

LC 2860
2017 Regular Session
12/9/16 (TSB/ps)

DRAFT

SUMMARY

Establishes Oregon Geographic Information Council, ~~subject to authority within the Office~~ of the 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.

Becomes operative January 1, 2018.

Declares emergency, effective on passage.

Commented [MSL1]: Will ask the Legislative Counsel Attorney why the emergency clause was added back in to the LC prior to the workgroup meeting on January 13, 2017. This provision may be necessary to allow the State CIO, OGIC and public bodies to take official actions to prepare to implement some aspects of the bill prior to the full operative date of the Act (outlined in Section 7).

A BILL FOR AN ACT

Relating to sharing geographic information; and declaring an emergency.

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

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

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

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

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

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

5 (5) "Geospatial framework data" means geographic information that
6 a public body, under applicable provisions of law or on the basis of
7 scientific methodology, technical standards or technical expertise,
8 creates, generates, provides or aggregates and that the Oregon Ge-
9 ographic Information Council, in consultation with the public body,
10 identifies as necessary to support the business processes of a govern-
11 mental agency.

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

13 ~~SECTION 2. (1) The Oregon Geographic Information Council is es-~~
1413 ~~tablished and is subject to the authority of established within the~~
~~office of the within the office of the State Chief Information~~

1514 Officer. The purposes of the council are to:

1615 (a) Serve as the statewide governing body for sharing and managing
1716 geospatial framework data;

1817 (b) Oversee the preparation and maintenance of a plan to enhance
1918 geographic information sharing and management and enhance coor-
2019 dination with respect to geographic information among public bodies
2120 within this state;

2221 (c) Encourage public bodies to share geospatial framework data;

2322 (d) Coordinate geospatial framework data sharing that occurs
2423 among public bodies; and

2524 (e) Prescribe requirements and practices for how public bodies
2625 manage shared geospatial framework data.

2726 (2) The membership of the council consists of:

2827 (a) Two members of the Legislative Assembly appointed as follows:

2928 (A) The President of the Senate shall appoint one member from the
3029 Senate who has an interest in geographic information systems and in
3130 enhancing geospatial framework data sharing among public bodies;

Commented [MSL2]: The inserted markup combines statutory language utilized for the establishment of the State Interoperability Executive Council within ORS 403.450 and the language used to establish the Oregon Broadband Advisory Council within the ORS 285A.070.... Metro has suggested alternative phrasing - **"established to manage Geospatial Framework Data on behalf of the Oregon Chief Information Officer and Geospatial Information Officer"** to address any perception that (as drafted) the State CIO may have unilateral authority over the activities of OGIC. Metro's attorney is drafting alternative language for our consideration that may further clarify/address this issue. **Note:** The SIEC (and its members appointed by the governor and the legislature) operates autonomously with support from the Office of the State CIO (through the statewide interoperability coordinator/staff). In talking with the State CIO, he's confirmed his expectation that OGIC (and its members appointed by the governor and the legislature) would operate in the same autonomous manner that the SIEC operates with support from the Office of the State CIO (through the state geographic information officer/staff).

1 and

2 (B) The Speaker of the House of Representatives shall appoint one
3 member from the House of Representatives who has an interest in
4 geographic information systems and in enhancing geospatial frame-
5 work data sharing among public bodies.

6 (b) The following members appointed by the Governor:

7 (A) One member who represents Indian tribes, as defined in ORS
8 97.740;

9 (B) One member who represents the Association of Oregon Coun-
10 ties;

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

12 (D) One member who represents the Special Districts Association
13 of Oregon;

14 (E) One member who represents regional governments or councils
15 of government within this state;

16 (F) One member who represents the Oregon State Association of
17 County Assessors;

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

20 (H) One member who represents the public universities listed in
21 ORS 352.002;

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

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

25 (K) One member who represents the public and who has an interest
26 in geographic information systems and in enhancing geospatial
27 framework data sharing among public bodies;

