

Chapter 15.24 RCW
WASHINGTON APPLE COMMISSION

Sections

- 15.24.010 Definitions.
- 15.24.015 Commission—Purpose.
- 15.24.020 Commission created—Generally.
- 15.24.030 Members—Appointment—Terms—District representation—Meetings.
- 15.24.035 Members—Appointments by director—Meeting to nominate candidates—Advisory ballot.
- 15.24.045 Members—Removal from commission—Process.
- 15.24.050 Vacancies—Quorum—Compensation—Travel expenses.
- 15.24.065 Plans, programs, and projects—Approval by director.
- 15.24.070 Powers and duties—Agency of state government.
- 15.24.073 Rule-making proceedings—Exemptions.
- 15.24.080 Research, advertising, and educational campaign—Beneficial purposes.
- 15.24.090 Assessment—Modification process—Referendum.
- 15.24.100 Procedure for eliminating assessment.
- 15.24.110 Collection of assessments—Rule-making authority—Assessment imposed under RCW 15.26.120.
- 15.24.120 Records kept by dealers, handlers, processors.
- 15.24.130 Returns rendered by dealers, handlers, processors.
- 15.24.140 Right to inspect.
- 15.24.150 Treasurer—Bond—Duties—Funds.
- 15.24.160 Promotional plans—Purpose—Authority of commission—Limitation on liability.
- 15.24.180 Enforcement.
- 15.24.190 Claims enforceable against commission assets—Nonliability of other persons and entities—Exception—Application of chapter 4.92 RCW.
- 15.24.200 Penalties.
- 15.24.210 Prosecutions.
- 15.24.215 Funding staff support—Rules.
- 15.24.900 Purpose of chapter—Regulation of apples and apple products—Existing comprehensive scheme—Applicable laws.
- 15.24.910 Liberal construction.

Investment of agricultural commodity commission funds in savings or time deposits of banks, trust companies and mutual savings banks: RCW 15.66.185.

RCW 15.24.010 Definitions. As used in this chapter:

- (1) "Commission" means the Washington apple commission;
- (2) "Crop year" means the year in which apples are harvested and is designated for those apples based on the date of harvest regardless of when they are subsequently packed or shipped;
- (3) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;
- (4) "Dealer district No. 1" includes the area of the state north of Interstate 90;

(5) "Dealer district No. 2" includes the area of the state south of Interstate 90;

(6) "Director" means the director of the department of agriculture or his or her duly authorized representative;

(7) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority;

(8) "Fresh apples" means all apples other than processing apples;

(9) "Grower" means a person engaged in the business of producing apples for market in commercial quantities, whether as an individual, corporation, firm, limited liability company, trust, association, partnership, society, or any other organization of individuals;

(10) "Grower district No. 1" includes the counties of Chelan, Okanogan, and Douglas;

(11) "Grower district No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;

(12) "Grower district No. 3" includes all counties in the state not included in the first and second districts;

(13) "Handler" means any person who ships or initiates a shipping operation, whether for himself, herself, or for another;

(14) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article. However, "processing apples" does not include fresh apples sliced or cut for raw consumption;

(15) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article; and

(16) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production. [2016 sp.s. c 15 § 1; 2002 c 313 § 115; 1989 c 354 § 53; 1967 c 240 § 22; 1963 c 145 § 1; 1961 c 11 § 15.24.010. Prior: 1937 c 195 § 2; RRS § 2874-2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective dates—2002 c 313: See note following RCW 15.65.020.

Severability—1989 c 354: See note following RCW 15.36.012.

RCW 15.24.015 Commission—Purpose. The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to apples and apple-related issues. [2004 c 178 § 1.]

RCW 15.24.020 Commission created—Generally. There is hereby created a Washington apple commission to be thus known and designated. The commission shall be composed of nine apple growers and four apple dealers. In addition, the director shall be a full voting member of

the commission and may in his or her place appoint any other employee of the department of agriculture as a designee to attend commission meetings and otherwise represent the director and exercise the director's vote.

