

A-Engrossed
House Bill 2906

Ordered by the House May 8
Including House Amendments dated May 8

Sponsored by JOINT COMMITTEE ON LEGISLATIVE INFORMATION MANAGEMENT AND TECHNOLOGY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Oregon Geographic Information Council within office of State Chief Information Officer. Specifies membership, purposes and powers of council.

Requires public bodies, beginning in 2020, to share certain geospatial framework data under specified conditions and with specific limitations.

Requires State Chief Information Officer to appoint individual to oversee and manage State Chief Information Officer's duties and functions under provisions of Act. Requires individual to secure geospatial data library, protect availability and integrity of information in library and provide secure electronic access to library for purposes of sharing geospatial framework data.

Establishes Oregon Geographic Information Council Fund and appropriates moneys in fund to State Chief Information Officer for purposes of Act. **Permits State Chief Information Officer to accept gifts, grants, donations and contributions from federal government, agencies of federal government or other sources and to agree to conditions placed on gift, grant, donation or contribution that is in accordance with Act and other law.**

Becomes operative January 1, 2018.

[Declares emergency, effective on passage.]

Takes effect on 91st day after adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to sharing geographic information; and prescribing an effective date.

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

4 **SECTION 1. As used in sections 1 to 6 of this 2017 Act:**

5 (1) **"Critical infrastructure information" means information about infrastructure that is**
6 **so vital to this state or the United States that the incapacity or destruction of the**
7 **infrastructure would detrimentally affect the personal and economic security, health or**
8 **safety of residents of this state, including information about the security of items listed in**
9 **ORS 192.502 (33).**

10 (2) **"Custodian" has the meaning given that term in ORS 192.410 (1)(b).**

11 (3) **"Geographic information" means geographic data as that term is defined in ORS**
12 **291.039 (4)(b).**

13 (4) **"Geographic information system" has the meaning given that term in ORS 291.039**
14 **(4)(b).**

15 (5) **"Geospatial framework data" means geographic information that a public body, under**
16 **applicable provisions of law or on the basis of scientific methodology, technical standards or**
17 **technical expertise, creates, generates, provides or aggregates and that the Oregon Ge-**
18 **ographic Information Council, in consultation with the public body, identifies as necessary**
19 **to support the business processes of a governmental agency.**

20 (6) **"Public body" has the meaning given that term in ORS 174.109.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2. (1) The Oregon Geographic Information Council is established within the**
2 **office of the State Chief Information Officer. The State Chief Information Officer shall pro-**
3 **vide administrative and staff support and facilities that are necessary for the council to**
4 **carry out the purposes set forth in this section. The purposes of the council are to:**

5 **(a) Serve as the statewide governing body for sharing and managing geospatial frame-**
6 **work data;**

7 **(b) Oversee the preparation and maintenance of a plan to enhance geographic framework**
8 **information sharing and management and to enhance coordination with respect to ge-**
9 **ographic framework information among public bodies within this state; and**

10 **(c) Coordinate geospatial framework data sharing and management that occurs among**
11 **public bodies.**

12 **(2) The membership of the council consists of:**

13 **(a) Two members of the Legislative Assembly appointed as follows:**

14 **(A) The President of the Senate shall appoint one member from the Senate who has an**
15 **interest in geographic information systems and in enhancing geospatial framework data**
16 **sharing among public bodies; and**

17 **(B) The Speaker of the House of Representatives shall appoint one member from the**
18 **House of Representatives who has an interest in geographic information systems and in en-**
19 **hancing geospatial framework data sharing among public bodies.**

20 **(b) The following members appointed by the Governor:**

21 **(A) One member who represents Indian tribes, as defined in ORS 97.740;**

22 **(B) One member who represents the Association of Oregon Counties;**

23 **(C) One member who represents the League of Oregon Cities;**

24 **(D) One member who represents the Special Districts Association of Oregon;**

25 **(E) One member who represents regional governments or councils of government within**
26 **this state;**

27 **(F) One member who represents the Oregon State Association of County Assessors;**

28 **(G) One member who represents a public safety answering point, as defined in ORS**
29 **403.105, within this state;**

30 **(H) One member who represents the public universities listed in ORS 352.002;**

31 **(I) One member who represents a federal agency that is concerned with collecting,**
32 **managing or disseminating geospatial framework data;**

