



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/23/95)

Agency:
Washington Tree Fruit REsearch Commission

- Permanent Rule**
- Emergency Rule**
- Expedited Repeal**

(1) Date of adoption: March 19, 1996

(2) Purpose: The rule will increase the assessment on cherries from \$2.00 per ton to \$4.00 per ton to fund research programs to benefit the planting, production, harvesting, handling, processing or shipment of Tree Fruit in this state.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: WAC 16-560-06001
Suspended:

(4) Statutory authority for adoption: RCW 15.26.110 (2)
Other authority:

PERMANENT RULE ONLY
Adopted under notice filed as WSR 95.19.102 on Sept. 20, 1995 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
Under 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:

EXPEDITED REPEAL ONLY
Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption of effectiveness of rule?
 Yes No If Yes, explain: Chapter 109, Laws of 1995, grants the Tree Fruit Research Commission authority to raise assessment on cherries in excess of the fiscal growth factor.

(6) Effective date of rule:
Permanent Rules 31 days after filing Other (specify) _____ *
Emergency Rules Immediately 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

MAR 19 1996

TIME: 10:50 AM
WSR 96-07-054

NAME (TYPE OR PRINT)
George Ing
SIGNATURE
George Ing
TITLE
Manager
DATE
3/19/96

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with: none

Federal statute:	New _____	Amended _____	Repealed _____
Federal rules or standards:	New _____	Amended _____	Repealed _____
Recently enacted* state statutes:	New _____	Amended _____	Repealed _____

*(current calendar year)

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended 1 Repealed _____

The number of sections adopted on the agency's own initiative: none

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures: none

New _____ Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making:	New _____	Amended _____	Repealed _____
Pilot rule making:	New _____	Amended _____	Repealed _____
Other alternative rule making:	New _____	Amended <u>1</u>	Repealed _____

AMENDATORY SECTION (Amending WSR 92-01-009, filed 12/5/91, effective 1/5/92)

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 one dollar per ton on all such tree fruit: *Provided*, That such assessment for cherries shall be (~~two~~) four dollars per ton: *Provided*, That such assessment for apples for fresh shipment shall be at the rate of 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.