

Chapter 24-12 WAC

ASSESSMENTS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

24-12-020	Apple advertising stamps. [Order 3, § 24-12-020, filed 8/28/72; Regulation No. 3, filed 1/26/67; Regulation No. 3, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
24-12-030	Stamp books. [Order 3, § 24-12-030, filed 8/28/72; Regulation No. 4, filed 11/26/67; Regulation No. 4, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
24-12-040	Bills of lading and releases. [Regulation No. 5, filed 1/26/67; Regulation No. 5, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
24-12-050	Reports. [Regulation No. 6, filed 1/26/67; Regulation No. 6, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
24-12-090	Collection of assessments. [Order 6, § 24-12-090, filed 11/14/77.] Repealed by WSR 84-20-002 (Order 16), filed 9/20/84. Statutory Authority: RCW 15.24.070(1).

WAC 24-12-001 Promulgation. Under and by virtue of chapter 15.24 RCW as amended and chapter 11, Laws of 1961, the Washington apple commission does hereby adopt and prescribe the following amended and restated rules.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-001, filed 9/16/09, effective 10/17/09; Promulgation, filed 1/26/67; Promulgation, effective 9/29/61.]

WAC 24-12-010 Amount of assessments. (1) There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, including fresh sliced, an assessment of eight and seventy-five one-hundredths cents per one hundred pounds of apples, based on net shipping weight or reasonable equivalent net product assessment measurement as determined by the commission.

(2) Assessments shall be payable 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 net shipping weights for the following containers shall apply for the purpose of computing the assessments:

DESCRIPTION OF CONTAINER	NET SHIPPING WEIGHT RANGE
Tray Carton	37-52 lbs.
Cell Carton	37-52 lbs.
1 Layer Carton AKA Euro Carton	10-15 lbs.
2 Layer Carton AKA Euro Carton	20-30 lbs.
3 Layer Carton AKA Euro Carton	30-40 lbs.

(9/16/09)

DESCRIPTION OF CONTAINER	NET SHIPPING WEIGHT RANGE
Euro Carton 1-3 Layers	10-45 lbs.
Master Carton (Bags in Box/Clamshell)	10-50 lbs.
Master Bin (Bags in Bin/Clamshell)	300-600 lbs.
Bin (Loose/Jumble/Bulk)	500-900 lbs.
Loose Carton (Jumble/Bulk)	10-40 lbs.
Carton (2/3 Bushel)	25-35 lbs.
1/2 Carton	18-25 lbs.
1/3 Bushel Carton	10-15 lbs.
Overwrap Carton	30-40 lbs.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-010, filed 9/16/09, effective 10/17/09. Statutory Authority: Chapter 15.24 RCW. WSR 00-23-064, § 24-12-010, filed 11/15/00, effective 12/16/00. Statutory Authority: Chapter 15.24 RCW and 1997 c 303. WSR 98-18-060 and 98-21-048, § 24-12-010, filed 8/31/98 and 10/15/98, effective 10/1/98. Statutory Authority: RCW 15.24.070(1). WSR 86-21-088 (Order 19), § 24-12-010, filed 10/17/86; WSR 84-20-002 (Order 16), § 24-12-010, filed 9/20/84; WSR 82-20-073 (Order 13), § 24-12-010, filed 10/6/82. Statutory Authority: RCW 15.24.070(1) and 15.24.090. WSR 81-16-011 (Order 9), § 24-12-010, filed 7/27/81. Statutory Authority: RCW 15.24.070(1). WSR 79-04-045 (Order 8), § 24-12-011 (codified as WAC 24-12-010), filed 3/27/79, effective with the 1979 and subsequent crops of apples; WSR 78-07-030 (Order 7), § 24-12-010, filed 6/16/78, effective 9/1/78; Order 6, § 24-12-010, filed 11/14/77; Order 1, § 24-12-010, filed 9/19/69; Regulation No. 2, filed 1/26/67; Regulation No. 2, effective 9/29/61.]

WAC 24-12-011 Referendum mail ballot voting eligibility. (1) In the conduct of a referendum mail ballot pursuant to the provisions of RCW 15.24.090 the commission shall require that each returned ballot be accompanied by a completed apple grower eligibility certificate in substantially the following form:

WASHINGTON APPLE COMMISSION
APPLE GROWER ELIGIBILITY CERTIFICATE
(Note: All appropriate spaces on this certificate must be completed to properly qualify your vote.)