33 **(J) One member who represents a public utility within this state;**

34 **(K) One member who is a geographic information systems manager for a county or city**
35 **in this state;**

36 **(L) One member who represents the public and who has an interest in geographic infor-**
37 **mation systems and in enhancing geospatial framework data sharing among public bodies;**

38 **(M) The state geographic information officer that the State Chief Information Officer**
39 **appoints under section 6 of this 2017 Act;**

40 **(N) One member who represents a nonprofit professional organization with an interest**
41 **in geographic information systems and in enhancing geospatial data sharing among public**
42 **bodies;**

43 **(O) Three members from state agencies with responsibility for water, land, air quality,**
44 **natural resources or infrastructure;**

45 **(P) Two members from state agencies with responsibilities for public health, human**

1 services, education or economic or community development; and

2 (Q) Two members from state agencies with responsibility for public safety or emergency
3 management.

4 (3) Each group or entity identified in subsection (2)(b) of this section may recommend
5 an individual from the group or entity for membership on the council.

6 (4) Members of the Legislative Assembly appointed to the council are nonvoting members
7 and may act in an advisory capacity only.

8 (5)(a) A majority of the voting members of the council constitutes a quorum for trans-
9 acting business.

10 (b) A majority of the voting members of the council must approve the council's official
11 actions.

12 (6) The council shall elect one of the council's members to serve as chairperson and one
13 member to serve as vice chairperson. The council shall specify in the charter described in
14 section 3 (1)(d) of this 2017 Act a process by which the council selects the chairperson and
15 vice chairperson and the terms of office for the chairperson and vice chairperson.

16 (7)(a) The term of office for each voting member of the council is four years, but the
17 member serves at the pleasure of the Governor.

18 (b) Before a voting member's term expires, the Governor shall appoint a successor,
19 whose term begins on January 1 following the Governor's appointment. A voting member is
20 eligible for reappointment.

21 (c) A nonvoting member's term of office is two years. A nonvoting member is eligible for
22 reappointment.

23 (d) If a vacancy occurs on the council for any reason, the appointing authority shall
24 make an appointment to become immediately effective and the new member shall serve for
25 the remainder of the term.

26 (8) The council shall meet at times and places that the chairperson or a majority of the
27 voting members of the council specifies.

28 (9) Members of the council who are not members of the Legislative Assembly may not
29 receive compensation, but the State Chief Information Officer, at the State Chief Informa-
30 tion Officer's discretion, may reimburse council members for actual and necessary travel and
31 other expenses the members incur in performing the members' official duties, in the manner
32 and amounts provided for in ORS 292.495, from funds appropriated to the State Chief Infor-
33 mation Officer for carrying out the council's purposes.

34 (10) All agencies of state government, as defined in ORS 174.111, shall assist the council
35 in performing the council's duties and, to the extent permitted by laws relating to
36 confidentiality, shall furnish information and advice the council considers necessary to per-
37 form the council's duties.

38 **SECTION 3.** (1) The Oregon Geographic Information Council has the exclusive power to:

39 (a) Serve as the statewide governing body for sharing and managing geospatial frame-
40 work data that public bodies share under sections 1 to 6 of this 2017 Act;

41 (b) Develop and update every four years a strategic plan to manage geospatial framework
42 data that aligns as closely as possible with the Enterprise Information Resources Manage-
43 ment Strategy described in ORS 291.039 and oversee the implementation of the plan;

44 (c) Adopt, in consultation with the State Chief Information Officer, rules, policies and
45 standards that identify geospatial framework data that public bodies must share and that

1 specify how frequently public bodies must share the geospatial framework data;

2 (d) Recommend an allocation of responsibilities among public bodies for collecting, using,
3 managing, sharing and maintaining geospatial framework data and devise and recommend
4 terms under which public bodies share geospatial framework data;

5 (e) Adopt charters, rules, policies and procedures for carrying out the council's purposes
6 under section 2 of this 2017 Act;

7 (f) Establish subcommittees, work groups and other bodies or methods of organization
8 that the council deems necessary to carry out the council's purposes under section 2 of this
9 2017 Act; and

10 (g) Establish and appoint members to advisory committees for the purposes described in
11 subsection (3) of this section.

