



RULE-MAKING ORDER

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

Agency: Washington State Dept. of Agriculture

- 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: Amendments were made to sections within the Washington Alfalfa Seed Commission's Marketing Order, WAC 16-529. During past legislative sessions, significant amendments were made to the Commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted the amendments to WAC 16-529. The changes achieve consistency with the statute, as well as, improve the readability and clarity of the Marketing Order.

Citation of existing rules affected by this order:

Repealed: WAC 16-529-130

Amended: WAC 16-529-010, 16-529-030, 16-529-040, 16-529-050, 16-529-060, 16-529-070, 16-529-080, 16-529-100, 16-529-110, 16-529-120, 16-529-150, 16-529-160, 16-529-190, 16-529-200, 16-529-300

Suspended:

Statutory authority for adoption: RCW 15.65.047 and chapter 34.05 RCW

Other authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-19-120 on Sept. 21, 2004 (date).

Describe any changes other than editing from proposed to adopted version: The department added language to WAC 16-529-060 (2) which provides a cross reference to RCW 15.65. This reference will help to clarify the nomination process as identified by this statute.

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: March 25, 2005

NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

SEARCHED _____ INDEXED _____
 SERIALIZED _____ FILED _____
 MAR 25 2005
 TIME 4:37
 WAC 05-08-010

(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	<u>15</u>	Repealed	<u>1</u>

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

New	<u>2</u>	Amended	<u>15</u>	Repealed	<u>1</u>
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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	<u>15</u>	Repealed	<u>1</u>

NEW SECTION

**WAC 16-529-005 Marketing order for Washington alfalfa seed--
Policy statement.** (1) The marketing of alfalfa seed within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its alfalfa seed be properly promoted by:

(a) Enabling producers of alfalfa seed to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the alfalfa seed they produce; and

(b) Working towards stabilizing the agricultural industry by increasing production of alfalfa seed within the state.

(2) That it is in the overriding public interest that support for the alfalfa seed industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that alfalfa seed be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's alfalfa seed.

(b) Increase the sale and use of Washington state's alfalfa seed in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's alfalfa seed.

(d) Increase the knowledge of the qualities and value of Washington state's alfalfa seed and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of alfalfa seed produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state alfalfa seed commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to alfalfa seed under the provisions of this marketing order.

NEW SECTION

WAC 16-529-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and the Washington state alfalfa seed commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; increasing production efficiency; ensuring a fair regulatory environment; or increasing per capita consumption of alfalfa seed grown in Washington state.

(1) To carry out the purposes of this chapter, the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for alfalfa seed. Such programs shall be directed toward increasing the sale of alfalfa seed without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of alfalfa seed nor disparage the quality, value, sale, or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of alfalfa seed.

(b) Provide for research in the production, harvesting, processing, irrigation, transportation, handling, and/or distribution of alfalfa seed and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide for collection and dissemination of information pertaining to alfalfa seed.

(d) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of alfalfa seed for the verification of grades, standards, weights, tests, and sampling of quality and quantity of alfalfa seed purchased by handlers from affected producers.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Alfalfa seed-related education and training.

(e) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of alfalfa seed produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for

marketing and promotion of alfalfa seed.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of alfalfa seed may be encouraged, expanded, improved, or made more efficient.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-010 Definitions ((of terms)). Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this ((chapter)) marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or his or her duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural ((Enabling Act of 1961)) Commodity Boards or chapter 15.65 RCW.

(4) "Person" means any ((person)) individual, firm, ((association, or)) corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces any variety of alfalfa seed in the state of Washington for market in commercial quantities: Provided, That for the purpose of election and membership on the commodity board, a producer-handler shall be considered as acting only as a producer.

(6) "Commercial quantity" means all alfalfa seed produced in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing, or distributing alfalfa seed not grown by him/her.

(8) "Producer-handler" means any person who acts both as a producer and as a handler with respect to the alfalfa seed which he/she produces, and a handler with respect to the alfalfa seed which he/she handles, including that produced by himself/herself. "To produce" means to act as a producer. For the purposes of the alfalfa seed marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(9) "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plants.

(10) "Alfalfa seed commodity board" hereinafter referred to as "board" or "commission" means the commodity board ((or commission))

formed under the provisions of WAC 16-529-020 through 16-529-120.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with June 30 of the year following, both dates being inclusive.

