

WSR 24-20-145

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 2, 2024, 10:55 a.m., effective November 2, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In response to a petition for rule making, the department of agriculture is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Citation of Rules Affected by this Order: Amending WAC 24-12-011.

Statutory Authority for Adoption: RCW 15.24.073.

Other Authority: RCW 43.01.160, 43.23.025.

Adopted under notice filed as WSR 24-15-139 on July 23, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 2, 2024.

Derek I. Sandison
Director

OTS-5660.1

AMENDATORY SECTION (Amending WSR 19-24-098, filed 12/4/19, effective 1/4/20)

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 APPLE 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:
 Orchard 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. I take my fresh apple crop to the following dealer organizations to pack/ship my fruit. (Please list all that apply to this orchard.)

By signing this certificate, I grant the commission permission to contact dealer(s) listed above to verify total net lbs. fresh apples shipped in the two prior crop years.

.....
 Signature of Voter
 Name (print).
 Date

Note: A completed apple grower eligibility certificate must accompany each ballot.

(2) The commission shall contact each dealer listed on the apple grower eligibility certificate to verify total net lbs. fresh apples shipped in the last two crop years by voting grower.

(3) 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 total net lbs. fresh apples shipped by grower as certified by dealer.

(4) 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)) the commercial orchard operator is also a member of a partnership or corporation that votes for other apple acreage.

(5) A commercial producing apple orchard means an apple orchard currently producing or growing apples in sufficient quantity so that the 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.