

76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session
STAFF MEASURE SUMMARY CARRIER:
Senate Committee on Rules

****CORRECTED****
MEASURE: SB 440 A
Sen. Courtney

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Atkinson, Beyer, Burdick, Ferrioli, Rosenbaum
Nays:	0
Exc.:	0
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	3/3, 4/7

WHAT THE MEASURE DOES: Allows state boards and commissions to meet by telephone or other electronic means. Clarifies 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. Removes Task Force on Effective and Cost-Efficient Service Provision and Metropolitan Planning Organization Greenhouse Gas Emissions Task Force from the measure. Removes addition of pharmacy technician to Oregon State Board of Pharmacy. Establishes requirement that State Plumbing Board; Electrical and Elevator Board; and Board of Boiler Rules meet at least four times in year. Establishes requirement that Building Code Structures Board; Residential and Manufactured Structures Board; Mechanical Board; and Construction Industry Energy Board non-licensing boards meet at least twice in year. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Statutory inconsistency regarding eligibility for per diem and mileage
- Senate Bill 1014 (2010)
- Effect on ability to receive per diem and mileage when attending in person
- Time and effort required to serve on a board, commission, or task force
- Definition of full-time public service

EFFECT OF COMMITTEE AMENDMENT: Removes Task Force on Effective and Cost-Efficient Service Provision and Metropolitan Planning Organization Greenhouse Gas Emissions Task Force from the measure. Removes addition of pharmacy technician to Oregon State Board of Pharmacy. Establishes requirement that State Plumbing Board, Electrical and Elevator Board, and Board of Boiler Rules meet at least four times in year. Establishes requirement that Building Code Structures Board, Residential and Manufactured Structures Board, Mechanical Board, and Construction Industry Energy Board boards meet at least twice in year.

BACKGROUND: Currently, the President of the Senate and Co-Speakers of the House of Representatives appoint members of their respect legislative bodies to serve on 77 boards, commissions and task forces. Of the boards, commissions and task forces, that require legislative membership, 42 specify in statute that members are entitled to receive per diem or mileage, 16 specify in statute that members are not entitled, and 19 governing statutes are silent on whether legislative members receive per diem compensation or mileage reimbursement related to their participation. Of the 19 boards, commissions, and task forces lacking statutory clarity, Senate Bill 440-A specifies, for 14 of them, whether legislators are eligible for per diem compensation or mileage reimbursement. The determination of whether legislative members would be entitled or not entitled to per diem compensation and mileage was based on the current practice of a board, commission or task force and whether non-legislative members receive per diem compensation or mileage reimbursement.

ORS 192.670 requires that meetings of a state board, commission or task force conducted by telephone or other electronic communication be conducted in accordance with public meeting laws. It also requires that at least one place be made available where the public can listen to communication live. However, current law is unclear whether

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

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a board, commission or task force has authority to meet by telephone or electronic means. Senate Bill 440-A clarifies that boards, commissions or task forces may meet through telephone or other electronic means.

If a legislative member of a board, commission, or task force is entitled to per diem compensation and mileage, they will continue to receive it if they attend the meeting in person, but not if they participate by telephone or other electronic means. If a legislative member of a board, commission, or task force is statutorily not entitled to per diem compensation and mileage, Senate Bill 440-A does not impact the legislators' per diem compensation or mileage, they are not entitled whether they attend in person or participate by telephone or other electronic means.

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 440-A 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.

The Building Codes Division has seven specialty code boards that assist the Department of Consumer and Business Services (DCBS) director with the state building code and other statutorily designated functions. Currently, there are four different statutes that control when and how often each of the seven boards are required to meet: four of the boards are required to meet once every three months; one board is required to meet not less than four times a year; one board at least every two months; and one board not less than twice a year. The statutes do not provide the seven boards flexibility to not meet if there is no business, nor to adjust meetings outside of the required meeting window to conduct business. Senate Bill 440-A establishes the requirement that the three licensing boards: State Plumbing Board; Electrical and Elevator Board; and Board of Boiler Rules, meet at least 4 times per year and the four non-licensing boards: Building Code Structures Board; Residential and Manufactured Structures Board; Mechanical Board; and Construction Industry Energy Board, meet at least twice per year.