

CHAPTER XXXVIII

~~WYOMING WHEAT COMMISSION WHEAT ASSESSMENT, COLLECTION AND REFUNDS~~

~~Section 1. Authority. Pursuant to the authority vested in the Wyoming Wheat Commission by virtue of Sections 11-38-101 through 11-38-110, Wyoming Statutes 1977, as amended, and the Wyoming Administrative Procedures Act, Sections 16-3-101 through 16-3-115, Wyoming Statutes 1977, as amended, the following regulations pertaining to assessment, collection and refunds by the Wyoming Wheat Commission are hereby promulgated and adopted.~~

~~Section 2. Assessment.~~

~~(a) The Wheat Commission shall assess Wyoming wheat in the amount of one cent (\$0.01) per bushel by virtue of its authority as vested in Section 11-38-108.~~

~~(b) There shall be no delineation as to crop year in the initial assessment of Wyoming wheat. Wyoming wheat shall mean wheat grown in the state of Wyoming at any time and shall be subject to assessment after July 1, 1975.~~

~~(c) Future adjustments to the assessment rate shall be made effective on a given date as determined by the Wheat Commission and shall include any and all wheat transactions on and after said date.~~

~~(d) Forms for recording the assessment shall be provided by the Wheat Commission.~~

~~Section 3. Collection.~~

~~(a) The collection of the wheat assessment shall be made on forms prescribed by the Wheat Commission.~~

~~(b) The handler shall remit to the Wheat Commission all collected assessments by the 15th of each month. Any and all monies collected between the 15th of the preceding month and the 14th of the present month shall be remitted to the Commission. No assessment may be retained by the handler for a period longer than thirty one (31) days.~~

~~(c) At the time of assessment a receipt shall be presented by the handler to the grower.~~

~~(d) The grower may apply to the Wheat Commission Office for a Wheat Assessment Refund Application form within ninety (90) days after the date of sale.~~

~~Section 4. Refunds.~~

~~(a) Any person, or persons, who have paid the prescribed assessment shall be entitled to a prompt refund, as provided for in the law, upon presentation of the proper documentation not less than thirty (30) nor more than ninety (90) days from date of sale.~~

~~———— (b) No refund application shall be accepted after the ninety (90) days have elapsed and said ninety (90) days shall have elapsed at 12:00 midnight on the ninetieth (90th) day. A valid postmark shall be used to determine the validity of the refund within the allotted time period.~~

~~———— (c) Payment of a refund shall be made promptly after receipt of said assessment has been received by the Wheat Commission from the appropriate handler involved with the initial assessment.~~

~~———— (d) Only forms provided by the Wheat Commission shall be used. Handlers will be accountable for all forms issued by them to the Wheat Commission.~~

~~———— (e) The Wheat Commission may refuse payment of a refund claim when said claim is in doubt. It shall be necessary for claimant to provide information as deemed necessary by the Wheat Commission before payment is made.~~

~~———— (f) Any person may petition the Wheat Commission over a refund claim.~~

~~———— (g) Contested cases shall be heard only at regularly scheduled Wheat Commission meetings. The procedure used for a contested case shall be that as outlined in Section 16-3-107 of the Wyoming Administrative Procedures Act.~~

~~———— Section 5. Enforcement. The Wheat Commission shall take the appropriate action that it deems necessary when the prescribed regulations are not adhered to. The Wyoming Administrative Procedures Act, Sections 16-3-101 through 16-3-115, Wyoming Statutes 1977, as amended, shall be used in such action.~~



Wyoming
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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

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Summary of Comments and Response:

The Department of Agriculture did not receive any public comments regarding the repeal of Chapter 38 Rules pertaining to the Wyoming Wheat Commission: Wheat Assessment, Collection and Refunds.

Sincerely,

Margy Anderson
Office Support Specialist

Equal Opportunity in Employment and Services

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Statement of Principal Reasons

The Wyoming Department of Agriculture wishes to repeal Chapter 38 of its rules titled Wheat Assessment, Collection and Refunds. The rules were filed on May 23, 1986.

Since then, the Wheat Marketing Commission adopted Chapter 1 of its rules, which were filed October 14, 2009. Chapter 1 replaced Chapter 38 which is no longer required.