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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BC 1-2021

CHAPTER 605
DEPARTMENT OF AGRICULTURE
OREGON BEEF COUNCIL

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ARCHIVES DIVISION
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FILING CAPTION: Per Diem Compensation and Expense Reimbursement for Oregon Beef Council Members

EFFECTIVE DATE: 09/24/2021 THROUGH 03/22/2022

AGENCY APPROVED DATE: 09/23/2021

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NEED FOR THE RULE(S):

These rules are required in order to ensure that the Oregon Beef Council 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 Beef Council is in compliance with HB 2992 as of its effective date, the Oregon Beef Council 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:

605-020-0010, 605-020-0020, 605-020-0030, 605-020-0100, 605-020-0110, 605-020-0120, 605-020-0130, 605-020-0140

SUSPEND: 605-020-0010

RULE TITLE: Per Diem Compensation

RULE SUMMARY: New rules are required for the Oregon Beef Council to be 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.

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 Beef Council is in compliance with HB 2992 as of its effective date, the Oregon Beef Council 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.

RULE TEXT:

(1) Subject to the availability of funds in the budget of the commission, the Oregon Beef Council may pay any member of the commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of official commission duties.

(2) The rate of compensation is limited to \$30 per day, pursuant to ORS 292.495(1).

(3) In order to receive compensation, a member must submit to the Oregon Beef Council a written claim for compensation by the 15th day of the calendar month following the month for which the member seeks compensation. The member must specify the amount of time the member spent on official commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

STATUTORY/OTHER AUTHORITY: ORS 292.495, 576.206, 576.416, 577.260.

STATUTES/OTHER IMPLEMENTED: ORS 292.495, 576.206(7), 576.265.

SUSPEND: 605-020-0020

RULE TITLE: Reimbursement of Travel and Other Expenses

RULE SUMMARY: New rules are required for the Oregon Beef Council to be 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.

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 Beef Council is in compliance with HB 2992 as of its effective date, the Oregon Beef Council 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.

RULE TEXT:

(1) Subject to sections (2)–(6) of this rule, a member of the Oregon Beef Council, including a member employed in full-time public service, may receive actual and necessary travel and other expenses actually incurred in the performance of the member’s official duties.

(2) In order to receive reimbursement of actual and necessary travel and other expenses, a member must submit to the Oregon Beef Council a written itemized claim for reimbursement supported by receipts, invoices or other appropriate documentation for travel and other expenses by the 15th day of the calendar month following the month in which the member incurred the expense. The claim for reimbursement must include the following information for each expense:

- (a) Date on which the member incurred the expense; and
- (b) Nature of the expense; and
- (c) Amount of the expense.

(3) An expense that exceeds \$500.00 dollars must be authorized by the Oregon Beef Council before a member incurs the expense.

(4) For the purposes of this rule, “travel and other expenses” are limited to reasonable expenses. An expense is reasonable if:

- (a) It is an actual expense incurred by a member in carrying out official commission business, which is within the member’s scope of responsibilities; and
- (b) The expense is necessary to enable the member to carry out official commission business.

(5) For the purposes of this rule, “travel and other expenses” includes:

- (a) Meals.
- (b) Overnight lodging.
- (c) Transportation.
- (d) Postage.
- (e) Cost of attending an event associated with promotion of a commodity, such as a festival, stock show, county fair or state fair.

(6) For the purposes of this rule, “travel and other expenses” does not include:

- (a) In-room movie rental.
- (b) Snacks and beverages offered for sale by a place of lodging.
- (c) Long distance telephone charges at a place of lodging.
- (d) Use of a gym or health club.
- (e) Cost of a gift for a host, business associate, commission member or employee, or family member.
- (f) Alcoholic beverages.

STATUTORY/OTHER AUTHORITY: ORS 292.495, 576.206, 576.265, 576.311, 576.416, 576.440, 577.260.

STATUTES/OTHER IMPLEMENTED: ORS 292.495, 576.206(7), 576.265.

