

RCW 15.24.090 Assessment—Modification process—Referendum. (1)

There is hereby levied annually upon all fresh apples grown in this state, and all apples packed as Washington apples, including fresh sliced, an assessment of eight and seventy-five one-hundredths cents per one hundred pounds of apples, based on net shipping weight, or reasonable equivalent net product assessment measurement as determined by the commission. All moneys collected under this subsection must be expended to effectuate the purpose and objects of this chapter. The assessment rates established in this subsection may be increased or decreased pursuant to the procedure in subsection (2) of this section.

(2) If the commission determines based on information available to it that the revenue from the assessment levied under this chapter is too high or is inadequate to accomplish the purposes of this chapter, then with the oversight of the director the commission shall commence rule making setting forth the needs of the industry, the extent and probable cost of commission activities identified as necessary to address the needs of the industry together with a brief statement justifying each activity, the proposed new assessment rate, and the expected revenue from the proposed assessment. A different rate may be proposed for any specific variety or for fresh apples sliced or cut for raw consumption.

(3) Upon receiving the director's approval of the rule making commenced under subsection (2) of this section, and with the oversight of the director, the commission may conduct a referendum to determine whether growers assent to the proposed new assessment rate, or may refer the matter to the director to conduct the referendum on behalf of the commission. An increase in the assessment rate is approved if two-thirds of growers vote in favor and the growers voting in favor represent two-thirds of the apples grown in the two prior crop years, based on net shipping weight. A decrease in the assessment rate is approved if a majority of growers vote in favor and the growers voting in favor represent two-thirds of the apples grown in the two prior crop years, based on the net shipping weight. If approved, the new rate must be adopted in rule in accordance with chapter 34.05 RCW. [2016 sp.s. c 15 § 7; 2004 c 178 § 10; 2002 c 313 § 122; 1983 c 95 § 1; 1979 c 20 § 1; 1967 c 240 § 27; 1963 c 145 § 6; 1961 c 11 § 15.24.090. Prior: 1953 c 43 § 1; 1937 c 195 § 13, part; RRS § 2874-13, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.