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DIVISION 1

PROCEDURAL RULES

665-001-0000**Procedure for Notice of Intended Rulemaking**

So as 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 prior to such 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 prior to the effective date of the proposed action.

(2) By mailing a copy of the notice to interested persons on a list maintained by the Commission, established pursuant to ORS 183.335(6), at least 28 days prior to the effective date of the rule.

(3) By mailing a copy of the notice to the newspapers in primary production regions of the commodity represented by the Commission.

(4) By mailing a copy of the notice to known interested persons, or in lieu thereof, organizations or associations known to represent such interested persons.

Stat. Auth.: ORS 183.335, ORS 183.341 & ORS 576

Stats. Implemented: ORS 183.341(4)

Hist.: SUC 1-1991(Temp) f. & cert. ef. 9-13-91; SU 1-1995, f. & cert. ef. 8-30-95

665-001-0005**Model Rules of Procedure**

Pursuant to ORS 183.341, the Oregon Sea Urchin Commission adopts the Attorney General's Model Rules of Procedure under the Administrative Procedure Act as amended and effective October 15, 1989.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Sea Urchin Commission.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183 & ORS 576

Hist.: SUC 2-1991, f. & cert. ef. 9-13-91

665-001-0010**Uniform Administrative Procedures**

The "Uniform Administrative Procedures for Commodity Commissions" dated October 1983 are the procedures to be followed by the Commission.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 576

Hist.: SUC 2-1991, f. & cert. ef. 9-13-91

DIVISION 10

REPORTING AND PAYMENT OF ASSESSMENTS

665-010-0000**Definitions**

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

(2) "Commission" means the Oregon Sea Urchin Commission.

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

(4) "Producer" means a person with a valid Oregon Sea Urchin diving permit.

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

(6) Sea Urchin consists of the varieties described as Genus *Strongylocentrotus*, Species *Franciscanus* (Red Urchin), *Purpura* (Purple Urchin), and *Droebachiensis* (Green Urchin).

(7) "Net Paid for Weight" means all sales or bartered pounds paid for.

Stat. Auth.: ORS 576.051 - ORS 576.585

Stats. Implemented: ORS 576

Hist.: SUC 3-1991, f. & cert. ef. 10-25-91

665-010-0010**Assessments**

As authorized or required by ORS 576.325 and 576.335, any first purchaser shall deduct and withhold an assessment of 3/4 of 1 percent (3/4%) of the cash value prior to any deducted value of product paid to the producer thereof, Sea Urchin received for processing from October 1, 1994 forward, for all Sea Urchin harvested in Oregon. (See definition of "First Purchaser".)

Stat. Auth.: ORS 576.305(12) & ORS 576.335

Stats. Implemented: ORS 576

Hist.: SUC 3-1991, f. & cert. ef. 10-25-91; SU 1-1994, f. & cert. ef. 10-18-94

665-010-0020**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 a monthly basis the assessment report. The completed and signed Commission-approved reports shall be due on or before the 30th of the month following covering all purchases of Oregon produced sea urchin made by him during the monthly period (reporting period) immediately preceding each reporting date: "Reporting period" for the purpose of this section means each calendar month.

(2) 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.

(3) 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 poundage and amount of assessment deducted and withheld.

Stat. Auth.: ORS 576.051 - ORS 576.585

Stats. Implemented: ORS 576

Hist.: SUC 3-1991, f. & cert. ef. 10-25-91

665-010-0030

Penalties

Penalty for delaying transmittal of assessment monies (ORS 576.355) **“In addition to the penalties prescribed in ORS 576.992, any first purchaser or other person who delays transmittal of funds beyond the time set by the Commission shall pay five-percent of the amount due for the first month of delay and one-percent of the amount due for each month of delay thereafter”.**

Stat. Auth.: ORS 576.051 - ORS 576.585

Stats. Implemented: ORS 576

Hist.: SUC 3-1991, f. & cert. ef. 10-25-91

665-010-0040

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 665-010-0010 or the reports required by him for urchin purchased and paid for on or after November 1, 1991 and thereafter in Oregon.

Stat. Auth.: ORS 576.051 - ORS 576.585

Stats. Implemented: ORS 576

Hist.: SUC 3-1991, f. & cert. ef. 10-25-91