

# Title 24 WAC

## APPLE ADVERTISING COMMISSION

**Chapters**

- 24-04 Districts and voting.
- 24-12 Assessments.

### Chapter 24-04 WAC DISTRICTS AND VOTING

**WAC**

- 24-04-005 Addition to Okanogan County subdivision.
- 24-04-010 Subdivisions of District No. 1.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 24-04-035 Voting for grower members of the commission in district No. 2. [Regulation 11, filed 6/24/63.] Repealed by 1/26/67 filing.

**WAC 24-04-005 Addition to Okanogan County subdivision.** The northerly portion of Douglas County lying north of the southern boundary line of Township 29 North is hereby added to the Okanogan County subdivision. At least one grower member of the commission shall at all times be a resident of the said Okanogan County subdivision as hereby enlarged.

[Regulation 9, filed 1/26/67; Regulation 9, filed 6/24/63.]

**WAC 24-04-010 Subdivisions of District No. 1.** Two subdivisions of District No. 1, to be known as the northern subdivision and the southern subdivision thereof, are hereby established, and the boundary line between them shall be as follows: Proceeding southeasterly along the summit of the Chelan Mountains (situated west and south of Lake Chelan) to the summit of Forest Mountain; thence south to the intersection of the north line of Section 26, Township 27 North, Range 21 E.W.M. extended westerly; thence east along the said extended line to the northeast corner of said Section 26; thence south along the east line of said Section 26 extended southerly and crossing the Columbia River west of the town of Maple Creek to an intersection with the boundary line between Townships 25 and 26 North; thence east along the said township boundary line to the easterly boundary of Douglas County.

There shall be two grower members of the commission who reside in and are elected by apple growers residing in the said northern subdivision of District No. 1, at least one of whom shall reside in the said Okanogan County subdivision as enlarged in the foregoing regulation. There shall be two grower members of the commission who reside in and are elected by apple growers residing in the said southern subdivision of District No. 1.

[Regulation 10, filed 1/26/67; Regulation 10, filed 6/24/63.]

(2003 Ed.)

### Chapter 24-12 WAC

#### ASSESSMENTS

**WAC**

- 24-12-001 Promulgation.
- 24-12-010 Amount of assessments.
- 24-12-011 Referendum mail ballot voting eligibility.
- 24-12-012 Collection of accounts.
- 24-12-060 Records.
- 24-12-070 Seal.
- 24-12-080 Effect of law.

#### 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 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 state apple advertising commission does hereby adopt and prescribe the following amended and restated rules and regulations.

[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, an assessment of 86.96 cents on each one hundred pounds gross billing weight until September 30, 2001. On and after October 1, 2001 the assessment on fresh apples shall be 54.3 cents on each one hundred pounds gross billing weight. For the period October 1, 1998 through September 30, 2001, 32.66 cents of the assessment on each one hundred pounds gross billing weight shall be 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:

| DESCRIPTION<br>OF CONTAINER      | GROSS<br>BILLING WEIGHTS |
|----------------------------------|--------------------------|
| 1/3 Bushel box (packed or loose) | 15 lbs.                  |
| 1/2 Bushel box (loose)           | 23 lbs.                  |

[Title 24 WAC—p. 1]

| DESCRIPTION OF CONTAINER         | GROSS BILLING WEIGHTS       |
|----------------------------------|-----------------------------|
| 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.                     |

[Statutory Authority: Chapter 15.24 RCW. 00-23-064, § 24-12-010, filed 11/15/00, effective 12/16/00. Statutory Authority: Chapter 15.24 RCW and 1997 c 303. 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). 86-21-088 (Order 19), § 24-12-010, filed 10/17/86; 84-20-002 (Order 16), § 24-12-010, filed 9/20/84; 82-20-073 (Order 13), § 24-12-010, filed 10/6/82. Statutory Authority: RCW 15.24.070(1) and 15.24.090. 81-16-011 (Order 9), § 24-12-010, filed 7/27/81. Statutory Authority: RCW 15.24.070(1). 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; 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 STATE APPLE ADVERTISING COMMISSION  
APPLE GROWER ELIGIBILITY CERTIFICATE

(Note: All appropriate spaces on this certificate must be completed to properly qualify your vote.)

I HEREBY CERTIFY THAT:

1. My name and address are as follows (please print):  
Name: .....  
Mailing Address: .....  
Residence Address: .....  
City: ..... State: .....
2. I am qualified to vote for one of the following reasons (please check the appropriate space):
  - 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 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 said 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 which 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 said 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: RCW 15.24.070(1). 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 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) Assessments not paid within twenty days from the billing date shall be delinquent. If the delinquent 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 stating 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, and if the delinquent assessments are not paid within sixty days from the billing date, inspection service will 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, without further notice, immediately 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* will be removed by the department of agriculture. If said subsequent delinquency

shall continue more than sixty days from the billing date, inspection service will 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.

(3) 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 said 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: RCW 15.24.070(1), 86-01-082 (Order 17), § 24-12-012, filed 12/18/85; 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 STATE APPLE ADVERTISING COMMISSION SEAL."

[Regulation No. 8, filed 1/26/67; Regulation No. 8, effective 9/29/61.]

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

[Regulation No. 1, filed 1/26/67; Regulation No. 1, effective 9/29/61.]

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