The nine grower members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his or her income therefrom. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state, and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office. A person who meets the qualifications of both a grower and a dealer as set forth in this section may serve as either a grower member or a dealer member. [2016 sp.s. c 15 § 2; 2004 c 178 § 2; 2002 c 313 § 116; 1989 c 354 § 54; 1967 c 240 § 23; 1963 c 145 § 2; 1961 c 11 § 15.24.020. Prior: 1949 c 191 § 1, part; 1937 c 195 § 3, part; Rem. Supp. 1949 § 2874-3, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

Severability—1989 c 354: See note following RCW 15.36.012.

RCW 15.24.030 Members—Appointment—Terms—District representation—Meetings. Thirteen persons, not including the director or the director's representative, with the qualifications stated in RCW 15.24.020 shall be members of the commission. Nine of the members shall be grower members, and four shall be dealer members. The number of grower members to be appointed from each grower district shall be determined in accordance with the relative acreages of planted commercial apple orchards within the various districts, according to the most recent census of acreages published by the United States department of agriculture, agricultural statistics service. The number of grower members to be appointed from each of the grower districts shall be subject to readjustment every ten years thereafter in accordance with the then most recent census of acreages of planted commercial apple orchards published by the United States department of agriculture, agricultural statistics service. In the event the information from the United States department of agriculture's agricultural statistics service is not published with respect to the specifically defined districts, the commission shall adopt rules to establish equitable apportionment based on the available information. However, at all times at least two grower members shall be from district 1, one of which shall be from Okanogan county; district 2 shall never have fewer than two grower members; and district 3 shall never have fewer than one grower member. The commission shall adopt rules to effect the efficient transition of reapportioned positions.

The regular term of office of the members of the commission shall be three years from March 1st following their appointment by the director and until their successors are appointed. The commission shall hold its annual meeting during the month of March each year and shall hold such other meetings during the year as it shall determine. The first commission meeting that takes place after June 10, 2004, shall be held in Wenatchee, and subsequent commission meetings shall alternate between Yakima and Wenatchee. [2016 sp.s. c 15 § 3; 2004 c 178 § 3; 1989 c 354 § 55; 1967 c 240 § 24; 1963 c 145 § 3; 1961 c 11 § 15.24.030. Prior: 1949 c 191 § 1, part; 1937 c 195 § 3, part; Rem. Supp. 1949 § 2874-3, part.]

Severability—1989 c 354: See note following RCW 15.36.012.

RCW 15.24.035 Members—Appointments by director—Meeting to nominate candidates—Advisory ballot. (1) The director shall appoint the members of the commission.

(2) Except as provided in RCW 15.24.050, before the expiration of a commission member's term, the commission shall call a meeting of apple growers and dealers for the purpose of nominating candidates whose names will be forwarded to the director for consideration for appointment as a member of the commission. The meetings may be held each year, as far as practicable, at the same time and place as an annual meeting of a grower or dealer organization that represents a majority of the state's apple growers or dealers, but not while the same is in actual session. Public notice of such meetings must be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person does not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district.

(3) The commission shall hold an advisory vote in the event that more than two candidates are nominated for a position. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for consideration. In the event that only one candidate is nominated, the name must be forwarded to the director for consideration without an advisory vote.

(4) Advisory ballots shall be mailed to all growers for grower positions and to affected dealers for dealer positions. The advisory ballot shall be conducted in a manner so that it is a secret ballot. Nominees to be forwarded to the director for consideration for appointment to dealer positions on the commission shall be selected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. Nominees to be forwarded to the director for consideration for appointment to grower positions on the commission shall be selected by a majority of the votes cast by the apple growers in the respective districts. Each grower engaged in the business of producing apples for market in commercial quantities within the district is entitled to one vote. An individual commercial orchard operator, if otherwise qualified, is entitled to vote, even though he or she is also a member of a partnership or corporation, which also is entitled to vote.

(5) The director has the discretion to appoint or reject any candidate.

(6) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select any candidate for the position or may reject all candidates and request a new advisory vote with nominees selected by the commission and, if desired, by the director. [2016 sp.s. c 15 § 4; 2008 c 11 § 1; 2004 c 178 § 5.]

