

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1592

(1) I, Bob J. Mickelson, director of the Washington State Department of Agriculture

do promulgate and adopt at 406 General Administration Bldg., Olympia, WA

the annexed rules relating to: WAC 16-532-040 Assessments and Collections, increasing the annual assessment on all varieties of hops to sixty cents per affected unit for crop years 1978 and 1979 and thereafter to forty-five cents per affected unit.

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

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect: pursuant to RCW 34.04.040(2) at a later date, such date being

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

I, Bob J. Mickelson, 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: An immediate adoption will allow the assessment increase to be collected on the 1978 crop. Proceeds from this increase are to be used to finance mechanical research projects. If adoption is delayed 30 days, the increased assessment cannot be collected on the 1978 crop and the research project would be delayed a full year. Producers have approved this order by a referendum vote.

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. (1977 c 19 § 2) 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 15.65 and is intended to administratively implement that statute.

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

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

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

(agency)

as authorized in RCW

(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 TRANSMITTED December 21 1978

FILED

DEC 21 1978

By Bob J. Mickelson Director of Agriculture

Title

[Form CR-7: Effective 12/1/77]

CODE REVISER'S OFFICE WSR 79-01-044

DEPARTMENT OF AGRICULTURE
OLYMPIA, WASHINGTON

This statement relates to Order No. 1592 of the Department of Agriculture and is filed pursuant to Chapter 84, Laws of 1977, First Extraordinary Session.

- A. 1. Re: AMD WAC 16-532-040
2. Purpose of the rule or rule changes is to increase the annual assessment on all varieties of hops to sixty cents per affected unit for crop years 1978 and 1979 and thereafter to forty-five cents per affected unit.
3. Statutory authority for this action is found in Chapter 15.65 RCW.

B. Summary of the rule or rule change:

This rule amends WAC 16-532-040 by increasing assessments to generate funds for specific mechanical research.

C. Person responsible for drafting the rule:

1. Name: Roger L. Roberts
2. Title: Market Development Specialist
3. Office: Agricultural Development Division

Phone: 3-5046

Mail Stop: AX-41

4. Inquiries regarding implementation and enforcement of the rule or rules should be addressed to:

Same as above.

D. 1. Persons or organizations known to be proponents of the rule or rules are:

Hop Growers of Washington, Inc., and the Washington Hop Commission.

2. Persons or organizations known to be opponents of the rule or rules are:

The only opponents were those who voted against this amendment in the referendum.

E. Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule:

None.

AMENDATORY SECTION (Amending Order 1116, filed 5/14/69)WAC 16-550-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of blueberries shall be one-((~~fourth~~))half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or 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 season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. 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 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.

This document was filed with WSR 79-01-044, but was not published, as it was incorrectly attached to the CR-7 form dealing with WAC 16-532-040. The following page is the correct and published version.

AMENDATORY SECTION (Amending Order 1332, filed 1/17/74)WAC 16-532-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be ~~((thirty))~~ sixty cents per affected unit for crop years 1978 and 1979 and thereafter shall be forty-five cents per affected unit.

(b) For the purpose of collecting assessments the board may:

- (i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or
- (ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or 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 season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. 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 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.