrative functions [*to*] **for** state agencies. [*The cost of these services, or portions thereof, as determined by the department shall be allocated to state agencies as determined by the department and paid to the department in the same manner as other claims against the agency are paid.*] **The State Chief Information Officer shall provide information technology and telecommunications functions for state agencies. The department or the State Chief Information Officer shall allocate the costs that the department or the State Chief Information Officer determines for the services, or a portion of the services, to state agencies, which shall pay the costs to the department or the State Chief Information Officer, as appropriate, in the same manner as the state agency pays other claims. The State Chief Information Officer shall deposit all**

moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.

(2) Except as otherwise provided by law, the provisions of subsection (1) of this section do not:

(a) Require a state agency to transfer to the State Chief Information Officer information technology or telecommunications equipment, assets or resources that are under the state agency's control;

(b) Require a state agency to subject employees of the state agency to the State Chief Information Officer's direct supervision;

(c) Require a state agency to consolidate information technology or telecommunications equipment, assets or resources with another state agency's information technology or telecommunications equipment, assets or resources; or

(d) Prevent a state agency from providing information technology or telecommunications functions for the state agency.

SECTION 25. ORS 283.120 is amended to read:

283.120. Subject to rules [*prescribed by*] **that** the Oregon Department of Administrative Services **prescribes, or that the State Chief Information Officer prescribes for information technology and telecommunications**, any state agency may establish a service unit within the agency to furnish to other units of [*such*] **the** agency the services, facilities and materials that the **agency establishes the** service unit [*is established*] to provide. The **state agency shall charge the service unit's** expenses [*of the service unit shall be charged*] to the units served and, except as provided in ORS 283.076 (3), the amounts [*so charged*] **the state agency charges must** [*shall*] be credited to the miscellaneous receipts account established pursuant to ORS 279A.290**. The moneys in the account** [*and hereby*] are appropriated continuously for expenditure by the state agency subject to the allotment system provided by ORS 291.234 to 291.260.

SECTION 26. ORS 283.140 is amended to read:

283.140. [*(1) The Oregon Department of Administrative Services shall exercise budgetary management, supervision and control over all telephone and telecommunications service for all state agencies. The department may operate central mail, shuttle bus or messenger services for agencies located in Salem, Portland or other cities, where it would be economical so to do. The cost of maintaining and operating any central telephone exchange, switching system, network service and facility, intercity or intracity network trunk or line or switchboard, or the cost of mail, shuttle bus and messenger services, shall be charged to the various agencies served and paid to the department in the same manner as other claims against the agencies are paid.*]

(1) The State Chief Information Officer shall exercise budgetary management, supervision and control over all telephone and telecommunications service for all state agencies in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts. The Oregon Department of Administrative Services may operate central mail, shuttle bus or messenger services for state agencies located in Salem, Portland or other cities, if doing so is economical. The State Chief Information Officer may charge the cost of maintaining and operating any central telephone exchange, switching system, network service and facility, intercity or intracity network trunk or line or switchboard to the state agencies that the State Chief Information Officer serves. The department shall charge the cost of providing mail, shuttle bus and messenger services to the state agencies that the department serves. The state agencies shall pay the costs to the State Chief Information Officer or the department, as appropriate, in the same manner in which the state agencies pay other claims. The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.

(2) If the department operates central mail service, [*it*] **the department** shall:

(a) Approve or disapprove all state agency mail equipment or mail service acquisitions.

(b) Report biennially to the Director of the Oregon Department of Administrative Services on opportunities for savings through state agency mail room centralization, consolidation and automation and through mail route coordination.

[*(3)*] **(c)** [*The department shall*] Adopt rules [*pursuant to*] **under** which persons associated with government either temporarily or otherwise, including but not limited to unsalaried volunteers, part-time employees, contractors with the state and employees of contractors, political subdivisions and the federal government may use shuttle bus services.

[*(4)*] **(3)** [*For the purposes of*] **As used in** this section, "telecommunications" means media that communicate voice, data, text, images or video over a distance using electrical, electronic or light wave transmission media.

SECTION 27. ORS 283.143 is amended to read:

283.143. [*(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the Oregon Department of Administrative Services shall, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each agency and public corporation a surcharge, in an amount established by the department. All surcharge moneys collected shall be deposited in the Oregon Department of Administrative Services Operating Fund, and may be expended only for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the department may prescribe.*]

[*(2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Services shall not impose the surcharge established by this section on the Oregon University System or the Oregon Health and Science University. The Oregon Department of Administrative Services shall enter into an agreement with the Oregon University System and the Oregon Health and Science University on the amounts to be paid by the Oregon University System and the Oregon Health and Science University to the Oregon Department of Administrative Services in lieu of the surcharge provided for in this section.*]

(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the State Chief Information Officer may, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each state agency and public corporation a surcharge, in an amount the State Chief Information Officer establishes. The State Chief Information Officer shall deposit all surcharge moneys into the State Information Technology Operating Fund. The State Chief Information Officer may expend moneys in the fund for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the State Chief Information Officer may prescribe and in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts.

(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer may not impose the surcharge established by this section on the Oregon University System or the Oregon Health and Science University. The State Chief Information Officer shall enter into an agreement with the Oregon University System and the Oregon Health and Science University on the amounts that the Oregon University System and the Oregon Health and Science University must pay to the State Chief Information Officer in lieu of the surcharge provided for in this section.

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

283.143. [*(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the Oregon Department of Administrative Services shall, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each agency and public corporation a surcharge, in an amount established by the department. All surcharge moneys collected shall be deposited in the Oregon Department of Administrative Services Operating*

Fund, and may be expended only for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the department may prescribe.]

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

(1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the State Chief Information Officer may, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each state agency and public corporation a surcharge, in an amount the State Chief Information Officer establishes. The State Chief Information Officer shall deposit all surcharge moneys into the State Information Technology Operating Fund. The State Chief Information Officer may expend moneys in the fund for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the State Chief Information Officer may prescribe and in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts.

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

SECTION 28. ORS 283.505 is amended to read:

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

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

(2) [*The department shall coordinate the consolidation and operation of emergency telecommunications systems used by the state and state agencies. The provisions of this section shall not be construed to require consolidation of*] **The provisions of this section do not require emergency service providers, as defined by the State Chief Information Officer, to consolidate** telecommunications systems [*used by*] **that** emergency service providers **use** [*, as defined by the department,*] into nonemergency networks.

SECTION 29. ORS 283.510 is amended to read:

283.510. (1) As used in this section:

(a) "Advanced digital communications" means equipment, facilities and capability to distribute digital communications signals for [*the transmission of*] **transmitting** voice, data, image and video over distance.

(b) "Telecommunications provider" means any person **that is** capable of providing advanced digital communications including, but not limited to, a telecommunications utility as defined in ORS 759.005, a competitive telecommunications provider as defined in ORS 759.005, a cable television provider or an interstate telecommunications provider.

[*(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon Department of Administrative Services by contract shall acquire advanced digital communications services from telecommunications providers or a consortium of such providers. Contracts under this section shall provide that all responsibility for construction, installation, operation and maintenance of the network shall remain with the contracting provider.*]

[*(3) Upon installation of an advanced digital communications network, the Oregon Department of Administrative Services shall provide all telecommunications services and operations for the state and its agencies. The department shall not approve the procurement of any telecommunications system or equipment that is incompatible with the network.*]

(2) Notwithstanding ORS chapters 279A, 279B and 279C, the State Chief Information Officer may provide advanced digital communications services directly, may enter into an interagency or intergovernmental agreement under ORS chapter 190 to have another state agency or governmental agency provide advanced digital communications services or may acquire advanced digital communications services by entering into contracts with telecommunications providers or a consortium of telecommunications providers in a manner that is consistent with the State Chief Information Officer's rules, policies and standards.

(3) After a telecommunications provider or a consortium of telecommunications providers has installed an advanced digital communications network, the State Chief Information Officer shall provide all telecommunications services and operations for the state and state agencies directly, or shall enter into interagency or intergovernmental agreements under ORS chapter 190 to have another state agency or another governmental agency provide the telecommunications services and operations in a manner that is consistent with the State Chief Information Officer's rules, policies and standards. The State Chief Information Officer may not approve the procurement of any telecommunications system or equipment that is incompatible with the network or that is inconsistent with the State Chief Information Officer's rules, policies and standards.