SUSPEND: 605-020-0030

RULE TITLE: Reimbursement for Hiring a Substitute

RULE SUMMARY: New rules are required for the Oregon Beef Council to be 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.

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 Beef Council is in compliance with HB 2992 as of its effective date, the Oregon Beef Council 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.

RULE TEXT:

(1) As used in OAR 605-020-0010, "other expenses" includes expenses incurred by a member of the Oregon Beef Council in employing a substitute to perform duties, including personal duties, 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.

(2) The amount that a member may be reimbursed for expenses incurred in employing a substitute must not exceed \$25 per day, pursuant to ORS 292.495(3).

STATUTORY/OTHER AUTHORITY: ORS 292.495.

STATUTES/OTHER IMPLEMENTED: ORS 292.495, 576.206(7).

ADOPT: 605-020-0100

RULE TITLE: COMMISSIONER PER DIEM AND REIMBURSEMENTS 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 Beef Council.

(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 Beef Council 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 Beef Council meeting or subcommittee meeting;
- (b) Substantial preparation for an Oregon Beef Council meeting or subcommittee meeting;
- (c) Attendance at a conference or other activity as a representative of the Oregon Beef Council, either at the request of the chair of the Oregon Beef Council or as authorized in advance by a vote of the Oregon Beef Council; 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 Beef Council, 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, stock show, county fair, state fair, conference, or training;
- (b) In-room movie rental;
- (c) Telephone charges that are not associated with Oregon Beef Council business;
- (d) Use of a gym or health club;
- (e) Cost of a gift for a host, business associate, contractor, Oregon Beef Council member or employee, or family member; or
- (f) Alcoholic beverages.

STATUTORY/OTHER AUTHORITY: ORS 577.260, 577.290

STATUTES/OTHER IMPLEMENTED: ORS 577.260, 292.495

ADOPT: 605-020-0110

RULE TITLE: Qualified Members

RULE SUMMARY: Describes the obligation to pay per diem compensation and expense reimbursement to qualified members of the Oregon Beef Council.

RULE TEXT:

(1) In accordance with the procedures set forth in OAR 605-0020-0130 and OAR 605-020-0140, the Oregon Beef Council shall provide to a qualified member of the Oregon Beef Council:

(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 qualified member's official duties within the limits provided in Oregon Accounting Manual Policy 40.10.00.

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

STATUTORY/OTHER AUTHORITY: ORS 577.260, 577.290

STATUTES/OTHER IMPLEMENTED: ORS 577.260, 292.495

ADOPT: 605-020-0120

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 Beef Council.

RULE TEXT:

(1) In accordance with the procedures set forth in OAR 605-020-01440, the Oregon Beef Council shall provide to a non-qualified member of the Oregon Beef Council 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.

(2) A non-qualified member of the Oregon Beef Council may decline to accept reimbursement of expenses related to the non-qualified member's service on the Oregon Beef Council.

STATUTORY/OTHER AUTHORITY: ORS 577.260, 577.290

STATUTES/OTHER IMPLEMENTED: ORS 577.260, 292.495

ADOPT: 605-020-0130

RULE TITLE: Procedures for Payment of Per Diem Compensation

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

RULE TEXT:

A qualified member must submit a written claim for compensation to the Oregon Beef Council no later than the 15th day of the calendar month following the month for which the qualified member seeks compensation. For example, a claim for compensation for May 1 and May 10 must be submitted by June 15. The qualified 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 qualified member claims compensation.

STATUTORY/OTHER AUTHORITY: ORS 577.290

STATUTES/OTHER IMPLEMENTED: ORS 292.495

ADOPT: 605-020-0140

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 Beef Council 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 \$1500.00 must be authorized by the Oregon Beef Council before the member incurs the expense.

STATUTORY/OTHER AUTHORITY: ORS 577.260, 577.290

STATUTES/OTHER IMPLEMENTED: ORS 577.260, 292.495