

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	7 - 0 - 1
<b>Yeas:</b>	Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
<b>Nays:</b>	0
<b>Exc.:</b>	Cameron
<b>Prepared By:</b>	Jan Nordlund, Administrator
<b>Meeting Dates:</b>	5/3, 5/17

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**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, but gives boards and commissions discretion to provide compensation and expense reimbursement to members who are not legislators. Clarifies compensation and expense reimbursement for members appointed to certain boards and commissions. Establishes requirement that State Plumbing Board, Electrical and Elevator Board, and Board of Boiler Rules meet at least four times per 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 per year. Deletes three commissions that no longer function: Pacific Fisheries Legislative Task Force, Columbia River Resource Task Force, and Healthy Streams Partnership. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Participation through Skype
- Meeting schedule for trade boards

**EFFECT OF COMMITTEE AMENDMENT:** Specifies that legislators cannot receive compensation or reimbursement when participating in a board or commission meeting by telephone or other electronic means.

**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-B specifies, for 14 of them, whether legislators are eligible for per diem compensation or mileage reimbursement. The determination of whether legislative members are entitled or not entitled to per diem compensation and mileage is based on the current practice of the 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 a board, commission, or task force has authority to meet by telephone or electronic means. Senate Bill 440-B clarifies that boards, commissions, and task forces may meet by telephone or other electronic means. If legislative members of a board, commission, or task force are 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.

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

ORS 292.495 allows non-elected 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-B provides state boards and commissions with the discretion to give non-elected 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 director with the state building code and other statutorily designated functions. Currently, there are four different statutes that control when and how often 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-B 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.