SECTION 30. ORS 283.515 is amended to read:

283.515. The [*Oregon Department of Administrative Services*] **State Chief Information Officer** annually shall review **each state agency's budget**, in conjunction with [*each*] **the** state agency, [*the budget of that agency*] to identify [*agency funds to be used for*] **funds that the state agency uses for** travel and transportation that [*may be used*] **the state agency could instead use** for telecommunications. If the [*department*] **State Chief Information Officer** determines that a **state agency could use a** portion of the **state agency's** [*agency*] travel and transportation funds [*can be used*] more effectively [*through use of*] **by instead using** telecommunications, without diminishing the affected agency's existing internal and external communications, the [*department*] **State Chief Information Officer** shall [*make recommendations*] **recommend** to the Emergency Board as described in ORS 291.326 [*for such action as the department*] **action that the State Chief Information Officer** determines **is** necessary to dedicate the identified **state** agency travel and transportation funds for use in telecommunications. The [*department*] **State Chief Information Officer** shall make [*its*] **the** recommendations to the Emergency Board not later than January 1.

SECTION 31. ORS 283.520 is amended to read:

283.520. (1) For the purposes of ORS 283.500 to 283.520, the [*Oregon Department of Administrative Services may*] **State Chief Information Officer may, in a manner that is consistent with the State Chief Information Officer's rules, policies and standards,** enter into a contract or contracts with telecommunications service providers and equipment manufacturers for [*the purchase, use or operation of*] **purchasing, using or operating** telecommunications equipment and services for a period not to exceed 10 years.

(2) For purposes of ORS 291.038, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** may extend the benefits of telecommunications contracts for networks, equipment and services to nonprofit organizations that [*have been designated*] **the State Chief Information Officer designates** as communities of interest **under ORS 291.038**.

SECTION 32. ORS 283.524 is amended to read:

283.524. The [*Oregon Department of Administrative Services may*] **State Chief Information Officer may, in a manner that is consistent with the State Chief Information Officer's rules, policies and standards,** enter into an agreement or agreements to fund or otherwise acquire telecommunications equipment and services by installment purchase or lease purchase contracts [*as provided by ORS 276.218*].

SECTION 33. Section 1, chapter 782, Oregon Laws 2009, is amended to read:

Sec. 1. (1) The Oregon Broadband Advisory Council is established within the Oregon Business Development Department. The council [*shall consist*] **consists** of 14 members, of whom:

(a) The Governor shall appoint 12 members as follows:

(A) One member to represent the counties of this state.

(B) One member to represent the cities of this state.

(C) Three members to represent telecommunications service providers and Internet service providers in this state. At least one member must represent rural telecommunications consortia.

(D) One member to represent Oregon tribes.

(E) One member to represent education.

(F) One member to represent economic development.

(G) One member to represent public safety.

(H) One member to represent health.

(I) One member to represent [*government's electronic interface with the public*] **the State Chief Information Officer**.

(J) One member from the Public Utility Commission.

(b) The Speaker of the House of Representatives shall appoint one nonvoting member who is a member of the House of Representatives.

(c) The President of the Senate shall appoint one nonvoting member who is a member of the Senate.

(2) The term of office of each voting member is four years, but a voting member serves at the pleasure of the Governor. Before [*the expiration of*] the term of a voting member **expires**, the Governor shall appoint a successor whose term begins on January 1 next following. A voting member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment [*to become*] **that becomes** immediately effective for the unexpired term.

(3) The nonvoting legislative members shall serve two-year terms and are eligible for reappointment.

(4) Members of the council who are not members of the Legislative Assembly are not entitled to compensation, but voting members may be paid expenses if funding is available from contributions [*accepted*] **the Oregon Business Development Department accepts** under section 3 (2), chapter 782, Oregon Laws 2009.

(5) Members of the council who are members of the Legislative Assembly are entitled to compensation and expense reimbursement as provided in ORS 171.072.

(6) The council shall select one of [*its*] **the council's** voting members as chairperson and another voting member as vice chairperson, for such terms and with duties and powers necessary for [*the performance of*] **performing** the functions of [*such*] **the** offices as the council determines.

(7) A majority of the voting members of the council constitutes a quorum for [*the transaction of*] **transacting** business.

(8) The council shall meet at least once every three months at a place, day and hour determined by the council. The council may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the council.

(9) [*Official action by the council requires the approval of*] A majority of the voting members **of the council must approve official action by the council**. The council may recommend legislation, which must be prepared in time for presession filing by December 15 of the year preceding an odd-numbered year regular session of the Legislative Assembly.

(10) The Oregon Business Development Department shall provide staff or facilities to the council.

(11) The [*Oregon Department of Administrative Services, the*] **State Chief Information Officer, the** Public Utility Commission and the Department of Education may provide staff or facilities to the council.

(12) All agencies of state government, as defined in ORS 174.111, [*are directed to*] **shall** assist the council in the performance of [*its*] **the council's** duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the council consider necessary to perform [*their*] **the members'** duties.

NOTE: Section 34 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 35. Section 4, chapter 782, Oregon Laws 2009, is amended to read:

Sec. 4. The Oregon Broadband Advisory Council shall submit a report by November 1 of each even-numbered year to [*an appropriate interim committee of the Legislative Assembly*] **the Joint Legislative Committee on Information Management and Technology** on the following subjects:

(1) The affordability and accessibility of broadband technology in all areas of this state; and

(2) The extent of broadband technology use in this state in the telehealth industry, energy management, education and government.

SECTION 36. Section 5, chapter 782, Oregon Laws 2009, as amended by section 5, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 5. (1) Sections 1 to 4, chapter 782, Oregon Laws 2009, are repealed on January 2, [*2016*] **2020**.

(2) The amendments to ORS 403.450 by section 4**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] become operative on January 2, [*2016*] **2020**.

SECTION 37. ORS 291.016 is amended to read:

291.016. The Oregon Department of Administrative Services**, or the State Chief Information Officer for purposes related to information and telecommunications technology,** may make or cause to be made administrative and organizational surveys of the state agencies for the purpose of determining the feasibility of improving the administration of the state government by [*the elimination of*] **eliminating** unnecessary positions and activities, [*the improvement of*] **improving** internal operating forms, [*the avoidance of*] **avoiding** duplication, and increasing efficiency and economical operation.

SECTION 38. ORS 291.018 is amended to read:

291.018. The Oregon Department of Administrative Services**, or the State Chief Information Officer for purposes related to information and telecommunications technology,** shall conduct research for use in administrative planning, policy review and organization and methods improvement. Periodic administrative reports to the department**, the State Chief Information Officer** and the Governor[*,*] **that are** designed to outline factually the quantitative and qualitative aspects of work performance by operating units[*,*] may be required of state agencies. The department **and the State Chief Information Officer** may require [*submission of such*] **state agencies to submit** information in reports [*as*] **that** will permit sound analysis and will provide the basis for detecting administrative weaknesses, correcting performance difficulties and permitting better planning and management of state services.

SECTION 39. ORS 291.032 is amended to read:

291.032. The Oregon Department of Administrative Services**, or the State Chief Information Officer for purposes related to information and telecommunications technology,** may provide technical services to state agencies for management improvement development and the development of economies in the organization and administration of state agencies. The technical services may include consulting studies in work simplification, work measurement, equipment utilization and other management improvement concepts. The **department or the State Chief Information Officer shall determine and charge the** cost of the technical services, or portions [*thereof, as determined by the department, shall be charged*] **of the technical services,** to the **state** agency served [*and paid*]**. The state agency shall pay the cost** to the department **or the State Chief Information Officer, as appropriate,** in the same manner [*as*] **that the state agency pays** other claims against the **state** agency [*are paid*]. **The State Chief Information Officer shall deposit all mon-**

eys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.

SECTION 40. ORS 291.034 is amended to read:

291.034. [*The Oregon Department of Administrative Services may provide technical services to state agencies for data processing systems development and the development of data processing methods and applications. The technical services may include consulting and programming services and assistance in locating electronic data processing installations. The cost of the technical services, or portions thereof, as determined by the department, shall be charged to the agency served and paid to the department in the same manner as other claims against the agency are paid.*] **The State Chief Information Officer may provide technical services to state agencies for data processing systems development and developing data processing methods and applications in a manner that is consistent with the State Chief Information Officer's rules, policies and standards. The technical services may include consulting and programming services and assistance in locating electronic data processing installations. The State Chief Information Officer shall determine and charge the cost of the technical services, or portions of the technical services, to the state agency that the State Chief Information Officer serves. The state agency shall pay the cost to the State Chief Information Officer in the same manner that the state agency pays other claims against the state agency. The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.**

SECTION 41. ORS 291.038, as amended by section 4, chapter 102, Oregon Laws 2014, is amended to read:

291.038. (1)**(a)** The State Chief Information Officer shall oversee [*policy for*] and coordinate **the** planning, **budgeting,** architecture and standardization**, consolidation, acquisition and oversight** of all information and telecommunications technology by state government and agencies of state government so that statewide and individual state agencies' plans and activities are addressed in the most integrated, economic and efficient manner, in a manner that minimizes duplication, fragmentation, redundancy and cost in state [*agency*] **government** operations and in a manner that most effectively meets state **government and state** agency program needs.

