



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: WASHINGTON APPLE ADVERTISING COMMISSION

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: August 31, 1998

(2) Purpose: Increase the assessment on fresh apples grown in the state from 54.3 cents per one hundred pounds (25 cents per standard 46 pound box) to 86.96 per one hundred pounds (40 cents per standard 46 pound box) for a period of three years. At the end of three years, the rate will be submitted to a vote of the growers to determine if the rate will remain in effect after that date, or return to 54.3 cents per one hundred pounds.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 24-12-010
 Suspended:

(4) Statutory authority for adoption: Chapter 15.24 RCW and Chapter 303, Laws of 1997
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-13-121 on June 17, 1998 (date).
Describe any changes other than editing from proposed to adopted version: None

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 or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

- | | |
|---|--|
| Permanent Rules
or Expedited Repeal | Emergency Rules |
| <input type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately |
| <input checked="" type="checkbox"/> Other (specify) 10/01/98* | <input type="checkbox"/> Later (specify) _____ |

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
Steve Lutz

Signature

Title
President

Date
August 31, 1998

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 31 1998 *vr*

TIME 2:13 *AM*

WSR 98-13-060

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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 Order 19, filed 10/17/86)

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, an assessment of ~~((32.6))~~ 89.96 cents on each one hundred pounds gross billing weight until September ~~((1, 1986))~~ 30, 2001. On and after ~~((September 1, 1986))~~ October 1, 2001 the assessment on fresh apples ~~((is hereby increased))~~ shall be 54.3 cents on each one hundred pounds gross billing weight ~~((in the following amounts:~~

- ~~(a) By 10.9 cents from 32.6 cents to 43.5 cents effective September 1, 1986;~~
- ~~(b) By 6.5 cents from 43.5 cents to 50.0 cents effective September 1, 1988;~~
- ~~(c) By 4.3 cents from 50.0 cents to 54.3 cents effective September 1, 1990).~~

For the period October 1, 1998 through September 30, 2001, 35.66 cents of the assessment on each one hundred pounds gross billing weight shall used only for direct consumer advertising.

(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 gross billing weights for the following containers shall apply for the purpose of computing said assessments:

<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.
13/3 Bag container	44 lbs.
10/4 and 8/5 Bag containers	45 lbs.
12/4 Bag container	53 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.