Title 24 WAC
APPLE COMMISSION

Chapter 24-04
DISTRICTS AND VOTING

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

WAC 24-04-010 Subdivisions of District No. 1.

WAC 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 Repealed by 1/26/67 filing.

Chapter 24-12
ASSESSMENTS

WAC 24-12-001 Promulgation.

WAC 24-12-010 Amount of assessments.

WAC 24-12-011 Referendum mail ballot voting eligibility.

WAC 24-12-012 Collection of accounts.

WAC 24-12-060 Records.

WAC 24-12-070 Seal.

WAC 24-12-080 Effect of law.

WAC 24-12-020 Apple advertising stamps. [Order 3, § 24-12-020, filed 8/28/72; Regulation No. 3, filed 1/26/67; Regulation No. 3, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.

WAC 24-12-030 Stamp books. [Order 3, § 24-12-030, filed 8/28/72; Regulation No. 4, filed 11/26/67; Regulation No. 4, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.

WAC 24-12-040 Bills of lading and releases. [Regulation No. 5, filed 1/26/67; Regulation No. 5, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.

WAC 24-12-050 Reports. [Regulation No. 6, filed 1/26/67; Regulation No. 6, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.

WAC 24-12-090 Collection of assessments. [Order 6, § 24-12-090, filed 11/14/77.] Repealed by 84-20-002 (Order 16), filed 9/20/84. Statutory Authority: RCW 15.24.070(1).

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.

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. On and after October 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, 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:

<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>
</tbody>
</table>

(2007 Ed.)
I HEREBY CERTIFY THAT:

(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 situated in the county/counties of . . . . . within the state of Washington. (Please combine the total commercially producing acreage for which you are voting in the space above.)

(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 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 is also a member of a partnership or corporation which votes for other apple acreage.

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

[Statutory Authority: RCW 15.24.070(1). 82-17-036 (Order 11), § 24-12-011, filed 8/12/82.]

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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.

Reviser’s note: "Said act," see WAC 24-12-001.