RCW 15.24.045 Members—Removal from commission—Process. If a commission member fails or refuses to perform his or her duties due to excessive absence or abandonment of his or her position or engages in any acts of dishonesty or willful misconduct, the commission may recommend to the director that the commission member be removed from his or her position on the commission. Upon receiving such recommendation, the director shall review the matter, including any statement from the commission member who is the subject of the recommendation, and determine whether adequate cause for removal is present. If the director finds that adequate cause for removal exists, the director shall remove the member from his or her commission position. The position shall then be declared vacant and must be filled pursuant to the provisions of this chapter for filling vacancies. [2008 c 11 § 3.]

RCW 15.24.050 Vacancies—Quorum—Compensation—Travel expenses. In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position shall be filled for the balance of the unexpired term by appointment by the director from at least two nominees submitted by the remaining members of the commission.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.230 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when on official commission business. [2004 c 178 § 7; 2002 c 313 § 118; 1984 c 287 § 12; 1975-'76 2nd ex.s. c 34 § 12; 1967 c 240 § 26; 1961 c 11 § 15.24.050. Prior: 1949 c 191 § 1, part; 1937 c 195 § 3, part; Rem. Supp. 1949 § 2874-3, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 15.24.065 Plans, programs, and projects—Approval by director. (1) The commission shall develop and submit to the director

for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects within the commission's powers and duties;

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of apples may be encouraged, expanded, improved, or made more efficient; and

(c) The establishment and effectuation of, and/or support of industry organizations work regarding, market access project and programs, trade banner work and industry organization support.

(2) The director shall review the commission's programs to ensure that they properly benefit the people of the state of Washington and its economy and properly speak the message of the state.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its project and program plans and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.
[2004 c 178 § 8.]

RCW 15.24.070 Powers and duties—Agency of state government.

The Washington apple commission is hereby declared and created an agency of the Washington state government. The powers and duties of the commission shall include the following:

(1) To elect a chair and such other officers as it deems advisable; and to adopt, rescind, and amend rules and orders for the exercise of its powers under this chapter, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter. Expenses may include reasonable, prudent use of promotional hosting to benefit the purposes of this chapter;

(5) To investigate and prosecute violations of this chapter;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and apple products;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued and have all of the powers of an agency;

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient;

(10) To borrow money and incur indebtedness;

(11) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations on any

appropriate activity of the commission except as limited by the donor's terms. The commission shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises. The authority to make expenditures granted by this subsection includes the authority to make expenditures to provide scholarships or financial assistance to persons as defined in RCW 1.16.080 or entities associated with the apple industry, but is not limited to the authority to make expenditures for such a purpose;

(12) To engage in appropriate fund-raising activities for the purpose of supporting the activities of the commission authorized by this chapter;

(13) To retain, discharge, or contract with, at its pleasure, accountants, marketing agencies, and other professional consultants as necessary, under procedures for hiring, discharging, and review as adopted by the commission;

(14) To maintain, protect, acquire, or own intellectual property rights, including without limitation, licenses, trademarks, copyrights, artwork, or patents and to sell or license any or all of such rights and collect royalties therefrom and from commission-funded research related to apples;

(15) To apply for and administer federal market access programs and/or similar programs or projects and provide matching funds as may be necessary;

(16) With oversight by the director, provide funding and support to organizations providing general support and leadership to and representation of the apple industry;

(17) With oversight by the director, to speak on behalf of the Washington state government on a nonexclusive basis with regard to apples and apple-related issues, including but not limited to trade negotiations, market access negotiations, and the like, and to fund industry organizations engaging in such activities;

(18) To fund, conduct, or otherwise participate in scientific research relating to apples, including without limitation research regarding pests, pesticides, food safety, irrigation, transportation, and environmental stewardship;

(19) To provide services relating to the production, promotion, sale and/or distribution of Washington apples on a fee-for-services basis. However, (a) the product of such services shall belong to the funding party, and (b) the fees for such services shall include a reasonable charge for the commission's overhead expenses as determined by the commission; and

