



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Washington Beer Commission

- Permanent Rule**
- Emergency Rule**

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: The Washington Beer Commission is proposing to establish rules relating to the collection of assessment authorized under RCW 15.89.110. The assessments will begin with fourth quarter 2006 production, due and payable to the commission no sooner than July 2007. The second assessment will be due and payable to the commission no sooner than January 2008 and will be based upon 2007 beer production. Thereafter, assessments will be collected annually no sooner than January and will be based on the previous year's production. The proposal also establishes rules for the collection of unpaid assessments.

Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 15.89.110(2)

Other authority : chapter 34.05 RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-08-112 on April 4, 2007.

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

- (1) WAC 16-505-010(3) originally read: "payable to the commission in July 2007." Adopted version reads: "payable to the commission **no sooner than** July 2007."
- (2) WAC 16-505-010(4) originally read: "payable to the commission in January 2008." Adopted version reads: "payable to the commission **no sooner than** January 2008."
- (3) WAC 16-505-010(5) originally read: "payable to the commission annually in January." Adopted version reads: "payable to the commission annually **no sooner than** January."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

Date adopted: June 6, 2007

NAME (TYPE OR PRINT)

Arlen Harris

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

RCW REVISOR OFFICE
STATE OF WASHINGTON

JUN 7 2007

1-14

TIME _____
WSR 07-13-005

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>2</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>2</u>	Amended	_____	Repealed	_____

Chapter 16-505 WAC

WASHINGTON BEER COMMISSION

NEW SECTION

WAC 16-505-010 Collection of assessment. (1) The Washington beer commission is authorized under RCW 15.89.040 and 15.89.110(1) to collect an assessment upon beer produced by an affected producer. The annual assessment is ten cents per barrel of beer produced, up to ten thousand barrels per location, as verified by federal excise tax reports.

(2) The commission shall directly bill affected producers by providing written notice in the form of an assessment invoice. Affected producers shall calculate their assessment on the assessment invoice using the annual production figure as based upon their federal excise tax report. Affected producers must submit the completed assessment invoice, the assessment payment due and a copy of the affected producer's federal excise tax report for verification to the commission at the address specified on the assessment invoice.

(3) The first assessment will be due and payable to the commission no sooner than July 2007 and will be based upon beer production during the fourth quarter of 2006.

(4) The second assessment will be due and payable to the commission no sooner than January 2008 and will be based upon beer production during the calendar year of 2007.

(5) Assessments thereafter will be due and payable to the commission annually no sooner than January and will be based upon the previous year's production.

(6) At this time, assessments due and payable to the commission shall not be reduced based on in-kind contributions.

(7) Failure to receive an invoice for the previous year's product does not relieve an affected producer of its obligation to pay any assessment when due.

NEW SECTION

WAC 16-505-015 Failure to pay assessment. (1) In the event any affected producer fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collection of the amount due.

(2) In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission 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.