

A-Engrossed
Senate Bill 88

Ordered by the Senate April 24
Including Senate Amendments dated April 24

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Department of Administrative Services)

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.

Changes statutes relating to fees for use of electronic government portals to refer to "portal provider fees" rather than "convenience fees."

Provides that majority of voting members is necessary for quorum and official action of Electronic Government Portal Advisory Board.

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

1
2 Relating to electronic government portals; amending ORS 182.126, 182.128, 182.132 and 291.055.

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

4 **SECTION 1.** ORS 182.126 is amended to read:

5 182.126. As used in this section and ORS 182.128 and 182.132:

6 *[(1) "Convenience fee" means a fee for using an electronic government portal or governmental ser-*
7 *vices available by means of an electronic government portal that the State Chief Information Officer*
8 *charges or authorizes an electronic government portal provider to charge under ORS 182.132 (3).]*

9 *[(2)]* **(1)** "Electronic government portal" means an electronic information delivery system acces-
10 sible by means of the Internet that a state agency designates officially as a means by which the
11 state agency delivers information, products or services.

12 *[(3)]* **(2)** "Electronic government portal provider" means a person that on behalf of a state
13 agency provides facilities, goods or services necessary to develop, host, operate, maintain or other-
14 wise implement an electronic government portal or provides facilities, goods or services that assist
15 a state agency in designing, developing, hosting, operating, maintaining or otherwise implementing
16 an electronic government portal.

17 **(3) "Portal provider fee" means a fee for using an electronic government portal or gov-**
18 **ernmental services available by means of an electronic government portal that the State**
19 **Chief Information Officer charges, or authorizes an electronic government portal provider**
20 **to charge, under ORS 182.132 (3).**

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

22 **SECTION 2.** ORS 182.128 is amended to read:

23 182.128. (1) There is created the Electronic Government Portal Advisory Board consisting of 13
24 members appointed as follows:

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

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 the Senate.

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

4 (c) The Governor shall appoint:

5 (A) Three members who represent state agencies;

6 (B) Two members who represent the public; and

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

8 (d) The State Chief Information Officer shall appoint two members as follows:

9 (A) A representative of the State Chief Information Officer; and

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

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

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

14 (3) The advisory board shall:

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

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

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

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

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

25 (E) Rules necessary to implement electronic government portals.

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

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

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

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

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

36 (i) Electronic government portals; and

37 (ii) State agencies' performance and accountability in using electronic government portals to
38 provide government services.

39 (4) A majority of the **voting** members of the advisory board constitutes a quorum for transacting
40 business.

41 (5) A majority of the **voting** members of the advisory board must approve official action by the
42 advisory board.

43 (6) The advisory board shall elect one of the members of the advisory board to serve as chair-
44 person.

45 (7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall make

1 an appointment that becomes immediately effective.

2 (8) The advisory board shall meet at times and places that the chairperson or a majority of the
3 **voting** members of the advisory board specifies.

4 (9) The advisory board may adopt rules necessary to operate the advisory board.

5 (10) The Oregon Department of Administrative Services shall provide staff support to the advi-
6 sory board.

7 (11) Members of the advisory board who are not members of the Legislative Assembly may not
8 receive compensation, but may be reimbursed for actual and necessary travel and other expenses the
9 members incur in the performance of the members' official duties in the manner and amounts pro-
10 vided for in ORS 292.495. Claims for expenses the members incur in performing functions of the ad-
11 visory board shall be paid out of funds appropriated to the Oregon Department of Administrative
12 Services for purposes of the advisory board.

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

17 **SECTION 3.** ORS 182.132 is amended to read:

18 182.132. (1) The State Chief Information Officer, with the advice of the Electronic Government
19 Portal Advisory Board, shall provide the ability for state agencies to offer government services by
20 means of an electronic government portal. The electronic government portal must be secure and
21 must comply with the information security rules, policies and standards that the State Chief Infor-
22 mation Officer adopts under ORS 182.122 and meet the usability standards developed in cooperation
23 with the advisory board.

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

28 (3)(a) The State Chief Information Officer may charge members of the public a [*convenience*]
29 **portal provider** fee, or may authorize an electronic government portal provider to charge a [*con-*
30 *venience*] **portal provider** fee, for an electronic government service if the advisory board recom-
31 mends that the State Chief Information Officer charge or authorize a [*convenience*] **portal provider**
32 fee for the electronic government service. The [*convenience*] **portal provider** fee must reflect the
33 costs incurred in hosting, operating, maintaining or implementing the electronic government portal.

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

37 (4) The State Chief Information Officer may adopt rules to implement the provisions of this
38 section.

