Title 24 WAC
APPLE ADVERTISING COMMISSION

Chapter 24-04
Districts and voting.

Chapter 24-12
Assessments.

WAC 24-04-005
Addition to Okanogan County subdivision.

WAC 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 Repealed by 1/26/67 filing.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 southeast 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.]

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. 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 cents on each one hundred pounds gross billing weight until September 1, 1986. On and after September 1, 1986 the assessment on fresh apples is hereby increased 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.

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

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

<table>
<thead>
<tr>
<th>DESCRIPTION OF CONTAINER</th>
<th>GROSS BILLING WEIGHTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/3 Bushel box (packed or loose)</td>
<td>15 lbs.</td>
</tr>
<tr>
<td>1/2 Bushel box (loose)</td>
<td>23 lbs.</td>
</tr>
<tr>
<td>Bulk bushel container (loose)</td>
<td>Net weight plus 3 lbs. tare</td>
</tr>
<tr>
<td>9/4 and 12/3 Bag containers</td>
<td>41 lbs.</td>
</tr>
<tr>
<td>13/3 Bag container</td>
<td>44 lbs.</td>
</tr>
<tr>
<td>10/4 and 8/5 Bag containers</td>
<td>45 lbs.</td>
</tr>
<tr>
<td>12/4 Bag container</td>
<td>53 lbs.</td>
</tr>
<tr>
<td>Standard tray pack container</td>
<td>46 lbs.</td>
</tr>
<tr>
<td>Pocket cell tray pack container</td>
<td>46 lbs.</td>
</tr>
<tr>
<td>Cell pack containers, all counts</td>
<td>46 lbs.</td>
</tr>
<tr>
<td>2-Layer tray pack container</td>
<td>23 lbs.</td>
</tr>
<tr>
<td>Single-layer tray pack container</td>
<td>12 lbs.</td>
</tr>
</tbody>
</table>

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 situate in the county/countyies 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 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 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.

(5) 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.

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.

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.

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."

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.

(1986 Ed.)