(20) To gather, maintain, and distribute data relating to the production, processing, shipment, and sales of apples, in connection with its ordinary operations and collection of assessments and particularly in connection with services provided on a fee-for-service basis. [2004 c 178 § 9; 2002 c 313 § 119; 1994 c 134 § 1; 1987 c 393 § 3; 1986 c 203 § 3; 1963 c 145 § 5; 1961 c 11 § 15.24.070. Prior: (i) 1937 c 195 § 8; RRS § 2874-8. (ii) 1937 c 195 § 5; RRS § 2874-5. (iii) 1937 c 195 § 4, part; RRS § 2874-4, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.073 Rule-making proceedings—Exemptions. All rule-making proceedings conducted under this chapter must be in accordance

with chapter 34.05 RCW except that rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, 43.135.055, and the provisions of chapter 19.85 RCW, the regulatory fairness act, when the proposed rule is subject to a referendum. [2016 sp.s. c 15 § 5; 2002 c 313 § 125.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.080 Research, advertising, and educational campaign—Beneficial purposes. In order to benefit the people of this state, the state's economy and its general tax revenues, the commission shall provide for and conduct a comprehensive and extensive research, advertising, and educational campaign as continuous as the crop, sales, and market conditions reasonably require. It shall investigate and ascertain the needs of growers, conditions of the markets, and extent to which public convenience and necessity require research and advertising to be conducted. [2016 sp.s. c 15 § 6; 2002 c 313 § 120; 1961 c 11 § 15.24.080. Prior: 1937 c 195 § 13, part; RRS § 2874-13, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.090 Assessment—Modification process—Referendum. (1) There is hereby levied annually upon all fresh apples grown in this state, and 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. All moneys collected under this subsection must be expended to effectuate the purpose and objects of this chapter. The assessment rates established in this subsection may be increased or decreased pursuant to the procedure in subsection (2) of this section.

(2) If the commission determines based on information available to it that the revenue from the assessment levied under this chapter is too high or is inadequate to accomplish the purposes of this chapter, then with the oversight of the director the commission shall commence rule making setting forth the needs of the industry, the extent and probable cost of commission activities identified as necessary to address the needs of the industry together with a brief statement justifying each activity, the proposed new assessment rate, and the expected revenue from the proposed assessment. A different rate may be proposed for any specific variety or for fresh apples sliced or cut for raw consumption.

(3) Upon receiving the director's approval of the rule making commenced under subsection (2) of this section, and with the oversight of the director, the commission may conduct a referendum to determine whether growers assent to the proposed new assessment rate, or may refer the matter to the director to conduct the referendum on behalf of the commission. An increase in the assessment rate is approved if two-thirds of growers vote in favor and the growers voting in favor represent two-thirds of the apples grown in the two prior crop years, based on net shipping weight. A decrease in the assessment rate is approved if a majority of growers vote in favor and the growers voting in favor represent two-thirds of the apples grown in the two prior

crop years, based on the net shipping weight. If approved, the new rate must be adopted in rule in accordance with chapter 34.05 RCW. [2016 sp.s. c 15 § 7; 2004 c 178 § 10; 2002 c 313 § 122; 1983 c 95 § 1; 1979 c 20 § 1; 1967 c 240 § 27; 1963 c 145 § 6; 1961 c 11 § 15.24.090. Prior: 1953 c 43 § 1; 1937 c 195 § 13, part; RRS § 2874-13, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.100 Procedure for eliminating assessment. (1) A petition may be filed with the commission to reduce the assessment authorized in RCW 15.24.090 to zero. To be valid, the petition must be signed by at least eight percent of all apple growers eligible to vote in commission referendum elections. The petition shall contain the name of a person designated to represent the petitioners.

(2) Upon receipt of a valid petition, the commission shall prepare a document discussing the substance of the petition. A statement in favor of the petition shall be written by the proponents of the petition. A statement opposing the petition may be written by the commission or an opponent. The document and a notice of public hearing shall be sent to apple growers eligible to vote in commission referendum elections at least twenty days prior to the scheduled public hearings. The commission shall hold public hearings in Yakima and Wenatchee on the petition.

