

# Chapter 16-501 WAC

## WSDA PROCEDURAL RULES—COMMODITY BOARDS OR COMMISSIONS

**WAC**

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

**"Assessment level"** means the total annual assessment collected by an agricultural commodity board or commission under the provisions of its marketing order or authorizing statute. For the Washington beer commission, "assessment level" 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 (WSDA).

**"Total financial contribution"** means the contributions from all agricultural commodity boards and commissions to cover one-half 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.

[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, the director may establish, by rule, a method to fund staff support for all commodity boards and commissions.

(2) Before July 1 of each fiscal year, the department will determine the total financial contribution required from all commodity boards or commissions and calculate, according to the provisions of WAC 16-501-015, each board or commission's share of that total contribution. The board or commission's contribution shall be based on the previous fiscal year's assessment level.

(3) On or around July 1 of each fiscal year, 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 thirty days of the billing date.

(4) 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: 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 total financial contribution for each commodity board or commission shall be calculated using the following steps:

(1) Step 1 - Using a board or commission's assessment level, the base assessment portion of a commodity board or commission's share of the total financial contribution is established as follows:

**Contribution Categories**

Assessment Level	Base Assessment
> \$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

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

For example, assuming commission A's base assessment is \$4,000 divided by an assumed total base assessment of \$80,000 results in 5% (.05)

(2) Step 2 - The difference between the total financial contribution and the total base assessment is apportioned to each board or commission using the percentage calculated in subsection (1) subject to a \$7,500 cap on any one board or commission;

For example, assuming a total financial contribution of \$105,000 minus the assumed total base assessment of \$80,000 results in a difference of \$25,000. \$25,000 multiplied by commission A's .05 equals \$1,250. This is commission A's portion of the difference.

(3) Step 3 - If any commission reaches the \$7,500 cap in Step 2, the difference between the amount calculated for that board or commission in subsection (2) and \$7,500 would be recalculated among the remaining commissions or boards

using a percentage of each commission's base assessment to the total base assessment less the base assessment of the commission that reached the cap.

For example, assume that commission A's percentage remains 5% but that the difference between the total financial contribution and the total base assessment is \$180,000. \$180,000 multiplied by .05 equals \$9,000. \$9,000 exceeds the \$7,500 cap for commission A by \$1,500. This \$1,500 would be apportioned between the other boards and commissions excluding commission A.

For example, assume that commission B's base assessment is \$3,000. The total base assessment excluding commission A is now \$76,000 (\$80,000 less commission A's \$4,000). Commission B's base assessment of \$3,000 divided by \$76,000 results in .04 rounded (4%). \$1,500 (the excess over the cap for commission A) multiplied by .04 equals \$60, which is commission B's share of the excess.

(4) Step 4 - A commodity commission or board's contribution is the sum of the base assessment from subsection (1) and the calculations in subsections (2) or (3) whichever is applicable.

For example, using the calculations in subsection (2), commission A's contribution is \$5,250 (\$4,000 base assessment plus \$1,250 apportioned share).

Using the calculations in subsection (3), commission A's contribution is \$11,500 (\$4,000 base assessment plus the \$7,500 cap).

[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 Elections

**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 elections for advisory votes, marketing order referenda and board member selection as required in chapters 15.65 and 15.66 RCW.

(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 its vote in the election, an eligible voter must place the ballot in the security envelope. The security envelope is then to be placed in the ballot-mailing return envelope with the certification on the reverse side. To validate its 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 department shall process the ballot and the ballot-mailing return envelope as follows, if the department is able to ascertain the identity of the eligible voter from the envelope:

(a) The department will not open the ballot-mailing return envelope, but will make a copy of the reverse side of the ballot-mailing return envelope with the printed certification. The original ballot-mailing return envelope will be held by the department.

(b) The department will provide the eligible voter with a copy of the ballot-mailing return envelope with the certification and require the voter to sign the copy of the certification and mail it back to the department so that it is received not later than the date specified in the correspondence accompanying the certification.

(c) The department shall advise the voter about the correct procedures for completing the unsigned certification and that, in order for the ballot to be counted, the voter must sign and date the copy of the certification, and mail it back to the department so that it does not arrive later than the specified date.

(d) The signed certification must be received by the department within fourteen calendar days from the date the copy of the certification was mailed to the voter as evidenced by the United States mail date stamp, for the voter's ballot to be validated.

(e) If the department does not receive the signed certification with the requested information within the specified time frame, the original 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) A record shall be kept of the date on which the department mailed the copy of the certification to the eligible voter, the date on which the voter signed the certification and the date that the department received the certification. That record will be retained in accordance with applicable records retention schedules for ballots.

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

(6) This rule applies to elections and runoffs required by statute that are conducted after the effective date of this rule. However, subsections (3) and (4) do not apply in an election once any election ballots have been counted or in a runoff election once any runoff election ballots have been counted.

(7) This rule does not apply if the recount period specified in the applicable statute has expired.

[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.]