Chapter 24-12 WAC

ASSESSMENTS

WAC
24-12-001 Promulgation. Under and by virtue of chapter 15.24 RCW as amended and chapter 11, Laws of 1961, the Washington apple commission does hereby adopt and prescribe the following amended and restated rules.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-001, filed 9/16/09, effective 10/17/09; Promulgation, filed 1/26/67; Promulgation, effective 9/29/61.]

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, 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.

(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 net shipping weights for the following containers shall apply for the purpose of computing the assessments:

<table>
<thead>
<tr>
<th>DESCRIPTION OF CONTAINER</th>
<th>NET SHIPPING WEIGHT RANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tray Carton</td>
<td>37-52 lbs.</td>
</tr>
<tr>
<td>Cell Carton</td>
<td>37-52 lbs.</td>
</tr>
<tr>
<td>1 Layer Carton AKA Euro Carton</td>
<td>10-15 lbs.</td>
</tr>
<tr>
<td>2 Layer Carton AKA Euro Carton</td>
<td>20-30 lbs.</td>
</tr>
<tr>
<td>3 Layer Carton AKA Euro Carton</td>
<td>30-40 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 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):

   [Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 79-04-045 (Order 8), § 24-12-011 (codified as WAC 24-12-010), filed 3/27/79, effective with the 1979 and subsequent crops of apples; WSR 78-07-030 (Order 7), § 24-12-010, filed 6/16/78, effective 9/1/78; Order 6, § 24-12-010, filed 11/14/77; Order 1, § 24-12-010, filed 9/19/69; Regulation No. 2, filed 1/26/67; Regulation No. 2, effective 9/29/61.]
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, including fresh apples designated for slicing, 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) For fresh apples designated for slicing:

(a) The department of agriculture does not require a certificate of compliance for fresh apples designated for slicing that are moved and produced internally by a shipper.

(b) All shippers (first handlers) with internal fresh apple slicing operations will be required to remit and report quarterly the net weight in pounds of all fresh apples packed or unpacked designated for slicing. The reporting period dates and forms will be determined and created by the commission.

(c) All payments and reports are due thirty-five days from the end of the reporting period established by the commission.

(3) If the 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. The notice shall state 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. The notice shall also advise that if the delinquent assessments are not paid within sixty days from the billing date, the inspection service may 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 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 may be removed by the department of agriculture. If the subsequent delinquency shall continue more than sixty days from the billing date, inspection service may 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.

(4) 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 the 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.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-012, filed 9/16/09, effective 10/17/09. Statutory Authority: RCW 15.24.070(1). WSR 86-01-082 (Order 17), § 24-12-012, filed 12/18/85; WSR 84-20-002 (Order 16), § 24-12-012, filed 9/20/84.]

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.

[Order 3, § 24-12-060, filed 8/28/72; Regulation No. 7, filed 1/26/67; Regulation No. 7, effective 9/29/61.]

WAC 24-12-070 Seal. The seal of the commission shall be circular in form and contain the following inscription: "WASHINGTON APPLE COMMISSION SEAL."

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-070, filed 9/16/09, effective 10/17/09; Regulation No. 8, filed 1/26/67; Regulation No. 8, effective 9/29/61.]
WAC 24-12-080  Effect of law. These revised rules, as provided in the act, have the force and effect of law, and any person who shall violate or aid in the violation of any of these rules is in violation of Washington state law and is guilty of a misdemeanor. These rules hereby repeal and supersede all previous rules. Definitions of terms in the act are applicable to these rules.

[Statutory Authority: Chapters 15.24 and 34.05 RCW. WSR 09-19-074, § 24-12-080, filed 9/16/09, effective 10/17/09; Regulation No. 1, filed 1/26/67; Regulation No. 1, effective 9/29/61.]

Reviser's note: "The act," see WAC 24-12-001.