(b)(A) Except as otherwise provided by law, the office of the Secretary of State and the office of the State Treasurer, in collaboration with the State Chief Information Officer, shall develop and adopt plans, policies, standards and procedures for budgeting, planning, procuring, managing, overseeing and using information technology and telecommunications for the Secretary of State or the State Treasurer, as appropriate. Each office shall ensure that the office's plans, policies, standards and procedures are, to the extent possible, compatible with the plans, policies, standards and procedures that the State Chief Information Officer develops and adopts for other state agencies within the executive department.

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

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

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

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

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

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

(b) Formulate rules, policies and standards to promote electronic communication and information sharing among state agencies and programs, between state and local governments and with the public where appropriate.

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

[*(3)*] **(c)** [*The State Chief Information Officer shall*] Formulate rules, policies, plans, standards and specifications to ensure that information resources and technologies fit together in a statewide system capable of providing ready access to information, [*computing*] **information technology** or telecommunication resources. Plans and specifications that the State Chief Information Officer adopts must be based on industry standards for open systems to the greatest extent possible.

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

(4) The State Chief Information Officer has the responsibility to review, oversee and ensure that state agencies' rules and planning, acquisition and implementation activities **related to information technology and telecommunications** align with and support the [*statewide information resources management plan*] **Enterprise Information Resources Management Strategy. State agencies shall cooperate with the State Chief Information Officer to ensure that the state agencies' rules and planning, acquisition and implementation activities align with and support the Enterprise Information Resources Management Strategy**. **If the Oregon Department of Administrative Services procures information technology or the Director of the Oregon Department of Administrative Services delegates authority under ORS 279A.075 to procure information technology,** the [*Oregon Department of Administrative Services is responsible for procuring*] **department and a state contracting agency, as defined in ORS 279A.010, shall procure** information technology fairly, competitively and in a manner that is consistent with the State Chief Information Officer's rules**, policies and standards**.

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

(b) The [*department*] **State Chief Information Officer** shall, when procuring telecommunications network services, consider [*achieving the economic development and quality of life outcomes set forth in the Oregon benchmarks*] **the goals and objectives outlined within the Enterprise Information Resources Management Strategy and the policy, acquisition, coordination and consolidation objectives for information technology that are specified in ORS 283.500 to 283.520 and 283.524**.

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

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

(c) The [*department*] **State Chief Information Officer** by rule shall restrict the [*department's furnishing or delivery of*] Internet access service **that the State Chief Information Officer furnishes or delivers** to private entities if the service would directly compete with two or more local established providers of Internet access services within the local exchange telecommunications service area.

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

[*(6)*] **(7)** An organization or organizations recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public or community at large in providing educational, economic development, health care, human services, public safety, library or other public services and **that** have formed an affiliation with one or more federal, state or local governmental units within this state may apply to the [*department*] **State Chief Information Officer** for designation as a community of interest. The application must be in the form that the [*department*] **State Chief Information Officer** prescribes and contain information [*regarding*] **about** the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services the organization provides or intends to provide. The [*department*] **State Chief Information Officer** shall establish an application review and appeal process to ensure that designating the organizations as a community of interest for the purposes of including the organization in telecommunications contracts under ORS 283.520 will result in providing educational, medical, library or other services for public benefit.

[*(7)*] **(8)** This section does not apply to the State Board of Higher Education**,** [*or*] any public university listed in ORS 352.002 **or a public university with a governing board that is listed in ORS 352.054**.

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

(a) "Information resources" means media, instruments**, plans** and methods for [*planning,*] collecting, processing, transmitting and storing data and information, including telecommunications.

(b) "Information technology" [*includes, but is not limited to,*] **means** present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(c) "Internet access service" means electronic connectivity to the Internet and the services of the Internet.

(d) "Open systems" means systems that allow state agencies freedom of choice by providing a vendor-neutral operating environment where different computers, applications, system software and networks operate together easily and reliably.

(e) "State-of-the-art services" [*includes*] **means the highest level at which** equipment, facilities and the capability to distribute digital communication signals that transmit voice, data, video and images over a distance **have developed at the time during which the equipment, facility or capability was installed or operating**.

(f) "Statewide integrated videoconferencing" means a statewide electronic system capable of transmitting video, voice and data communications.

(g) "Statewide online access" means electronic connectivity to information resources such as computer conferencing, electronic mail, databases and Internet access.

(h) "Telecommunications" means hardware, software and services for transmitting voice, data, video and images over a distance.

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

291.038. (1)**(a)** The State Chief Information Officer shall oversee [*policy for*] and coordinate **the** planning, **budgeting,** architecture and standardization**, consolidation, acquisition and oversight** of all information and telecommunications technology by state government and agencies of state government so that statewide and individual state agencies' plans and activities are addressed in the most integrated, economic and efficient manner, in a manner that minimizes duplication, fragmentation, redundancy and cost in state [*agency*] **government** operations and in a manner that most effectively meets state **government and state** agency program needs.

(b)(A) Except as otherwise provided by law, the office of the Secretary of State and the office of the State Treasurer, in collaboration with the State Chief Information Officer, shall develop and adopt plans, policies, standards and procedures for budgeting, planning, procuring, managing, overseeing and using information technology and telecommunications for the Secretary of State or the State Treasurer, as appropriate. Each office shall ensure that the office's plans, policies, standards and procedures are, to the extent possible, compatible with the plans, policies, standards and procedures that the State Chief Information Officer develops and adopts for other state agencies within the executive department.

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

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

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

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

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

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

(b) Formulate rules, policies and standards to promote electronic communication and information sharing among state agencies and programs, between state and local governments and with the public where appropriate.

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

[*(3)*] **(c)** [*The State Chief Information Officer shall*] Formulate rules, policies, plans, standards and specifications to ensure that information resources and technologies fit together in a statewide system capable of providing ready access to information, [*computing*] **information technology** or telecommunication resources. Plans and specifications that the State Chief Information Officer adopts must be based on industry standards for open systems to the greatest extent possible.

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

(4) The State Chief Information Officer has the responsibility to review, oversee and ensure that state agencies' rules and planning, acquisition and implementation activities **related to information**

technology and telecommunications align with and support the [*statewide information resources management plan*] **Enterprise Information Resources Management Strategy. State agencies shall cooperate with the State Chief Information Officer to ensure that the state agencies' rules and planning, acquisition and implementation activities align with and support the Enterprise Information Resources Management Strategy**. **If the Oregon Department of Administrative Services procures information technology or the Director of the Oregon Department of Administrative Services delegates authority under ORS 279A.075 to procure information technology,** the [*Oregon Department of Administrative Services is responsible for procuring*] **department and a state contracting agency, as defined in ORS 279A.010, shall procure** information technology fairly, competitively and in a manner that is consistent with the State Chief Information Officer's rules**, policies and standards**.

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

(b) The [*department*] **State Chief Information Officer** shall, when procuring telecommunications network services, consider [*achieving the economic development and quality of life outcomes set forth in the Oregon benchmarks*] **the goals and objectives outlined within the Enterprise Information Resources Management Strategy and the policy, acquisition, coordination and consolidation objectives for information technology that are specified in ORS 283.500 to 283.520 and 283.524**.

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

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

(c) The [*department*] **State Chief Information Officer** by rule shall restrict the [*department's furnishing or delivery of*] Internet access service **that the State Chief Information Officer furnishes or delivers** to private entities if the service would directly compete with two or more local established providers of Internet access services within the local exchange telecommunications service area.

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

[*(6)*] **(7)** An organization or organizations recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public or community at large in providing educational, economic development, health care, human services, public safety, library or other public services and **that** have formed an affiliation with one or more federal, state or local governmental units within this state may apply to the [*department*] **State Chief Information Officer** for designation as a community of interest. The application must be in the form that the [*department*] **State Chief Information Officer** prescribes and contain information [*regarding*] **about** the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services the organization provides or intends to provide. The [*department*] **State Chief Information Officer** shall establish an application review and appeal process to ensure that designating the organizations as a community of interest for the purposes of including the organization in telecommunications contracts under ORS 283.520 will result in providing educational, medical, library or other services for public benefit.

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

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

(a) "Information resources" means media, instruments**, plans** and methods for [*planning,*] collecting, processing, transmitting and storing data and information, including telecommunications.