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

43 **SECTION 4.** ORS 291.055 is amended to read:

44 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
45 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the

1 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
2 of adjournment sine die of the next regular session of the Legislative Assembly:

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

5 (b) Are not effective for agencies in the judicial department of government unless approved in
6 writing by the Chief Justice of the Supreme Court;

7 (c) Are not effective for agencies in the legislative department of government unless approved
8 in writing by the President of the Senate and the Speaker of the House of Representatives;

9 (d) Shall be reported by the state agency to the Oregon Department of Administrative Services
10 within 10 days of their adoption; and

11 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-
12 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
13 the approved fees.

14 (2) This section does not apply to:

15 (a) Any tuition or fees charged by a public university listed in ORS 352.002.

16 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
17 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-
18 butions and assessments calculated by cents per hour for workers' compensation coverage required
19 by ORS 656.506.

20 (c) Fees or payments required for:

21 (A) Health care services provided by the Oregon Health and Science University, by the Oregon
22 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

23 (B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter
24 698, Oregon Laws 2013.

25 (C) Copayments and premiums paid to the Oregon medical assistance program.

26 (d) Fees created or authorized by statute that have no established rate or amount but are cal-
27 culated for each separate instance for each fee payer and are based on actual cost of services pro-
28 vided.

29 (e) State agency charges on employees for benefits and services.

30 (f) Any intergovernmental charges.

31 (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the
32 Oregon Forest Land Protection Fund fees established by ORS 477.760.

33 (h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

34 (i) Assessments on premiums charged by the Department of Consumer and Business Services
35 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
36 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
37 706.530 and 723.114.

38 (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to
39 the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

40 (k) Fees charged by the Housing and Community Services Department for intellectual property
41 pursuant to ORS 456.562.

42 (L) New or increased fees that are anticipated in the legislative budgeting process for an
43 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
44 budget or the legislatively approved budget for the agency.

45 (m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

1 (n) [*Convenience*] **Portal provider** fees as defined in ORS 182.126 and established by the State
2 Chief Information Officer under ORS 182.132 (3) and recommended by the Electronic Government
3 Portal Advisory Board.

4 (3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-
5 pected and temporary revenue surpluses may be increased to not more than their prior level without
6 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency
7 specifies the following:

8 (A) The reason for the fee decrease; and

9 (B) The conditions under which the fee will be increased to not more than its prior level.

10 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-
11 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

12 **SECTION 5.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, section
13 20, chapter 70, Oregon Laws 2015, and section 44b, chapter 807, Oregon Laws 2015, is amended to
14 read:

15 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
16 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
17 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
18 of adjournment sine die of the next regular session of the Legislative Assembly:

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

21 (b) Are not effective for agencies in the judicial department of government unless approved in
22 writing by the Chief Justice of the Supreme Court;

23 (c) Are not effective for agencies in the legislative department of government unless approved
24 in writing by the President of the Senate and the Speaker of the House of Representatives;

25 (d) Shall be reported by the state agency to the Oregon Department of Administrative Services
26 within 10 days of their adoption; and

27 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-
28 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
29 the approved fees.

30 (2) This section does not apply to:

31 (a) Any tuition or fees charged by a public university listed in ORS 352.002.

32 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
33 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-
34 butions and assessments calculated by cents per hour for workers' compensation coverage required
35 by ORS 656.506.

36 (c) Fees or payments required for:

37 (A) Health care services provided by the Oregon Health and Science University, by the Oregon
38 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

39 (B) Copayments and premiums paid to the Oregon medical assistance program.

40 (d) Fees created or authorized by statute that have no established rate or amount but are cal-
41 culated for each separate instance for each fee payer and are based on actual cost of services pro-
42 vided.

43 (e) State agency charges on employees for benefits and services.

44 (f) Any intergovernmental charges.

45 (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the

1 Oregon Forest Land Protection Fund fees established by ORS 477.760.

2 (h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

3 (i) Assessments on premiums charged by the Department of Consumer and Business Services
4 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
5 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
6 706.530 and 723.114.

7 (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to
8 the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

9 (k) Fees charged by the Housing and Community Services Department for intellectual property
10 pursuant to ORS 456.562.

11 (L) New or increased fees that are anticipated in the legislative budgeting process for an
12 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
13 budget or the legislatively approved budget for the agency.

14 (m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

15 (n) [*Convenience*] **Portal provider** fees as defined in ORS 182.126 and established by the State
16 Chief Information Officer under ORS 182.132 (3) and recommended by the Electronic Government
17 Portal Advisory Board.

18 (3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-
19 pected and temporary revenue surpluses may be increased to not more than their prior level without
20 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency
21 specifies the following:

22 (A) The reason for the fee decrease; and

23 (B) The conditions under which the fee will be increased to not more than its prior level.

24 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-
25 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

26