I HEREBY CERTIFY THAT:

- My name and address are as follows (please print):
Name:
Mailing Address:
Orchard Address:
City: State:
- I am qualified to vote for one of the following reasons (please check the appropriate space):

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- a I am an individual owner-operator or an individual lessee-operator of commercially producing apple orchard/orchards.
- b I am a member of and have been designated to cast the single ballot for (please fill in name), a partnership, joint venture or corporation owning/leasing and operating commercially producing apple orchard/orchards.
3. The orchard/orchards for which I am casting a vote represents acres of commercially producing apple trees situated in the county/counties of within the state of Washington. (Please combine the total commercially producing apple acreage for which you are voting in the space above.)

.....
Signature of Voter

Name (print)

Date

Note: A completed apple grower eligibility certificate must accompany each ballot.

(2) The commission and the director of the department of agriculture may, in counting and validating ballots, rely on and accept the representations of eligibility to vote and the representations of acreage as set forth in the certificate.

(3) Apple growers entitled to vote in a referendum mail ballot pursuant to the provisions of RCW 15.24.090 are defined to be each grower who operates a commercial producing apple orchard, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. Individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation that votes for other apple acreage.

(4) A commercial producing apple orchard means an apple orchard currently producing or growing apples in sufficient quantity so that the apples are or will be marketed through prevailing commercial channels and are or will be subject to assessment pursuant to the provisions of chapter 15.24 RCW.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-011, filed 9/16/09, effective 10/17/09. Statutory Authority: RCW 15.24.070(1). WSR 82-17-036 (Order 11), § 24-12-011, filed 8/12/82.]

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, including fresh apples designated for slices, 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) For fresh apples designated for slices:

(a) The department of agriculture does not require a certificate of compliance for fresh apples designated for slicing that are moved and produced internally by a shipper.

(b) All shippers (first handlers) with internal fresh apple slicing operations will be required to remit and report quarterly the net weight in pounds of all fresh apples packed or unpacked designated for slicing. The reporting period dates and forms will be determined and created by the commission.

(c) All payments and reports are due thirty-five days from the end of the reporting period established by the commission.

(3) If the assessments are not paid within thirty-five days from the billing date, a 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. The notice shall state that if the delinquent assessments are not paid within forty-five 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 the *Compliance Certificate Book* will be removed by the department of agriculture. The notice shall also advise that if the delinquent assessments are not paid within sixty days from the billing date, the inspection service may be withdrawn.

If at any time an account thereafter is again unpaid in the same crop year shipping season for more than thirty-five days from the billing date, the commission may 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* may be removed by the department of agriculture. If the subsequent delinquency shall continue more than sixty days from the billing date, inspection service may 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.

(4) Delinquent assessments not paid within thirty-five 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 the 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.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-012, filed 9/16/09, effective 10/17/09. Statutory Authority: RCW 15.24.070(1). WSR 86-01-082 (Order 17), § 24-12-012, filed 12/18/85; WSR 84-20-002 (Order 16), § 24-12-012, filed 9/20/84.]

WAC 24-12-060 Records. Every dealer and handler shall keep a complete and accurate record of all apples handled and shipped. Such records shall be preserved for a period of two years and shall be subject to audit and offered for examination at any reasonable time when official request is made by an authorized representative of the commission.

[Order 3, § 24-12-060, filed 8/28/72; Regulation No. 7, filed 1/26/67; Regulation No. 7, effective 9/29/61.]

WAC 24-12-070 Seal. The seal of the commission shall be circular in form and contain the following inscription: "WASHINGTON APPLE COMMISSION SEAL."

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-070, filed 9/16/09, effective 10/17/09; Regulation No. 8, filed 1/26/67; Regulation No. 8, effective 9/29/61.]

WAC 24-12-080 Effect of law. These revised rules, as provided in the act, have the force and effect of law, and any person who shall violate or aid in the violation of any of these rules is in violation of Washington state law and is guilty of a misdemeanor. These rules hereby repeal and supersede all previous rules. Definitions of terms in the act are applicable to these rules.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-080, filed 9/16/09, effective 10/17/09; Regulation No. 1, filed 1/26/67; Regulation No. 1, effective 9/29/61.]

Reviser's note: "The act," see WAC 24-12-001.