

be determined by current assessment rates and the information contained in the inspection certificates or shipping permits. Payment of assessments shall be made upon inspection or release, or as determined in the reasonable discretion of the department and the commission by prompt payment of invoices issued to some regular accounts. (Combined collection of fruit commission and marketing committee assessments reduces over-all expenses to the industry.)

[Regulation 8, filed 5/23/63; Rules (part), filed 6/1/61 and 2/23/60.]

WAC 224-12-060 Shipments--Shipper report--Alternate method of paying assessments. (1) By specific written agreement between the fruit commission and any regular shipper, the shipper may elect to supply assessment information and payments based on his own records rather than through payment of assessment invoices supplied by the commission. Shipper report forms for this purpose will be supplied by the commission, or the shipper may report on his own stationary.

(2) The shipper reports shall be prepared from suitable records kept on file by the shipper and shall be based on his total packouts, or on his total shipments if he does not keep packout records. Transmittal of shipper reports and assessments shall be as specified by the agreement. (Objectives are to provide for payment of assessments as soon as reasonably possible and yet reduce the amount of employee time in handling assessments.)

(3) The agreement to transmit assessments by means of shipper reports may be terminated at any time by the shipper upon his written notice to the commission, provided that his shipper reports are up to date; and the commission may terminate the agreement at any time upon written notice to the shipper.

[Regulation 8a, filed 5/23/63.]

WAC 224-12-070 Processing fruit assessments--Reporting and payment--Growers, dealers, processors.

(1) Each processor of Washington-grown soft tree fruits shall make an annual processor report to the commission on each soft tree fruit. This report shall show each first handler separately and also in total for individual growers the number of pounds delivered of commercial graded fruit, pounds of cull fruit, and amount of assessment payable on the commercial graded fruit. Processor reports shall also describe utilization of the fruit, showing poundage breakdowns of commercial graded fruit, and culls separately, for the quantities (a) canned, (b) brined, (c) frozen or otherwise processed, (d) resold to any other processor or dealer, and (e) dumped or destroyed.

(2) More than one commodity may be reported on a single processor report, providing time limits for reporting are observed and that the data for each commodity is kept separate and distinct. For each soft tree fruit which he did not process or handle during the current season, the processor shall report "none handled." Processor report forms will be supplied by the commission,

laid out in a manner to provide convenient listing of the information desired. Each processor report shall be signed by the owner, executive officer or manager of the firm that is reporting. Washington soft tree fruit assessments shall be deducted by the processor from his growers' accounts, and this may include dealers who are primarily growers.

(3) Transmittal of the processor report and the payable assessments on each commodity shall be made by the processor to the Washington state fruit commission as soon as possible and within 21 days after each season's final delivery of raw fruit at the processor's packing or storing facilities.

(4) Each grower, broker, dealer, or handler of Washington-grown soft tree fruits who sells fruit to a broker, commercial processor or custom processor shall file, separately for each processor or broker to whom he sold, a processor report (or adequate letter of transmittal in lieu thereof) completed in the same manner and time described above as for processors and accompanied by payment of any assessments due the commission on such report. In any case in which the processor or broker does not deduct the proper assessment from the grower's account, the grower shall remit the assessment to the commission at the time he forwards his own processor report.

[Regulation 9-10, filed 5/23/63; Regulation 9-10, filed 6/1/61; Regulations (part), filed 3/23/60.]

WAC 224-12-080 General provisions. (1) The soft fruit act provides that the assessments shall be paid by growers and are due prior to shipment. The manner in which assessments shall be transmitted from the growers to commission, however, is established by these regulations, it being understood that when a handler or processor remits assessments to the commission he will have deducted the proper assessments back through the line of purchase and from the growers' accounts.

(2) Soft tree fruit assessments are imposed on the net pounds of commercial graded fruit shipped fresh or delivered to the processors. Cull fruit, except cherries which are brined, is exempt from assessments and also exempted are all sales of five hundred pounds, or less, of commercial graded soft fruit sold by the grower direct to consumer: *Provided, however,* That any shipment in excess of five hundred pounds shall be subject to said assessments irrespective of the ultimate disposition.

(3) On December 31 of each year, every Washington state soft tree fruit dealer, handler or processor shall file with the commission a written statement that he has—to the best of his knowledge—paid in full to the commission all soft tree fruit assessments properly due from him for the past season on both fresh market fruit and processing fruit. Or in the event that any assessments remain unpaid, such written statement shall describe the unpaid assessments, the reason for nonpayment, and make a definite commitment as to the date or dates when the assessment will be paid.

(4) These revised regulations, as provided in said act, have the force and effect of law, and any person who violates or aids in the violation of any of these regulations

is in violation of Washington state law and is guilty of a misdemeanor.

(5) Ten percent per annum interest as a delinquent penalty is payable on assessments which are more than thirty days past due (to help cover extra costs of accounting and correspondence).

(6) The seal of the commission shall be circular in form and contain the following inscription: "WASHINGTON STATE FRUIT COMMISSION" around the outside of the seal and the word "SEAL" in the center thereof.

[Regulations 11-15, filed 5/23/63; Regulations 11-14, filed 6/1/61; Regulations (part), filed 2/23/60.]

WAC 224-12-090 Bartlett pear assessment rate. As provided for by RCW 15.28.160 and 15.28.180, there is hereby levied on Bartlett pears, an assessment of up to a maximum of twenty-five cents per standard box equivalent (approximately forty-four pounds) of Bartlett pears shipped fresh, and an assessment of six dollars for each two thousand pounds of Bartlett pears delivered to processors.

[Statutory Authority: RCW 15.28.160 and 15.28.180. 81-16-034 (Order 4, Resolution 4), § 224-12-090, filed 7/29/81; 80-06-058 (Order 3, Resolution 3), § 224-12-090, filed 5/20/80, effective 7/1/80; Order 2, § 224-12-090, filed 11/29/77, effective 1/1/78; Order 1, § 224-12-090, filed 5/13/74, effective 7/1/74.]