12 (2) The Oregon Geographic Information Council shall:

13 (a) Lead and coordinate efforts to accumulate, disseminate, analyze and manage ge-
14 ographic information, including efforts that:

15 (A) Provide a statewide forum for discussing and resolving issues related to geographic
16 information management;

17 (B) Develop and maintain partnerships for managing geographic information among
18 public bodies; and

19 (C) Identify best practices for managing geographic information and geographic infor-
20 mation systems and determine whether and how to apply the best practices within this state.

21 (b) Recommend laws, rules, policies and strategies for improving geographic information
22 collection, dissemination, analysis and management to the Legislative Assembly, the United
23 States Congress, public bodies and other individuals and entities.

24 (c) Develop and submit each biennium to the State Chief Information Officer for approval
25 a plan and a budget for collecting, using, managing, sharing and maintaining geospatial
26 framework data and for maintaining a geospatial data library within the office of the State
27 Chief Information Officer.

28 (d) Work with public bodies to:

29 (A) Coordinate the activities of public bodies that relate to collecting, using, managing,
30 sharing and maintaining geospatial framework data;

31 (B) Develop strategies to improve geospatial framework data sharing, to reduce dupli-
32 cation of effort and to improve the coordination described in subparagraph (A) of this para-
33 graph;

34 (C) Identify the types, categories, forms and other classifications of geospatial framework
35 data that public bodies, private entities and the public need;

36 (D) Disseminate information about projects that various public bodies are undertaking
37 with respect to geospatial framework data and other geographic information;

38 (E) Invite participation in developing, reviewing and updating the strategic plan described
39 in subsection (1)(b) of this section;

40 (F) Recommend legislation to enhance geospatial framework data management and
41 sharing among public bodies; and

42 (G) Recommend to the Legislative Assembly strategies for eliminating the fees that
43 public bodies charge to other public bodies for geospatial framework data under ORS 190.050
44 or 192.440.

45 (e) Review periodically plans, grant proposals and budget requests that public bodies

1 make for the purpose of digital mapping and identify opportunities for collaboration and
2 shared investment that reduce unnecessary duplication of effort.

3 (f) Report on the plan described in paragraph (c) of this subsection and the council's
4 other activities to the State Chief Information Officer, the Governor and the Joint Legisla-
5 tive Committee on Information Management and Technology on or before March 1 of each
6 odd-numbered year.

7 (3)(a) The council may establish an advisory committee for any purpose, and, subject to
8 paragraph (b) of this subsection, membership on an advisory committee is open to any per-
9 son.

10 (b) If the council establishes one or more advisory committees for the purpose of advising
11 the council concerning the development, collection, sharing or aggregation of geospatial
12 framework data, the council shall establish each advisory committee with reference to the
13 committee members' expertise or ability to advise the council concerning a particular cate-
14 gory of geospatial framework data.

15 (c) Each advisory committee the council establishes under paragraph (b) of this sub-
16 section shall:

17 (A) Identify particular geospatial framework data that public bodies should share;

18 (B) Recommend a schedule for sharing the geospatial framework data that the committee
19 identifies in subparagraph (A) of this paragraph;

20 (C) Recommend processes, work flow, procedures and necessary funding for collecting,
21 using, managing, sharing and maintaining geospatial framework data; and

22 (D)(i) Recommend and coordinate recommendations from other sources for data formats,
23 security standards and other standards for collecting, storing, transferring, maintaining and
24 managing geospatial framework data;

25 (ii) Submit the recommendations to the council and the State Chief Information Officer;
26 and

27 (iii) Update and revise the recommendations periodically to account for new circum-
28 stances.

29 (d) Members of an advisory committee may not receive compensation, but the State Chief
30 Information Officer, at the State Chief Information Officer's discretion, may reimburse
31 members of an advisory committee for actual and necessary travel and other expenses the
32 members incur in performing the members' duties, in the manner and amounts provided for
33 in ORS 292.495, from funds appropriated to the State Chief Information Officer for the car-
34 rying out the council's purposes.

35 **SECTION 4.** (1)(a) Subject to ORS 192.410 to 192.505 and except as provided in paragraph
36 (b) of this subsection, a public body shall share all geospatial framework data that the
37 Oregon Geographic Information Council designates for sharing if:

38 (A) The public body does not incur costs other than the costs that the public body would
39 incur as a custodian of the geospatial framework data; and

40 (B) The public body uses existing data and existing resources to share the geospatial
41 framework data.

