

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1686

(1) I, Bob J. Mickelson, director of Washington State Department of Agriculture do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Amend WAC 16-532-040 of the Marketing Order for Washington Hops to maintain the annual assessment on all varieties of hops at 60 cents per affected unit through the 1980 crop year and thereafter.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. This action is taken pursuant to Notice No. WSR 80-02-157 filed with the code reviser on February 6, 1980. Such rules shall take effect: [X] 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, 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: 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.

STATE OF WASHINGTON

APPROVED AND ADOPTED April 28 19 80

MAY 1 1980

By Bob J. Mickelson Director

Title

CODE REVISER'S OFFICE WSR 80-05-090

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

DEPARTMENT OF AGRICULTURE
OLYMPIA, WASHINGTON

This statement relates to Order No. 1686 of the Department of Agriculture and is filed pursuant to Chapter 84, Laws of 1977, 1st Extraordinary Session.

- A. 1. Re: AMD WAC 16-532-040
2. Purpose of the rule or rule change is to maintain the annual assessment on all varieties of hops at 60 cents per affected unit through the 1980 crop year and thereafter.
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 to maintain the annual assessment on all varieties of hops at 60 cents per affected unit through the 1980 crop year and thereafter.
- C. Person responsible for drafting the rule:
1. Name: Roger L. Roberts
2. Title: Special Programs Administrator
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 the proponents of the rule or rules are:
- Washington Hop Commission and Hop Growers of Washington, Inc.
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:
- The amendment passed in 1978 stated that the assessment for the 1980 crop year would be reduced to 45 cents.

AMENDATORY SECTION (Amending Order 1593, filed 12/21/78)WAC 16-532-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be sixty cents per affected unit for crop (~~(years-1978-and-1979)~~) year 1980 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.