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CHERYL MYERS
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ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OPVC 2-2021

CHAPTER 647
DEPARTMENT OF AGRICULTURE
OREGON PROCESSED VEGETABLE COMMISSION

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& LEGISLATIVE COUNSEL

FILING CAPTION: Per Diem Compensation and Expense Reimbursement for Oregon Processed Vegetable Commission Members

EFFECTIVE DATE: 09/24/2021 THROUGH 12/31/2021

AGENCY APPROVED DATE: 09/15/2021

CONTACT: Jennifer Fletcher
503-702-5707
opvcresearch@gmail.com

PO Box 55401
Portland, OR 97238

Filed By:
Jennifer Fletcher
Rules Coordinator

NEED FOR THE RULE(S):

These rules are required in order to ensure that the Oregon Processed Vegetable Commission is in compliance with House Bill 2992 (2021), which changed certain requirements for per diem compensation and expense reimbursement for members of state boards and commissions.

JUSTIFICATION OF TEMPORARY FILING:

HB 2992 takes effect on September 25, 2021, the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourned sine die. In order to ensure that the Oregon Processed Commission is in compliance with HB 2992 as of its effective date, the Oregon Processed Commission needs to suspend its existing rules governing per diem compensation and expense reimbursement, and needs to adopt new temporary rules that will be effective as of September 25, 2021.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 2992 (2021) is available at
<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2992/Enrolled>.

Oregon Accounting Manual Policy 40.10.00 is available at
<https://www.oregon.gov/das/Financial/Acctng/Documents/40.10.00.pdf>.

RULES:

647-040-0100, 647-040-0110, 647-040-0120, 647-040-0130, 647-040-0140

ADOPT: 647-040-0100

RULE TITLE: Definitions

RULE SUMMARY: Provides relevant definitions for per diem compensation and expense reimbursement.

RULE TEXT:

(1) "Actual and necessary" means that a travel or other expense:

- (a) Is an actual expense incurred by a member in carrying out official duties; and
- (b) The expense is necessary to enable the member to carry out official duties.

(2) "Member" means any individual appointed by the Director of Agriculture to serve on the Oregon Processed Vegetable Commission.

(3) "Non-qualified member" means a member other than a qualified member.

(4) "Other expenses" includes, but is not limited to, expenses incurred by a member of the Oregon Processed Vegetable Commission in employing a substitute to perform duties, including personal, normally performed by the member which the member is unable to perform because of the performance of official duties and which by the nature of such duties cannot be delayed without risk to health or safety. No member shall be reimbursed for expenses incurred in employing a substitute in excess of \$25 per day.

(5) "Official duties" includes:

- (a) Attendance at an Oregon Processed Vegetable Commission meeting or subcommittee meeting;
- (b) Substantial preparation for an Oregon Processed Vegetable Commission meeting or subcommittee meeting;
- (c) Attendance at a conference or other activity as a representative of the Oregon Processed Vegetable Commission, either at the request of the chair of the Oregon Processed Vegetable Commission or as authorized in advance by a vote of the Oregon Processed Vegetable Commission; and
- (d) Legislative testimony.

(6) "Qualified member" means a member who is not in full-time public service and who had an adjusted gross income in the previous tax year:

- (a) Of less than \$50,000, as reported on an income tax return other than a joint income tax return; or
- (b) Of less than \$100,000, as reported on a joint income tax return.

(7) "Travel and other expenses" includes meals, overnight lodging, transportation, postage, and the cost of attending, as a representative of the Oregon Processed Vegetable Commission, an event associated with marketing, promoting, researching, or representing the commodity, such as a trade show, stock show, county fair, state fair, conference, or training. "Travel and other expenses" does not include:

- (a) Attendance at a sporting event, concert, theatrical or dance performance, or movie, including such events that occur at a trade show, festival, stock show, county fair, state fair, conference, or training;
- (b) In-room movie rental;
- (c) Telephone charges that are not associated with Oregon Processed Vegetable Commission business;
- (d) Use of a gym or health club;
- (e) Cost of a gift for a host, business associate, family member, or Oregon Processed Vegetable Commission member, employee, or contractor; or
- (f) Alcoholic beverages.

