

EXHIBIT C — OBC ADMINISTRATIVE RULES ON ASSESSMENTS

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Oregon Blueberry Commission - Chapter 670

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Division 10

REPORTING AND PAYMENT OF ASSESSMENTS DUE THE OREGON BLUEBERRY COMMISSION

670-010-0005

Definitions

- (1) "Person" means any individual, corporation, association, partnership or joint stock company.
- (2) "Commission" means the Oregon Blueberry Commission.
- (3) "First Purchaser" means any person who buys blueberries from the producer in the first instance, or handler who receives the blueberries in the first instance from the producer for resale or processing.
- (4) "Producer" means a person or other legal entity producing blueberries in Oregon, for market, whether as a landowners, landlord, tenant, sharecropper or otherwise.
- (5) "Handler" means any producer, processor, distributor or other person engaged in handling or marketing of or dealing in blueberries, whether as owner, agent, employee, broker or otherwise.
- (6) "Blueberries" means blueberries that belong to the genus *Vaccinium* (including but not limited to the cultivars "high bush", "rabbiteye" and "low-bush" or "wild") grown commercially in the State of Oregon. All blueberry cultivars sold commercially for whatever purpose are subject to these rules.
- (7) "Casual Sales" means any sales of blueberries made by the producer directly to the consumer where the total accumulated sales during the fiscal year are not more than 500 pounds.
- (8) "Reporting Year" means a calendar year beginning May 1 and ending April 30.

Statutory/Other Authority: ORS 576.305 - 576.325(1)(c)

Statutes/Other Implemented: ORS 576.325

History:

- OBC 1-2009, f. 6-15-09, cert. ef. 7-1-09
- OBC 1-2003, f. 10-15-03, cert. ef. 11-1-03
- OBC 1-1994, f. & cert. ef. 5-17-94
- OBC 1-1986, f. 5-28-86, cert. ef. 6-1-86

670-010-0010

Assessments

- (1) Any producer, handler or first purchaser shall deduct and withhold an assessment of four-tenths of a cent (\$.004) per pound or \$8 per ton after June 1, 2001 for all blueberries grown in Oregon (See definition of "First Purchaser.")
- (2) The maximum assessment for a reporting year (670-010-0005(8)) will be one percent of the total annual gross sales of the raw product of the berries delivered to the handler(s) during the reporting year.

Statutory/Other Authority: ORS 576

Statutes/Other Implemented: ORS 576.325 & 576.335

History:

- OBC 1-2009, f. 6-15-09, cert. ef. 7-1-09
- OBC 1-2003, f. 10-15-03, cert. ef. 11-1-03
- OBC 2-2001, f. 5-8-01, cert. ef. 6-1-01

670-010-0011

Challenge Process

(1) Pursuant to ORS 576.370 and OAR 603-043-0040, a producer may file a challenge by obtaining a Commission Assessment Challenge Form from the commission. The producer must file the completed Challenge Form with a US Postmark dated no later than 60 days from April 30th of each year.

(2) In calculating whether a producer has paid an assessment that exceeds one percent of the total dollar amount received by the producer for the raw commodity during the assessment period the producer must use the assessment period as defined by 670-010-0005(8).

Statutory/Other Authority: ORS 576

Statutes/Other Implemented: ORS 576

History:

OBC 1-2009, f. 6-15-09, cert. ef. 7-1-09

OBC 1-2003, f. 10-15-03, cert. ef. 11-1-03

670-010-0015

Reports and Payments of Assessment Moneys

(1) The reporting period to the Commission is annually with the assessment report and payment postmarked on or before November 30th of each reporting year.

(2) First purchasers must include the producer's name, full address, total pounds, and assessment collected for all purchases by or deliveries received during the reporting year on the assessment report. The first purchasers must sign each assessment report to certify the information provided.

Statutory/Other Authority: ORS 576

Statutes/Other Implemented: ORS 576.325, 576.335 & 576.345

History:

OBC 1-2003, f. 10-15-03, cert. ef. 11-1-03

OBC 1-2001, f. & cert. ef. 3-21-01

OBC 1-1986, f. 5-28-86, ef. 6-1-86

670-010-0020

Penalties

Penalty for delaying transmittal of assessment moneys ORS 576.355 "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 the assessment. A commission may waive the penalty and interest described in subsection (1) of this section upon showing of good cause."

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

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

History:

OBC 1-2004, f. 1-12-04, cert. ef. 1-15-04

OBC 1-1986, f. 5-28-86, ef. 6-1-86

670-010-0025

Effective Date of Assessment

The assessment to be withheld and paid by a producer, first purchaser or handler, as required by ORS Chapter 576 and subsection (1) of Section 2, or reports required under Section 3, applies to and covers any sales, purchases or delivery on or after June 1, 1986, of blueberries grown in Oregon.

Statutory/Other Authority: ORS 576

Statutes/Other Implemented: ORS 576.325 & 576.335

History:

OBC 1-1986, f. 5-28-86, ef. 6-1-86