

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

WASHINGTON STATE APPLE ADVERTISING COMMISSION
(name of governing body)

WASHINGTON STATE APPLE ADVERTISING COMMISSION
(agency name, if applicable)

Resolution No. _____

Administrative Order No. 15

(1) Be it resolved by the Washington State Apple Advertising Commission, acting at Convention Center, Wenatchee, Washington 98801 (place), that it does adopt the annexed rules relating to:

Collection procedures for delinquent assessments

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. These rules shall take effect:
[] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
[] at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, Washington State Apple Advertising Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: It is necessary that the new collection procedures be established and in effect in September at the beginning of the 1984 apple shipping crop season.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- [] (a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW _____ which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule making authority of the

Washington State Apple Advertising Commission (agency)

as authorized in RCW 15.24.070(1)

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 112 WAC.

APPROVED AND ADOPTED July 12, 1984

STATE OF WASHINGTON FILED

By [Signature]

Executive Director Title

JUL 30 1984

CODE REVISER'S OFFICE WSR 84-16-062

TEXT OF RULE

AMENDATORY SECTION (Amending Order No. 13, filed 10-06-82)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of 32.6 cents on each one hundred pounds (100 lbs.) gross billing weight. Assessments shall be payable (~~(when-shipped)~~) as provided in WAC 24-12-012, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessments:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose) Net weight plus	3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

NEW SECTION

WAC 24-12-012 COLLECTION OF ACCOUNTS.

(1) The Commission shall obtain from the Department of Agriculture a record of all shipments of fresh apples and shall from this record periodically invoice all apple dealers and handlers shown thereon for assessments on apples levied pursuant to WAC 24-12-010. The date of the invoice shall be known as the billing date.

(2) Assessments not paid within twenty (20) days from the billing date shall be delinquent, and the Commission shall thereupon send a notice of delinquency to the dealer or handler involved. A copy of the notice of delinquency shall be sent at the same time to the district inspection office of the Department of Agriculture. If the delinquent assessments are not paid within thirty-five (35) days from the billing date, a second notice of delinquency shall be sent to the dealer or handler involved with

a copy to the district inspection office of the Department of Agriculture stating that if the delinquent assessments are not paid within forty-five (45) days from the billing date the dealer or handler involved will thereafter be put on a cash basis until the delinquent assessments are paid, and that if the delinquent assessments are not paid within sixty (60) days from the billing date, the Compliance Book of Compliance Certificates will be removed by the Department of Agriculture and inspection service will be withdrawn. Inspection service will be reinstated only upon mutual agreement of the Department of Agriculture and the Commission and after all delinquent assessments have been paid. Delinquent assessments not paid within thirty-five (35) days of the billing date shall bear interest at the maximum legal rate, not to exceed 1-1/2% per month, and in case of suit to collect said delinquent assessments, the Commission shall be allowed, in addition to any other relief granted, reasonable attorney fees and its costs of suit.

(3) The foregoing procedure for collection of assessments shall apply to all shipments of apples disclosed by Department of Agriculture records on or after September 7, 1984.

REPEALER

The following section of the Washington Administrative Code is repealed:

- (1) WAC 24-12-090 COLLECTION OF ASSESSMENTS.

**WASHINGTON
APPLE COMMISSION**

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WENATCHEE WASHINGTON 98801



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RULE PURPOSE STATEMENT

- (a) Title: WAC 24-12-012 Collection of Assessments.
Description of purpose: To provide collection procedures for delinquent assessments levied on apples.
- (b) Statutory authority for adopting rule: RCW 15.24.070(1) and (2)
- (c) Summary of rule: To establish billing procedures for assessments levied on apples, collection procedures for delinquent assessments and imposition of penalties including withholding of inspection service for non-payment.
Reasons supporting proposed action: Existing collection procedures are inadequate.
- (d) Agency personnel responsible for:
Drafting: Pat Drake, 229 S. Wenatchee Ave., Wenatchee, Washington 98801 [509] 662-2213.
Implementation: Thomas H. Hale, 229 S. Wenatchee Ave., Wenatchee, Washington 98801 [509] 662-2213.
Enforcement: Thomas H. Hale, 229 S. Wenatchee Ave., Wenatchee, Washington 98801 [509] 662-2213.
- (e) Person or organization proposing rule, and whether public, private or governmental: Washington State Apple Advertising Commission, governmental state agency.
- (f) Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.
- (g) Whether rule is necessary as result of federal law or federal or state court action: No.
- (h) Small business economic impact statement: Attached.

**WASHINGTON
APPLE COMMISSION**

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SMALL BUSINESS ECONOMIC IMPACT STATEMENT

The proposed rules for establishing collection procedures for delinquent assessments levied on apples does not increase the costs of equipment, supplies, labor or administrative costs.

Since the proposed rule equally affects each box of apples, it is not anticipated there will be any significant difference in the cost of compliance for small business compared to the cost of compliance for the ten percent of firms which are the largest businesses requested to comply with the proposed new or amendatory rules.

HAROLD COZART CHAIRMAN
JAMES A. CLINE VICE CHAIRMAN
TOM HALE EXECUTIVE DIRECTOR

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