(b) "Information technology" [*includes, but is not limited to,*] **means** present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(c) "Internet access service" means electronic connectivity to the Internet and the services of the Internet.

(d) "Open systems" means systems that allow state agencies freedom of choice by providing a vendor-neutral operating environment where different computers, applications, system software and networks operate together easily and reliably.

(e) "State-of-the-art services" [*includes*] **means the highest level at which** equipment, facilities and the capability to distribute digital communication signals that transmit voice, data, video and images over a distance **have developed at the time during which the equipment, facility or capability was installed or operating**.

(f) "Statewide integrated videoconferencing" means a statewide electronic system capable of transmitting video, voice and data communications.

(g) "Statewide online access" means electronic connectivity to information resources such as computer conferencing, electronic mail, databases and Internet access.

(h) "Telecommunications" means hardware, software and services for transmitting voice, data, video and images over a distance.

SECTION 42. ORS 291.039, as amended by section 5, chapter 102, Oregon Laws 2014, is amended to read:

291.039. (1) The office of the State Chief Information Officer is established in the Oregon Department of Administrative Services for the purpose of directing, coordinating and overseeing [*policy related to*] **state** information technology **and telecommunications** in accordance with ORS 291.038 and other statutes, rules and policies that govern the state's or state agencies' [*use of*] **budgeting, planning, acquiring, managing, overseeing and using** telecommunications and information technology.

(2) The Governor shall appoint the State Chief Information Officer, who [*shall serve*] **serves** at the pleasure of the Governor. The State Chief Information Officer may adopt rules in accordance with ORS chapter 183 to exercise and carry out the duties, functions and powers committed to the State Chief Information Officer under ORS 291.038 and other statutes, rules or policies that commit functions to the State Chief Information Officer.

(3) The State Chief Information Officer must be a person who, by training and experience, is well qualified to:

(a) Perform the duties [*of the office, as determined by the Governor, in consultation with the Director of the Oregon Department of Administrative Services*] **that the Governor specifies**; and

(b) Carry out the functions specified in ORS 291.038 and in other statutes, rules or policies that commit functions to the State Chief Information Officer.

(4)(a) The State Chief Information Officer shall:

(A) Serve as the Governor's chief advisor concerning information resources, information technology, information systems, geographic information systems, information systems security and telecommunications.

(B) Implement and maintain an information technology governance program for the executive department.

(C) Adopt rules, policies and standards for budgeting, planning, acquiring, installing, operating and overseeing telecommunications and information technology for the executive department.

(D) Review and make recommendations to the Governor and the Legislative Assembly concerning state agency information technology budget requests.

(E) Adopt plans, rules, policies and standards for the executive department concerning geographic information systems and geographic data.

(F) Adopt state information systems security plans, rules, policies and standards for the executive department.

(G) Assess state agencies each biennium to evaluate compliance with the State Chief Information Officer's rules, policies and standards and provide results of the assessments to the Governor and to the Joint Legislative Committee on Information Management and Technology.

(H) Develop and promote training programs in information technology, information systems security, geographic information systems, enterprise architecture and project and portfolio management.

(I) Enhance sharing and coordination among federal, tribal, regional, state government and local government entities in this state with respect to geographic information systems and geographic data.

(J) Oversee information technology and telecommunications procurements as provided in ORS 279A.050 (7).

(K) Conduct a market analysis each biennium to determine whether the state data center is the most effective and efficient method for providing information technology and information resources to state agencies and other users. In conducting the market analysis, the State Chief Information Officer shall consider best practices and trends among federal, state and local government entities and the extent to which new or emerging technologies affect how the state provides information technology and information resources. The State Chief Information Officer shall provide the results of the analysis to the Governor and to the Joint Legislative Committee on Information Management and Technology and may recommend changes in the information technology and information resources that the state data center provides or in methods that the state data center uses to provide information technology and information resources.

(L) Identify information technology services that the State Chief Information Officer recommends for design, delivery and management as enterprise or shared information technology services and, each biennium, report to the Governor and the Joint Legislative Committee on Information Management and Technology concerning the status of new enterprise or shared information technology services.

[*(4)(a)*] **(M)** [*Each biennium the State Chief Information Officer, in collaboration with the department, shall develop, maintain or update, as appropriate,*] **Adopt or update each biennium** an Enterprise Information Resources Management Strategy for the state. In addition to the functions described in ORS 184.477, the Enterprise Information Resources Management Strategy must provide for integrating statewide technology initiatives, ensuring compliance with information technology **rules,** policies and standards, promoting **coordination, consolidation and** alignment of information resources and technologies and effectively managing **the state's and** state agencies' information technology portfolios. In developing the Enterprise Information Resources Management Strategy, the [*department and the*] State Chief Information Officer shall consult with and consider advice and suggestions from **the department,** state agencies and local governments, from private sector information technology experts, from the Legislative Fiscal Officer, from the Joint Legislative Committee on Information Management and Technology or from individual members of the Legislative Assembly that the President of the Senate and the Speaker of the House of Representatives appoint for the purpose of consulting with the State Chief Information Officer under this subsection.

[*(b)*] **(N)** [*The State Chief Information Officer shall*] Identify and recommend to the [*director the*] **Governor, within the State Chief Information Officer's biennial budget request,** resources that are necessary to implement the Enterprise Information Resources Management Strategy. [*The director, in developing a biennial budget for the department, shall consider the recommendations that the State Chief Information Officer makes under this paragraph.*]

(b) As used in this subsection:

(A) "Executive department" has the meaning given that term in ORS 174.112, except that 'executive department' does not include the Secretary of State in performing the duties of

the constitutional office of Secretary of State or the State Treasurer in performing the duties of the constitutional office of State Treasurer.

(B) "Geographic data" means digital data that consist of geographic or projected map coordinate values, identification codes and associated descriptive data to locate and describe boundaries or features on, above or below the surface of the earth, demographic data or related data.

(C) "Geographic information system" means hardware, software, and data for capturing, managing, analyzing and displaying geographic data.

(D) "Information system" means computers, hardware, software, storage media, networks, operational procedures and processes used in collecting, processing, storing, sharing or distributing information within, or with any access beyond ordinary public access to, the state's shared computing and network infrastructure.

(E) "State government" has the meaning given that term in ORS 174.111.

(5) The State Chief Information Officer may:

(a) Organize and reorganize the office of the State Chief Information Officer in the manner the State Chief Information Officer considers necessary to conduct the work of the office of the State Chief Information Officer properly.

(b) Divide the office of the State Chief Information Officer into administrative programs, units or sections and appoint an individual to administer each program, unit or section that the State Chief Information Officer establishes under this subsection. The individual the State Chief Information Officer appoints serves at the pleasure of the State Chief Information Officer and must be well qualified by technical training and experience in the functions the individual will perform. The State Chief Information Officer's actions under this paragraph are subject to ORS chapter 240.

(c) Appoint subordinate officers and employees of the office of the State Chief Information Officer, prescribe the officers' and employees' duties and fix compensation for the officers and employees. The State Chief Information Officer's actions under this paragraph are subject to ORS chapter 240.

(d) Delegate to an employee of the office of the State Chief Information Officer or to another individual any duty, function or power that the State Chief Information Officer may exercise or perform under ORS 291.038 or under other statutes, rules or policies that commit functions to the State Chief Information Officer. For the purpose of performing an official act in the State Chief Information Officer's name, the State Chief Information Officer may delegate a duty, function or power by means of an interagency agreement, an intergovernmental agreement in accordance with ORS chapter 190 or a contract. An official act that an individual performs in the name of the State Chief Information Officer under a delegation from the State Chief Information Officer under this paragraph is an official act of the State Chief Information Officer.

SECTION 43. ORS 291.042 is amended to read:

291.042. (1) Except as provided in subsection (2) of this section, the [*Oregon Department of Administrative Services*] **State Chief Information Officer**:

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

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

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

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

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

(3) Except as provided in this subsection, moneys **that a state agency** collected under subsection (1) of this section, less [*state agency expenses accrued*] **expenses that the state agency incurred** in developing, producing and distributing software and in training software users, [*shall*] **must** be deposited in the General Fund and are available for general governmental purposes. If **the** resources **that a state agency** expended for the [*development, production, distribution and training activities were*] **activities described in subsection (1) of this section came** from fees or assessments **that the state agency** charged and collected [*by the state agency*], the **state agency shall deposit the** net proceeds of moneys collected under subsection (1) of this section [*shall be deposited in*] **into** the same accounts [*in*] **into** which the **state agency deposits the** fees or assessments [*are deposited and shall be used*]**. The state agency shall use the moneys** to reduce the fees or assessments [*charged by*] the state agency **charges** to the extent permitted by law.

