

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 628
OREGON FOREST RESOURCES INSTITUTE

FILED

11/25/2024 11:50 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Revising rule to reflect changes from HB 2992 passed in 2021

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/16/2025 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Portland, OR 97225

Filed By:
Kathy Storm
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/16/2025

TIME: 9:30 AM - 9:35 AM

OFFICER: Paul Betts

IN-PERSON HEARING DETAILS

ADDRESS: Northwest Wine Studies Center, 215 Doaks Ferry Rd NW, Salem, OR 97304

NEED FOR THE RULE(S)

To reflect changes resulting from passage of HB 2992

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No affect on racial equity in Oregon

FISCAL AND ECONOMIC IMPACT:

No significant impact to OFRI

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Compensating board members may have a small financial impact on OFRI

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

This bill does not affect small businesses so they were not involved

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Housekeeping changes

AMEND: 628-010-0030

RULE SUMMARY: Revising rule to reflect changes from HB 2992 passed in 2021

CHANGES TO RULE:

628-010-0030

Compensation for OFRI Board Members, Officers, and Employees ¶

~~For purpose of board members, officers, and employees of OFRI receiving their~~ (1) In accordance with the procedures set forth in subsections (5) and (6) of this rule, as applicable, OFRI shall provide to a Qualified member of the Board that is not employed in full-time public service:¶

(a) 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 and/or other expenses actually incurred in the performance of their a member's official duties the OFRI board adopt within the limits provided in this rule.¶

(2) For purpose of Board members and employees of OFRI receiving their actual and necessary travel and other expenses incurred in the performance of their official duties the following rules governing the incurring and paying of such reimbursement of such qualifying expenses:¶

(1a) OFRI board members, officers and employees may receive reimbursement for their actual and necessary travel expenses and other expenses incurred in performance of their official duties. OFRI board members, officers, and employees are not eligible to receive a per diem allowance. Receipts are required for all in-state and out-of-state meal and lodging travel expenses incurred during the time period associated with official business travel. The time period associated with official business travel includes the actual days of the meeting, activity, or function plus a reasonable period of time to reach the intended destination and return.¶

(2b) There will be no reimbursement for the expenses of the spouse of a board member, officer or employee.¶

(3c) Prior approval must be obtained from the OFRI Chairperson, in writing, for out-of-state travel more than 150 miles beyond Oregon's border or for foreign travel. Travel should be by the most direct route, by the method most advantageous to OFRI, and at the general public fare rate (i.e., coach class). Factors considered in determining what is most advantageous to OFRI include, but are not limited to, cost (including time involved in travel); objective of the trip; public image; consistency with the state's energy conservation policies, and consistency with any contracts the state may have for providing travel services.¶

(4) OFRI shall use the following guidance in incurring actual and necessary travel expenses:¶

(a) A Board member, officer, or employee, in the course of carrying out official OFRI business, may opt to use his/their private vehicle and be reimbursed for mileage at the current private car mileage rate set by the federal Internal Revenue Service and other automobile travel expenses such as parking fees, bridge tolls, etc.;¶

(b) During travel periods, actual costs of lodging, meals, and miscellaneous travel expenses (taxis, telephone charges, registration fees, etc.) shall be paid by OFRI. However, n;¶

(e) No meals or lodging may be compensated for Board members, officers, or employees who travel within 25 miles of their home or official work station. The exception to this case is if such travel is related to special events (conferences, conventions, fairs, etc. or similar events);¶

(ef) OFRI may cover the costs of meals for persons other than board members, officers, and employees of OFRI and may claim reimbursement for approved travel expenses of another state employee or state agency officer upon substantiation that such costs were in the furtherance of OFRI business affairs. Claims for travel expenses of another state employee or state agency officer may be reimbursed only if the employee or state agency officer is traveling and appearing in an official capacity and the event requiring travel bears a relationship to the employee's or state agency officer's official duties or office. Reimbursement shall not be allowed for claims that do not have sufficient documentation substantiating such expenses (i.e., such as but not limited to attached agenda, or written

authorization from the OFRI Chairperson);¶

(dg) OFRI may reimburse eligible non-state employees (e.g., a member of an advisory committee appointed by the OFRI Chairperson or OFRI Executive Director, an applicant interviewing for state employment, a volunteer working for OFRI, or a person providing a service to OFRI through a personal services contract relationship) for approved costs incurred for travel, meals, and lodging while conducting OFRI business. Requests for reimbursement for expenses by eligible non-state employees shall be submitted within 30 days after the month in which expenses are incurred. Reimbursement shall not be allowed for claims that do not have sufficient documentation substantiating such expenses;¶

