

D R A F T

SUMMARY

Declares state policy regarding transparency for all spending by state agencies.

Requires Oregon transparency website to contain itemized information about state agency payroll and nonpayroll expenditures, updated monthly.

Makes reporting requirement regarding nonpayroll expenditures operative on January 1, 2020.

Makes reporting requirement regarding payroll expenditures operative on August 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Oregon transparency website; creating new provisions;
3 amending ORS 276A.253; and prescribing an effective date.

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

5 **SECTION 1. ORS 276A.256 and section 2 of this 2019 Act are added**
6 **to and made a part of ORS 276A.250 to 276A.262.**

7 **SECTION 2. It is the policy of the State of Oregon to maintain full**
8 **and timely transparency for all spending by each state agency.**

9 **SECTION 3. ORS 276A.253 is amended to read:**

10 276A.253. (1)(a) The State Chief Information Officer shall maintain and
11 make available an Oregon transparency website. The website must allow any
12 person to view information that is a public record and is not exempt from
13 disclosure under ORS 192.311 to 192.478, including but not limited to infor-
14 mation described in subsection (3) of this section. The State Chief Informa-
15 tion Officer shall provide on the home page of the website a method for users

1 to offer suggestions regarding the form or content of the website.

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

6 (2) State agencies and education service districts, to the extent practica-
7 ble and subject to laws relating to confidentiality, when at no additional
8 cost, using existing data and existing resources of the state agency or edu-
9 cation service district and without reallocation of resources, shall:

10 (a) Furnish information to the Oregon transparency website by posting
11 reports and providing links to existing information system applications in
12 accordance with standards that the State Chief Information Officer estab-
13 lishes; and

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

16 (3)(a) To the extent practicable and subject to laws relating to
17 confidentiality, when at no additional cost, using existing data and existing
18 resources of the state agency or education service district and without real-
19 location of resources, the Oregon transparency website must contain infor-
20 mation about each state agency and education service district, including but
21 not limited to:

22 [(a)] (A) Annual revenues [*of state agencies and education service*
23 *districts*];

24 [(b)] (B) Annual expenditures [*of state agencies and education service dis-*
25 *tricts*];

26 [(c)] (C) Annual human resources expenses, including compensation[, *of*
27 *state agencies and education service districts*];

28 [(d) *Annual tax expenditures of state agencies, including, when possible,*
29 *the identity of the recipients of each tax expenditure;*]

30 [(e) *For each state agency, a description of the percentage of expenditures*
31 *made in this state and the percentage of expenditures made outside this state*

1 *under all contracts for goods or services the state agency enters into during*
2 *each biennium;]*

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

6 [(g)] **(E)** A description of the mission, function and program categories
7 of the state agency or education service district; **and**

8 [(h)] **(F)** A copy of any audit report that the Secretary of State issues for
9 the state agency or the education service district[;].

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

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

13 [(k) *A copy of all notices of public meetings of the education service dis-*
14 *tricts.]*

15 **(b) To the extent practicable and subject to laws relating to**
16 **confidentiality, when at no additional cost, using existing data and**
17 **existing resources of the state agency and without reallocation of re-**
18 **sources, the Oregon transparency website must contain information**
19 **about each state agency, including but not limited to:**

20 **(A) Annual tax expenditures, including, when possible, the identity**
21 **of the recipients of each tax expenditure;**

22 **(B) A description of the percentage of expenditures made in this**
23 **state and the percentage of expenditures made outside this state under**
24 **all contracts for goods or services the state agency enters into during**
25 **each biennium; and**

26 **(C) The following information regarding nonpayroll expenditures,**
27 **updated monthly and listed separately by category:**

28 **(i) The name of the state agency and the division within the state**
29 **agency;**

30 **(ii) The budget category and subcategory for each expenditure;**

31 **(iii) Invoice description;**

1 (iv) Vendor name, city and state;

2 (v) Expenditure amount; and

3 (vi) Payment date.

