

# Department of Agriculture

## Oregon Albacore Commission - Chapter 972

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### Division 10

#### REPORTING AND PAYMENT OF ASSESSMENTS

##### [972-010-0000](#)

###### Definitions

- (1) "Person" means any individual, corporation, association, partnership or joint stock company.
- (2) "Commission" means the Oregon Albacore Commission.
- (3) "First Purchaser" means any person who buys albacore from the harvester in the first instance, or handler who receives albacore in the first instance from the harvester for resale or processing. Harvesters who perform the handling or processing function on all or part of their catch of albacore, which normally would be performed by another person as the first purchaser, are considered to be the first purchaser.
- (4) "Harvester" means a person participating directly or indirectly in the commercial harvest of albacore for consumer consumption. It has the same meaning as "producer" as used in ORS Chapter 576.
- (5) "Handler" means any harvester, processor, distributor or other person engaged in the handling or marketing of, or dealing in albacore, whether as owner, agent, employee, broker or otherwise.
- (6) Albacore consists of the varieties described as species *Thunnus alalunga*.

**Statutory/Other Authority:** ORS 576

**Statutes/Other Implemented:** ORS 576

###### History:

AC 1-2000, f. & cert. ef. 5-4-00

##### [972-010-0010](#)

###### Assessment Rate Established

- (1) Pursuant to the Commission's authority to establish an alternate assessment method, the following assessment method is established.
- (2) Any person who is a first purchaser as defined in ORS Chapter 576 and OAR 972-010-0000, shall deduct and withhold from the harvester an assessment of .005 of the cash value of the raw product of albacore. This assessment deduction shall be made upon the incoming revenue thereof, for albacore landed in Oregon.
- (3) Any person who is a first purchaser as defined in ORS Chapter 576 and OAR 972-010-0000, shall remit an assessment of .005 of the cash value of the raw product of albacore. This assessment shall be made upon the incoming revenue thereof, for albacore landed in Oregon.
- (4) The assessment to be withheld and paid by the first purchaser and the reports, as required by ORS 576 and OAR 972-010-0010 and 972-010-0020, applies to and covers any purchases or deliveries made on or after June 1, 2000, of albacore landed in Oregon.

**Statutory/Other Authority:** ORS 576.304(2), ORS 576.325(2)(a)

**Statutes/Other Implemented:** ORS 576

###### History:

[AC 1-2019, amend filed 06/04/2019, effective 06/04/2019](#)

AC 1-2000, f. & cert. ef. 5-4-00

**972-010-0020****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 Oregon Albacore.
- (2) Assessment collections that total \$200 or more for the current season must be reported monthly. Monthly assessment reports are due in the commission office by 5:00 pm on the 20th day of each month. Example: Assessment reports for August 1–August 31 would be due in the commission office by 5:00 pm on September 20th.
- (3) Assessment collections that total less than \$200 for the current season must be reported annually. Annual assessment reports are due in the commission office by 5:00 pm on December 20th.
- (4) When a first purchaser has completed, signed, and forwarded a report covering the final purchase of albacore for the year, the report shall be marked in large letters "FINAL REPORT FOR THIS YEAR." No further reports are necessary unless or until additional purchases are made.
- (5) At the time that reports as required in section (1) of this rule are due, the first purchaser shall attach and forward payment to the Commission for the assessment due. Reports shall be on forms prescribed by the Commission. The forms shall be signed by the first purchaser and completed with the required data, including, but not limited to month and year of report, total pounds purchased during the month, total price paid for all albacore purchases during the month, and total monthly assessment remitted by the first purchaser.

[ED. NOTE: Forms referenced are available from the agency.]

**Statutory/Other Authority:** ORS 576

**Statutes/Other Implemented:** ORS 576

**History:**

[AC 1-2014, f. & cert. ef. 5-7-14](#)

[AC 1-2002, f. & cert. ef. 2-21-02](#)

[AC 1-2000, f. & cert. ef. 5-4-00](#)

**972-010-0030****Penalties**

- (1) Penalty for delaying transmittal of assessment moneys is provided in ORS 576.355, which states, "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 assessment."
- (2) The commission may waive the penalty and interest described in subsection (1) of this section upon a showing of good cause.

**Statutory/Other Authority:** 2003 OL Ch. 604, Sec. 42 & ORS 576

**Statutes/Other Implemented:** 2003 OL Ch. 604 & Sec. 42

**History:**

[AC 1-2004, f. 1-15-04 cert. ef. 1-16-04](#)

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