

TRANSMITTAL OF RULES ADOPTED

FROM: WASHINGTON STATE APPLE ADVERTISING COMMISSION (Name of Agency)

TO: CODE REVISER LEGISLATIVE BLDG. (Southwest Corner, Ground Floor) Olympia 98504

The enclosed rules Permanent rules [] / Emergency rules [X], being Order No. 5 relating to (Name of rules or description of subject matter)

- Amendment to WAC 24-12-010 AMOUNT OF ASSESSMENTS
Adopt new WAC 24-12-090 COLLECTION OF ASSESSMENTS
Repeal WAC 24-12-020 APPLE ADVERTISING STAMPS
WAC 24-12-030 STAMP BOOKS
WAC 24-12-040 BILLS OF LADING AND RELEASES
WAC 24-12-050 REPORTS

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. filed with the code reviser on (date) were regularly adopted as permanent rules of this agency at (place) on (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at public meeting held at Holiday Inn, Yakima, Washington 98901 on November 10, 1977 (place) (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 10th day of November 1977.

STATE OF WASHINGTON FILED NOV 14 1977

WASHINGTON STATE APPLE ADVERTISING COMMISSION (AGENCY)

By [Signature] Secretary-Manager Title

CODE REVISER'S OFFICE DOCKET # 8618 FILE # II

NOTES: 1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice) 2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice) 3Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 34.04.040. Leave this space blank except in such special cases.

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. 5

(1) Be it resolved by the WASHINGTON STATE APPLE ADVERTISING COMMISSION, State of Washington, that it does

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at _____ on _____, as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules:

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

promulgate and adopt as emergency rules of this governing body, the annexed rules:

As attached

We, the WASHINGTON STATE APPLE ADVERTISING COMMISSION, find that an emergency exists and that the foregoing 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 such emergency is:

It is necessary to adopt emergency rules to eliminate a hiatus between expiration of emergency rules filed August 18, 1977 and the effective date of permanent rules adopted November 10, 1977. These emergency rules shall expire at the time the permanent rules adopted November 10, 1977 become permanent.

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

(2) Pursuant to the requirements of RCW 34.04.____ (1977 c 19 § 2)' 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 15.24.070(1) which directs that the

WASHINGTON STATE APPLE ADVERTISING COMMISSION

(agency)

has authority to implement the provisions of

CHAPTER 15.24

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW _____

(3) This order after being first recorded in the order register of this governing body shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED November 10 19 77

By Janet Horvath
Vice-President
Title

By [Signature]
Secretary-Manager
Title

LAW OFFICES OF
DAVIS, ARNEIL, DORSEY, KIGHT & PARLETTE

300 COLUMBIA FEDERAL SAVINGS BUILDING
18 SOUTH MISSION STREET
P. O. BOX 2136
WENATCHEE, WASHINGTON 98801

TELEPHONE
AREA CODE 509
662-3551

HARVEY F. DAVIS
JAMES ARNEIL
DAVID J. DORSEY
MILBURN D. KIGHT
ROBERT L. PARLETTE

November 11, 1977

Office of Code Reviser
Legislative Building
OLYMPIA, WASHINGTON 98504

Re: Washington State Apple Advertising Commission

Gentlemen:

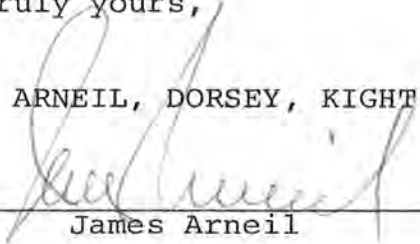
Enclosed herewith are original and three copies each of Form CR-2 and Form CR-8 of Administrative Order No. 5 and Administrative Order No. 6. To the original of each I have attached a Statement of Rule Promulgations, three copies of which have been filed with both the Secretary of the Senate and the Chief Clerk of the House of Representatives.

It will be appreciated if upon receipt the orders can be promptly filed and called to the attention of Mr. Gary Reid, with the request that he call me and advise me the date of filing.

Very truly yours,

DAVIS, ARNEIL, DORSEY, KIGHT & PARLETTE

By


James Arneil

JA:rc
Enclosures

LAW OFFICES OF
DAVIS, ARNEIL, DORSEY, KIGHT & PARLETTE

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HARVEY F. DAVIS
JAMES ARNEIL
DAVID J. DORSEY
MILBURN D. KIGHT
ROBERT L. PARLETTE

Secretary of the Senate
3rd Floor, Legislative Building
OLYMPIA, WASHINGTON 98504

Re: Washington State Apple Advertising Commission
Statement of Rule Promulgations

Dear Sir:

Pursuant to the provisions of Chapter 85, Washington Laws,
1977 1st Ex. Sess., enclosed herewith are three copies of Statement
of Rule Promulgations adopted by the Washington State Apple Adver-
tising Commission.

