

# Chapter 16-575 WAC

## WINE COMMISSION

### WAC

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**WAC 16-575-010 Time—Place—Method for payment and collection of assessments.** Effective with the growing season of 1990, the following procedure is established for the reporting and paying of the assessment of three dollars per ton of vinifera grapes harvested, levied pursuant to RCW 15.88.130:

(1) All first handlers of vinifera grapes for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission on or before December 31 of each year. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, tons of vinifera grapes handled or purchased, and amount deducted or collected for each grower on forms provided by the commission.

(2) All growers selling vinifera grapes for export, shall pay the assessment directly to the commission, on or before December 31 of each year. Such growers shall submit to the commission on or before December 31 of each year, a report listing the name and address of the exporter, tons sold, and assessment due, on forms provided by the commission.

[Statutory Authority: RCW 15.88.130. WSR 90-23-042, § 16-575-010, filed 11/15/90, effective 12/16/90.]

**WAC 16-575-015 Rate of assessment—Method of adjustment—Notice.** (1) Beginning on July 1, 2007, the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than twelve dollars per ton. The assessment rate for wine producers shall not be less than \$0.02 per gallon nor more than \$0.08 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 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;

(12/2/10)

(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.

[Statutory Authority: RCW 15.88.110, 66.24.215 and chapter 34.05 RCW. WSR 07-08-079, § 16-575-015, filed 4/2/07, effective 5/3/07. Statutory Authority: Chapter 15.88 RCW and 1997 c 303. WSR 99-12-104, § 16-575-015, filed 6/2/99, effective 7/3/99.]

**WAC 16-575-020 Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the commission 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 commission on December 31 of each year.

In the event any person fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission 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 collection 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 commission 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.

[Statutory Authority: RCW 15.88.130. WSR 90-23-042, § 16-575-020, filed 11/15/90, effective 12/16/90.]

**WAC 16-575-030 Washington wine commission—Travel reimbursement policy.** 1. Except as provided in section 9 below, all travel by commissioners and by commission staff must be approved in advance of departure.

2. Except as provided in section 9 below, each commissioner or commission employee expecting to travel on official wine commission business shall prepare a detailed, written description of the purpose of the proposed trip together with an estimate of expenses to be incurred for transportation, lodging, meals, promotional hosting, and all other costs which he/she expects to incur in connection with such travel.

3. Reimbursement for transportation expenses shall be at actual cost subject to the following limitations. Air travel must be on US carriers if available. No business or first class air travel will be approved or reimbursed. If a commissioner or commission employee uses his/her automobile for trans-

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portation, mileage shall be reimbursed at the current rate established by the Internal Revenue Service for business travel.

4. Reimbursement for lodging expenses shall be at actual cost up to a maximum of two hundred percent of the per diem lodging rates for US federal agency employees established by the US General Services Administration.

5. Reimbursement for meals shall be at actual cost, provided that such costs are reasonable for the particular market in which the expense is incurred.

6. Travel by commissioners and by the executive director of the Washington wine commission must be approved in advance by the chairperson of the commission. Travel by other commission staff must be approved in advance by the executive director of the commission.

7. Each person traveling on official commission business shall submit a written request for reimbursement within forty-five days after returning to the office from such trip. Written receipts for each expense in excess of twenty-five dollars for which reimbursement is requested must accompany the reimbursement request. Expenses will not be reimbursed unless such a request, accompanied by receipts where required, is timely submitted.

8. Expenses which have not been approved in advance will not be reimbursed unless the employee establishes, to the satisfaction of the person who reviewed and approved the estimated expenses, that the expense was both unanticipated and reasonably incurred.

9. No advance approval of estimated travel expenses is required for attendance at a regular or special meetings of the commission or a committee thereof within the state of Washington. If attendance at such a meeting requires the commissioner/employee to travel at least one hundred miles from his/her usual place of business, he/she is entitled to be reimbursed for the actual cost of one night's lodging, subject to the limits set forth in section 4 above. He/she is also entitled to reimbursement for costs of transportation and meals as provided in sections 3 and 5.

[Statutory Authority: Chapter 15.88 RCW. WSR 03-01-048, § 16-575-030, filed 12/10/02, effective 1/10/03.]

**WAC 16-575-040 Rules for implementation of promotional hosting by the Washington wine commission.** RCW 15.04.200 provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. "Promotional hosting" means the hosting of individuals or groups of individuals at meetings, meals, events, tours, or other gatherings for the purpose of agricultural development, trade promotion, cultivating trade relations, or in the aid of the marketing, advertising, or sale of Washington state wine or wine grapes.

The rules governing promotional hosting expenditures for the Washington wine commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development, trade promotion, and promotional hosting shall be pursuant to specific budget items in the commission's annual budget as approved by the commission and the director.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to

make expenditures for agricultural development, trade promotion, and promotional hosting in accordance with the provisions of these rules:

- (a) Commissioners;
- (b) Executive director;
- (c) Commission staff, as authorized in writing by the executive director.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position (if appropriate) of each person hosted, provided that in a group of ten or more persons, then only the name of the group hosted shall be required;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chair of the commission, executive director, and commission staff, as authorized in writing by the executive director, are authorized to approve direct payment or reimbursements submitted in accordance with these rules: Provided, That the chair, executive director, and commission staff are not authorized to approve their own vouchers.

(5) The following persons may be hosted when it is reasonably believed such hosting will promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes: Provided, That such hosting shall not violate federal or state conflict of interest laws:

- (a) Individuals from private business, associations, commissions, and accompanying staff and interpreter(s);
- (b) Members of the media and accompanying staff and interpreter(s);
- (c) Foreign government officials and accompanying staff and interpreter(s);
- (d) Federal, state, or local officials: Provided, That lodging, meals, and transportation will not be provided when such officials may obtain full reimbursement for these expenses from their government employer;
- (e) The general public, at meetings or gatherings open to the general public;
- (f) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (e) of this subsection are being hosted, will promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes;

(g) Spouses, partners, or significant others of the persons listed in (a), (b), (c), (d), and (f) of this subsection when attendance of such spouse, partner, or significant other is customary and expected or will serve to promote agricultural development, promote trade, cultivate trade relations, or aid in the

marketing, advertising, or sale of Washington state wine or wine grapes.

[Statutory Authority: RCW 15.04.200, chapters 15.88 and 34.05 RCW. WSR 11-01-003, § 16-575-040, filed 12/2/10, effective 1/2/11.]