28 (L) The state geographic information officer that the State Chief
29 Information Officer appoints under section 6 of this 2017 Act;

30 (M) One member who represents a nonprofit professional organiza-
31 tion with an interest in geographic information systems and in en-

1 hancing geospatial data sharing among public bodies;

2 (N) ~~One member who represents the Department of~~
~~Transportation;~~ Three members who represent state agencies that
manage water, air, land or infrastructure;

3 ~~(O) One member who represents the Office of Emergency Manage-~~
43 ~~ment;~~ Two members who represent state agencies dealing with public
health, human services, education, economic development, or
community development;

5 ~~(P) One member who represents a state agency with responsibility~~
64 ~~for natural resources;~~ Two members who represent state agencies
dealing with public safety or emergency management.;

7 ~~(Q) One member who represents a state agency with responsibility~~
8 ~~for economic development, community development or employment;~~

9 ~~(R) One member who represents a state agency with responsibility~~
10 ~~for health or human services;~~

11 ~~(S) One member who represents a state agency with responsibility~~
12 ~~for education; and~~

13 ~~(T) One member who represents a state agency with responsibility~~
145 ~~for public safety.~~

156 (3) Each entity identified in subsection (2)(b) of this section may
167 recommend an individual from the entity for membership on the
178 council.

189 (4) Members of the Legislative Assembly appointed to the council
1910 are nonvoting members and may act in an advisory capacity only.

2011 (5)(a) A majority of the voting members of the council constitutes
2112 a quorum for transacting business.

2213 (b) A majority of the voting members of the council must approve
2314 the council's official actions.

2415 (6) The council shall elect one of the council's members to serve
2516 as chairperson and one member to serve as vice chairperson.

2617 (7)(a) The term of office for each voting member of the council is
2718 four years, but the member serves at the pleasure of the Governor.

2819 (b) Before a voting member's term expires, the Governor shall ap-

Commented [MSL3]: This transition from the naming of 7 individual state agency members (may not always be possible for appointments to be made at this granular a level) to three categories of state agency members (totaling 7 members) was suggested to provide additional flexibility to the governor's office in appointments of member agency representatives that are available, willing, and qualified to serve.

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~~2920~~point a successor, whose term begins on January 1 following the
~~3021~~Governor's appointment. A voting member is eligible for reappoint-
~~3122~~ment.

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

3 (d) If a vacancy occurs on the council for any reason, the appoint-
4 ing authority shall make an appointment to become immediately ef-
5 fective and the new member shall serve for the remainder of the term.

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

8 (9) The council may:

9 (a) Adopt rules, policies and procedures to carry out the council's
10 purposes; and

11 (b) Establish subcommittees, work groups or other bodies or meth-
12 ods of organization that the council deems necessary to carry out the
13 council's purposes.

14 (10) The State Chief Information Officer shall provide staff support
15 and facilities that are necessary for the council to carry out the
16 council's purposes.

17 (11) Members of the council who are not members of the Legislative
18 Assembly may not receive compensation, but the State Chief Infor-
19 mation Officer, at the State Chief Information Officer's discretion,
20 may reimburse council members for actual and necessary travel and
21 other expenses the members incur in performing the members' official
22 duties, in the manner and amounts provided for in ORS 292.495, from
23 funds appropriated to the State Chief Information Officer for carrying
24 out the council's purposes.

25 (12) All agencies of state government, as defined in ORS 174.111,
26 shall assist the council in performing the council's duties and, to the
27 extent permitted by laws relating to confidentiality, shall furnish in-
28 formation and advice the council considers necessary to perform the
29 council's duties.

30 SECTION 3. (1) The Oregon Geographic Information Council shall:

31 (a) Lead and advocate for efforts to accumulate, disseminate, ana-

1 lyze and manage geographic information, including efforts that:

2 (A) Provide a forum for discussing and resolving issues related to
3 geographic information management throughout the state;

4 (B) Develop and maintain partnerships for managing geographic
5 information among public bodies; and

6 (C) Identify best practices for managing geographic information and
7 geographic information systems and determine whether and how to
8 apply the best practices within this state.