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

(5) As used in this section:

(a) "Data processing programs" [*includes*] **means** software programs **and other automated means for processing data**.

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

SECTION 44. ORS 291.047 is amended to read:

291.047. (1) The Attorney General shall approve for legal sufficiency all personal services contracts, all architectural and engineering services contracts and all information technology contracts calling for payment in excess of $75,000 entered into by a state agency before any such contract becomes binding on the State of Oregon and before any service may be performed or payment may be made under the contract.

(2) The Attorney General shall approve for legal sufficiency all public contracts not subject to subsection (1) of this section that are entered into by a state agency and that provide for payment in excess of $100,000 before any such contract becomes binding on the State of Oregon and before any service may be performed or payment may be made under the contract.

(3) The Attorney General shall impose by rule requirements necessary to carry out the provisions of this section. [*Such rules shall*] **The rules must** include, but are not limited to, a requirement that state agencies submit to the Attorney General procurement and other contract documents for review of the anticipated contract before **the state agency publicly advertises** a

procurement of goods or services [*is publicly advertised*] if the anticipated contract is reasonably expected to require review for legal sufficiency. A state agency may request that the Attorney General assist the agency in developing requests for proposals, invitations to bid and requests for qualifications or information that are suitable to the needs of the agency.

(4) The Attorney General may exempt by rule classes of contracts from the requirements of this section if the Attorney General determines that **legal review of individual contracts within the class will not materially reduce** the degree of risk [*assumed by*] **that** state agencies **assume** under [*such*] **the** contracts [*is not materially reduced by legal review of individual contracts within the class*].

(5) The Attorney General may, by rule, set forth a process to exempt contracts or classes of contracts from the requirements of this section [*when*] **if**:

(a) The contract is substantially composed of forms, terms or conditions that [*have been preapproved by*] the Attorney General **has preapproved**; or

(b) Circumstances exist that create a substantial risk of loss, damage, interruption of services or threat to public health or safety and that require prompt execution of a contract to deal with the risk.

(6) Notwithstanding subsections (1) and (2) of this section, the Attorney General may authorize services to be performed under a contract described in subsection (1) or (2) of this section before approval for legal sufficiency if the Attorney General determines that the authorization will not result in undue risk to this state. An authorization under this subsection [*shall*] **must** be limited to specific classes of contracts or to contracts for specific agency programs. The Attorney General may condition an authorization on a finding by the Director of the Oregon Department of Administrative Services, or a designee of the director, **the State Chief Information Officer, or a designee of the State Chief Information Officer,** [*and*] **or** by any other agency with a role in approving such contracts that the contract administration practices of the requesting agency are adequate to manage the proposed contract and that the mission of the agency will be significantly impaired without such authorization.

SECTION 44a. ORS 291.055 is amended to read:

291.055. (1) Notwithstanding any other law that grants to a state agency the authority to establish fees, all new state agency fees or fee increases adopted during the period beginning on the date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly:

(a) Are not effective for agencies in the executive department of government unless approved in writing by the Director of the Oregon Department of Administrative Services;

(b) Are not effective for agencies in the judicial department of government unless approved in writing by the Chief Justice of the Supreme Court;

(c) Are not effective for agencies in the legislative department of government unless approved in writing by the President of the Senate and the Speaker of the House of Representatives;

(d) Shall be reported by the state agency to the Oregon Department of Administrative Services within 10 days of their adoption; and

(e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly as described in this subsection, unless otherwise authorized by enabling legislation setting forth the approved fees.

(2) This section does not apply to:

(a) Any tuition or fees charged by a public university listed in ORS 352.002.

(b) Taxes or other payments made or collected from employers for unemployment insurance required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contributions and assessments calculated by cents per hour for workers' compensation coverage required by ORS 656.506.

(c) Fees or payments required for:

(A) Health care services provided by the Oregon Health and Science University, by the Oregon Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

(B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter 698, Oregon Laws 2013.

(C) Copayments and premiums paid to the Oregon medical assistance program.

(D) Assessments paid to the Department of Consumer and Business Services under ORS 743.951 and 743.961.

(d) Fees created or authorized by statute that have no established rate or amount but are calculated for each separate instance for each fee payer and are based on actual cost of services provided.

(e) State agency charges on employees for benefits and services.

(f) Any intergovernmental charges.

(g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the Oregon Forest Land Protection Fund fees established by ORS 477.760.

(h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

(i) Assessments on premiums charged by the Department of Consumer and Business Services pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS 706.530 and 723.114.

(j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

(k) Fees charged by the Housing and Community Services Department for intellectual property pursuant to ORS 456.562.

(L) New or increased fees that are anticipated in the legislative budgeting process for an agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted budget or the legislatively approved budget for the agency.

(m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

(n) Convenience fees as defined in ORS 182.126 and established by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** under ORS 182.132 (3) and recommended by the Electronic Government Portal Advisory Board.

(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unexpected and temporary revenue surpluses may be increased to not more than their prior level without compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency specifies the following:

(A) The reason for the fee decrease; and

(B) The conditions under which the fee will be increased to not more than its prior level.

(b) Fees that are decreased for reasons other than those described in paragraph (a) of this subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

SECTION 44b. ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, is amended to read:

291.055. (1) Notwithstanding any other law that grants to a state agency the authority to establish fees, all new state agency fees or fee increases adopted during the period beginning on the date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly:

(a) Are not effective for agencies in the executive department of government unless approved in writing by the Director of the Oregon Department of Administrative Services;

(b) Are not effective for agencies in the judicial department of government unless approved in writing by the Chief Justice of the Supreme Court;

(c) Are not effective for agencies in the legislative department of government unless approved in writing by the President of the Senate and the Speaker of the House of Representatives;

(d) Shall be reported by the state agency to the Oregon Department of Administrative Services within 10 days of their adoption; and

(e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly as described in this subsection, unless otherwise authorized by enabling legislation setting forth the approved fees.

(2) This section does not apply to:

(a) Any tuition or fees charged by a public university listed in ORS 352.002.

(b) Taxes or other payments made or collected from employers for unemployment insurance required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contributions and assessments calculated by cents per hour for workers' compensation coverage required by ORS 656.506.

(c) Fees or payments required for:

(A) Health care services provided by the Oregon Health and Science University, by the Oregon Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

(B) Copayments and premiums paid to the Oregon medical assistance program.

(C) Assessments paid to the Department of Consumer and Business Services under ORS 743.951 and 743.961.

(d) Fees created or authorized by statute that have no established rate or amount but are calculated for each separate instance for each fee payer and are based on actual cost of services provided.

(e) State agency charges on employees for benefits and services.

(f) Any intergovernmental charges.

(g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the Oregon Forest Land Protection Fund fees established by ORS 477.760.

(h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

(i) Assessments on premiums charged by the Department of Consumer and Business Services pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS 706.530 and 723.114.

(j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

(k) Fees charged by the Housing and Community Services Department for intellectual property pursuant to ORS 456.562.

(L) New or increased fees that are anticipated in the legislative budgeting process for an agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted budget or the legislatively approved budget for the agency.

(m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

(n) Convenience fees as defined in ORS 182.126 and established by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** under ORS 182.132 (3) and recommended by the Electronic Government Portal Advisory Board.

(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unexpected and temporary revenue surpluses may be increased to not more than their prior level without compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency specifies the following:

(A) The reason for the fee decrease; and

(B) The conditions under which the fee will be increased to not more than its prior level.

(b) Fees that are decreased for reasons other than those described in paragraph (a) of this subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

SECTION 45. ORS 291.990 is amended to read:

291.990. (1) If a person incurs or orders or votes to incur an obligation in violation of a provision of the statutes listed in subsection (4) of this section, the person and the sureties on the person's bond are jointly and severally liable for the violation to the person in whose favor the obligation was incurred.

(2) Upon certification by the Oregon Department of Administrative Services **or the State Chief Information Officer** that a state officer or employee of a state agency has failed or refused to comply with **a statute listed in subsection (4) of this section or** an order, rule**, policy** or regulation the department **or the State Chief Information Officer** made in accordance with the statutes listed in subsection (4) of this section, the salary of the officer or employee may not be paid until **the officer or employee complies with** the **statute,** order, rule**, policy** or regulation [*is complied with*]. **A state officer or employee who fails to comply with a statute listed in subsection (4) of this section or with an order, rule, policy or regulation the department or the State Chief Information Officer made in accordance with a statute listed in subsection (4) of this section is subject to discipline or termination in accordance with ORS chapter 240 or otherwise as provided by law or under the personnel rules and policies of the state agency that employs the officer or employee. The state agency that employs the officer or employee may consult with the State Chief Information Officer before imposing a disciplinary measure.**

(3) A violation of a provision of a statute listed in subsection (4) of this section is a Class A violation.

