

**Chapter 16-501 WAC**  
**WSDA PROCEDURAL RULES—COMMODITY BOARDS OR COMMISSIONS**

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**WAC**

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Procedural Rules for Administrative Function for Commodity Commissions Advisory Votes, Elections, and Referenda

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**WAC 16-501-005 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout the chapter:

**"Annual assessment"** means the total annual assessment amount collected in a twelve-month period by an agricultural commodity board or commission under the provisions of its marketing order or authorizing statute. For the Washington beer commission, "annual assessment" includes net proceeds collected from commission-sponsored beer festivals in addition to the total annual assessment collected by the commission.

**"Department"** means the Washington state department of agriculture.

**"Total financial contribution"** means the contributions from all agricultural commodity boards and commissions to cover the annual salary and benefits of the department's commodity commission coordinator for commodity boards and commissions plus the annual costs for goods and services, travel, training and equipment necessary to support the commodity commission coordinator. The total financial contribution is one-half full-time equivalent employee.

[Statutory Authority: RCW 43.23.033 and chapter 34.05 RCW. WSR 20-01-109, § 16-501-005, filed 12/13/19, effective 1/13/20. Statutory Authority: RCW 43.23.025, 15.89.150, and chapter 34.05 RCW. WSR 17-17-158, § 16-501-005, filed 8/23/17, effective 9/23/17. Statutory Authority: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW. WSR 02-16-045, § 16-501-005, filed 8/1/02, effective 9/1/02.]

**WAC 16-501-010 Commodity commission financial contribution.** (1) Under the provisions of RCW 43.23.033, the director may establish, by rule, a method to fund staff support for all commodity boards and commissions.

(2) On or around September 1st, the department will determine the amount necessary to fund the commodity commission coordinator position.

(3) On or before October 1st, all commodity boards or commissions are required to report to the department the dollar value of the assessments collected during the board's or commission's previous fiscal year. The board or commission's contribution shall be based on the previous fiscal year's annual assessment. For commissions with the authority to suspend assessments, the contribution shall be based on the most recently collected annual assessment prior to suspension.

(4) During the month of October, the department will bill each commodity board or commission for its portion of the total financial

contribution. The board or commission shall remit to the department the amount billed within ninety days of the billing date.

(5) The department will provide each commodity board or commission with an annual report regarding the department's activities on behalf of the boards or commissions.

[Statutory Authority: RCW 43.23.033 and chapter 34.05 RCW. WSR 20-01-109, § 16-501-010, filed 12/13/19, effective 1/13/20. Statutory Authority: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW. WSR 02-16-045, § 16-501-010, filed 8/1/02, effective 9/1/02.]

**WAC 16-501-015 Calculation of a commodity board or commission's contribution.** The financial contribution for each commodity board or commission shall be calculated using the following steps:

(1) (a) Step 1 - Using the dollar value that a board or commission receives from its annual assessment, the base contribution portion of a commodity board or commission's share of the total financial contribution is established as follows:

**Contribution Categories**

Assessment Level	Base Contribution
< \$100,000	\$250.00
100,001 - 250,000	500.00
250,001 - 500,000	750.00
500,001 - 1,000,000	1,000.00
1,000,001 - 5,000,000	2,000.00
5,000,001 - 10,000,000	3,000.00
10,000,001 and above	4,000.00

(b) A percentage is calculated for each board or commission by dividing the board or commission's base contribution by the total base contribution for all boards and commissions.

(2) (a) Step 2 - The difference between the total financial contribution and the total base contribution is apportioned to each board or commission using the percentage calculated in step 1.

(b) The amount calculated in step 2 is subject to a \$7,500 cap on any one board or commission.

(3) Step 3 - If any board or commission reaches the \$7,500 cap in step 2, the difference between the amount calculated for that board or commission in subsection (2)(a) of this section and \$7,500 would be apportioned among the remaining boards or commissions using a percentage of each board's or commission's base contribution to the total base contribution less the base contribution of the board or commission that reached the cap.

(4) Step 4 - A commodity board or commission's contribution is the sum of its base contribution from step 1 and the calculations in steps 2 and 3.