(3) Following the public hearings, the question of whether to reduce the assessment authorized in RCW 15.24.090 to zero shall be referred to a referendum mail ballot. The commission shall certify to the director a list of apple growers eligible to vote in commission referendum elections. The referendum shall be conducted and supervised by the director using the certified list. Inadvertent failure to notify a grower does not invalidate a referendum.

(4) The referendum will be approved if a simple majority of apple growers voting in the referendum election vote in favor of the elimination of the assessment. The director will certify the results of the vote.

(5) The referendum vote shall be binding and may not be overturned by action of the commission or director. If the referendum is approved, the commission shall immediately commence activities to wind down its operations. However, the elimination of the assessment shall not be effective until six months from the date the referendum result is certified by the director. If the referendum fails, neither the commission nor the director will take further action on the petition.

(6) The commission is responsible for all its own costs and all the director's costs associated with the hearing, notice, and referendum process. A subsequent petition may not be filed any sooner than five years following the certification of the results of any previously held referendum conducted under this section. [2018 c 22 § 8; 2016 sp.s. c 15 § 8; 2004 c 178 § 11; 2002 c 313 § 123; 1967 c 240 § 28; 1963 c 145 § 7; 1961 c 11 § 15.24.100. Prior: 1937 c 195 § 9; RRS § 2874-9.]

Explanatory statement—2018 c 22: See note following RCW 1.20.051.

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.110 Collection of assessments—Rule-making authority—Assessment imposed under RCW 15.26.120. The assessments on fresh apples shall be paid, or provision made therefor satisfactory to the commission, at the time of shipment, and no fresh apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid or provision made therefor satisfactory to the commission. The commission shall by rule prescribe the method of collection of the assessment.

The commission may also collect assessments imposed under RCW 15.26.120, and in that event, the commission shall establish and be reimbursed by the Washington tree fruit research commission an amount representing a reasonable approximation of the actual costs to the commission of such collection. [2016 sp.s. c 15 § 9; 2004 c 178 § 12; 2002 c 313 § 124; 1967 c 240 § 29; 1961 c 11 § 15.24.110. Prior: 1937 c 195 § 12; RRS § 2874-12.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.120 Records kept by dealers, handlers, processors. Each dealer, handler, and processor shall keep a complete and accurate record of all apples handled, shipped, or processed by him or her. This record shall be in such form and contain such information as the commission may by rule or regulation prescribe, and shall be preserved for a period of two prior crop years, and be subject to inspection at any time upon demand of the commission or its agents. [2016 sp.s. c 15 § 10; 2010 c 8 § 6021; 1961 c 11 § 15.24.120. Prior: 1937 c 195 § 10; RRS § 2874-10.]

RCW 15.24.130 Returns rendered by dealers, handlers, processors. Each dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of apples handled, shipped, or processed by him or her during the period prescribed by the commission. The return shall contain such further information as the commission may require. [2010 c 8 § 6022; 1961 c 11 § 15.24.130. Prior: 1937 c 195 § 11; RRS § 2874-11.]

RCW 15.24.140 Right to inspect. The commission may inspect the premises and records of any carrier, handler, dealer, or processor for the purpose of enforcing this chapter and the collection of the excise tax. [1961 c 11 § 15.24.140. Prior: 1937 c 195 § 19; RRS § 2874-19.]

RCW 15.24.150 Treasurer—Bond—Duties—Funds. The commission shall appoint a treasurer who shall file with it a fidelity bond executed by a surety company authorized to do business in this state, in favor of the commission and the state, in the penal sum of fifty

thousand dollars, conditioned upon the faithful performance of his or her duties and strict accounting of all funds of the commission.

All money received by the commission, or any other state official from the assessment herein levied, shall be paid to the treasurer, deposited in such banks as the commission may designate, and disbursed by order of the commission. None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter. [2010 c 8 § 6023; 1961 c 11 § 15.24.150. Prior: 1937 c 195 § 6; RRS § 2874-6.]

