

## CHAPTER 92

[Substitute House Bill No. 254]

PUBLIC ASSISTANCE—FAIR HEARINGS—REVIEW—OVERPAYMENT  
RECOVERY

AN ACT Relating to public assistance; and amending section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070 are each amended to read as follows:

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the ~~((director))~~ secretary of the department or by a duly appointed, qualified ~~((and acting supervisor thereof, or by an))~~ hearing examiner especially appointed by the ~~((director))~~ secretary for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a ~~((transcript))~~ tape recording of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this ~~((transcript))~~ tape recording shall be ~~((given))~~ provided the appellant if request for same is made in writing by the appellant or his attorney of record.

In the event an appellant feels aggrieved by the decision in a fair hearing under this section, and if the appellant files an appeal to the superior court for judicial review in accordance with chapter 34.04 RCW as now or hereafter amended, the appellant is entitled to a typed transcript of the tape recordings or such portion thereof as the applicant requests from the department, if the request is made by the appellant or the appellant's attorney of record.

Any appellant who desires a fair hearing shall within ~~((thirty))~~ ninety days after receiving notice of the decision of the department or an authorized agency of the department, file with the ~~((director))~~ secretary a notice of appeal from the decision. The department shall notify the appellant of the time and place of said hearing at least twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

At any time after the filing of the notice of appeal with the ~~((director))~~ secretary, any appellant or attorney for appellant with written authorization or next of kin shall have the right of access to, and can examine any files and records of the department ~~((in))~~ related to the case of appeal.

It shall be the duty of the department within ~~((sixty))~~ seventy-five days after receipt of the notice of appeal to notify the appellant of the decision of the ~~((director))~~ secretary: PROVIDED, That any overpayment which the

department may be entitled to recover as a result of such decision shall be limited to the amount recoverable up to the sixtieth day after receipt of the notice of appeal.

If the decision of the ((director)) secretary is made in favor of the appellant, assistance shall be paid from the date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Passed the House April 2, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

## CHAPTER 93

[House Bill No. 351]

### AGRICULTURAL COMMODITY MARKETING ORDERS—ANNUAL ASSESSMENT FEE

AN ACT Relating to agriculture; and amending section 15.66.150, chapter 11, Laws of 1961 and RCW 15.66.150.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 15.66.150, chapter 11, Laws of 1961 and RCW 15.66.150 are each amended to read as follows:

There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed((:

(1) ~~In the case of wheat, one-half cent per bushel;~~

(2) ~~In the case of all other commodities,))~~ three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be