



# Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

**Gary W. Black**  
Commissioner

**DATE:** June 28, 2013

**ACTION:** Notice of Intent to Consider the Adoption of Amendments to Rules in Chapter 40-26-1

**TO ALL INTERESTED PERSONS AND PARTIES:**

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 2-8-1 et. seq., notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding the adoption of amendments to Chapter 40-26-1 relating to the Georgia Agricultural Commodity Commissions Administrative Rules. The Department will be accepting written comments from June 28, 2013, to close of business (4:30 p.m. EDT) on July 29, 2013.

**SYNOPSIS, MAIN FEATURES AND DIFFERENCES:**

Proposed Amendment to Rule 40-26-1-.01 “Definitions”

The Department is proposing to amend the definition of “Commissioner” to mean the Commissioner of Agriculture or his designated agent.

The definition of “Ex-Officio Members” has been amended to clarify that the ‘President of the Georgia Farm Federation’ means the ‘President of the Georgia Farm Bureau Federation.’

The Department is further proposing to add a definition for “Expenses.” This definition would encompass meals, lodging, mileage, and other expenses.

The Department is proposing to remove the definitions of “Out of State Travel” and “Foreign Travel.”

The rule will be renumbered to reflect the insertion of a definition for “Expenses” as well as the removal of the definitions for “Out of State Travel” and “Foreign Travel.”

Proposed Amendment to Rule 40-26-1-.03 “Meeting Minutes”

The Department is proposing to reduce the number of copies of meeting minutes required to be submitted to the Department from two (2) to one (1). The Department is also proposing to remove “containing a summary listing of” before “approved expenditures” and add “not approved in budget” after “approved expenditures.”

Proposed Amendment to Rule 40-26-1-.04 “Budget”

It is proposed to remove “reasonable detail of” before “estimated expenditures by category.” The rule would be further amended by removing the requirement that budgetary control be maintained by the Commissioner on a category basis.

Proposed Amendment to Rule 40-26-1.05 “Inventories”

The department is proposing to remove all language following “the Department for inclusion in their files.”

Proposed Amendment to Rule 40-26-1-.07 “Funds”

It is proposed to amend the requirement that funds be deposited or forwarded to the Commissioner no less frequently than once per week to no less frequently than once per month. The rule would be further amended by removing “(Furnish complete information on any items sold giving quantity and including sales tax collected.)”

Proposed Amendment to Rule 40-26-1-.14 “Bids”

The department is proposing to amend “Commission will utilize state purchase contracts” to “Commission may utilize state purchase contracts.”

Proposed Amendment to Rule 40-26-1-.16 “Payment of Claims”

It is proposed to amend 40-26-1-.16(1)(b) to include “or authorization in minutes.” The department is also proposing the removal of 40-26-1-.16(1)(c) regarding “specific authorization in meeting minutes.” The rule will be renumbered to reflect this removal. The rule would be further amended from “an original” invoice to “a valid” invoice in 40-26-1-.16(2)(a).

Proposed Amendment to Rule 40-26-1-.18 “Commission Personnel”

The department is proposing to amend 40-26-1-.18(1) from “the Chairman shall have the authority” to “the Chairman with the Commission’s approval shall have the authority.” The department is further proposing that “or temporary” be removed from 40-26-1-.18(2) as well as that “inlaw” be amended to “in-law.”

The rule would be further amended by combining the two sentences of 40-26-1-.18(6) into one sentence. Said change would be accomplished by removing the period as well as “This leave policy” and inserting “that” between “leave” and “shall.”

Proposed Amendment to Rule 40-26-1-.19 “Relocation Expenses”

It is proposed to amend the rule by replacing the current language with “Upon approval of the Commission, an employee may be reimbursed for certain relocation expense as set forth in current Office of Planning and Budget guidelines.”

Proposed Amendment to Rule 40-26-1-.21 “Conflicts of Interest. Amended”

The department is proposing to amend the title of the rule by removing “Amended.”

Proposed Amendment to Rule 40-26-1-.22 “Travel Authorization”

The department is proposing to remove Rule 40-26-1-.22(2). Rule 40-26-1-.22(1) would be renumbered as 40-26-1-.22(2). The rule will be further amended by adding “The Chairman shall

determine a maximum reasonable representation for meetings and events and appoint board members and/or employees to attend” as the new Rule 40-26-1-.22(1).

