

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. 17

(1) Be it resolved by the WASHINGTON STATE APPLE ADVERTISING COMMISSION, acting at Convention Center, Wenatchee, Washington (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. 85-21-007 filed with the code reviser on October 4, 1985. 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, _____, 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:

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

(3) Pursuant to the requirements of RCW 34.04.026¹ 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)

(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 1-12 WAC.

APPROVED AND ADOPTED December 12, 19 85

STATE OF WASHINGTON FILED

DEC 18 1985

By James A. Clive Chairman Title

CODE REVISER'S OFFICE WSR 86-01-082

TEXT OF RULE

AMENDATORY SECTION (Amending Order No. 16, filed 9-20-84)

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 cost 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.)~~ and that the Compliance Certificate Book will be removed by the Department of Agriculture, and if the delinquent assessments are not paid within sixty (60) days from the billing date, inspection service will be withdrawn.

If at any time an account thereafter is again unpaid in the same crop year shipping season for more than thirty-five (35) days from the billing date, the Commission may, without further notice, immediately place the dealer or handler on a cash basis for the remainder of the crop year shipping season, or such shorter period as the Commission may at its option specify, and the Compliance Certificate Book will be removed by the Department of Agriculture. If said subsequent delinquency shall continue more than sixty (60) days from the billing date, inspection service will be withdrawn.

Once 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.

(3) 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 prevailing party shall, in addition to any other relief granted, be allowed an attorneys fee in such amount as the court in its discretion deems reasonable, together with costs of suit.