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DIVISION 1

PROCEDURAL RULES

664-001-0000

Notice of Intended Rulemaking

To provide a reasonable opportunity for interested persons to be notified of the Commission's proposed administrative rulemaking actions, the Commission shall give notice of its proposed adoption, amendment or repeal of any administrative rule 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 proposed action;

(2) By mailing a copy of the notice to persons on the Commission's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the proposed action; and

(3) By mailing a copy of the notice to county extension agents, the Associated Press, the Capital Press and other known news or industry publications that reasonably would be viewed by persons that might be affected by the proposed actions.

Stat. Auth.: ORS 576.305(12)

Stats. Implemented: ORS 183.341(4)

Hist.: CC 1-1991(Temp), f. & cert. ef. 5-15-91; CC 5-1991, f. & cert. ef. 9-17-91; CC 1-1995, f. & cert. ef. 7-5-95

DIVISION 10

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

664-010-0000

Definitions

(1) "Person" means any individual, corporation, association, partnership or joint stock company.

(2) "Commission" means the Oregon Clover Seed Commission.

(3) "Casual Sale" means any casual sale or sales of Clover made by the producer direct to the consumer where the total accumulated sales during a calendar year is not more than 100 pounds.

(4) "First Purchaser" means any person who buys clover seed from the producer in the first instance, or handler who receives clover seed in the first instance from the producer for resale or processing.

(5) "Producer" means a person or other legal entity producing clover seed for market, whether as a landowner, landlord, tenant sharecropper or otherwise.

(6) "Handler" means any producer, processor, distributor or other person engaged in the handling or marketing of, or dealing in clover seed, whether as owner, agent, employee, broker or otherwise.

(7) Clover seed consists of the varieties described as Trifolium species and includes, but is not limited to, such varieties as Red Clover, White Clover, Crimson Clover and Arrowleaf Clover.

(8) "Net Paid for Weight" means all sales or bartered tons paid for.

Stat. Auth.: ORS 576.051 - 576.585

Stats. Implemented:

Hist.: CC 3-1991, f. & cert. ef. 6-14-91

664-010-0005

Assessments

Any first purchaser shall deduct and withhold an assessment of 1/2 percent total gross sale prior to any deducted value of product paid to the producer thereof, for seed produced in the 2001 crop year and following, for all clover seed produced in Oregon (see definition of "First Purchaser"). Seed produced in the crop years 1996, 1997, 1998, 1999 and 2000 will be assessed at the previous 1/4 percent assessment rate.

Stats. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: CC 3-1991, f. & cert. ef. 6-14-91; CC 1-1994, f. & cert. ef. 7-1-94; CC 1-1996, f. 6-27-96, cert. ef. 7-1-96; OCC 2-2001, f. 6-11-01, cert. ef. 7-1-01; OCC 1-2002(Temp), f. & cert. ef. 6-14-02 thru 11-1-02; Administrative correction 11-29-02

664-010-0010

Reports and Payment of Assessment Monies

(1) Except as otherwise exempt or provided by regulation, a first purchaser or handler shall forward to the Commission on or before July 30th, October 30th, January 30th and April 30th (30 days after the end of the quarter on a quarterly calendar year basis) completed and signed Commission approved forms covering all purchases of Oregon produced clover made by him during the quarterly period (reporting period) immediately preceding each reporting date: "Reporting period" for the purpose of this section means the months of:

(a) January, February, March;

(b) April, May, June;

(c) July, August, September;

(d) October, November, December.

(2) When a first purchaser or handler has completed, signed and forwarded a report covering his final purchase of clover seed for the crop season, he may mark such report as "Final Report for This Crop Season." No further reports are necessary by such first purchaser unless or until additional purchases are made.

(3) When a first purchaser lives or has his office in another state, or is a federal or governmental agency, the producer shall report to this Commission all sales made to such purchaser as required by section (1) of this rule and shall pay the assessment directly to the Commission, unless such first purchaser voluntarily makes the proper deduction and remits the proceeds to this Commission.

(4) At the time that reports are due, the Commission from the first purchaser or first handler, as required in section (1) of this rule, the first purchaser or first handler shall attach and forward payment to the Commission for the assessment due as set forth in each such report. The forms shall be signed by the first purchaser and completely filled out, and shall include, in addition to all other required information and figures, the name and complete mailing address of each producer, (the crop year), the tonnage and amount of assessment deducted and withheld.

(5) Any producer who performs the handling or processing functions on all or part of his production of the commodity, which normally would be performed by another person as the first purchaser thereof, shall report his sales of such commodity of his own production on forms provided by, and pay the assessment monies directly to the Commission, unless the first purchaser from such producer voluntarily makes proper deduction and remits the proceeds to the Commission. Examples would be the sale by a producer direct to another producer.

Stat. Auth.: ORS 576.051 - 576.585

Stats. Implemented:

Hist.: CC 3-1991, f. & cert. ef. 6-14-91

664-010-0020

Penalties

Penalty for delaying transmittal of assessment moneys (ORS 576.355) "In addition to the penalties prescribed in ORS 576.991, any person who delays transmittal of funds beyond the time set by a Commission shall pay a penalty of 10 percent of the amount due and shall also pay one and one-half percent interest per month on the unpaid balance of the assessment."

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

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

Hist.: CC 3-1991, f. & cert. ef. 6-14-91; OCC 1-2003, f. 12-12-03 cert. ef. 1-15-04

664-010-0030

Effective Dates of Assessment

The assessment to be withheld and paid by a first purchaser or handler, as required by ORS Chapter 576 and OAR 664-010-0005 or the reports required by him or seed purchased and paid for on or after July 1, 1991 of a clover seed produced 1991 and thereafter in Oregon.

Stat. Auth.: ORS 576.051 - 576.585

Stats. Implemented:

Hist.: CC 3-1991, f. & cert. ef. 6-14-91

DIVISION 15

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

664-015-0010

Number of Commissioners, Terms

The Oregon Clover Commission will consist of ten 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. No commissioner will serve for more than two full terms of office.

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

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

Hist.: OCC 1-2003, f. 12-12-03 cert. ef. 1-15-04

664-015-0020

Qualifications of Commissioners

(1) For purposes of this rule:

(a) "Producer" means 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) "Handler" means 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.

(c) "Commission" means the Oregon Clover Seed Commission.

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

(a) No more than one member of the Commission will be a member of the public with an active interest in the positive economic development, production and marketing of the commodity, but who is not associated with the production or handling of clover seed;

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

(c) No more than two Commission members will be a handlers, each employed by separate entity;

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

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

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

Hist.: OCC 1-2003, f. 12-12-03 cert. ef. 1-15-04

664-015-0030

Removal of Commissioners

(1) The Director of the Department of Agriculture may remove a commissioner from office, and declare the position vacant for cause, including, but not limited to, the following reasons:

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

(b) Use of the Commission appointment for financial gain or to avoid financial detriment;

(c) Unauthorized use or disclosure of confidential information;

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

(e) Misappropriation or misuse of commission funds;

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

(2) The Commission may make a recommendation to the Director of the Department of Agriculture, or the Director may request a recommendation from the Commission on the removal of any commissioner.

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

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

Hist.: OCC 1-2003, f. 12-12-03 cert. ef. 1-15-04