(5) The following example is a hypothetical scenario used to illustrate how the formula is applied:

(a) Commission A reports an annual assessment of \$200,000, therefore its base contribution is \$500.

(b) Assuming the total base contribution for all boards and commissions is \$23,750, a percentage is calculated for commission A by

dividing its base contribution of \$500 by the total base contribution of \$23,750, which is 2.11 percent.

(c) Assuming a total financial contribution of \$100,000, the difference between the total financial contribution (\$100,000) and the total base contribution (\$23,750) is \$76,250. This amount (\$76,250) is apportioned to each commission using the percentage calculated in step 1. For commission A, \$76,250 multiplied by 2.11 percent is rounded to \$1,605, which is commission A's initial portion of the total financial contribution.

(d) Next, commission A's base assessment (\$500) is added to its portion calculated in step 2 (\$1,605), which equals \$2,105.

(e) If any board or commission hits the \$7,500 cap provided for in step 2, the difference between the amount calculated and \$7,500 is apportioned among the other boards and commissions not reaching the cap.

(f) For example, commission B has a base contribution of \$3,000 and exceeds the \$7,500 cap by \$2,132. That \$2,132 would be apportioned on a percentage basis among the other boards and commissions, excluding commission B.

(g) To find the number in (f) of this subsection for commission A, take the number calculated for commission A in step 2 (\$1,605) and divide it by the total step 2 calculations for all boards and commissions, excluding commission B. Assuming the total for all boards and commissions, excluding commission B, is \$66,621, the number for commission A is 2.41. Multiply that by the total amount in step 2, including commission B, which equals \$51 for commission A.

(h) The total amount owed by commission A is the base assessment in step 1 (\$500), plus the amount in step 2 (\$1,605), plus the amount in step 3 (\$51) for a total contribution of \$2,156.

(i) The total amount owed by commission B is the base assessment in step 1 (\$3,000), plus the amount in step 2 (\$7,500) for a total of \$10,500.

[Statutory Authority: RCW 43.23.033 and chapter 34.05 RCW. WSR 20-01-109, § 16-501-015, filed 12/13/19, effective 1/13/20. Statutory Authority: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW. WSR 02-16-045, § 16-501-015, filed 8/1/02, effective 9/1/02.]

### **Procedural Rules for Administrative Function for Commodity Commissions Advisory Votes, Elections, and Referenda**

**WAC 16-501-525 Unsigned ballot envelopes: Advisory votes, referenda, and board member elections.** The director of the department of agriculture is responsible for administering marketing order referenda under chapters 15.65 and 15.66 RCW and for administering elections for advisory votes and board member selection as authorized in RCW 15.24.035, 15.26.060, 15.28.023, 15.44.021, 15.65.240, 15.66.113, 15.88.050, 15.89.050, 15.115.060, and 16.67.060.

(1) The department will mail ballots to those eligible to vote in each election according to the terms of the applicable statute and marketing order. Each voter will be provided an official ballot, instructions for voting, a security envelope and return ballot-mailing envelope with a "Certificate of Eligibility" (certification) printed on the reverse side of the envelope.

(2) After casting a vote in the election, an eligible voter must place the ballot in the security envelope, which is then placed in the ballot-mailing return envelope with the certification on the reverse side. To validate his or her ballot, the voter is required to complete, sign and date the certification.

(3) In the event a ballot is submitted to the department and the certification is not signed and dated in accordance with the instructions contained on the outside of the ballot-mailing return envelope or the ballot is returned in a different envelope without a certification, the ballot-mailing envelope will not be opened nor will the ballot it contains be counted. The unopened ballot-mailing envelope will be set aside and retained in accordance with the appropriate records retention schedule.

(4) Only validated ballots will be included in a ballot count.

(5) This rule applies to referenda, advisory votes, elections, and runoffs required by statute.

[Statutory Authority: RCW 15.24.035, 15.26.060, 15.28.023, 15.44.021, 15.65.240, 15.66.113, 15.88.050, 15.89.050, 15.115.060, 16.67.060 and chapter 34.05 RCW. WSR 18-21-181, § 16-501-525, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.65.047 and 15.66.055. WSR 05-08-078, § 16-501-525, filed 4/1/05, effective 5/2/05.]