42 (b) Critical infrastructure information is not subject to the requirement under paragraph
43 (a) of this subsection to share geospatial framework data, but a public body may choose to
44 share with other public bodies critical infrastructure information of which the public body
45 is a custodian under conditions the public body specifies.

1 **(2)(a) A public body that shares geospatial framework data in accordance with subsection**
2 **(1) of this section shall:**

3 **(A) Share the geospatial framework data in compliance with standards for data inter-**
4 **change, data formatting and data storage that the Oregon Geographic Information Council**
5 **adopts by rule. If the council has not adopted standards or if the public body does not ordi-**
6 **narily maintain the geospatial framework data in accordance with the standards the council**
7 **adopts, the public body shall share the geospatial framework data in the format in which the**
8 **public body ordinarily maintains the geospatial framework data.**

9 **(B) Share the geospatial framework data at intervals that the council specifies by rule**
10 **or, if the council does not specify an interval by rule, share the geospatial framework data**
11 **annually.**

12 **(C) Retain custody of the public body's geospatial framework data.**

13 **(b) A public body that shares geospatial framework data in accordance with subsection**
14 **(1) of this section may:**

15 **(A) Transfer copies of the geospatial framework data to the State Chief Information Of-**
16 **ficer for storage in the geospatial data library described in section 3 (2)(c) of this 2017 Act**
17 **and direct requests for the geospatial framework data to the individual that the State Chief**
18 **Information Officer appoints under section 6 of this 2017 Act.**

19 **(B) Share the geospatial framework data without entering into a written agreement with**
20 **another public body.**

21 **(C) Prohibit the sharing or redistribution of the public body's geospatial framework data**
22 **if the public body notifies the Oregon Geographic Information Council in writing that the**
23 **geospatial framework data is exempt from disclosure under ORS 192.410 to 192.505 because**
24 **the public body claims a copyright or other proprietary interest in the geospatial framework**
25 **data or for another reason the public body specifies in the notice.**

26 **(D) Withhold from public disclosure geospatial framework data that the council desig-**
27 **nates by rule as critical infrastructure information.**

28 **(c) A public body that receives geospatial framework data from another public body may**
29 **not redistribute the geospatial framework data without specific authorization from the public**
30 **body that shared the geospatial framework data.**

31 **(3) A public body that shares geospatial framework data in accordance with subsection**
32 **(1) of this section is not liable for:**

33 **(a) Omissions, inaccuracies or other errors or defects in the geospatial framework data;**
34 **or**

35 **(b) Damages, losses or claims that arise from receiving or using the geospatial frame-**
36 **work data.**

37 **(4) The individual that the State Chief Information Officer appoints under section 6 of**
38 **this 2017 Act shall:**

39 **(a) Take all reasonably necessary measures to:**

40 **(A) Secure information in the geospatial data library described in section 3 (2)(c) of this**
41 **2017 Act in accordance with standards, policies and procedures established or rules adopted**
42 **by the State Chief Information Officer under ORS 182.122;**

43 **(B) Protect the availability, integrity and confidentiality of the geospatial data library;**
44 **and**

45 **(C) Ensure that a recipient of geospatial framework data complies with the prohibitions**

1 a public body places on sharing or redistributing the geospatial framework data under sub-
2 section (2)(b)(C) of this section.

3 (b) Provide secure electronic means by which a public body may transmit geospatial
4 framework data to and obtain geospatial framework data from the geospatial data library.

5 **SECTION 5.** (1) The Oregon Geographic Information Council Fund is established in the
6 State Treasury separate and distinct from the General Fund. All moneys that the State Chief
7 Information Officer collects or receives for the purposes set forth in sections 1 to 6 of this
8 2017 Act must be paid into the State Treasury and credited to the Oregon Geographic In-
9 formation Council Fund. Moneys in the fund may be invested in the same manner as other
10 state moneys and the earnings of any investments must be credited to the fund.

11 (2) The State Chief Information Officer shall keep a record of all moneys deposited into
12 the fund that indicates, by separate account, the source from which the moneys are derived,
13 the interest earned and the activity or program against which any withdrawal is charged.

14 (3) Moneys in the fund are continuously appropriated to the State Chief Information Of-
15 ficer for:

16 (a) Developing, acquiring and maintaining geospatial framework data and activities re-
17 lated to sharing geospatial framework data among public bodies; and

18 (b) Paying the costs associated with the Oregon Geographic Information Council.