(4) Subsections (1) to (3) of this section apply to ORS **84.064, 182.122, 182.124, 184.475, 184.477, 279A.050,** 279A.140, 279A.280, 279B.270, 283.020, 283.110, 283.140, 283.143, 283.305 to 283.390, **283.505, 283.510, 283.520, 283.524,** 291.001 to 291.034, **291.038, 291.039, 291.047,** 291.201 to 291.222, 291.232 to 291.260, 291.307, 292.220 and 292.230 **and section 1, chapter 77, Oregon Laws 2014**.

SECTION 46. Section 1, chapter 77, Oregon Laws 2014, is amended to read:

Sec. 1. (1) As used in this section:

(a)(A) "Information technology initiative" means a project to develop or provide, with [*the*] **a** state contracting agency's or public corporation's own personnel and resources, or to obtain by means of a procurement or set of related procurements:

(i) New hardware, software or services for data processing, office automation or telecommunications;

(ii) An overhaul, upgrade or replacement of a substantial portion of the hardware or software in an existing data processing, office automation or telecommunications system; or

(iii) A substantial expansion of existing data processing, office automation or telecommunications services.

(B) "Information technology initiative" does not include:

(i) A procurement for preliminary quality assurance services or quality management services;

(ii) A routine update to or purchase of hardware or software within an existing data processing, office automation or telecommunications system;

(iii) A renewal of an existing contract for data processing, office automation or telecommunications services under terms and conditions that are substantially the same as in the existing contract; or

(iv) A replacement of a component of an existing data processing, office automation or telecommunications system that is not essential for the system to function as designed or that occurs at the end of the component's anticipated life cycle.

(b) "Preliminary quality assurance services" means a set of services in which a contractor provides an independent and objective review of a state contracting agency's or a public corporation's plans, specifications, estimates, documentation, available resources and overall purpose for an information technology initiative, including services in which the contractor evaluates a proposed information technology initiative against applicable quality standards and best practices from private industry and other sources.

(c) "Procurement" has the meaning given that term in ORS 279A.010.

(d)(A) "Public corporation" means a corporation:

(i) The operations of which are subject to control by this state or by an agency or instrumentality of this state, or by officers of this state or of an agency or instrumentality of this state;

(ii) That is organized, at least in part, to serve a public purpose; and

(iii) That receives public funds or other support from an entity described in sub-subparagraph (i) of this subparagraph.

(B) "Public corporation" does not include:

(i) A person or entity described in ORS 174.108 (3);

(ii) A city, county, local service district, school district, education service district, community college district or community college service district or a university with a governing board listed in ORS 352.054; or

(iii) An administrative subdivision of an entity described in sub-subparagraph (ii) of this subparagraph.

(e) "Quality management services" means a set of services in which a contractor provides an independent and objective review and evaluation of a state contracting agency's, a public corporation's or another contractor's performance with respect to an information technology initiative, such as services in which the contractor:

(A) Identifies quality standards that apply or should apply to the information technology initiative;

(B) Suggests methods and means by which the state contracting agency, the public corporation or the other contractor may meet quality standards identified in subparagraph (A) of this paragraph;

(C) Reviews and evaluates the state contracting agency's, the public corporation's or the other contractor's performance regularly as the information technology initiative progresses from start to finish;

(D) Identifies omissions or gaps in the state contracting agency's, the public corporation's or the other contractor's planning, execution, control, methodology, communication or reporting as the information technology initiative progresses from start to finish;

(E) Identifies risks in the state contracting agency's, the public corporation's or the other contractor's plans or approach to designing, developing or implementing the information technology initiative and suggests methods to reduce, mitigate or eliminate the risks;

(F) Assists the state contracting agency or the public corporation in testing or otherwise evaluating the hardware, software or services that are developed, provided or obtained as part of an information technology initiative to determine whether the hardware, software or services conform with the quality standards identified in subparagraph (A) of this paragraph;

(G) Advises the **State Chief Information Officer, the** state contracting agency or the public corporation as to whether the hardware, software or services that are developed, provided or obtained as part of an information technology initiative meet the contracting agency's or the public corporation's needs, specifications or expectations and otherwise enable the state contracting agency or the public corporation to achieve the objectives for the information technology initiative; or

(H) Identifies unsatisfactory performance and suggests methods the **State Chief Information Officer, the** state contracting agency, the public corporation or the other contractor might use to eliminate the causes of unsatisfactory performance.

(f) "State contracting agency" has the meaning given that term in ORS 279A.010.

(2)(a) A state contracting agency or a public corporation that implements an information technology initiative shall obtain quality management services from a qualified contractor if the value of the information technology initiative exceeds $5 million or if the information technology initiative meets criteria or standards that the State Chief Information Officer [*or the Director of the Oregon Department of Administrative Services*] specifies by rule or policy.

(b) A state contracting agency or public corporation may, subject to ORS 279B.040, procure preliminary quality assurance services from a contractor if the information technology initiative meets the standards set forth in paragraph (a) of this subsection or if the state contracting agency or public corporation otherwise believes that the preliminary quality assurance services will enable the contracting agency or public corporation to implement an information technology initiative successfully.

(3) A state contracting agency or public corporation may not artificially divide or fragment an information technology initiative so as to avoid the application of this section.

[*(4)(a)*] **(4)** Notwithstanding any procurement authority that a state contracting agency or a public corporation has that is not subject to the authority of the Director of the Oregon Department of Administrative Services **or the State Chief Information Officer** under ORS 279A.050 (2) or (7), the state contracting agency or public corporation is subject to the provisions of subsection (2) of this section and shall consult with and follow the rules, policies and procedures of the State Chief Information Officer [*and the Oregon Department of Administrative Services*] in determining the extent of preliminary quality assurance services or quality management services that the state contracting agency or public corporation will require for an information technology initiative.

[*(b) Notwithstanding the Oregon Health Authority's exemption in ORS 279A.050 (7) from the authority that the Oregon Department of Administrative Services has over all state agency information technology procurements, the Oregon Health Authority shall consult with and follow the rules, policies and procedures of the State Chief Information Officer and the Oregon Department of Administrative Services in determining the extent of preliminary quality assurance services or quality management services that the state contracting agency or public corporation will require for an information technology initiative.*]

(5)(a) If a state contracting agency or a public corporation awards a contract for preliminary quality assurance services or quality management services, the contract must provide that at the same time a contractor provides a preliminary or final report to the contract administrator, the contractor shall also provide a copy of the report to:

(A) The State Chief Information Officer;

(B) The Director of the Oregon Department of Administrative Services; [*and*]

(C) The Legislative Fiscal Officer; and

[*(C)*] **(D)** As appropriate for the specific information technology initiative, to:

(i) The director of the state contracting agency or, if a board or commission sets policy for the state contracting agency, to the board or commission; or

(ii) The governing body of the public corporation.

(b) The state contracting agency or public corporation shall provide the contractor with names, addresses and other contact information the contractor needs to comply with paragraph (a) of this subsection.

(6) This section does not apply to the Secretary of State or the State Treasurer.

SECTION 47. ORS 403.450, as amended by section 3, chapter 87, Oregon Laws 2014, is amended to read:

403.450. (1) The State Interoperability Executive Council is created under the [*Oregon Department of Administrative Services*] **State Chief Information Officer** to be the statewide interoperability governing body serving as the primary steering group for the Oregon Statewide Communication Interoperability Plan. The membership of the council consists of:

(a) Two members from the Legislative Assembly, as follows:

(A) The President of the Senate shall appoint one member from the Senate with an interest in public safety communications infrastructure; and

(B) The Speaker of the House of Representatives shall appoint one member from the House of Representatives with an interest in public safety and emergency communications infrastructure.

(b) The following members appointed by the Governor:

(A) One member from the Department of State Police;

(B) One member from the Office of Emergency Management;

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

(F) One member from the [*Oregon Department of Administrative Services*] **office of the State Chief Information Officer**;

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

(I) One member from the Department of Public Safety Standards and Training;

(J) One member from the Oregon Broadband Advisory Council;

(K) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe; and

(L) One member of the public.

(c) The following members appointed by the Governor with the concurrence of the President of the Senate and the Speaker of the House of Representatives:

(A) One member from the Oregon Fire Chiefs Association;

(B) One member from the Oregon Association Chiefs of Police;

(C) One member from the Oregon State Sheriffs' Association;

(D) One member from the Association of Oregon Counties;

(E) One member from the League of Oregon Cities;

(F) One member from the Special Districts Association of Oregon;

(G) One member who is an information technology officer of an Oregon city;

(H) One member who is an information technology officer of an Oregon county;

(I) One member who represents a nonprofit professional organization interested in the enhancement of public safety communications systems; and

(J) One member of the public who works or resides in Federal Communications Commission Region 35.