STATUTORY/OTHER AUTHORITY: ORS 576.265, ORS 576.304

STATUTES/OTHER IMPLEMENTED: ORS 576.265, ORS 292.495

ADOPT: 647-040-0110

RULE TITLE: Qualified Members

RULE SUMMARY: Describes the obligation to pay per diem compensation and expense reimbursement to qualified members of the Oregon Processed Vegetable Commission.

RULE TEXT:

(1) In accordance with the procedures set forth in OAR 647-040-0130 and OAR 647-040-0140, the Oregon Processed Vegetable Commission shall provide to a qualified member of the Oregon Processed Vegetable Commission:

(a) Per diem compensation equal to the per diem paid to members of the Legislative Assembly under ORS 171.072, for each day or portion thereof during which the qualified member is actually engaged in the performance of official duties; and

(b) Reimbursement of actual and necessary travel or other expenses actually incurred in the performance of a member's official duties within the limits provided in Oregon Accounting Manual Policy 40.10.00.

(2) A qualified member of the Oregon Processed Vegetable Commission may decline to accept compensation or reimbursement of expenses related to the qualified member's service on the Oregon Processed Vegetable Commission.

STATUTORY/OTHER AUTHORITY: ORS 576.265, ORS 576.304

STATUTES/OTHER IMPLEMENTED: ORS 576.265, ORS 292.495

ADOPT: 647-040-0120

RULE TITLE: Non-Qualified Members

RULE SUMMARY: Describes the obligation to pay per diem compensation and expense reimbursement to non-qualified members of the Oregon Processed Vegetable Commission.

RULE TEXT:

(1) In accordance with the procedures set forth in OAR 647-040-0130, and only if there are funds available in the budget for such compensation, the Oregon Processed Vegetable Commission shall provide to a non-qualified member of the Oregon Processed Vegetable Commission who is not employed in full-time public service per diem compensation equal to the per diem paid to members of the Legislative Assembly under ORS 171.072, for each day or portion thereof during which the non-qualified member is actually engaged in the performance of official duties.

(2) In accordance with the procedures set forth in OAR 647-040-0140, the Oregon Processed Vegetable Commission shall provide to a non-qualified member of the Oregon Processed Vegetable Commission reimbursement of actual and necessary travel or other expenses actually incurred in the performance of a non-qualified member's official duties within the limits provided in Oregon Accounting Manual Policy 40.10.00.

(3) A non-qualified member of the Oregon Processed Vegetable Commission may decline to accept compensation or reimbursement of expenses related to the non-qualified member's service on the Oregon Processed Vegetable Commission.

STATUTORY/OTHER AUTHORITY: ORS 576.265, ORS 576.304

STATUTES/OTHER IMPLEMENTED: ORS 576.265, ORS 292.495

ADOPT: 647-040-0130

RULE TITLE: Procedures for Payment of Per Diem Compensation

RULE SUMMARY: Describes the procedures for claiming per diem compensation.

RULE TEXT:

A member must submit a written claim for compensation to the Oregon Processed Vegetable Commission no later than the 15th day of the calendar month following the month for which the member seeks compensation. For example, a claim for compensation for May 1 and May 10 must be submitted by June 15. The member must specify the amount of time the member spent performing official duties, as well as the nature of the official duties performed, for any day or portion thereof for which the member claims compensation.

STATUTORY/OTHER AUTHORITY: ORS 576.265, ORS 576.304

STATUTES/OTHER IMPLEMENTED: ORS 576.265, ORS 292.495

ADOPT: 647-040-0140

RULE TITLE: Procedures for Expense Reimbursement

RULE SUMMARY: Describes the procedures for claiming expense reimbursement.

RULE TEXT:

(1) A member must submit a written, itemized claim for reimbursement of actual and necessary travel or other expenses to the Oregon Processed Vegetable Commission no later than the 15th day of the calendar month following the month in which the member incurred the expense. For example, a claim for compensation for May 1 and May 10 must be submitted by June 15. The claim for reimbursement must include the following information for each expense:

(a) Date on which the member incurred the expense;

(b) Nature of the expense; and

(c) Amount of the expense.

(2) An expense that exceeds \$2,000 must be authorized by the Oregon Processed Vegetable Commission before the member incurs the expense.

STATUTORY/OTHER AUTHORITY: ORS 576.265, ORS 576.304

STATUTES/OTHER IMPLEMENTED: ORS 576.265, ORS 292.495