(12) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one hundred weight (cwt) of cleaned alfalfa seed as sold by an affected producer to a handler or other producer.

AMENDATORY SECTION (Amending Order 1850, filed 4/22/85, effective 6/1/85)

WAC 16-529-030 Board membership. (1) The board shall consist of eight members. Six members shall be affected producers appointed or elected as provided in WAC 16-529-020 through 16-529-120. One member shall be an affected handler (~~(elected)~~) appointed as provided in WAC 16-529-020 through 16-529-120. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the (~~department and the public~~) director. The position representing the director shall be a voting member.

(a) Director-appointed positions on the board shall be designated as position 2, position 4, position 6, and position 7. The affected handler member of the board shall be position 7.

(b) Elected affected producer positions on the board shall be designated as position 1, position 3, and position 5.

(c) The position representing the director who is neither an affected producer nor an affected handler shall be designated as position 8.

(2) For the purpose of nomination, appointment, and election of affected producer members of the board, the affected area of the state of Washington shall be divided into three representative districts as follows:

(a) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Adams, Chelan, Douglas, Ferry, Franklin, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens.

(b) District II shall have one board member, being Position 3, and shall include the counties of Benton, Kittitas, Klickitat, and Yakima.

(c) District III shall have three board members, being Positions 4, 5, and 6, and shall include the counties of Asotin, Columbia, Garfield, Walla Walla, and Whitman.

~~((3) The handler member of the board shall be Position 7.~~

~~(4) The member of the board to be appointed by the director~~

~~shall be Position 8.))~~

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-040 Board membership qualifications. (1) The affected producer members of the board (~~shall~~) must be practical producers of alfalfa seed and each shall be a citizen(~~s~~) and resident(~~s~~) of (~~the~~) this state (~~of Washington~~), over the age of (~~twenty-five~~) eighteen years(~~, each of whom is and has~~). Each affected producer board member must be and have been actually engaged in producing alfalfa seed within the state of Washington for a period of five years and has during that time derived a substantial portion of his/her income therefrom and (who) is not engaged in business, directly or indirectly, as a handler or other dealer.

(2) The affected handler member of the board (~~shall~~) must be a practical handler of alfalfa seed and shall be a citizen and resident of (~~the~~) this state (~~of Washington~~), over the age of (~~twenty-five~~) eighteen years(~~, and who is and has~~). The affected handler board member must be and have been, either individually or as an officer or an employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling alfalfa seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his/her income therefrom.

(3) The qualifications of members of the board must continue during their term of office.

(4) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions 2, 4, 6, and 7 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-050 Term of office. (1) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be appointed or elected each year.

(2) (~~Membership positions on the board shall be designated numerically; affected producers shall have positions one through~~

~~six, the affected handler shall have position seven, and the member appointed by the director, position eight.~~

~~(3) The term of office for the initial board members shall be as follows:~~

~~Positions one and four - one year~~

~~Positions three, five, and eight - two years~~

~~Positions two, six, and seven - three years.~~

No)) Except for the director's representative, no appointed or elected member of the board may serve more than two full consecutive three-year terms.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-060 Nomination ((and election)) of elected or director-appointed board members. (1) For the purpose of nominating candidates for appointment or election to board membership, the director shall call a separate nomination meeting((s)) of affected producers and affected handlers.

(2) Each year the director shall call ((for)) a nomination meeting((s)) for both elected and director-appointed affected producer and affected handler board members in those districts whose board members' terms are about to expire. ((Such)) The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of ((every such)) a nomination meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and, in addition, written notice of every such meeting shall be given to all affected producers within such affected district, and to all handlers, according to the list maintained by the ((director pursuant to RCW 15.65.200 of the act)) board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer or affected handler may be nominated orally for membership on the board at ((such)) a nomination meeting((s)). Nominations may also be made within five days after ((any such)) the nomination meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers.

(d) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-070 Election or advisory vote of board members.

~~((Members of the board shall be elected by secret mail ballot within the month of June))~~ (1) An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of June. Each affected producer and affected handler shall be entitled to one vote.

~~((Affected))~~ (2) Elected affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. ((Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.))