(2) Each agency or organization identified in subsection (1)(b)(A) to (J) and (1)(c)(A) to (H) of this section shall recommend an individual from the agency or organization for membership on the council.

(3) Members of the council are not entitled to compensation, but in the discretion of the [*Director of the Oregon Department of Administrative Services*] **State Chief Information Officer** may be reimbursed from funds available to the [*Oregon Department of Administrative Services*] **office of the State Chief Information Officer** for actual and necessary travel and other expenses [*incurred by them in the performance of their*] **the members incur in performing the members'** official duties in the manner and amount provided in ORS 292.495.

(4) Members of the Legislative Assembly appointed to the council are nonvoting members and may act in an advisory capacity only.

SECTION 48. ORS 403.450, as amended by sections 3 and 4, chapter 87, Oregon Laws 2014, is amended to read:

403.450. (1) The State Interoperability Executive Council is created under the [*Oregon Department of Administrative Services*] **State Chief Information Officer** to be the statewide interoperability governing body serving as the primary steering group for the Oregon Statewide Communication Interoperability Plan. The membership of the council consists of:

(a) Two members from the Legislative Assembly, as follows:

(A) The President of the Senate shall appoint one member from the Senate with an interest in public safety communications infrastructure; and

(B) The Speaker of the House of Representatives shall appoint one member from the House of Representatives with an interest in public safety and emergency communications infrastructure.

(b) The following members appointed by the Governor:

(A) One member from the Department of State Police;

(B) One member from the Office of Emergency Management;

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

(F) One member from the [*Oregon Department of Administrative Services*] **office of the State Chief Information Officer**;

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

(I) One member from the Department of Public Safety Standards and Training;

(J) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe; and

(K) One member of the public.

(c) The following members appointed by the Governor with the concurrence of the President of the Senate and the Speaker of the House of Representatives:

(A) One member from the Oregon Fire Chiefs Association;

(B) One member from the Oregon Association Chiefs of Police;

(C) One member from the Oregon State Sheriffs' Association;

(D) One member from the Association of Oregon Counties;

(E) One member from the League of Oregon Cities;

(F) One member from the Special Districts Association of Oregon;

(G) One member who is an information technology officer of an Oregon city;

(H) One member who is an information technology officer of an Oregon county;

(I) One member who represents a nonprofit professional organization interested in the enhancement of public safety communications systems; and

(J) One member of the public who works or resides in Federal Communications Commission Region 35.

(2) Each agency or organization identified in subsection (1)(b)(A) to (I) and (1)(c)(A) to (H) of this section shall recommend an individual from the agency or organization for membership on the council.

(3) Members of the council are not entitled to compensation, but in the discretion of the [*Director of the Oregon Department of Administrative Services*] **State Chief Information Officer** may be reimbursed from funds available to the [*Oregon Department of Administrative Services*] **office of the State Chief Information Officer** for actual and necessary travel and other expenses [*incurred by them in the performance of their*] **the members incur in performing the members'** official duties in the manner and amount provided in ORS 292.495.

(4) Members of the Legislative Assembly appointed to the council are nonvoting members and may act in an advisory capacity only.

SECTION 49. ORS 403.455, as amended by section 6, chapter 87, Oregon Laws 2014, is amended to read:

403.455. The State Interoperability Executive Council created under ORS 403.450 shall:

(1) Develop, annually update and monitor implementation of the Oregon Statewide Communication Interoperability Plan, the goal of which is to achieve statewide interoperability of public safety communications systems. **To the maximum extent possible, the Oregon Statewide Communication Interoperability Plan shall align with and support the Enterprise Information Resources Management Strategy described in ORS 291.039.** As part of the executive council's duties under this subsection, the executive council shall:

(a) Recommend strategies to improve public safety communications interoperability among state, local, tribal and federal public safety agencies;

(b) Develop standards to promote consistent design and development of public safety communications infrastructures and recommend changes in existing public safety infrastructures that are necessary or appropriate for implementation of the interoperability plan;

(c) Identify immediate short-term technological and policy solutions to tie existing public safety communications infrastructures together into an interoperable communications system;

(d) Develop long-term technological and policy recommendations to establish a statewide public safety communications system to improve emergency response and day-to-day public safety operations; and

(e) Develop recommendations for legislation and for the development of state and local policies that promote public safety communications interoperability in [*Oregon*] **this state**.

(2) Recommend to the Governor, for inclusion in the Governor's recommended budget, investments by the State of Oregon in public safety communications systems.

(3) Coordinate state, local and, as appropriate, tribal and federal activities related to obtaining federal grants for support of interoperability and request technical assistance related to interoperability.

(4) Conduct and submit an annual update of the interoperability plan to the United States Department of Homeland Security, Office of Emergency Communications, aligning the update with standards established in the National Emergency Communications Plan and by the federal office.

(5) Coordinate statewide interoperability activities among state, local and, as appropriate, tribal and federal agencies.

(6) Advise the **State Chief Information Officer, the** Governor and the Legislative Assembly on implementation of the interoperability plan.

(7) Serve as the Governor's Public Safety Broadband Advisory Group.

(8) Report to the Joint Committee on Ways and Means[,] or to the Joint Interim Committee on Ways and Means**, and to the Joint Legislative Committee on Information Management and Technology**, on or before February 1 of each odd-numbered year**,** on the development of the interoperability plan and the executive council's other activities.

(9) Adopt rules necessary to carry out [*its*] **the executive council's** duties and powers.

SECTION 50. ORS 403.460, as amended by section 7, chapter 87, Oregon Laws 2014, is amended to read:

403.460. (1) The [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall establish and fill a full-time equivalent position for a statewide interoperability coordinator to serve as the central coordination point for the Oregon Statewide Communication Interoperability Plan and, through coordination and collaboration with agencies and entities in the emergency response community, to implement the interoperability plan.

(2) The statewide interoperability coordinator:

(a) Is the primary staff support provided by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** for the State Interoperability Executive Council created under ORS 403.450;

(b) Shall assist the executive council in conducting and submitting annual updates to the interoperability plan, in coordination and collaboration with the emergency responders in this state;

(c) Shall ensure that the interoperability plan aligns with and supports the Enterprise Information Resources Management Strategy;

[*(c)*] **(d)** Shall identify funding opportunities for planned interoperability improvements and coordinate efforts to acquire funding;

[*(d)*] **(e)** Shall engage stakeholders to coordinate strategic interoperability plans;

[*(e)*] **(f)** Shall serve as a member of the National Council of Statewide Interoperability Coordinators; and

[*(f)*] **(g)** Shall represent the State of Oregon in local, regional and national efforts to plan and implement changes required to ensure communications operability, interoperability and continuity of communications for emergency responders in this state.

(3) Public bodies, as defined in ORS 174.109, that own or operate public safety communications infrastructure may collaborate and coordinate [*their*] **the public bodies'** efforts and investments to achieve the statewide interoperability goal [*set by*] the executive council **sets** and implement the interoperability plan [*approved by*] the executive council **approves**.

(4) Under the direction of the executive council **and the State Chief Information Officer**, the statewide interoperability coordinator may mediate disputes between public bodies collaborating to implement interoperable public safety communications systems.

NOTE: Section 51 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 52. Section 8, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 8. In consultation with the State Interoperability Executive Council created in ORS 403.450, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** shall:

(1) Facilitate decision making and planning for potential implementation of the FirstNet network; and

(2) Make recommendations to the state agency responsible for administering federal funds from the United States Department of Commerce, National Telecommunications and Information Administration.

SECTION 53. Section 9, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 9. (1) The duties, functions and powers of the Department of Transportation relating to the Oregon Statewide Communication Interoperability Plan, the State Interoperability Executive Council and ORS 403.450, 403.455 and 403.460 are imposed upon, transferred to and vested in the [*Oregon Department of Administrative Services*] **State Chief Information Officer**.

(2) This section does not apply to duties, functions or powers related to the completion, operation or maintenance of the State Radio Project, which is the land-mobile radio system of the State of Oregon, for voice communications, formerly known as the Oregon Wireless Interoperability Network.

SECTION 54. Section 10, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 10. (1) The Director of Transportation shall:

(a) Deliver to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** all records and property within the jurisdiction of the Director of Transportation that relate to the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*]; and

(b) Transfer to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** those employees, including the statewide interoperability coordinator, **who are** engaged primarily in [*the exercise of*] **exercising** the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*].

