



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: WASHINGTON WINE COMMISSION

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: June 2, 1999

(2) Purpose: The rule change increase the maximum rate of assessments on vinifera grapes from three dollars per ton to six dollars per ton and the maximum rate on wine from \$0.02 per gallon to \$0.04 per gallon.

(3) Citation of existing rules affected by this order: Chapter 16-575 WAC

Repealed:

Amended: WAC 16-575-015

Suspended:

(4) Statutory authority for adoption: Chapter 15.88 RCW

Other Authority: Chapter 303, Laws of 1997

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-06-070 on March 2, 1999 (date).

Describe any changes other than editing from proposed to adopted version: Language was changed from the proposed version to clarify the intent of the rule to distribute the assessment increase proportionally between wine producers and wine grape growers and eliminate unnecessary and redundant statement regarding procedures to adjust assessments.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules
or Expedited Repeal

Emergency Rules

- 31 days after filing
- Other (specify) _____*
- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Steve Burns

Signature

Title

Executive Director

Date

June 2, 1999

CODE REVISER USE ONLY

CODE REVISER USE ONLY

OFFICE OF THE
STATE OF WASHINGTON
CODE REVISER

JUN 2 1999

TIME 8:24 AM

WSR 99-12-104 PM

**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	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	<u>1</u>	Repealed	_____
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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	_____	Amended	<u>1</u>	Repealed	_____

NEW SECTION

WAC 16-575-015 Rate of Assessment - Method of Adjustment - Notice.

(1) Beginning on July 1, 1999 the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than six dollars per ton. The assessment rate for wine producers shall not be less than \$0.02 per gallon nor more than \$0.04 per gallon. The Washington Wine Commission may adjust the assessment amount levied on wine producers and grape growers as needed to fund necessary commission activities. *Provided, ((that no increase in the assessment on grape growers or wine producers becomes effective unless the increase is first referred by the commission to a referendum by the grape growers and wine producers in accordance with RCW 66.24.215 and chapter 15.88 RCW))* that any adjustment in the assessment rate by the Commission be levied in an equal and proportional manner upon both the wine producers and grape growers. In determining whether to adjust the assessment amount the commission shall consider the following factors:

(a) The commission's budgetary needs, including but not limited to a qualitative and quantitative review of programs carried out in the preceding year by the commission. This review should consider whether the program met its goals, benchmarks and objectives and whether the program constitutes the best use of the wine commission's finite resources;

(b) Projected grape production;

(c) Changes in administrative costs;

(d) Changes in the industry outside the control of the wine commission.

(2) The commission shall provide grape growers and wine producers notice of changes in assessment rates in a timely and reasonable manner and in no instance shall the notice be less than thirty days from the date the assessment is due.