

WSR 24-14-147

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 3, 2024, 10:48 a.m., effective August 3, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making amends the Washington beef commission (commission) WAC by incorporating changes from the passage of 2ESSB 5150 during the 2024 legislative session. The rule changes include the following: Assessment increase for Washington state beef checkoff of up to \$2.50 per head to be implemented over a three-year period (2024, 2025, and 2026). Due to the commission's authority to collect both the state and federal beef checkoff, the total amount collected will be no more than \$3.00 per head. One dollar of that total will be for the federal beef checkoff; and new section that provides language around refunding an assessment.

Propose to repeal WAC 60-12-005 as the details included in this section are out of date and are clarified in WAC 60-12-010.

Citation of Rules Affected by this Order: New WAC 60-12-025; repealing WAC 60-12-005; and amending WAC 60-12-010.

Statutory Authority for Adoption: RCW 16.67.090.

Adopted under notice filed as WSR 24-10-110 on May 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 3, 2024.

Derek I. Sandison
Director

OTS-5390.1

AMENDATORY SECTION (Amending WSR 10-21-057, filed 10/15/10, effective 11/15/10)

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))~~ up to \$3.00 (\$2.00 of which goes to the state beef checkoff and \$1.00 to the federal beef checkoff) per head to be implemented as prescribed in subsection (2) of this section 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)~~) 10 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 to the designated collection person 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)~~) 30 days of the cattle entering the state unless the assessment has not been paid in the state of origin.

(2) (a) Beginning July 1, 2024, the assessment for the combined state and federal checkoff will be \$2.00 per head. \$0.50 of the \$2.00 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(b) Beginning January 1, 2025, the assessment for the combined state and federal checkoffs will be \$2.50 per head. \$1.00 of the \$2.50 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(c) Beginning January 1, 2026, the assessment for the combined state and federal checkoffs will be \$3.00 per head. \$1.50 of the \$3.00 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(3) 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))~~ (4) (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))~~ (5) 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.

NEW SECTION

WAC 60-12-025 Refunds. (1) Chapter 16.67 RCW provides that of the assessments levied in RCW 16.67.120, a producer or owner of cattle from whom an assessment is collected, except for assessments collected at the first point of sale of green tag calves not subject to the assessment increases provided in RCW 16.67.120(2), has the right to request a refund of not more than \$1.00 per head beginning July 1, 2024, not more than \$1.50 per head beginning January 1, 2025, and not more than \$2.00 per head beginning January 1, 2026. Refund requests must be mailed to the commission within 90 calendar days of the assessment and include the following information:

- (a) Name and address of the producer or owner;
 - (b) Name and address of the entity collecting the assessment (brand inspector or livestock market);
 - (c) Number of head on which a refund is requested;
 - (d) Total amount of refund requested;
 - (e) Date of assessment;
 - (f) Producer's signature; and
 - (g) Proof of payment of the assessment.
- (2) The commission must process the requested refunds on a calendar quarterly basis. Any refund request that is received by the commission less than 15 days from the end of the calendar quarter must be paid at the end of the next quarter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 60-12-005 Promulgation.