



RULE-MAKING ORDER
(RCW 34.05.360)

Adm Order 5035

CR-103 (10/1/89)

Agency: WASHINGTON DEPARTMENT OF AGRICULTURE

- Permanent Rule
- Emergency Rule

(1) Date of adoption: April 5, 1994

(2) Purpose: Reduce the Farmed Salmon Commission's assessment from one and one-half cents (\$.015) per pound to one cent (\$.01) per pound on the first ten million pounds per year.

(3) Citation of existing rules affected by this order:

~~Repealed:~~

Amended: WAC 16-580-040

~~Suspended:~~

(4) Authority for adoption:

Statute:

RCW 15.65.280

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 94.05.066 on February 14, 1994 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

31 days after filing

Immediately

Other (specify) _____ *

Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Jim Jesernig

Jim Jesernig

Director of Agriculture

DATE

April 5, 94

4:34
94.05.090

AMENDATORY SECTION (Amending WSR 92-22-062, filed 10/29/92,
effective 12/1/92)

WAC 16-580-040 Assessments and collections. (1) The assessment on all farmed salmon products shall be one (~~and one-half~~) cent (~~($s - (\$.015)$)~~) ($\$.01$) per pound on the first (~~ten million pounds (dressed head-on equivalent);~~ one cent ($\$.01$) per pound from ten to) fifteen million pounds (dressed head-on equivalent); and one-half cent ($\$.005$) per pound over fifteen million pounds (dressed head-on equivalent) produced collectively by affected producers.

(2) The board shall determine the assessment rate each month on the basis of the total production reported, year to date, and bill the producer for his/her production for that month at that rate.

(3) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(4) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(5) All reports and records furnished or submitted by producers or to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of disclosure of individual producers' identity or operation.

(6) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(7) Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on

or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(8) Assessments may, with the concurrence of the affected producer, be collected prospectively.