



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Washington Apple Commission

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: August 31, 2001

(2) Purpose: To reduce the apple assessment on all fresh apples grown annually in this state, and upon all apples packed as Washington apples to 54.3 cents on each one hundred pounds gross billing weight effective September 1, 2001 instead of October 1, 2001 as currently established in rule.

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

Repealed: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

(4) Statutory authority for adoption: RCW 15.24

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____ (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: The decision by the Commission to reduce the apple assessment on fresh apples one month sooner than currently established in rule is a result of a response to the current economic conditions in the Washington apple industry.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain: RCW 15.24.090 provides that the Commission may exercise its discretion as to whether to approve an increase of an assessment approved by referendum. The Apple Commission passed a motion to reduce the assessment one month sooner than currently established in rule.

(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)

Name (Type or Print)
Welcome Sauer

Signature

Title
President

Date
August 31, 2001

CODE REVISER USE ONLY

8/1/01
 2:08
 01-18-063

(COMPLETE REVERSE SIDE)

AMENDATORY SECTION (Amending WSR 00-23-064, § 24-12-010, filed 11/15/00, effective 12/16/00)

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~~) August 31, 2001. On and after (~~October 1, 2001~~) September 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~~) August 31, 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 OF CONTAINER	GROSS BILLING WEIGHTS
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.