4 (c) To the extent practicable and subject to laws relating to
5 confidentiality, when at no additional cost, using existing data and
6 existing resources of the education service district and without real-
7 location of resources, the Oregon transparency website must contain
8 information about each education service district, including but not
9 limited to:

10 (A) The local service plan developed pursuant to ORS 334.175;

11 (B) A copy of each report required by statute; and

12 (C) A copy of all notices of public meetings.

13 (4) In addition to the information described in subsection (3) of this sec-
14 tion:

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

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

28 (c) The State Chief Information Officer shall provide links on the Oregon
29 transparency website for information that the State Chief Information Offi-
30 cer receives concerning contracts and subcontracts that a state agency or
31 education service district enters into, to the extent that disclosing the in-

1 formation is allowed by law and the information is already available on
2 websites that the state agency or education service district maintains. To the
3 extent available, the information to which the State Chief Information Offi-
4 cer links under this section must include:

- 5 (A) Information on professional, personal and material contracts;
- 6 (B) The date of each contract and the amount payable under the contract;
- 7 (C) The period during which the contract is or was in effect; and
- 8 (D) The names and addresses of vendors.

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

17 (A) The names of filmmakers or companies that have received reimburse-
18 ments from the Oregon Production Investment Fund under ORS 284.368 and
19 the amount of each reimbursement;

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

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

26 (D) Copies of, or links to, annual reports required to be filed under ORS
27 285C.615 under the strategic investment program;

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

30 (F) Information required to be posted on the Oregon transparency website
31 under ORS 276A.256.

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

2 (A) May not include proprietary information; and

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

6 (f) The State Chief Information Officer shall post on the Oregon trans-
7 parency website information describing the process for requesting copies of
8 public records from a public body, including a link to the public records
9 section of the Department of Justice webpage. At the request of a state
10 agency or education service district, the State Chief Information Officer
11 shall include a link to a location on the webpage of the agency or district
12 that describes the process for requesting public records from the agency or
13 district.

14 (5) In operating, refining and recommending enhancements to the Oregon
15 transparency website, the State Chief Information Officer and the Transpar-
16 ency Oregon Advisory Commission created in ORS 276A.259 shall consider
17 and, to the extent practicable, adhere to the following principles:

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

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

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

25 (6) If a state agency or an education service district is not able to include
26 information described in this section on the Oregon transparency website
27 because of the lack of availability of information or cost in acquiring infor-
28 mation, the Transparency Oregon Advisory Commission created in ORS
29 276A.259 shall list the information that is not included for the state agency
30 or education service district in the commission's report to the Legislative
31 Assembly required under ORS 276A.259.

1 (7)(a) For the purpose of providing transparency in the revenues, expend-
2 itures and budgets of the following entities, the State Chief Information Of-
3 ficer shall include on the Oregon transparency website a page that provides
4 links to websites established by:

5 (A) Local governments, as defined in ORS 174.116.

6 (B) Special government bodies, as defined in ORS 174.117.

7 (C) Semi-independent state agencies listed in ORS 182.454.

8 (D) Public universities listed in ORS 352.002.

9 (E) Public university statewide programs operated by a public university
10 listed in ORS 352.002.

11 (F) The Oregon Health and Science University.

12 (G) The Oregon Tourism Commission.

13 (H) The Oregon Film and Video Office.

14 (I) The Travel Information Council.

15 (J) The Children's Trust Fund of Oregon Foundation.

16 (K) Oregon Corrections Enterprises.

17 (L) The State Accident Insurance Fund Corporation.

18 (M) The Oregon Utility Notification Center.

19 (N) Any public corporation created under a statute of this state and spe-
20 cifically designated as a public corporation.

21 (b) The State Chief Information Officer shall include a link to an entity's
22 website after receiving a request from the entity and shall consider recom-
23 mendations from the Transparency Oregon Advisory Commission for includ-
24 ing other links to websites of the entities listed in paragraph (a) of this
25 subsection.

