

TRANSMITTAL OF RULES ADOPTED

FROM: DEPARTMENT OF AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 1533
Emergency rules

relating to (Name of rules or description of subject matter)
amending WAC 16-536-040 to increase the assessment on Austrian and all other winter varieties from two cents to four cents; dry peas from three cents to five cents; and lentils from four cents to six cents, all per affected unit cleaned. Approved by a producer referendum concluded June 3, 1977, as provided for in Chapter 15.65.140 RCW.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7481 ① filed with the code reviser on 3/30/77 ② were regularly adopted as permanent rules of this agency at Olympia on 6/3/77 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 7th day of June 1977.

STATE OF WASHINGTON
FILED
JUN 8 1977

DEPARTMENT OF AGRICULTURE
(AGENCY)
Gary F. Strohmaier
BY Gary F. Strohmaier
Director
Title

CODE REVISER'S OFFICE
DOCKET # 8254 FILE # 30

① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE ORDER NO. 1533

(1) I, Gary F. Strohmaier, Director of the Department of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapter 34.04 RCW and Chapter 15.65 RCW, after due notice and in meeting open to the public held in Colfax, Washington, as required by Chapters 34.04 and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

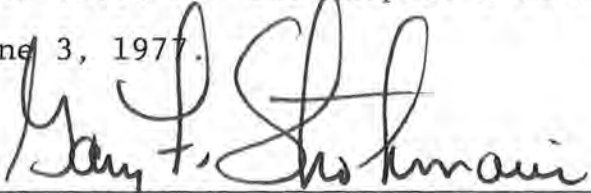
to amend the Marketing Order for Washington Dry Peas and Lentils (WAC 16-536-040) to increase the assessment on Austrian and all other winter varieties from two cents to four cents; dry peas from three cents to five cents; and lentils from four cents to six cents, all per affected unit cleaned. Approved by a producer referendum concluded June 3, 1977, as provided for in Chapter 15.65.140 RCW

as permanent rules of this agency.

(2) This order, after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to Chapter 34.04 RCW and Chapter 1-12 WAC.

APPROVED AND ADOPTED June 3, 1977.

By


Gary F. Strohmaier, Director
Department of Agriculture

Amd.

WAC 16-536-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The fixed annual assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be as follows:

(i) Austrian and all other winter varieties - four cents per affected unit cleaned.

(ii) All other dry peas - five cents per affected unit cleaned.

(iii) All varieties of dry lentils - six cents per affected unit cleaned.

(b) Such assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption, or on dry peas used for seed or seed stock in the production of green peas for fresh market, garden purposes, canning and/or freezing.

(c) Handlers shall collect producer assessments from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

(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 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 actions shall be tried and judgment rendered as in any other cause of action for debt due and payable.