9 (b) Recommend laws, rules, policies and strategies for improving
10 geographic information collection, dissemination, analysis and man-
11 agement to the Legislative Assembly, the United States Congress,
12 public bodies and other individuals and entities.

13 (c) Develop a strategic plan for managing geographic information
14 that aligns as closely as possible with the Enterprise Information Re-
15 sources Management Strategy described in ORS 291.039, then update
16 the plan each biennium and guide the implementation of the plan.

17 (d) Adopt, in consultation with the State Chief Information Officer,
18 rules, policies and standards that identify geospatial framework data
19 that public bodies must share, that specify how frequently the public
20 bodies must share the geospatial framework data and that allocate
21 responsibility for collecting, using, managing, sharing and maintaining
22 geospatial framework data among public bodies.

23 (e) Establish and name members to advisory committees for the
24 purposes identified in subsection (2) of this section.

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

30 (g) Recommend legislation to enhance geospatial framework data
31 management and sharing among public bodies.

Commented [MSL4]: A question was raised as to whether a two year (biennial update of the plan would be burdensome on the council. Perhaps a longer time horizon for updates could be considered? The legislature meets every year... An annual session (45 days) in even numbered years and a long session (Feb-June) in odd numbered years...traditionally updates of strategic plans (that often times may require resources to implement) are updated on a biennial basis to align with the biennial budget development/approval process. However, budget adjustments can be made in annual sessions in even numbered years.

Commented [SC*C5]: I think a three year update would be fine.

1 (h) Identify the types, categories, forms and other classifications
2 of geospatial framework data that public bodies, private entities and
3 the public needs.

4 (i) Work with public bodies to:

5 (A) Coordinate the activities of public bodies that relate to collect-
6 ing, using, managing, sharing and maintaining geospatial framework
7 data;

8 (B) Develop strategies to improve geospatial framework data shar-
9 ing, to reduce duplication of effort and to improve the coordination
10 described in subparagraph (A) of this paragraph;

11 (C) Disseminate information about projects that various public
12 bodies are undertaking with respect to geospatial framework data and
13 other geographic information;

14 (D) Invite participation in developing, reviewing and updating the
15 plan described in paragraph (c) of this subsection; and

16 (E) Recommend to the Legislative Assembly strategies for elimi-
17 nating the fees that public bodies charge to other public bodies under
18 ORS 190.050 or 192.440 for geographic information.

19 (j) Review periodically plans, grant proposals and budget requests
20 that public bodies make for the purpose of digital mapping ~~and to~~
identify

21 opportunities for collaboration and shared investment that reduce
22 unnecessary duplication of effort.

23 (k) Report on the plan described in paragraph (c) of this subsection
24 and the council's other activities to the State Chief Information Offi-
25 cer, the Governor and the Joint Legislative Committee on Information
26 Management and Technology on or before March 1 of each odd-
27 numbered year.

28 (2)(a) The council may establish an advisory committee for any
29 purpose, and, subject to paragraph (b) of this subsection, membership
30 on an advisory committee is open to any person.

31 (b) If the council establishes one or more advisory committees for

1 the purpose of advising the council concerning the development, col-
2 lection, sharing or aggregation of geospatial framework data, the
3 council shall establish each advisory committee with reference to the
4 committee members' expertise or ability to advise the council con-
5 cerning a particular category of geospatial framework data.

6 (c) Each advisory committee the council establishes under para-
7 graph (b) of this subsection shall:

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

10 (B) Recommend a schedule for sharing the geospatial framework
11 data that the committee identifies in subparagraph (A) of this para-
12 graph;

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

16 (D)(i) Recommend and coordinate recommendations from other
17 sources for data formats, security standards and other standards for
18 collecting, storing, transferring, maintaining and managing geospatial
19 framework data;

20 (ii) Submit the recommendations to the council and the State Chief
21 Information Officer; and

22 (iii) Update and revise the recommendations periodically to account
23 for new circumstances.

