

Chapter 16-560 WAC

WASHINGTON TREE FRUIT RESEARCH COMMISSION

WAC

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WAC 16-560-005 Authority and purpose. These rules are promulgated by the Washington tree fruit research commission pursuant to the authority granted by chapter 15.26 RCW and in accordance with procedures required under chapter 1-12 WAC. The purpose of administrative rules and regulations adopted under this chapter is to administer and carry out the provisions of chapter 15.26 RCW.

[Order 4, § 16-560-005, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-010 Withholding assessments by first handler. All dealers, handlers, or processors who purchase commercial tree fruit from a producer for sale, processing, or shipment anywhere, shall withhold the assessment due and payable the Washington tree fruit research commission by producers of such commercial tree fruit unless adequate evidence is supplied by such producer that payment of the assessment has been or will have been made directly by himself. The first handler is responsible for payment of the research assessment, but he shall charge the same against the producer, who is finally responsible for such assessment. A producer who transports his own fruit or fruit on consignment to fresh market is deemed to be a first handler.

[Order 4, § 16-560-010, filed 4/30/70; Emergency Order 3, filed 3/11/70; Order 2, § 16-560-010, Regulations 1, 2, 3, filed 9/26/69.]

WAC 16-560-020 Payment of assessment by first handler. All first handlers shall remit such assessment to the Washington state apple advertising commission, when such assessment has been withheld for apples, and such remittance shall be made in the same manner and time as assessments due the said Washington state apple advertising commission for apple advertising assessments; and to the Washington state fruit commission, when such assessment has been withheld for any other tree fruit, including winter pears, and such remittance shall be made in the same manner and time as assessments due the said Washington state fruit commission.

[Order 4, § 16-560-020, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-030 Collection and remittance of assessments on processing apples. The Washington state apple advertising commission is hereby designated to collect assessments due and payable to the Washington tree fruit

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research commission on processing apples as defined in RCW 15.24.010(6). The Washington tree fruit research commission will prescribe the official form to be used by the Washington apple advertising commission and all dealers, handlers and processors handling processing apples in the collection and payment of such assessments. The Washington state apple advertising commission shall determine the manner and time of payment of such assessments in conformance with its system of assessment collections. The remittance of such assessments collected on processing apples shall be made by the Washington apple advertising commission to the Washington tree fruit research commission, in conformance with WAC 16-560-050.

[Order 4, § 16-560-030, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-040 Collection of assessments by state department of agriculture. The Washington state department of agriculture may upon request of the Washington tree fruit research commission collect any or all assessments due and payable to the Washington tree fruit research commission.

[Order 4, § 16-560-040, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-050 Payments to tree fruit research commission. All assessments collected by the Washington state apple advertising commission, the Washington state fruit commission, and the Washington state department of agriculture shall be paid to the Washington tree fruit research commission within thirty days of such collection.

[Order 4, § 16-560-050, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-060 Reports of dealer, handler, and processor. Every dealer, handler and processor shall annually, within thirty days following each August 31, file with the Washington tree fruit research commission a report, under oath, on forms prescribed and furnished by said commission, stating the quantity of apples covered by the provisions of the Tree Fruit Research Act handled, shipped or processed by him during the twelve-month period immediately preceding said August 31. Said return shall in addition identify each person from whom said apples were received and the amount of apples furnished by each said person. All said returns shall be submitted directly to the Washington state apple advertising commission as the designated agent for audit and collection of assessments levied on apples pursuant to the provisions of the Tree Fruit Research Act. The above is to conform with RCW 15.26.190.

[Order 4, § 16-560-060, filed 7/17/72.]

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WAC 16-560-06001 Assessment rates. (1) There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of one dollar per ton on all such tree fruit: Provided, That such assessment for cherries shall be four dollars per ton.

(2) There is hereby established pursuant to RCW 15.26.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations.

(3) There is hereby established on all commercial tree fruit produced in this state or held out as being produced in the state for fresh or processing use, an additional assessment pursuant to RCW 15.26.150 of four dollars per ton on cherries and one dollar per ton on all other such tree fruit as approved by referendum vote of affected producers, the results of which shall be retained on file in the board's administrative office. This additional assessment shall be expended on a specific crop in proportion to the assessment collected for the specific crop. The additional assessment shall be imposed beginning in the 2012 crop year and be in effect until the total collection for all crops reaches thirty-two million dollars but in no case will be in effect for more than eight crop years. If thirty-two million dollars in additional assessment is collected in less than eight crop years, this additional assessment will expire at the end of the crop year and no further additional assessment will be collected in the subsequent crop years.

(4) The referendum for additional assessment under subsection (3) of this section having failed with regard to cherries and stone fruit, there is hereby established on all commercial stone fruit and cherries produced in this state or held out as being produced in the state for fresh or processing use, an additional assessment pursuant to RCW 15.26.150 to add to the fund established under subsection (3) of this section. This additional assessment shall be expended on a specific crop in proportion to the assessment collected for the specific crop. The additional assessment for stone fruit and cherries shall be one dollar per ton on stone fruit and four dollars per ton on cherries as approved by referendum vote of affected producers. If approved, the cherry and stone fruit assessment shall begin in the 2013 crop year. The cherry assessment shall continue in effect until the 2021 crop year or until the total collection for cherries reaches five million dollars or until the total collection for all crops reaches its maximum amount as defined under subsection (3) of this section, whichever comes first. The stone fruit assessment shall continue in effect until the 2021 crop year or until the total collection for stone fruit reaches two hundred seventy-five thousand dollars or until the total collection for all crops reaches its maximum amount under subsection (3) of this section, whichever comes first.

The board shall retain the results of the referendum on file in the board's administrative office.

[Statutory Authority: Chapters 15.26 and 34.05 RCW. WSR 13-05-059, § 16-560-06001, filed 2/15/13, effective 3/18/13; WSR 11-21-011, § 16-560-06001, filed 10/7/11, effective 11/7/11. Statutory Authority: RCW 15.26.110(2). WSR 96-07-054, § 16-560-06001, filed 3/19/96, effective 4/19/96. Statutory Authority: RCW 15.26.140 and 15.26.150. WSR 92-01-009, § 16-560-06001, filed 12/5/91, effective 1/5/92. Statutory Authority: RCW 15.26.155. WSR 86-14-066 (Order 8, Resolution No. 8), § 16-560-06001, filed 6/30/86, effective 8/1/86; WSR 85-10-005 (Order 7, Resolution No. 7), § 16-560-06001, filed 4/19/85. Statutory Authority: RCW 15.26.140. WSR 80-05-091 (Order 6, Resolution No. 6), § 16-560-06001, filed 5/1/80; Order 5, § 16-560-060 (codified as WAC 16-560-06001), filed 3/8/74.]