

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1765

(1) I, M. Keith Ellis, director of Agriculture do promulgate and adopt at Olympia, Washington the annexed rules relating to:

WAC 16-528-040, Assessments and Collection, to change the assessment rate to one-quarter of one percent of net receipts at point of sale.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 82- filed with the code reviser on 5/5/82. Such rules shall take effect: 10-065

- [] pursuant to RCW 34.04.040(2).
[X] at a later date, such date being July 1, 1982

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to ~~RCW~~ Chapter 15.66 RCW and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency)

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

as authorized in RCW (agency)

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED May 6 19 82. FILED

MAY 6 1982

By M. Keith Ellis Director

Title

CODE REVISER'S OFFICE WSR 82-11-002

AMENDATORY SECTION (Amending Order 1450, filed 4/3/76)

WAC 16-528-040 ASSESSMENTS AND COLLECTION. (1) Assessments. The annual assessment on wheat shall be ~~((one-half-cent--per--bushel))~~ one-quarter of one percent of the net receipts at the point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the wheat commission: PROVIDED, HOWEVER, That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of ~~((one-half-cent-per-bushel-of-wheat))~~ one-quarter of one percent of the net receipts at the point of sale. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.