

EXHIBIT C — OCC ADMINISTRATIVE RULES ON ASSESSMENTS

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Department of Agriculture

Oregon Clover Seed Commission - Chapter 664

Division 10

REPORTING AND PAYMENT OF ASSESSMENTS

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.

Statutory/Other Authority: ORS 576.051 - 576.585

History:

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.

Statutory/Other Authority: ORS 576

Statutes/Other Implemented: ORS 576

History:

Reverted to 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
OCC 2-2001, f. 6-11-01, cert. ef. 7-1-01
CC 1-1996, f. 6-27-96, cert. ef. 7-1-96
CC 1-1994, f. & cert. ef. 7-1-94
CC 3-1991, f. & cert. ef. 6-14-91

664-010-0010

Reports and Payment of Assessment Monies

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(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.

Statutory/Other Authority: ORS 576.051 - 576.585

History:

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 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."

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

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

History:

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

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

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.

Statutory/Other Authority: ORS 576.051 - 576.585

History:

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