

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 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED

02/27/2022 4:50 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Authorizing reimbursement to commission and council members.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/23/2022 5:00 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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700 Summer St. NE
Salem, OR 97301

Filed By:
Remember Watts
Rules Coordinator

HEARING(S)

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

DATE: 03/17/2022

TIME: 6:00 PM - 6:30 PM

OFFICER: Remy Watts

ADDRESS: Virtual access only

700 Summer St. NE

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Please register for the meeting no later than 5:00 p.m. on Thursday, March 17. Please arrive to the meeting no later than 6:15 p.m.

NEED FOR THE RULE(S)

The ELD must promulgate rules allowing payment of commission & council members created under ORS 292.495.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 292.495; https://www.oregonlegislature.gov/bills_laws/ors/ors292.html

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

Rules allow ELD to reimburse council and commission members who are gathered to inform the Division on program implementation.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated financial impact to any members of the public except for council or commission members eligible for payment.

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).

(1) There are no anticipated economic effects to state agencies, units of local government, or members of the public (outside of council & commission members eligible for reimbursement).

(2)(a) There are no anticipated small businesses subject to the rule.

(b) There is no anticipated increase in expected reporting or activities to comply with rules;

(c) There is no anticipated cost of professional services, equipment supplies, or labor required to comply with the rules.

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

There are no anticipated fiscal impacts to small businesses; council or commission members representing small businesses will receive reimbursement for participation in council or commission meetings.

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

There are no anticipated fiscal or equity impacts to small businesses.

RULES PROPOSED:

414-055-0000, 414-055-0005, 414-055-0010, 414-055-0015

ADOPT: 414-055-0000

RULE SUMMARY: Definitions applicable to commission & council reimbursement.

CHANGES TO RULE:

414-055-0000

Definitions

(1) "Commission or Council" means those official bodies identified in ORS 410.070, 410.595 and 410.602.

(2) "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.

Statutory/Other Authority: ORS 292.495

Statutes/Other Implemented: ORS 292.495, ORS 410.070

ADOPT: 414-055-0005

RULE SUMMARY: Details compensation amounts for commissions & council.

CHANGES TO RULE:

414-055-0005

Per Diem Compensation

(1) Subject to the availability of funds in the budget of the Commission or Council, and except as otherwise provided by law, the Oregon Department of Education shall pay any member of a Commission or Council, 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 or Council duties.¶

(2) The rate of compensation per day pursuant to ORS 292.495(5) is equal to the per diem paid to members of the Legislative Assembly under ORS 171.072.¶

(3) A member of a Commission or Council may decline to accept compensation or reimbursement of expenses related to the member's service on the Commission or Council.¶

(4) In order to receive compensation, a member must submit to the Oregon Department of Education a signed written request for compensation within 30 days of the meeting or work performed. The member must specify the date, name, type of meeting(s) or work, and the number of full or partial days the member spent performing official Commission or Council business.

Statutory/Other Authority: ORS 292.495

Statutes/Other Implemented: ORS 292.495, ORS 410.070

ADOPT: 414-055-0010

RULE SUMMARY: Detailing requirements of reimbursement of travel to commission and council members.

CHANGES TO RULE:

414-055-0010

Reimbursement of Travel and Other Expenses

(1) Except as otherwise provided by law, the Oregon Department of Education may reimburse all members of Commissions and Councils, including those employed in full-time public service, for actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.¶

(2) Except as provided in subsection (5) of this section, and notwithstanding any other provision of law, the Oregon Department of Education shall provide reimbursement to a qualified member of the Commission or Council for actual and necessary travel or other expenses actually incurred in the performance of a member's official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.¶

(3) For the purposes of this rule, in order to be considered a qualified member, a member may attest by signature that they meet the conditions and income limits specified in 414-055-0000(2).¶

(4) In order to receive reimbursement of actual and necessary travel and other expenses, a member must submit to the Oregon Department of Education a travel expense claim for reimbursement supported by receipts, invoices or other appropriate documentation for travel and other expenses within 30 days following the day the member incurred the expense.¶

(5) A member of a Commission or Council may decline to accept compensation or reimbursement of expenses related to the member's service on the Commission or Council.

Statutory/Other Authority: ORS 292.495

Statutes/Other Implemented: ORS 292.495, ORS 410.070

ADOPT: 414-055-0015

RULE SUMMARY: Details for reimbursing someone who is sent in place of a committee member who is unable to make the meeting.

CHANGES TO RULE:

414-055-0015

Reimbursement for Hiring a Substitute

(1) As used in OAR 414-055-0010(4), "other expenses" includes expenses incurred by a member of the Commission or Council in employing a substitute to carry out duties, including personal duties, normally performed by the member, which the member is unable to carry out 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, ORS 410.070