

# Department of Agriculture

## Oregon Salmon Commission - Chapter 646

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[Access the Annual Compilation](#)
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Writer Login](#)

### Division 10

#### REPORTING AND PAYMENT OF ASSESSMENTS DUE THE OREGON SALMON COMMISSION

##### 646-010-0005

##### Definitions

- (1) "Person" means any individual, corporation, association, partnership, or joint stock company.
- (2) "Commission" means the Oregon Salmon Commission.
- (3) "First Purchaser" means any person who buys ocean troll salmon landed in Oregon from the fisherman in the first instance, or handler who receives ocean troll salmon in the first instance from the fisherman for resale or processing.
- (4) "Fisherman" means any individual participating directly or indirectly in the commercial harvest of troll caught ocean salmon for consumer consumption.
- (5) "Handler" means any fisherman, processor, distributor, or other person engaged in handling or marketing of or dealing in troll caught ocean salmon, whether as owner, agent, employe, broker or otherwise.
- (6) "Salmon" means all anadromous species of salmon, including but not limited to:
  - (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon;
  - (b) *Oncorhynchus keta*, commonly known as chum or dog salmon;
  - (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon;
  - (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blue back salmon;
  - (e) *Oncorhynchus tshawytscha*, commonly known as chinook salmon.
- (7) "Casual Sale" means any casual sale or sales of troll caught ocean salmon made by the fisherman direct to the consumer where the total accumulated sales during a calendar year is not more than 100 pounds.

**Statutory/Other Authority:** ORS. 576

##### History:

OSC 1-2001, f. & cert. ef. 8-17-01  
 OSC 2-1984, f. & ef. 6-20-84

##### 646-010-0010

##### Assessments

Any person who is a first purchaser as defined in ORS Chapter 576, shall deduct and withhold an assessment at the rate of one and one-half percent of the ex-vessel value of the raw product of salmon. This assessment deduction shall be made upon the incoming revenue thereof, for salmon taken by troll fishing and delivered in Oregon. All casual sales of troll caught ocean salmon shall be exempt from the assessment. (See definition of "Casual Sales")

**Statutory/Other Authority:** ORS 576

##### History:

OSC 1-2001, f. & cert. ef. 8-17-01  
 OSC 1-1990, f. 3-29-90, cert. ef. 5-1-90  
 OSC 2-1987, f. 4-6-87, ef. 5-1-87  
 OSC 2-1984, f. & ef. 6-20-84

**646-010-0015****Report and Payment of Assessment Moneys**

(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 of troll caught ocean salmon in the previous month. Assessment reports are due in the commission office postmarked on or before the 20th day of each month.

EXAMPLE: Assessment reports for April 1–April 31 would be due in the commission office postmarked on or before May 20th.

(2) When a first purchaser or handler has completed, signed and forwarded a report covering his final purchase of troll caught ocean salmon for the year, he shall mark such report in large letters "FINAL REPORT FOR THIS YEAR." No further reports are necessary by such first purchaser unless or until additional purchases are made. (See section (4) of this rule)

(3) If a first purchaser lives or has his office in another state or is a federal or other governmental agency, the fisherman shall report all sales made to such purchaser on forms provided by and pay the assessment moneys directly to the Commission, unless such first purchaser voluntarily makes the proper deduction and remits the proceeds to the Commission.

(4) At the time that reports are due the Commission from the first purchaser as required in section (1) of this rule, the first purchaser shall attach and forward payment to the Commission for the assessment due as set forth in each report. Reports shall be on forms prescribed by the Commission. The forms shall be signed by the first purchaser and filled in with the required data as shown on such forms, including, but not limited to, the month in which the salmon was taken and delivered in Oregon, the gross poundage received from all fishermen, and the total assessment deducted and withheld.

(5) Any fisherman 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 moneys directly to the Commission, unless the first purchaser from such producer voluntarily makes proper deduction and remits the proceeds to the commission.

**Statutory/Other Authority:** ORS 576

**History:**

OSC 1-2001, f. & cert. ef. 8-17-01

OSC 2-1984, f. & ef. 6-20-84

**646-010-0020****Penalties**

Penalty for delaying transmittal of assessment moneys is provided in ORS 576.355, which states, "In addition to the penalties prescribed in 576.991, and any first purchaser or other person who delays transmittal of funds beyond the time set by the Commission shall pay ten percent of the amount due for the first month of delay and one and a half percent of the amount due for each month of delay thereafter."

**Statutory/Other Authority:** ORS 576.265

**Statutes/Other Implemented:** ORS 576.355(1)

**History:**

OSC 1-2014, f. & cert. ef. 5-5-14

OSC 2-1984, f. & ef. 6-20-84

**646-010-0025****Effective Dates of Assessment**

The assessment to be withheld and paid by a first purchaser or handler, as required by ORS 576.155 and OAR 646-010-0010(1), or the reports required under OAR 646-010-0015, applies to and covers any purchases by him or delivery on or after July 1, 1984, of troll caught ocean salmon landed in Oregon.

**Statutory/Other Authority:** ORS 576

**History:**

OSC 2-1984, f. & ef. 6-20-84

**646-010-0030****Exclusions from Assessments**

EXEMPTION BASED ON DONATION TO NON-PROFIT. Any first purchaser will deduct and withhold an assessment of the following amount for all of the salmon produced or procured in Oregon, except that no assessment will be deducted for salmon donated to a bona-fide non-profit organization providing dated proof of donation including quantity donated.

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

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

**History:**

OSC 1-2004, f. 1-15-04 cert. ef. 1-16-04

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