

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1636

(1) I, Errett Deck, Deputy Director, director of
Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

WAC 16-230-115 and WAC 16-230-120 relating to special program fees on 2,4-D herbicide distributed in this state.

(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, Errett Deck, 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 Washington State Department of Agriculture has determined there will be a twelve day period from the expiration of order no. 1576 to the effective date July 12, 1979 of order no. 1637 when fees would not be collected. I have determined that including this twelve day period is necessary to protect the public health, safety and welfare. The fees collected are for financing research which will provide information needed to resolve the present and continuing problem with damage to grape and other susceptible plants. 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):

- (a) This rule is promulgated pursuant to RCW 17.21 and 15.58 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 ADOPTED
STATE OF WASHINGTON
FILED

June 12 19 79

By Errett Deck
Deputy Director

Title

JUN 12 1979

CODE REVISER'S OFFICE
WSR 79-07-015

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

AMENDATORY SECTION (Amending Order 1576, filed 5/31/78)

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,-1978))~~ July 1, 1979 and ending ~~((June-30,-1979))~~ June 30, 1980: 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 (Amending Order 1576, filed 5/31/78)

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,-1979))~~ January 1, 1980 and ~~((July-1,-1979))~~ July 1, 1980 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,-1979))~~ January 30, 1980 for the ~~((January-1,-1979))~~ January 1, 1980 report and ~~((July-30,-1979))~~ July 30, 1980 for the ~~((July-1,-1979))~~ July 1, 1980 report.

For the purpose of review the following statement is submitted:

- (a) This rule relates to the assessment of fees on distributors of a restricted use herbicide in this state.
- (b) The emergency order is necessary because the Washington State Department of Agriculture has determined there will be a twelve day period from the expiration of order no. 1576 to the effective date July 12, 1979 of order no. 1637 when fees would not be collected. I have determined that including this twelve day period is necessary to protect the public health, safety and welfare. The fees collected are for financing research which will provide information needed to resolve the present and continuing problem with damage to grape and other susceptible plants.
- (c) Department of Agriculture
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