If a nominee does not receive a majority of the votes on the first ballot, a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(3) An advisory vote shall be conducted for affected producer or affected handler board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(4) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of ((such)) the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers as maintained by the ((director in accordance with RCW 15.65.200)) board pursuant to RCW 15.65.295. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(5) Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election or advisory vote of any board member.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-080 Vacancies ((prior to election)). (1) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(2) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-100 Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive ~~((\$35.00 for each day in))~~ an amount not to exceed the amount specified in RCW 43.03.230 for actual attendance on or ((travelling)) traveling to and from meetings of the board or on special assignment for the board, together with subsistence and ((travelling expense at the rate allowed by law to state employees)) traveling expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060: Provided, That the ((method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by any board member)) board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-110 Powers and duties of the board. The board shall have the following powers and duties:

(1) To administer, enforce, and control the provisions of this chapter as the designee of the director.

(2) To elect a chairman and such other officers as the board deems advisable.

(3) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject

to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of this chapter and effectuate the declared policies of the act.

(4) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of this chapter. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(5) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating this chapter.

(6) To establish an "alfalfa seed revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the days as advisable.

(7) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this chapter. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last days of each fiscal year of the (~~state of Washington~~) commission. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(8) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(9) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this chapter during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(10) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(11) To adopt rules (~~and regulations~~) of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(12) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this chapter and the act, along with the necessary authority and procedure for obtaining such information.

(13) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or this chapter.

(14) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(15) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(16) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(17) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(18) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of alfalfa seed.

(19) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(20) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(21) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of alfalfa seed including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(22) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(23) To maintain a list of the names and addresses of persons who handle alfalfa seed within the affected area and data on the amount and value of the alfalfa seed handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(24) To maintain a list of names and addresses of all affected persons who produce alfalfa seed and the amount, by unit, of alfalfa seed produced during the past three years pursuant to RCW 15.65.295.

(25) To maintain a list of all persons who handle alfalfa seed and the amount of alfalfa seed handled by each person during the past three years pursuant to RCW 15.65.295.

(26) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(27) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-120 Procedures for board. (1) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board. Notice of the time and place of regular meetings shall be published on or before January of each year in the Washington State Register. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(2) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio, television, and press.

(3) The board shall establish by resolution, the time, place, and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver (~~thereof by each~~) from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 5090, filed 1/24/96, effective 2/24/96)

WAC 16-529-150 Collections. Any moneys collected or received by the board pursuant to the provisions of this (~~chapter~~) 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~~) the 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.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-160 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 this chapter, 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))~~ unpaid assessment to defray the cost of enforcing the collecting of the ~~((same))~~ assessment. 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))~~ the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent ~~((thereon))~~, and ~~((such))~~ the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-190 Termination of the order. ~~((This chapter shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.))~~ Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

AMENDATORY SECTION (Amending Order 1, filed 3/13/75, effective 7/1/75)

WAC 16-529-200 Effective time. This marketing order for alfalfa seed shall become effective after having been approved in a referendum of affected producers, by at least 51% of the affected

producers of alfalfa seed having at least 65% of the volume of alfalfa seed produced, or by at least 65% of the affected producers of alfalfa seed having at least 51% of the volume of alfalfa seed produced, and after having been filed with the code reviser for not less than thirty days.

AMENDATORY SECTION (Amending Order 2, filed 10/17/75)

WAC 16-529-300 Time, place, method for collection and remittance of assessments. Effective with the 1975 crop, the following procedure is established for the collection, reporting, and remittance of assessments levied on alfalfa seed pursuant to RCW 15.65.410 and WAC (~~16-529-040~~) 16-529-140:

(1) All first buyers of alfalfa seed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittances to growers of such seed and transmit same to the commission not later than the last day of the calendar month following date of settlement.

(2) All producers selling alfalfa seed other than to first buyers for resale, whether selling directly or through brokers, and including all sales at retail, shall pay the amount of the assessment directly to the commission not later than the last day of the calendar month following date of settlement.

(3) To all assessments due and payable to the commission and not remitted on or before the date due, there shall be added a penalty fee of ten percent as provided in RCW 15.65.440.

(4) All remittances to the commission shall be transmitted with an official reporting form to be furnished free of charge by the commission. Said reporting form shall call for the name and address of the affected producer, the number of pounds of seed sold, the amount of assessment collected from each producer, and the name and address of the person or firm filing the report and remittance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-529-130

Marketing order purposes.