Very truly yours,

DAVIS, ARNEIL, DORSEY, KIGHT & PARLETTE

By


James Arneil

JA:rc
Enclosures
cc: Code Reviser

WASHINGTON STATE APPLE ADVERTISING COMMISSION

STATEMENT OF RULE PROMULGATIONS

PURSUANT TO CHAPTER 85, WASHINGTON LAWS, 1977 1st EX. SESS.

1. Rule Promulgations

- (a) Amendment of WAC 24-12-010. A rule providing for levying assessments upon all fresh apples grown in the state of Washington or packed as Washington apples adopted by the Washington State Apple Advertising Commission pursuant to the provisions of RCW 15.24.070(1).

Summary of Rule. The rule change amends WAC 24-12-010 to provide that the assessments shall be that amount established from time to time pursuant to the provisions of RCW 15.24.090 and amends the gross billing weights for certain containers.

- (b) New Rule WAC 24-12-090. A rule relating to the collection of assessments, providing for interest on delinquent assessments at the option of the Commission, and for attorney's fees in case of suit for collection adopted by the Washington State Apple Advertising Commission pursuant to the provisions of RCW 15.24.070(1).

Summary of Rule. The rule provides that the Commission shall invoice all apple handlers and dealers twice monthly for assessments on shipments of fresh apples as disclosed by the records of the Department of Agriculture, that delinquent assessments shall bear interest at the maximum legal rate at the option of the Commission, and that in case of suit for collection a reasonable attorney's fee shall be allowed.

- (c) Repeal WAC 24-12-020. Apple Advertising Stamps.
Repeal WAC 24-12-030. Stamp Books.
Repeal WAC 24-12-040. Bills of Lading and Releases
Repeal WAC 24-12-050. Reports

2. Agency Personnel Responsible for Drafting, Implementation and Enforcement of the above Rules. Joseph B. Brownlow, secretary-manager, 229 South Wenatchee Avenue, Wenatchee, Washington, telephone number (509) 662-2123.

3. Proponents of the Rule Promulgations. The Washington State Apple Advertising Commission and Joseph B. Brownlow, secretary-manager.

Opponents to the Rule Promulgations. None known.

4. There are no agency comments or recommendations regarding statutory language, implementation, enforcement and fiscal matters pertaining to the above rules.

5. The foregoing rule promulgations were adopted on an emergency basis as Administrative Order No. 5 and on a permanent basis as Administrative Order No. 6.

AMENDATORY SECTION

WAC 24-12-010 AMOUNT OF ASSESSMENTS. (~~The amount of the apple assessment shall be twelve cents (12¢) on each one hundred pounds (100 lbs.) gross billing weight of apples.~~) Assessments shall be that amount on each one hundred pounds (100 lbs.) gross billing weights of apples established from time to time pursuant to the provisions of RCW 15.24.090 and shall be payable when shipped, 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 assessment:

<u>DESCRIPTION OF CONTAINER</u>	<u>GROSS BILLING WEIGHTS</u>
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.
((10/4 and)) 13/3 Bag ((Containers)) <u>Container</u>	45 lbs.
<u>10/4 Bag Container</u>	46 lbs.
12/4 Bag Container	((53 lbs.)) 54 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 24-12-090 COLLECTION OF ASSESSMENTS. (1) The commission shall obtain from the department of agriculture a record of all shipments of fresh apples and shall from this record invoice twice monthly all apple dealers and handlers shown thereon. Said dealers and handlers shall remit the amount shown on their respective invoices to the commission office in Wenatchee within ten (10) days of their mailing dates.

(2) Assessments not paid as provided in WAC 24-12-010 shall be delinquent. Delinquent assessments not paid within thirty (30) days of the due dates thereof shall, at the option of the commission, bear interest at the maximum legal rate and in case of suit to collect said delinquent assessments, the commission shall be allowed, in addition to any other relief granted, a reasonable attorney's fee 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 obtained by the commission on or after September 2, 1977.

REPEALER

The following sections of the Washington Administrative Code are each repealed, effective upon implementation of WAC 24-12-090:

- (1) WAC 24-12-020 APPLE ADVERTISING STAMPS
- (2) WAC 24-12-030 STAMP BOOKS
- (3) WAC 24-12-040 BILLS OF LADING AND RELEASES
- (4) WAC 24-12-050 REPORTS