24 (d) Members of an advisory committee may not receive compen-
25 sation, but the State Chief Information Officer, at the State Chief In-
26 formation Officer's discretion, may reimburse members of an advisory
27 committee for actual and necessary travel and other expenses the
28 members incur in performing the members' duties, in the manner and
29 amounts provided for in ORS 292.495, from funds appropriated to the
30 State Chief Information Officer for the carrying out the council's
31 purposes.

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

5 (A) The public body does not incur costs other than the costs that
6 the public body would incur as a custodian of the geospatial frame-
7 work data; and

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

10 (b) Critical infrastructure information is not subject to the re-
11 quirement under paragraph (a) of this subsection to share geospatial
12 framework data, but a public body may choose to share with other
13 public bodies critical infrastructure information of which the public
14 body is a custodian under conditions the public body specifies.

15 (2)(a) A public body that shares geospatial framework data in ac-
16 cordance with subsection (1) of this section shall:

17 (A) Share the geospatial framework data in compliance with stan-
18 dards for data interchange, data formatting and data storage that the
19 Oregon Geographic Information Council adopts by rule. If the council
20 has not adopted standards or if the public body does not ordinarily
21 maintain the geospatial framework data in accordance with the stan-
22 dards the council adopts, the public body shall share the geospatial
23 framework data in the format in which the public body ordinarily
24 maintains the geospatial framework data.

25 (B) Share the geospatial framework data at intervals that the
26 council specifies by rule or, if the council does not specify an interval
27 by rule, share the geospatial framework data annually.

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

29 (b) A public body that shares geospatial framework data in accord-
30 ance with subsection (1) of this section may:

31 (A) Transfer copies of the geospatial framework data to the State

1 Chief Information Officer for storage in the geospatial data library
2 described in section 3 (1)(f) of this 2017 Act and direct requests for the
3 geospatial framework data to the individual that the State Chief In-
4 formation Officer appoints under section 6 of this 2017 Act.

5 (B) Share the geospatial framework data without entering into a
6 written agreement with another public body.

7 (C) Prohibit another public body from sharing or redistributing the
8 geospatial framework data if the public body notifies the other public
9 body in writing that the geospatial framework data is exempt from
10 disclosure under ORS 192.410 to 192.505 or that the public body claims
11 a copyright or other proprietary interest in the geospatial framework
12 data.

13 (D) Withhold from public disclosure geospatial framework data that
14 the council designates by rule as critical infrastructure information.

15 (c) A public body that receives geospatial framework data from
16 another public body may not redistribute the geospatial framework
17 data without specific authorization from the public body that shared
18 the geospatial framework data.

19 (3) A public body that shares geospatial framework data in accord-
20 ance with subsection (1) of this section is not liable for:

21 (a) Omissions, inaccuracies or other errors or defects in the
22 geospatial framework data; or

23 (b) Damages, losses or claims that arise from receiving or using the
24 geospatial framework data.

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

27 (a) Take all reasonably necessary measures to:

28 (A) Secure information in the geospatial data library described in
29 section 3 (1)(f) of this 2017 Act in accordance with standards, policies
30 and procedures established or rules adopted by the State Chief Infor-
31 mation Officer under ORS 182.122; and

1 (B) Protect the availability, integrity and confidentiality of the
2 geospatial data library.

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

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

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

18 (3) Moneys in the fund are continuously appropriated to the State
19 Chief Information Officer for:

20 (a) Developing, acquiring and maintaining geospatial framework
21 data and activities related to sharing geospatial framework data
22 among public bodies; and

23 (b) Paying the costs associated with the Oregon Geographic Infor-
24 mation Council.

25 (4) The State Chief Information Officer may accept gifts, grants,
26 donations and contributions from the federal government or agencies
27 of the federal government or from any other public or private source
28 and may agree to any conditions placed on the gift, grant, donation
29 or contribution that is in accordance with applicable law.

