

TRANSMITTAL OF RULES ADOPTED

FROM: Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules, being Order No. 1530
 Emergency rules

relating to (Name of rules or description of subject matter)

special program fees on 2,4-D herbicide distributed in this state.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser on _____ ② were regularly adopted as permanent rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at Olympia, Washington on July 1, 1977 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this first day of July 1977.

STATE OF WASHINGTON
FILED

JUL 1 1977

CODE REVISER'S OFFICE
DOCKET #8286 FILE #30

Agriculture
(AGENCY)
Gary F. Strohmaier
By Gary Strohmaier
Director
Title _____

① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 34.04.040. Leave this space blank except in such special cases.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

Administrative Order No. 1530

(1) I, Gary Strohmaier, director of agriculture of the State of Washington, do promulgate and adopt as emergency rules of this agency, the annexed rules:

AMD: Title 16, chapter 16-230, WAC 16-230-115 and WAC 16-230-120 relating to procedure for collecting and reporting special program fees assessed on 2,4-D herbicide distributed in this state.

I, Gary Strohmaier, 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:

The adoption of this emergency order establishing the rate for the 2,4-D special program fee is necessary in that the Washington Association of Wheat Growers asked for additional time to study the proposal to determine whether or not the proposed increase was justifiable. It is necessary that this order become effective immediately in that Administrative Order No. 1469 expires on June 30, 1977.

(2) Appropriate statement of state statutory authority as required by RCW 34.04. This rule is promulgated pursuant to RCW 17.21 and RCW 15.58 and is intended to administratively implement that statute.

(3) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 1, 1977.

By



Director of Agriculture

AMENDATORY SECTION

WAC 16-230-115 PROCEDURE FOR COLLECTING SPECIAL PROGRAM FEES. (1) Each first distributor of a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning July 1, (~~1976~~) 1977 and ending June 30, (~~1977~~) 1978: PROVIDED, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(1) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).

(3) Any distributor other than the first distributor may act as an agent in paying the special program fee: PROVIDED, That written agreement exists between the distributors, and: PROVIDED FURTHER, That such written agreement has been approved by the director.

AMENDATORY SECTION

WAC 16-230-120 PROCEDURE FOR SUBMITTING REPORTS. (1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on January 1, (~~1977~~) 1978 and July 1, (~~1977~~) 1978 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on January 30, (~~1977~~) 1978 for the January 1, (~~1977~~) 1978 report and July 30, (~~1977~~) 1978 for the July 1, (~~1977~~) 1978 report.