It is also proposed to amend 40-26-1-.22(4) by removing “and Commissioner” following “authorized by the Chairman,” by removing “well” prior to “in advance,” and by removing the final sentence pertaining to travel arrangements and reservations.

The rule would be further amended by substituting “documentation” for “designation” in 40-26-1-.22(5)(c).

#### Proposed Amendment to Rule 40-26-1-.23 “Travel Advances”

The department is proposing the inclusion of “in accordance with current state travel policy” following “upon approval of the Chairman.”

#### Proposed Amendment to Rule 40-26-1-.24 “Meals for Meetings and Guests”

It is proposed to amend Rule 40-26-1-.24(1) by including “in accordance with current state travel policy” following “for the purpose of transacting business” and removing the remaining language beginning with “Any claim for reimbursement.”

The department is also proposing to remove the current rule 40-26-1-.24(2).

The rule would be further amended by removing “and Commissioner in advance” following “must be approved by the Commission” in the current rule 40-26-1-.24(4).

The rule will be renumbered to reflect removal the current rule 40-26-1-.24(2).

#### Proposed Amendment to Rule 40-26-1-.26 “Expense Claim Form”

The department is proposing to amend the first sentence of 40-26-1-.26(1) to “All expense claims shall be submitted and reimbursed in accordance with the current state travel policy.”

It is also proposed to remove rules 40-26-1-.26(2) through 40-26-1-.26(4) as well as rules 40-26-1-.26(6) through 40-26-1-.26(8).

The rule would be further amended by combing the first two sentences of Rule 40-26-1-.26(5). The same would be accomplished by replacing the period after “Commission” with a comma and adding “unless otherwise specified” before “Official headquarters.”

The department is proposing to add a provision allowing no more than actual fare for transportation services as well as a provision requiring an approved travel request form and copy of the flight coupon be attached to the travel expense claim.

The rule will be renumbered to reflect the described deletions and insertions.

Proposed Repeal of Rule 40-26-1-.27 “In State Subsistence” and Adoption of Rule 40-26-1-.27 “Commission Owned Vehicles”

It is proposed to repeal the Rule entitled “In State Subsistence.”

The Department is proposing to adopt Rule 40-26-1-.27 entitled “Commission Owned Vehicles,” which states that Commission vehicles are to be used for official Commission business. The rule further explains that personal use of a Commission vehicle is considered a fringe benefit by the Internal Revenue Service and that an employee is required to maintain records indicating business and/or personal use of a Commission vehicle.

Proposed Repeal of Rule 40-26-1-.28 “Out Of State Subsistence”

It is proposed to repeal the Rule entitled “Out Of State Subsistence.”

Proposed Repeal of Rule 40-26-1-.29 “Transportation”

It is proposed to repeal the Rule entitled “Transportation.”

Proposed Repeal of Rule 40-26-1-.30 “Foreign Travel”

The department is proposing to repeal the Rule entitled “Foreign Travel.”

Proposed Amendment to Rule 40-26-1-.31 “Per Diem and Expenses”

The department is proposing to remove Rule 40-26-1-.31(2). The department is further proposing to remove the numeral (1) from the Rule and replace “Commission Member Per Diem and Expenses” with “Commission and Advisory Board Member Per Diem and Expenses should be handled the same and should follow IRS guidelines.”

The Rule would be further amended by adding “and Advisory Board” after “Commission” and prior to “members shall” in Rule 40-26-1-.31(1)(b).

It is also proposed to renumber the Rule entitled “Per Diem and Expenses” as 40-26-1-.28.

**COMMENT PERIOD AND ADDITIONAL INFORMATION:**

The Department will be accepting written comments from June 28, 2013, to close of business (4:30 p.m. EDT) on July 29, 2013. Comments will be considered on July 30, 2013. Please submit written comments to:

Jack Spruill  
Division Director  
Marketing Division  
Georgia Department of Agriculture  
19 Martin Luther King, Jr. Drive  
Atlanta, Georgia 30334  
Telephone Number: 404-656-3368  
FAX Number: 404-463-6428

Interested persons may call or submit a written request to obtain a copy of the proposed rule. A copy of the synopsis and the proposed rule may be downloaded from the Georgia Department of Agriculture website at [www.agr.georgia.gov](http://www.agr.georgia.gov).

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.