

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

within the limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this chapter providing for the election of commission members.

To collect such assessment each order may require:

(1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets (said stamps to be canceled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein

provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

Passed the House March 21, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor April 27, 1979.

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

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## CHAPTER 94

[House Bill No. 460]

### SPECIALIZED FOREST PRODUCTS

AN ACT Relating to specialized forest products; amending section 3, chapter 47, Laws of 1967 ex. sess. as amended by section 1, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.020; amending section 4, chapter 47, Laws of 1967 ex. sess. as amended by section 2, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.030; amending section 5, chapter 47, Laws of 1967 ex. sess. as amended by section 3, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.040; amending section 6, chapter 47, Laws of 1967 ex. sess. as amended by section 4, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.050; amending section 7, chapter 47, Laws of 1967 ex. sess. as amended by section 5, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.060; amending section 8, chapter 47, Laws of 1967 ex. sess. as amended by section 6, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.070; amending section 9, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.080; amending section 14, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.092; amending section 11, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.094; amending section 12, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.096; amending section 13, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.098; amending section 11, chapter 47, Laws of 1967 ex. sess. as amended by section 7, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.100; amending section 12, chapter 47, Laws of 1967 ex. sess. as amended by section 8, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.110; amending section 13, chapter 47, Laws of 1967 ex. sess. as amended by section 9, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.120; adding a new section to chapter 76.48 RCW; repealing section 10, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.090; and prescribing penalties.

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

Section 1. Section 3, chapter 47, Laws of 1967 ex. sess. as amended by section 1, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.020 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, and other cut or picked evergreen products.

(4) "Cedar products" shall mean cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.