30 (5) The State Chief Information Officer and the Oregon Geographic
31 Information Council shall submit to the Legislative Assembly and the

Commented [MSL6]: A question was asked as to why this section has been included - Response - it is the standard language that is included in most statutes that involve the creation of a fund. It creates the explicit authority/flexibility to accept funds from any external source (in this case to support the activities of OGIC).

1 Governor by December 31 of each even-numbered year a report that
2 summarizes the balance in the fund, lists the deposits into and ex-
3 penditures from the fund and provides such other details as are nec-
4 essary to enable the Legislative Assembly and the Governor to
5 understand the operations of the fund.

6 SECTION 6. (1) The State Chief Information Officer shall establish
7 and appoint an individual as a state geographic information officer to
8 fill a full-time equivalent position that manages and oversees the daily
9 operations of the office of the State Chief Information Officer that
10 concern or are related to geographic information and geospatial
11 framework data.

12 (2) The individual that the State Chief Information Officer appoints
13 under subsection (1) of this section must be, by training and experi-
14 ence, well qualified for and capable of performing the following duties:

15 (a) Serving as the State Chief Information Officer's principal advi-
16 sor concerning geographic information systems, geospatial framework
17 data and other programs and issues that concern geographic informa-
18 tion;

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

23 (c) Serving as the State Chief Information Officer's representative
24 on the Oregon Geographic Information Council;

25 (d) Taking a leading role in coordinating the council's development
26 and maintenance of the strategic plan described in section 3 (1)(c) of
27 this 2017 Act, in overseeing the implementation of the plan and in
28 conducting the council's activities, as described in sections 2 and 3 of
29 this 2017 Act;

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

1 (f) Coordinating with the Federal Geographic Data Committee, the
2 United States Geological Survey and other federal agencies in devel-
3 oping geospatial framework data in this state;

4 (g) Serving as the State Chief Information Officer's liaison for ex-
5 isting or proposed federal programs that relate to creating or main-
6 taining geospatial framework data in this state;

7 (h) Representing the state on the National States Geographic In-
8 formation Council and in local, regional and national programs and
9 efforts that are related to geographic information systems and man-
10 aging geographic information;

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

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

18 (k) Leading development and deployment for, and overseeing the
19 continuing operation, maintenance, support and enhancement of, the
20 geospatial data library described in section 3 (1)(f) of this 2017 Act on
21 behalf of public bodies in this state; and

22 (L) Performing other duties that the State Chief Information Offi-
23 cer specifies.

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

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

27 (2) The State Chief Information Officer may adopt rules and take
28 any other action before the operative date specified in subsection (1)(a)
29 of this section that is necessary to enable the State Chief Information
30 Officer to exercise, on and after the operative date specified in sub-
31 section (1)(a) of this section, all of the duties, functions and powers

1 conferred on the State Chief Information Officer or the Oregon Ge-
2 ographic Information Council by sections 1, 2, 3, 5 and 6 of this 2017
3 Act.

4 (3) A public body that is subject to section 4 of this 2017 Act may
5 adopt rules, ordinances or resolutions and take any other action before
6 the operative date specified in subsection (1)(b) of this 2017 Act that
7 is necessary to enable the public body to exercise, on and after the
8 operative date specified in subsection (1)(b) of this section, all of the
9 duties, functions and powers conferred on the public body by section
10 4 of this 2017 Act.

11 **SECTION 8.** This 2017 Act being necessary for the immediate pres-
12 ervation of the public peace, health and safety, an emergency is de-
13 clared to exist, and this 2017 Act takes effect on its passage.

Commented [MSL7]: Prior to the workgroup meeting on January 13, 2017 - Will ask the Legislative Counsel Attorney why this was added back in to the Legislative Concept. Again, it may be needed in order for the State CIO, OGIC, and public bodies to take official action to prepare to implement provisions of this Act before the full operative date of the Act.