

## Chapter 643 Department of Agriculture, Oregon Hop Commission

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### DIVISION 1

#### PROCEDURAL RULES

##### **643-001-0000**

##### **Procedure for Notice of Intended Rulemaking**

So as to provide reasonable opportunity for interested persons to be notified of the Commission’s proposed administrative rule-making actions, the Commission shall give notice of proposed adoption, amendment or repeal of any administrative rule prior to any such adoption, amendment or repeal in the following manner:

(1) By causing the notice to be published in the Secretary of State’s Bulletin, referred to in ORS 183.360, at least 21 days before the effective date of the rule;

(2) By mailing a copy of the notice to persons on a list maintained by the Oregon Hop Commission, established pursuant to ORS 183.335(7), at least 28 days before the effective date of the rule;

(3) By mailing a copy of the notice to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule; and

(4) By mailing or furnishing a copy of the notice to;

(a) The Associated Press;

(b) Associations with an interest in the Commission’s rule-making and publications whose readers have an interest in the Commission’s activities; and

(c) Newspapers in primary production regions of the commodities represented by the Commission.

Stat. Auth.: ORS 183 & 576.305(12)

Stats. Implemented: ORS 183.335(1) & 183.341(4)

Hist.: OHC 1-1978, f. & ef. 7-6-78; HOP 1-1995, f. & cert. ef. 7-5-95; HOP 1-2001, f. & cert. ef. 2-7-01

##### **643-001-0020**

##### **IRS Retirement “Pick Up”**

(1) The commission shall designate any employee contribution to the Public Employees Retirement System from the employee’s salary as the employer’s contribution, thus “picking up” its employees’ PERS contributions for purposes of **Internal Revenue Code 26 USC § 414(h)(2)**.

(2) The contribution shall be deducted directly from each employee’s wages or salary so that the employees do not have the option of receiving their contributions as wages or salary and making the contribution to PERS themselves.

(3) Commission employees’ salaries, as reported for tax purposes on their W-2 forms, shall be reduced by the amount of the PERS contributions.

Stat. Auth.: ORS 576.305

Stats. Implemented: Measure 8, General Election, 11-8-94

Hist.: HOP 2-1995, f. & cert. ef. 7-5-95

### DIVISION 10

#### GENERAL

##### **643-010-0010**

##### **Assessments**

Any person who is first purchaser as defined in ORS Chapter 576, shall deduct and withhold one and eight-tenths cents per pound (001.8) from the price to the producer, on and after September 1, 2009, on a dried weight basis, for all his/her purchases from the producer of hops produced in Oregon.

Stat. Auth.: ORS 183.325, 576.305 & 576.325

Stats. Implemented: ORS 576.325

Hist.: OHC 3, f. & ef. 7-23-64; OHC 5, f. 7-12-71, ef. 8-15-70; OHC 6, f. 8-2-77, ef. 8-15-77; OHC 1-1979, f. 7-2-79, ef. 8-15-79; OHC 1-1989, f. 8-2-89, cert. ef. 8-15-89; OHC 1-1991, f. 6-27-91, cert. ef. 8-15-91; HOP 3-1995, f. & cert. ef. 8-23-95; HOP 1-1998, f. & cert. ef. 8-24-98; HOP 1-2009, f. & cert. ef. 9-1-09

##### **643-010-0015**

##### **Reports and Payment by First Purchaser**

(1) The assessment deducted and withheld by a first purchaser as required by law and OAR 643-010-0010 of this order, shall be reported and paid to the Oregon Hop Commission on a calendar monthly basis, except that the first reporting period shall be from August 15, 1964, to September 30, 1964, inclusive.

(2) The assessment required by section (1) of this rule shall be due and payable to the Oregon Hop Commission within 30 days after the end of each monthly period.

(3) Within 30 days after the end of each monthly period, each such first purchaser shall forward to the Oregon Hop Commission his remittance with his report on the reporting forms which shall be prescribed and furnished by such commission. The forms shall be signed by the first purchaser and filled in with the required data as shown on such forms, including the date the hops were handled, by the first purchaser thereof, the name and address of the producer, the crop year, the number of bales, the pounds of hops, and the assessment deducted and withheld, on each such purchase from the producer thereof.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.355

Hist.: OHC 3, f. & ef. 7-23-64; OHC 4, f. 6-16-65, ef. 7-1-65

##### **643-010-0020**

##### **Casual Sales**

Pursuant to ORS 576.325(1), casual sales by a producer of hops in Oregon shall not be subject to the assessment due and payable to the Oregon Hop Commission. Casual sales shall also be exempted from the inspection requirement of OAR 643-010-0025. “Casual Sales” for the purpose of this rule is defined to mean sale or sales of hops grown by an Oregon producer and sold by the producer directly to a consumer, where the total accumulated such sales to all consumers during the calendar year are not more than 100 pounds.

