

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 647
DEPARTMENT OF AGRICULTURE
OREGON PROCESSED VEGETABLE COMMISSION

FILED

03/30/2020 8:35 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Reducing the number of Handler commission members

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/24/2020 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.

CONTACT: Jennifer Fletcher
503-702-5707
opvcresearch@gmail.com

9320 SW Barbur Blvd Suite 130
Portland, OR 97219

Filed By:
Jennifer Fletcher
Rules Coordinator

HEARING(S)

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

DATE: 04/20/2020

TIME: 7:00 PM - 7:15 PM

OFFICER: Jennifer Fletcher

ADDRESS: Zoom video conferencing

9320 SW Barbur Blvd. Suite 130

Portland, OR 97219

SPECIAL INSTRUCTIONS:

Email opvcresearch@gmail.com before
4/20/2020 for Zoom video conference
access.

NEED FOR THE RULE(S):

One of the Processor/Handler seats has been vacant for three years.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

November 5, 2019 minutes contains a motion that was approved to reduce the number of commissioners which is available for review at the commission office, 9320 SW Barbur Blvd. Suite 130, Portland, OR 97219.

FISCAL AND ECONOMIC IMPACT:

There will be no fiscal or economic impact.

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).

There will be no impact to state agencies, units of local government or the public.

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

Five of the commissioners that voted to reduce the number of commissioners, represent farms that would be considered small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 647-015-0020

RULE SUMMARY: The commission is reducing the number of commissioners.

The day, time and location for the public hearing already noticed in January had to be rescheduled for video conferencing due to COVID-19.

CHANGES TO RULE:

647-015-0020

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 Processed Vegetable 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 the six processed vegetables subject to the Commission assessment;¶¶

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

(c) No more than ~~three~~two Commission members will be a handler;¶¶

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

(3) Commission members who are producers will be appointed based on the commodity or commodities they produce with an effort made to have at least one commissioner represent each commodity that is subject to the commission assessment.

Statutory/Other Authority: 2003 OL Ch. 604, ORS 576

Statutes/Other Implemented: 2003 OL Ch. 604, ORS 576