

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 1 - 1

Yeas: Ferrioli, Metsger, Devlin

Nays: Atkinson

Exc.: Burdick

Prepared By: Erin Seiler, Administrator

Meeting Dates: 2/2, 2/11

WHAT THE MEASURE DOES: Allows state boards and commissions to meet by telephone or other electronic means. Clarifies that members who participate by phone or other electronic means are not entitled to compensation or reimbursement for expenses. Provides discretion to give per diem to nonelected members of boards and commissions, not employed in full-time public service, who participate in official duties by telephone or other electronic means. Increases Oregon State Board of Pharmacy to eight members and adds one licensed pharmacy technician. Repeals Pacific Fisheries Legislative Task Force, Columbia River Resource Task Force, and Healthy Streams Partnership. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Time and effort required to serve on a state board or commission
- Inconsistencies in statutes governing state boards and commissions
- Legislative history of state boards and commissions

EFFECT OF COMMITTEE AMENDMENT: Provides state boards and commissions the discretion to give per diem to nonelected members, not employed in full-time public service, who participate in official duties by telephone or other electronic means. Removes changes to terms of service for Oregon Health Policy Board, Health Information Technology Oversight Council, and Oregon State Hospital Advisory Board. Removes changes to Fujian Sister State Committee. Clarifies reimbursement and compensation for legislators who serve on specific boards and commissions. Increases Oregon State Board of Pharmacy to eight members and adds one licensed pharmacy technician. Repeals three dormant task forces and commissions.

BACKGROUND: Most major state agencies and departments are headed by policy-making boards and commissions. The Governor is responsible for recommending the appointment of public members to the approximately 220 boards and commissions established in statute. In addition, many of these public bodies require the President of the Senate and the Speaker of the House of Representatives to appoint members of their respective legislative bodies. Many state boards and commissions have governing statutes that are silent on whether legislative members can receive per diem compensation or mileage reimbursement related to their participation. For those boards and commissions lacking statutory clarity, Senate Bill 1014A specifies, whether legislators are eligible for per diem compensation or mileage reimbursement. The determination of eligibility was based on the current practice of a board and commission and whether non-legislative members of a board or commission receive per diem compensation or mileage reimbursement.

ORS 192.670 requires that meetings of a state board or commission conducted by telephone or other electronic communication be conducted in accordance with public meeting laws. It also requires that at least one place where the public can listen to the communication live be made available. However, current law is unclear whether state boards and commissions have the authority to meet by telephone or electronic means. Senate Bill 1014A clarifies that

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This summary has not been adopted or officially endorsed by action of the committee.

state boards and commissions may meet through telephone or other electronic means and that members who participate by phone or other electronic means are not entitled to compensation or reimbursement.

ORS 292.495 allows nonelected members of state boards or commissions who are not employed in full-time public service to receive per diem compensation when engaged in the performance of official duties. There are boards and commissions that require members to participate in meetings that last an entire business day or that occur over multiple business days. These meetings require a substantial commitment by board and commission members, whether participation occurs by telephone or in person. Senate Bill 1014A provides state boards and commissions with the discretion to give nonelected members per diem compensation for the performance of official duties by telephone or other electronic means, provided they are not employed in full-time public service.

House Bill 2058 (2009) and House Bill 2118 (2009) amended different provisions of the statutes governing the membership, qualifications, and terms of the Oregon State Board of Pharmacy (OSBP). However, the measures were not reconciled and only the provisions in House Bill 2058 were codified. Senate Bill 1014A corrects this oversight by adding one licensed pharmacy technician to the OSBP.