26 (c) At the request of any local government, as defined in ORS 174.116, or
27 special government body, as defined in ORS 174.117, the State Chief Infor-
28 mation Officer shall include on the Oregon transparency website notices of
29 public meetings required to be provided under ORS 192.640 by the local
30 government or special government body. The local government or special
31 government body must submit public meeting notice information in the for-

1 mat and manner required by the State Chief Information Officer.

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

5 **SECTION 4.** ORS 276A.253, as amended by section 3 of this 2019 Act, is
6 amended to read:

7 276A.253. (1)(a) The State Chief Information Officer shall maintain and
8 make available an Oregon transparency website. The website must allow any
9 person to view information that is a public record and is not exempt from
10 disclosure under ORS 192.311 to 192.478, including but not limited to infor-
11 mation described in subsection (3) of this section. The State Chief Informa-
12 tion Officer shall provide on the home page of the website a method for users
13 to offer suggestions regarding the form or content of the website.

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

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

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

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

28 (3)(a) To the extent practicable and subject to laws relating to
29 confidentiality, when at no additional cost, using existing data and existing
30 resources of the state agency or education service district and without real-
31 location of resources, the Oregon transparency website must contain infor-

1 mation about each state agency and education service district, including but
2 not limited to:

3 (A) Annual revenues;

4 (B) Annual expenditures;

5 (C) Annual human resources expenses, including compensation;

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

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

11 (F) A copy of any audit report that the Secretary of State issues for the
12 state agency or the education service district.

13 (b) To the extent practicable and subject to laws relating to
14 confidentiality, when at no additional cost, using existing data and existing
15 resources of the state agency and without reallocation of resources, the
16 Oregon transparency website must contain information about each state
17 agency, including but not limited to:

18 (A) Annual tax expenditures, including, when possible, the identity of the
19 recipients of each tax expenditure;

20 (B) A description of the percentage of expenditures made in this state and
21 the percentage of expenditures made outside this state under all contracts
22 for goods or services the state agency enters into during each biennium;

23 [*and*]

24 (C) The following information regarding nonpayroll expenditures, updated
25 monthly and listed separately by category:

26 (i) The name of the state agency and the division within the state agency;

27 (ii) The budget category and subcategory for each expenditure;

28 (iii) Invoice description;

29 (iv) Vendor name, city and state;

30 (v) Expenditure amount; and

31 (vi) Payment date[.]; **and**

1 **(D) The following information regarding payroll expenditures, up-**
2 **dated monthly and listed separately by category:**

- 3 **(i) Position number;**
- 4 **(ii) Monthly salary;**
- 5 **(iii) Overtime pay;**
- 6 **(iv) Bonus pay;**
- 7 **(v) Holiday pay;**
- 8 **(vi) Standby duty pay;**
- 9 **(vii) Work-out-of-class and lead pay;**
- 10 **(viii) Public Employees Retirement System payments;**
- 11 **(ix) Public Employees Retirement System pension obligation bond**
12 **payment;**
- 13 **(x) Health insurance costs;**
- 14 **(xi) Dental insurance costs;**
- 15 **(xii) Life insurance costs;**
- 16 **(xiii) Social Security and Medicare taxes;**
- 17 **(xiv) Public Employees' Benefit Board fees;**
- 18 **(xv) Workers' Benefit Fund assessments;**
- 19 **(xvi) Employment Relations Board assessments; and**
- 20 **(xvii) Any other payroll expenses, each listed separately by cate-**
21 **gory.**

22 (c) To the extent practicable and subject to laws relating to
23 confidentiality, when at no additional cost, using existing data and existing
24 resources of the education service district and without reallocation of re-
25 sources, the Oregon transparency website must contain information about
26 each education service district, including but not limited to:

- 27 (A) The local service plan developed pursuant to ORS 334.175;
- 28 (B) A copy of each report required by statute; and
- 29 (C) A copy of all notices of public meetings.