Stat. Auth.: ORS 576.295, 576.305(10) & 576.305(12)

Stats. Implemented: ORS 576.295, 576.305(10) & 576.305(12)

Hist.: OHC 3, f. & ef. 7-23-64; HOP 1-1996, f. & cert. ef. 8-12-96

##### **643-010-0025**

##### **Inspection Required**

All varieties of hops produced in the State of Oregon shall be inspected and certified in the State of Oregon or the State of Washington by the Federal/State Hop Inspection Service for quality and condition of seed, leaf, and stem prior to marketing, processing, or acceptance by first purchaser, whichever occurs first, but in no case later than November 15 of any production year, pursuant to the

standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

Stat. Auth.: ORS 576.295, 576.305(10) & 576.305(12)

Stats. Implemented: ORS 576.295, 576.305(10) & 576.305(12)

Hist.: HOP 1-1996, f. & cert. ef. 8-12-96; HOP 1-2002, f. & cert. ef. 8-16-02

#### 643-010-0030

##### Penalties

(1) In addition to the penalties prescribed in ORS 576.991, any person who delays transmittal of funds beyond the time set by a commission will pay a penalty of ten (10) percent of the amount due and will also pay one and one-half (1 1/2) percent interest per month on the unpaid balance of the assessment.

(2) A commission may waive the penalty and interest described above upon showing of good cause.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: HOP 1-2004, f. & cert. ef. 1-16-04

### DIVISION 30

#### COMMISSION MAKE-UP, TERMS, QUALIFICATIONS, TERM LIMITS, REMOVAL FROM OFFICE

#### 643-030-0010

##### Number of Commissioners, Terms

The Oregon Hop Commission will consist of nine commissioners appointed by the Director of the Oregon Department of Agriculture for a term of three years or, if for a term following a prior term for that person, ending three years from the date of expiration of any prior term.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: HOP 1-2004, f. & cert. ef. 1-16-04

#### 643-030-0020

##### Qualifications of Commissioners

(1) For purposes of this rule:

(a) A “producer” is a person growing or producing within this state or procuring within the state, its rivers or the offshore waters, but not the Columbia River, for commercial handling within the state, a commodity for market, or receiving a share thereof as landowner, landlord, tenant, sharecropper, boat skipper or otherwise. A producer must have paid the commission assessment on the commodity in each of the preceding three calendar years.

(b) A “handler” is any producer, processor, distributor or other person engaged in handling or marketing of or dealing in the commodity, whether as owner, agent, employee, broker or otherwise. A handler must have collected the commission assessment, if any, each of the preceding three calendar years.

(2) Members of the Hop Commission will have the following qualifications, which will continue during the term of office of the member:

(a) One member of the commission will be a member of the public with an active interest in the positive economic development, production and/or marketing of the commodity, but who is not associated with the production or handling of hop;

(b) A majority of the members will be producers;

(c) At least one member will be a handler;

(d) All members who are not a handler or the public member will be producers.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: HOP 1-2004, f. & cert. ef. 1-16-04

#### 643-030-0030

##### Removal of Commissioners

The Commission may recommend that the Director of the Department of Agriculture remove a commissioner from office, and declare the position vacant for cause, including the following reasons:

(1) Two consecutive unexcused absences, or other neglect of duty in office;

(2) Use of the commission appointment for financial gain or to avoid financial detriment;

(3) Unauthorized use or disclosure of confidential information;

(4) Conduct in violation of Oregon government standards and practices laws;

(5) Misappropriation or misuse of commission funds;

(6) Failure to satisfy one or more qualifications for appointment.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: HOP 1-2004, f. & cert. ef. 1-16-04

#### 643-030-0040

##### Chair and Other Officers

Annually, at the first regular meeting of the Commission at the beginning of the new fiscal year, the Commission will elect from its members a Chair, Vice Chair, Treasurer, and Secretary who will serve until their successors are elected and qualified. The Chair, Vice Chair, Treasurer, or Secretary may resign as such or may be removed from that position by vote of five Commissioners. If the Chair, Vice Chair, Treasurer, or Secretary ceases to be a Commissioner, the office will be vacant and a successor will be selected at the next regular meeting of the Commission. The Chair will preside over all meetings of the Commission. The Vice Chair will act in lieu of the Chair when the Chair is unable to perform the duties of the office of Chair or while the office is vacant, the Tre-