19 (4) The State Chief Information Officer may accept gifts, grants, donations and contri-
20 butions from the federal government or agencies of the federal government or from any
21 other public or private source and may agree to any conditions placed on the gift, grant,
22 donation or contribution that is in accordance with applicable law and sections 1 to 6 of this
23 2017 Act.

24 (5) The State Chief Information Officer and the Oregon Geographic Information Council
25 shall submit to the Legislative Assembly and the Governor by December 31 of each even-
26 numbered year a report that summarizes the balance in the fund, lists the deposits into and
27 expenditures from the fund and provides such other details as are necessary to enable the
28 Legislative Assembly and the Governor to understand the operations of the fund.

29 **SECTION 6.** (1) The State Chief Information Officer shall establish and appoint an indi-
30 vidual as a state geographic information officer to fill a full-time equivalent position that
31 manages and oversees the daily operations of the office of the State Chief Information Offi-
32 cer that concern or are related to geographic information and geospatial framework data.

33 (2) The individual that the State Chief Information Officer appoints under subsection (1)
34 of this section must be, by training and experience, well qualified for and capable of per-
35 forming the following duties:

36 (a) Serving as the State Chief Information Officer's principal advisor concerning ge-
37 ographic information systems, geospatial framework data and other programs and issues
38 that concern geographic information;

39 (b) Communicating and coordinating with tribal, regional and local governments in this
40 state, state agencies, the federal government and other public bodies on issues that concern
41 geospatial framework data and sharing geospatial framework data;

42 (c) Serving as the State Chief Information Officer's representative on the Oregon Ge-
43 ographic Information Council;

44 (d) Taking a leading role in coordinating the council's development and maintenance of
45 the strategic plan described in section 3 (1)(b) of this 2017 Act, in overseeing the implemen-

1 tation of the plan and in conducting the council's activities, as described in sections 2 and 3
2 of this 2017 Act;

3 (e) Taking responsibility for and directing the efforts described in section 4 (4) of this
4 2017 Act;

5 (f) Coordinating with the Federal Geographic Data Committee, the United States
6 Geological Survey and other federal agencies in developing geospatial framework data in this
7 state;

8 (g) Serving as the State Chief Information Officer's liaison for existing or proposed fed-
9 eral programs that relate to creating or maintaining geospatial framework data in this state;

10 (h) Representing the state on the National States Geographic Information Council and in
11 local, regional and national programs and efforts that are related to geographic information
12 systems and managing geographic information;

13 (i) Overseeing compliance with rules adopted and policies, standards and plans estab-
14 lished by the State Chief Information Officer or the Oregon Geographic Information Council
15 with respect to geographic framework data and geographic information systems;

16 (j) Consulting and collaborating with, supporting and providing services to public bodies
17 and other stakeholders on projects that are related to geospatial framework data or other
18 geographic information;

19 (k) Leading development and deployment for, and overseeing the continuing operation,
20 maintenance, support and enhancement of, the geospatial data library described in section 3
21 (2)(c) of this 2017 Act on behalf of public bodies in this state; and

22 (L) Performing other duties that the State Chief Information Officer specifies.

23 **SECTION 7.** (1)(a) Sections 1, 2, 3, 5 and 6 of this 2017 Act become operative on January
24 1, 2018.

25 (b) Section 4 of this 2017 Act becomes operative on January 2, 2020.

26 (2) The State Chief Information Officer may adopt rules and take any other action before
27 the operative date specified in subsection (1)(a) of this section that is necessary to enable the
28 State Chief Information Officer to exercise, on and after the operative date specified in
29 subsection (1)(a) of this section, all of the duties, functions and powers conferred on the
30 State Chief Information Officer or the Oregon Geographic Information Council by sections
31 1, 2, 3, 5 and 6 of this 2017 Act.

32 (3) A public body that is subject to section 4 of this 2017 Act may adopt rules, ordinances
33 or resolutions and take any other action before the operative date specified in subsection
34 (1)(b) of this section that is necessary to enable the public body to exercise, on and after the
35 operative date specified in subsection (1)(b) of this section, all of the duties, functions and
36 powers conferred on the public body by section 4 of this 2017 Act.

37 **SECTION 8.** This 2017 Act takes effect on the 91st day after the date on which the 2017
38 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

39