30 (4) In addition to the information described in subsection (3) of this sec-
31 tion:

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

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

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

- 22 (A) Information on professional, personal and material contracts;
- 23 (B) The date of each contract and the amount payable under the contract;
- 24 (C) The period during which the contract is or was in effect; and
- 25 (D) The names and addresses of vendors.

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

1 the state agency in the course of administering the economic development
2 program:

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

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

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

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

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

16 (F) Information required to be posted on the Oregon transparency website
17 under ORS 276A.256.

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

19 (A) May not include proprietary information; and

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

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

31 (5) In operating, refining and recommending enhancements to the Oregon

1 transparency website, the State Chief Information Officer and the Transpar-
2 ency Oregon Advisory Commission created in ORS 276A.259 shall consider
3 and, to the extent practicable, adhere to the following principles:

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

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

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

11 (6) If a state agency or an education service district is not able to include
12 information described in this section on the Oregon transparency website
13 because of the lack of availability of information or cost in acquiring infor-
14 mation, the Transparency Oregon Advisory Commission created in ORS
15 276A.259 shall list the information that is not included for the state agency
16 or education service district in the commission's report to the Legislative
17 Assembly required under ORS 276A.259.

18 (7)(a) For the purpose of providing transparency in the revenues, expend-
19 itures and budgets of the following entities, the State Chief Information Of-
20 ficer shall include on the Oregon transparency website a page that provides
21 links to websites established by:

22 (A) Local governments, as defined in ORS 174.116.

23 (B) Special government bodies, as defined in ORS 174.117.

24 (C) Semi-independent state agencies listed in ORS 182.454.

25 (D) Public universities listed in ORS 352.002.

26 (E) Public university statewide programs operated by a public university
27 listed in ORS 352.002.

28 (F) The Oregon Health and Science University.

29 (G) The Oregon Tourism Commission.

30 (H) The Oregon Film and Video Office.

31 (I) The Travel Information Council.

1 (J) The Children's Trust Fund of Oregon Foundation.

2 (K) Oregon Corrections Enterprises.

3 (L) The State Accident Insurance Fund Corporation.

4 (M) The Oregon Utility Notification Center.

5 (N) Any public corporation created under a statute of this state and spe-
6 cifically designated as a public corporation.

7 (b) The State Chief Information Officer shall include a link to an entity's
8 website after receiving a request from the entity and shall consider recom-
9 mendations from the Transparency Oregon Advisory Commission for includ-
10 ing other links to websites of the entities listed in paragraph (a) of this
11 subsection.

12 (c) At the request of any local government, as defined in ORS 174.116, or
13 special government body, as defined in ORS 174.117, the State Chief Infor-
14 mation Officer shall include on the Oregon transparency website notices of
15 public meetings required to be provided under ORS 192.640 by the local
16 government or special government body. The local government or special
17 government body must submit public meeting notice information in the for-
18 mat and manner required by the State Chief Information Officer.

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

22 **SECTION 5. The State Chief Information Officer may take any**
23 **action before the operative dates specified in sections 6 and 7 of this**
24 **2019 Act that is necessary to enable the State Chief Information Offi-**
25 **cer to exercise, on and after the operative dates specified in sections**
26 **6 and 7 of this 2019 Act, all of the duties, functions and powers con-**
27 **ferred on the State Chief Information Officer pursuant to the amend-**
28 **ments to ORS 276A.253 by sections 3 and 4 of this 2019 Act.**

29 **SECTION 6. The amendments to ORS 276A.253 by section 3 of this**
30 **2019 Act become operative on January 1, 2020.**

31 **SECTION 7. The amendments to ORS 276A.253 by section 4 of this**

1 **2019 Act become operative on August 1, 2020.**

2 **SECTION 8. This 2019 Act takes effect on the 91st day after the date**
3 **on which the 2019 regular session of the Eightieth Legislative Assem-**
4 **bly adjourns sine die.**

5
