



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Washington Tree Fruit Research Commission

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: November 26, 1991

(2) Purpose: To increase the assessment on Washington Tree Fruit.

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended: WAC 16.560.06001  
Suspended:

(4) Authority for adoption:  
Statute: RCW 15.26.140 and RCW 15.26.150  
Other Authority:

(5.1) **PERMANENT RULE ONLY**  
Pursuant to notice filed as WSR 91-13-105 on June 19, 1991 (date).  
Describe any changes other than editing from proposed to adopted version: The proposal to increase the industry services fund level from one hundred thousand dollars to one million dollars was not acted upon. Therefore, the amendment was deleted.

(5.2) **EMERGENCY RULE ONLY**  
Pursuant to RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
  
Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
 Yes  No If yes, explain:  
  
Continuance filed as WSR 91-20-077 on September 27, 1991.

(6) Effective date of rule:  
**Permanent Rules**                      **Emergency Rules**  
 31 days after filing                       Immediately  
 Other (specify) \_\_\_\_\_ \*                       Later (specify) \_\_\_\_\_  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**  
CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED  
  
DEC 05 1991  
  
TIME: 2:32 PM  
WSR: 92-01-009

NAME (TYPE OR PRINT)  
Fred Valentine  
  
SIGNATURE  
*Fred Valentine*  
  
DATE  
11/26/91  
  
Chairman

AMENDATORY SECTION (Amending Order 8, Resolution No. 8, filed 6/30/86, effective 8/1/86)

WAC 16-560-06001 ASSESSMENT RATES. 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 ~~((twenty-five-cents))~~ one dollar per ton on all such tree fruit: PROVIDED, That such assessment for cherries shall be two dollars per ton: PROVIDED, ~~((That-such-assessment-for-pears,-shall-not-be-more-than-one-dollar-per-ton:--PROVIDED-FURTHER,))~~ That such assessment for apples for fresh shipment shall be at the rate of ~~((one-and-one-quarter))~~ two and one-half cents per hundred pounds gross billing weight for the 1992 crop year, three and three-quarters cents per hundred pounds gross billing weight for the 1993 crop year, and five cents per hundred pounds gross billing weight for the 1994 crop year and each year thereafter: PROVIDED FURTHER, That such assessment for processed apples shall be at the rate of fifty cents per ton for the 1992 crop year, seventy-five cents per ton for the 1993 crop year, and one dollar per ton for the 1994 crop year, and each year thereafter.

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.