~~(e) OFRI shall not pay for or reimburse for the cost of, including but not limited to, personal expenses (such as newspapers, magazines, personal purchases, and other non-travel related expenses) or for the purchase of alcoholic beverages. The board may allow limited reimbursement for personal telephone calls when members, officers, or employees travel overnight (such as but not limited to attached agenda, or written authorization from the OFRI Chairperson);¶~~

(fh) Reimbursement up to 158 percent of receipt cost for gratuity is allowed. When a gratuity of less than 15 percent is paid, only the amount paid shall be claimed. Gratuity shall must be documented on meal receipt;¶

~~(g) The board may prescribe the type of receipts required to document authorized travel and other expenses and the required form of documentation or expense records to support reimbursement for such expenses. Travel reimbursement for board members, officers, and employees shall be submitted on the form prescribed by OFRI within 30 days after the month in which the expenses were incurred;¶~~

~~(h) Claims may only cover the actual days of the meeting, activity, or function plus "acceptable reasonable time" to reach the intended destination and return. The board may prescribe the circumstances under which reimbursement for overnight and non-overnight travel meals are allowed;¶~~

~~(i) If foreign travel is necessary to carry out official duties of an OFRI board member, officer, or employee is engaged in foreign travel, the OFRI Chairperson is authorized to establish special travel expense provisions applicable to the particular travel undertaken;¶~~

(j) With prior authorization obtained from the OFRI Chairperson or OFRI Executive Director, a cash advance for travel or other expenses may be made to a ~~Board member, officer, or employee~~. Request for cash advances must be in written form documenting the specific cost(s) needing to be covered. If the travel advance is in excess of expenses incurred, cash repayment must be made to OFRI on or before the tenth day following the month in which the authorized travel ended and shall accompany the itemized request for travel expense reimbursement;¶

~~(k) If an non-Qualified OFRI Board member, officer, or employee should elect to decline payment for compensation for expenses for a given period of time, as set forth in this rule, then the individual must elects to decline payment for expenses associated with official business travel for a given period of time, then the individual must submit a signed statement to that effect to the OFRI Chairperson. After declining reimbursement, a Board member may at any subsequent date choose to accept reimbursement by submitting a written statement to the OFRI Chairperson indicating such a change. An OFRI Board member may not receive payment for expenses, current or retroactive, during a period they have set forth in writing to the OFRI Chairperson as declining reimbursement.¶~~

~~(4) A Qualified member of the Board may decline to accept compensation or reimbursement of expenses, or both, related to the qualified member's service on the Board by submitting a signed statement to that effect to the OFRI Chairperson. After declining payment, a board member, officer, or employee compensation or reimbursement, a Qualified member may at any subsequent date choose to accept payment or reimbursement by submitting a written statement to the OFRI Chairperson indicating such a change. An OFRI board member, officer, or employee may not receive payment or reimbursement, current or retroactive, during a period they have set forth in writing to the OFRI Chairperson as declining compensation or reimbursement.¶~~

~~(5) A Qualified member must submit a written claim for compensation to the Director of Business Operations no later than the 15th day of the calendar month following the month for expenses, current or retroactive, during a period they have set forth in writing to the OFRI Chairperson as declining compensation which the 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 member claims compensation. Compensation will be paid consistent with subsection (1)(a) above such that a Board member receives the per diem amount specified therein without regard to whether performance of official duties took place only during a portion of a day (e.g., compensation is not done on a pro rata basis).¶~~

~~(6) All Board members and staff must submit an OFRI-provided form for reimbursement of actual and necessary travel or other expenses to the Director of Business Operations no later than 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 and substantiation for each expense:¶~~

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

(b) Nature of the expense; ¶

(c) Amount of the expense; and ¶

(d) Receipt(s) for all travel and other expenses, including itemization or documentation of any gratuity. ¶

(7) Any expense that exceeds \$1,000 must be authorized by the Director of Business Operations before the Board member incurs the expense.

Statutory/Other Authority: ORS 526.645

Statutes/Other Implemented: ORS 526.630