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DIVISION 1**PROCEDURAL RULES****624-001-0000****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 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 rule;

(2) By mailing a copy of the notice to persons on the Oregon Alfalfa Seed Commission's mailing list 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) Association with an interest in the Commission's rulemaking 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 183.341(4) & ORS 576.305(12)

Stats. Implemented: ORS 183.341(4)

Hist.: ASC 2-1990(Temp), f. & cert. ef. 8-21-90; ASC 1-1996, f. & cert. ef. 2-1-96; OASC 1-2001, f. & cert. ef. 2-15-01

DIVISION 10**REPORTING AND PAYMENT OF ASSESSMENTS****624-010-0000****Definitions**

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

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

(3) "Casual Sale" means any casual sale or sales of Alfalfa seed 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 alfalfa seed from the producer in the first instance, or handler who receives alfalfa seed in the first instance from the producer for resale or processing.

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

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

(7) Alfalfa Seed consists of the varieties *Medicago sativa* L., *Medicago falcata* L., and *Medicago varia-media* and includes all varieties, both certified and common seed.

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

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.305

Hist.: ASC 1-1990, f. & cert. ef. 7-11-90; OASC 1-2001, f. & cert. ef. 2-15-01

624-010-0010**Assessments**

(1) Any first purchaser shall deduct and withhold an assessment of 35 cents (\$.35) per cwt or three and one-half hundredths cents (\$.0035) per pound from the price paid to the producer thereof, after July 1, 1990, for all alfalfa seed produced in Oregon (See definition of "First Purchaser").

(2) All casual sales of Alfalfa Seed shall be exempt from the assessment.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.305

Hist.: ASC 1-1990, f. & cert. ef. 7-11-90; OASC 1-2001, f. & cert. ef. 2-15-01

624-010-0020**Reports and Payment of Assessment Monies**

(1) First purchasers and handlers must submit completed and signed assessment reports on commission approved forms. Assessment reports shall include all purchases by or deliveries to a first purchaser or handler of alfalfa seed during the quarterly period. Quarterly assessment reports are due in the commission office by 5:00 pm on the 15th day of the reporting month specified below. Quarterly assessments shall be reported as follows:

(a) January, February, March report by April 15th;

(b) April, May, June report by July 15th;

(c) July, August, September report by October 15th;

(d) October, November, December report by January 15th.

(2) When a first purchaser or handler has completed, signed, and forwarded a report covering his final purchase of alfalfa seed for the crop season, he may mark such report in large letters "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

Stats. Implemented: ORS 576.305

Hist.: ASC 1-1990, f. & cert. ef. 7-11-90; OASC 1-2001, f. & cert. ef. 2-15-01

624-010-0030**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

Stats. Implemented: ORS 576.305

Hist.: ASC 1-1990, f. & cert. ef. 7-11-90

Stats. Implemented: ORS 576.305

624-010-0040

Effective Date of Assessment

The assessment to be withheld and paid by a first purchaser or handler, as required by ORS Chapter 576 and OAR 624-010-0010, the reports required by him or delivery on or after July 1, 1990, of an alfalfa seed produced in Oregon.

Stat. Auth.: ORS 576

Hist.: ASC 1-1990, f. & cert. ef. 7-11-90