

Chapter 60-12 WAC

WASHINGTON BEEF COMMISSION ACT RULES

WAC

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WAC 60-12-005 Promulgation. This is a new order relating to RCW 16.67.120.

I, Gary F. Strohmaier, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington, on April 26, 1977, by virtue of authority vested in me under chapter 34.04 RCW and RCW 16.67.120, do hereby find and declare that the assessment of twenty cents per head on Washington cattle be continued beyond July 1, 1977.

[Order 1527, § 60-12-005, filed 5/11/77, effective 7/1/77.]

WAC 60-12-010 Levy of assessment. (1) Pursuant to the National Beef Promotion and Research Program, 7 U.S.C. S 2901, et seq., RCW 16.67.120 and 16.67.122, the Washington state beef commission levies an assessment of one dollar and fifty cents per head on all Washington cattle sold in this state or elsewhere, provided that no assessment shall be collected with reference to the following:

(a) Sales by a person who purchased cattle solely for resale when such resale occurs within ten days from such person's purchase of the cattle and when any assessment due in connection with that original purchase has been paid. In order to qualify for this exception, such persons additionally must present the designated collecting person with their certification of nonproducer status form, along with a brand inspection certificate, a bill of sale or other documentation establishing the date of their purchase of the cattle. Such documentation must be presented at the time of sale to the designated collection person.

(b) Sales of cattle where the cattle that have been transported into Washington from another state for the purpose of sale and the sale takes place within thirty days of the cattle entering the state unless the assessment has not been paid in the state of origin.

(2) Assessments shall be paid by and shall be collected from the seller of the cattle. The term seller shall not include an agent or representative who is compensated in connection with the sale solely on a commission, handling fee or other service fee basis.

(3)(a) A designated collecting person is defined as either a state department of agriculture brand inspector where a brand inspection is conducted in conjunction with a sale or the buyer of the cattle where no brand inspection is conducted in connection with the sale.

(b) Where a brand inspection is conducted in conjunction with a sale, brand inspectors employed by the state department of agriculture may collect the assessment from the

seller of the cattle. Where no brand inspection is conducted in connection with the sale, the buyer of the cattle shall collect the assessment from the cattle seller at the time of the sale. All assessments so collected shall be transmitted directly to the Washington state beef commission by the fifteenth of the month after the month of collection.

(4) That portion of each assessment remitted to the Washington state beef commission for purposes of providing funds for a National Beef Promotion and Research Program under 7 U.S.C. S 2901, et seq. shall be remitted to the cattlemen's beef promotion and research board by the Washington state beef commission.

[Statutory Authority: RCW 43.17.240, chapters 16.67 and 34.05 RCW. WSR 10-21-057, § 60-12-010, filed 10/15/10, effective 11/15/10. Statutory Authority: RCW 16.67.090(4) and 16.67.122. WSR 95-10-097, § 60-12-010, filed 5/3/95, effective 6/3/95. Statutory Authority: RCW 16.67.120 and 16.67.122. WSR 87-01-013 (Order 1912), § 60-12-010, filed 12/9/86; Order 1527, § 60-12-010, filed 5/11/77, effective 7/1/77.]

WAC 60-12-020 Collection of assessment. (1) Collection of the federal beef check-off assessment shall be accomplished as set forth in the Beef Promotion and Research Act of 1985, 7 U.S.C. §§ 2901-11 and the federal Beef Promotion and Research Order, 7 C.F.R. §§ 1260.301 - 1260.316 (Subpart B), referred to in chapter 16.67 RCW as "the federal order."

(2) Procedures for collecting state-authorized assessments are not covered by the federal order and shall be as set forth in RCW 16.67.120(2), 16.67.122, 16.67.130 and this rule.

(3) All state-authorized assessments levied under chapter 16.67 RCW shall be due and payable on the 15th day of the month following the month in which the assessed transaction occurred.

(4) Pursuant to RCW 16.67.130, in the event a person who owes a state-authorized assessment fails to pay the full amount within the time set forth in subsection (3) of this section, the commission is authorized to and shall add an amount of ten percent to the unpaid assessments to defray the cost of collecting the assessment.

(5) Interest at the rate of one percent per month shall accrue on past due assessments pursuant to RCW 43.17.240, starting on the date the assessment became past due.

(6) The commission may assign past due assessments to a state-contracted collection agency to pursue collection. Under RCW 19.16.500, at least thirty days prior to assigning a past due assessment to a collection agency, the commission shall attempt to advise the person who owes the assessment of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid.

(7) The commission may bring a civil action under RCW 16.67.130 against any person who owes a past due state-authorized assessment in a state court of competent jurisdiction for the collection thereof, together with ten percent late

fee, interest from the date the debt became past due and any other necessary reasonable costs including attorney's fees.

(8) Any civil action for the collection of past due assessments may be combined with an action to collect any past due Washington state department of agriculture brand inspection fees imposed under chapter 16.57 or 16.65 RCW or 16-610 WAC when owed from the same person.

[Statutory Authority: RCW 43.17.240, chapters 16.67 and 34.05 RCW. WSR 10-21-057, § 60-12-020, filed 10/15/10, effective 11/15/10.]

WAC 60-12-030 Rules for implementation of promotional hosting by the Washington beef 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. The rules governing promotional hosting expenditures for the Washington beef commission shall be as follows:

(1) "Promotional hosting" means the hosting of individuals or groups of individuals at meetings, meals, events, or other gatherings for the purpose of agricultural development, trade promotion, cultivating trade relations, and in the aid of the marketing, advertising, promotion, or sales of beef and beef products. Such hosting may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses.

(2) Expenditures for promotional hosting shall be pursuant to specific budget items in the commission's annual budget as approved by the commission and the director.

(3) The commission staff members are authorized to make expenditures for promotional hosting in accordance with the provisions of these rules.

(4) Commissioners shall obtain prior authorization of the commission before making any expenditure for promotional hosting.

(5) All payments and reimbursements for promotional hosting expenses shall be identified and supported by a hosting expense report with receipts attached when available. Hosting expense report forms will be supplied by the commission and shall require the following information:

(a) Name of each person hosted, and company or affiliation name if appropriate;

(b) General purpose of the hosting;

(c) Date and location of hosting;

(d) Name and signature of person seeking payment or reimbursement; and

(e) Amount of payment or reimbursement.

(6) The executive director of the commission or chairman of the board are authorized to approve direct payment or reimbursements submitted in accordance with these rules, provided that they are not authorized to approve their own reimbursements.

(7) The following persons may be hosted by Washington beef commission staff or board members 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 beef or beef products, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private businesses, associations, commissions;

(b) Foreign government officials;

(c) Federal, state, and local officials: Lodging, meals, and transportation will be provided when such officials may not obtain reimbursement for these expenses from their government employer;

(d) Individuals who directly influence consumer perception and demand for beef and beef products, including media and health care professionals;

(e) Spouses of the persons listed in (d) of this subsection when it is customary and expected; and

(f) The general public, at meetings and gatherings open to the general public.

[Statutory Authority: RCW 15.04.200 and chapters 16.67, 34.05 RCW. WSR 14-14-019, § 60-12-030, filed 6/23/14, effective 7/24/14.]

