

**WSR 24-15-139**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed July 23, 2024, 4:24 p.m.]

Title of Rule and Other Identifying Information: Chapter 24-12 WAC, Washington apple commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making amends the Washington apple commission WAC by removing gender-specific pronouns and replacing them with terms that are consistent throughout the chapter.

Reasons Supporting Proposal: This rule making was brought forward through a petition from a member of the public. This rule making clarifies the language without changing intent.

Statutory Authority for Adoption: RCW 15.24.073.

Statute Being Implemented: Chapter 15.24 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington apple commission, governmental.

Name of Agency Personnel Responsible for Drafting: Megan Finkenbinder, 1111 Washington Street S.E., Olympia, 360-902-1887; Implementation and Enforcement: Todd Fryhover, 2900 Euclid Avenue, Wenatchee, 509-663-9600.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expedited process is appropriate due to name changes and no impact to rule effects.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Megan Finkenbinder, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone 360-902-1887, fax 360-902-2092, email mfinkenbinder@agr.wa.gov, BEGINNING August 7, 8:00 a.m., AND RECEIVED BY September 24, 11:59 p.m.

July 23, 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.