

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 11

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Haylee Morse-Miller

Reviewed by: Tom MacDonald, John Borden, Paul Siebert, Steve Robbins, Gregory Jolivette

Date: March 20, 2023

Measure Description:

Requires state boards or commissions that conduct public meetings through electronic means to record and promptly publish recording on website or hosting service so that public may observe or listen to meetings free of charge.

Government Unit(s) Affected:

Statewide, Judicial Department, Legislative Administration, Psychiatric Security Review Board, Oregon Health Authority, Department of Human Services

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

SB 11 requires that a state board or commission that meets via telephone or other electronic means must record and publish the meeting on a publicly accessible website or hosting service where it may be viewed or listened to free of charge. The measure takes effect January 1, 2024.

This measure is anticipated to have no or minimal impact on most state boards and commissions. Many agencies already post meeting recordings online, though some only post the audio from meetings that were held via videoconference and would need to begin posting video under this measure. Agencies note that there could be minimal additional costs related to acquisition of videoconferencing technology; staff training and staff time to compile and post recordings; and fees for storage of files on state servers. These costs are largely anticipated to be absorbable using available agency resources.

However, some agencies note that it is not clear how long files will need to be posted, which could lead to additional costs for storage. It is also not clear what constitutes a “state board or commission” and additional costs could occur depending on the types of boards and commissions are required to post recordings under this measure.

Two agencies reported an indeterminate impact from this measure, as outlined below. These agencies may need to return to the Legislative Emergency Board or a subsequent legislative session if budgeted resources prove insufficient to cover the actual costs of this measure.

Oregon Health Authority

The Oregon Health Authority (OHA) Office of Information Services provides support to both OHA and the Department of Human Services. The two agencies house approximately 150 boards and commissions, with around 65 of those either appointed by the Governor or OHA director. It is unclear how many of these boards and commissions would be required to post meeting recordings under this measure; and how many are already posting meeting recordings.

Due to the potential volume of recordings, OHA may require additional position authority to ensure all boards and commissions have the training necessary to record and post meetings, or that centralized staff in the Office

of Information Services are available to post recordings and maintain posting websites; however, the total resources required to implement this measure are indeterminate at this time and further information is needed about which entities are required to post recordings, and the existing ability of all OHA boards and commissions to post videos currently.

Psychiatric Security Review Board

The Psychiatric Security Review Board (PSRB) hosts a high volume of meetings, both hearings before the board and administrative meetings. For example, in 2022 the PSRB had 43 hearings, which last for eight hours. PSRB does not currently have the technical staffing necessary to evaluate options for posting video but anticipates a possible fiscal impact to post the large number of recordings.