(2) The [*Director of the Oregon Department of Administrative Services*] **State Chief Information Officer** shall take possession of the records and property and shall take charge of the employees and employ the employees in the exercise of the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*], without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the Department of Transportation and the [*Oregon Department of Administrative Services*] **State Chief Information Officer** relating to the transfer of records, property and employees under this section. The Governor's decision is final.

SECTION 55. Section 11, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 11. (1) The unexpended balances of amounts authorized to be expended by the Department of Transportation for the biennium beginning July 1, 2013, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] are transferred to and are available for expenditure by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** for the biennium beginning July 1, 2013, for the purpose of administering and enforcing the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*].

(2) The unexpended balances of amounts authorized to be expended by the Department of Transportation for a six-year period beginning July 1, 2009, or beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] by acquiring land and by acquiring, planning, constructing, altering, repairing, furnishing and equipping buildings and facilities, are transferred to and are available for expenditure by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** for the six-year period specified in section 54, chapter 107, Oregon Laws 2010, or in section 2, chapter 79, Oregon Laws 2012, for the purpose of administering and enforcing the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*].

(3) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Department of Transportation remain applicable to expenditures by the [*Oregon Department of Administrative Services*] **State Chief Information Officer** under this section.

SECTION 56. Section 12, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 12. The transfer of duties, functions and powers to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** by section 9**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] does not affect any action, proceeding or prosecution involving or with respect to the duties, functions and powers begun before and pending at the time of the transfer, except that the [*Oregon Department of Administrative Services*] **State Chief Information Officer** is substituted for the Department of Transportation in the action, proceeding or prosecution.

SECTION 57. Section 13, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 13. (1) Nothing in sections 9 to 15**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014. The State Chief Information Officer** [*of this 2014 Act. The Oregon Department of Administrative Services*] may undertake the collection or enforcement of the liabilities, duties or obligations.

(2) The rights and obligations of the Department of Transportation legally incurred under contracts, leases and business transactions executed, entered into or begun before [*the effective date of this 2014 Act*] **July 1, 2014,** accruing under or with respect to the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] are transferred to the [*Oregon Department of Administrative Services*] **State Chief Information Officer**. For the purpose of succession to these rights and obligations, the [*Oregon Department of Administrative Services*] **State Chief Information Officer** is a continuation of the Department of Transportation and not a new authority.

SECTION 58. Section 14, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 14. Notwithstanding the transfer of duties, functions and powers by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*], the rules of the Department of Transportation with respect to the duties, functions or powers that are in effect on [*the effective date of this 2014 Act*] **July 1, 2014,** continue in effect until superseded or repealed by rules of the [*Oregon Department of Administrative Services*] **State Chief Information Officer**. References in the rules of the Department of Transportation to the Department of Transportation or an officer or employee of the Department of Transportation are considered to be references to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** or an officer or employee of the [*Oregon Department of Administrative Services*] **State Chief Information Officer**.

SECTION 59. Section 15, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 15. Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, in the context of the duties, functions and powers transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*], reference is made to the Department of Transportation, or an officer or employee of the Department of Transportation, whose duties, functions or powers are transferred by section 9**, chapter 87, Oregon Laws 2014** [*of this 2014 Act*], the reference is considered to be a reference to the [*Oregon Department of Administrative Services*] **State Chief Information Officer** or an officer or employee of the [*Oregon Department of Administrative Services*] **State Chief Information Officer** who by sections 9 to 15**, chapter 87, Oregon Laws 2014,** [*of this 2014 Act*] is charged with carrying out the duties, functions and powers.

SECTION 60. Section 17, chapter 87, Oregon Laws 2014, is amended to read:

Sec. 17. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter 627, Oregon Laws 2013, for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received from charges, but excluding lottery funds and federal funds not described in section 2, chapter 627, Oregon Laws 2013, collected or received by the

Oregon Department of Administrative Services for the [*Chief Information Office*] **office of the State Chief Information Officer**, is increased by $654,298.

SECTION 61. (1) Sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act become operative January 1, 2016.

(2) The State Chief Information Officer and the Director of the Oregon Department of Administrative Services may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the State Chief Information Officer or the director to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the State Chief Information Officer or the director by sections 1 to 8 of this 2015 Act and the amendments to ORS 84.064, 181.715, 181.725, 182.122, 182.124, 182.126, 182.128, 182.132, 184.305, 184.473, 184.475, 184.477, 184.483, 184.484, 184.486, 279A.050, 279A.075, 279B.075, 283.100, 283.120, 283.140, 283.143, 283.505, 283.510, 283.515, 283.520, 283.524, 291.016, 291.018, 291.032, 291.034, 291.038, 291.039, 291.042, 291.047, 291.055, 291.990, 403.450, 403.455 and 403.460 and sections 1, 4 and 5, chapter 782, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2014, and sections 8, 9, 10, 11, 12, 13, 14, 15 and 17, chapter 87, Oregon Laws 2014, by sections 9 to 60 of this 2015 Act.

SECTION 62. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 26, 2015

Repassed by House July 3, 2015

....
Timothy G. Sekerak, Chief Clerk of House

....
Tina Kotek, Speaker of House

Passed by Senate July 2, 2015

....
Peter Courtney, President of Senate

Received by Governor:

........................M.,..., 2015

Approved:

........................M.,..., 2015

....
Kate Brown, Governor

Filed in Office of Secretary of State:

........................M.,..., 2015

....
Jeanne P. Atkins, Secretary of State

Appendix I

Copies of Adjacent Region Consent Letters

Public Safety Region 6, Northern California
700 MHz Regional Planning Committee

October 2, 2015

John Hartsock, Chair
Region 35 700 MHz Regional Planning Committee
% Clackamas 800 Radio Group - C800
11300 SE Fuller Rd
Clackamas, OR 97222
(503) 780-4806

Re: Letter of Concurrence for modification of Region 35 Oregon 700 MHz Plan

The Public Safety Region 6, Northern California, 700 MHz Regional Planning Committee has reviewed the modified Region 35 (Oregon) Public Safety 700 MHz Plan, Version 11 dated August 11, 2015 incorporating changes as required by Federal Communications Commission Report and Order 14-172 dated October 24, 2014. Region 6 concurs with the changes.

Sincerely

John Lemmon

John Lemmon, Chair
Region 6, 700 MHz Regional Planning Committee
% State of California, Governor's Office of Emergency Services
Public Safety Communications
601 Sequoia Pacific Blvd.
Sacramento, CA. 95811-0231

Region 12, Idaho, 700 MHz Regional Planning Committee
Karl Rudorf, Chairperson
Ada County Sheriff's Office
7200 Barrister Dr.
Boise, ID 83704
Phone: (208) 577-3618
Email: krudorf@adaweb.net
Web Site: www.700region12.org

Dear Mr. Hartsock:

This letter serves as official notification and written concurrence that Region 12, Idaho, is in receipt of the proposed Oregon, Region 35, 700 MHz Plan Amendment. Region 12 concurs with the plan and gives it's approbation.

Please contact me if you require any further assistance.

Thank you,

Karl M Rudorf
Region Chairman
Region 12

Dated: 20 Oct 2015

State of Nevada
700/800 MHz Committees
FCC Region 27

October 8, 2015

John Hartsock
Clackamas 800 Radio Group - C800
11300 SE Fuller Rd
Milwaukie, OR 97222
(503) 780-4806

Dear Mr. Hartsock,

Region 27 concurs with the stated updates to the Region 35 700MHz Plan.

Sincerely,

Shawn Tayler
Chairmain 700MHz Committee
Region 27

State of Nevada Region 27 700 MHz Committee, Shawn D. Tayler, Chairman
C/O Washoe County Regional Communications System (WCRCS), 230 Edison Way, Reno, NV 89502
Phone : 775-858-5952 Fax: 775-861-4080 Email: stayler@washoecounty.us

NPSPAC Region 43 Regional Planning Committee

Spencer Bahner, Chair
NPSPAC Region 43
700 MHz Regional Planning Committee
c/o: City of Seattle
1933 Minor Avenue
Seattle, WA 98101

Date: October 26, 2015
To: Mr. John Hartsock
Chairperson – Region 35 700 MHz Regional Planning Committee

Subject: Region 43 Approval of Revised Region 35 700 MHz Plan Received by Region 43 on October 5, 2015

Region 43 received a draft revised Plan from Region 35 on October 5, 2015. Our Technical Review Committee and Region 43 Plan Revision Committee met and reviewed the draft plan. Based on our review, Region 43 approves of this Plan and supports its submittal to the FCC.

Please contact me if you require any further assistance.

Regards,

Spencer Bahner
Chair - Region 43 700 MHz Regional Planning Committee