RCW 15.24.160 Promotional plans—Purpose—Authority of commission—Limitation on liability. To maintain and complement the existing comprehensive regulatory scheme, the commission may employ, designate as agent, act in concert with, and enter into contracts with any person, council, or commission, including but not limited to the director, state agencies such as the Washington state fruit commission and its successors, statewide horticultural associations, organizations or associations engaged in tracking the movement and marketing of horticultural products, and organizations or associations of horticultural growers, for the purpose of promoting the general welfare of the apple industry and particularly for the purpose of assisting in the sale and distribution of apples in domestic or foreign commerce, and expend its funds or such portion thereof as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of apples in domestic or foreign commerce. For such purposes it may employ and pay for legal counsel and contract and pay for other professional services. The liability of the state for the acts of the commission, or upon its contracts, shall be limited solely to the assets of the commission. In any civil or criminal action or proceeding for violation of any statute, including a rule adopted under that statute, or common law against monopolies or combinations in restraint of trade, including any action under chapter 19.86 RCW, proof that the act complained of was done in compliance with the provisions of this chapter, and in furtherance of the purposes and provisions of this chapter, is a complete defense to such an action or proceeding. [2004 c 178 § 13; 2002 c 313 § 126; 1961 c 11 § 15.24.160. Prior: 1947 c 280 § 3; Rem. Supp. 1947 § 2909-3.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.180 Enforcement. All county and state law enforcement officers and all employees and agents of the department shall enforce this chapter. [1961 c 11 § 15.24.180. Prior: 1937 c 195 § 16; RRS § 2874-16.]

RCW 15.24.190 Claims enforceable against commission assets—Nonliability of other persons and entities—Exception—Application of chapter 4.92 RCW. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission, and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any

subdivision or instrumentality thereof, or against any member, employee, or agent of the commission in his or her individual capacity. Except as otherwise provided in this chapter, neither the members of the commission nor its employees may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, save for their own individual acts of dishonesty or crime. No such person or employee may be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commissioners have been, and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW, as provided in that chapter. [2004 c 178 § 14; 1987 c 393 § 4; 1961 c 11 § 15.24.190. Prior: 1937 c 195 § 7; RRS § 2874-7.]

RCW 15.24.200 Penalties. (1) Any person who violates or aids in the violation of any provision of this chapter is guilty of a gross misdemeanor.

(2) Any person who violates or aids in the violation of any rule or regulation of the commission is guilty of a misdemeanor. [2003 c 53 § 104; 1961 c 11 § 15.24.200. Prior: 1937 c 195 § 14; RRS § 2874-14.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 15.24.210 Prosecutions. Any prosecution brought under this chapter may be instituted in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his or her principal place of business.

The superior courts are hereby vested with jurisdiction to enforce the provisions of this chapter and the rules and regulations of the commission issued hereunder, and to prevent and restrain violations thereof. [2010 c 8 § 6024; 1961 c 11 § 15.24.210. Prior: 1937 c 195 § 15; RRS § 2874-15.]

RCW 15.24.215 Funding staff support—Rules. The director may provide by rule for a method to fund staff support for all commodity boards and commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director. [2002 c 313 § 72.]

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.900 Purpose of chapter—Regulation of apples and apple products—Existing comprehensive scheme—Applicable laws. (1) This chapter is passed:

(a) In the exercise of the police power of the state to assure, through this chapter, and other chapters, that the apple industry is highly regulated to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state as a vital and integral part of its economy for the benefit of all its citizens;

(b) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

(c) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

(d) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

(e) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(f) Because the stabilizing and promotion of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure and increase the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

(g) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the grower therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the grower will be reduced to the minimum absolutely necessary; and

(h) To protect the general public by educating it in reference to the various varieties and grades of Washington apples, the time to use and consume each variety, and the uses to which each variety should be put.

(2) The history, economy, culture, and future of Washington state's agricultural industry involves the apple industry. In order to develop and promote apples and apple products as part of an existing comprehensive scheme to regulate those products, the legislature declares:

(a) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its apple and apple products be properly promoted by establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standards of and for apples and apple products; and by working to stabilize the apple industry and by increasing consumption of apples and apple products within the state, nation, and internationally;

(b) That apple growers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy.

Those restrictions may impair the agricultural grower's ability to compete in local, domestic, and foreign markets;

(c) That it is in the overriding public interest that support for the apple industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that apples and apple products be promoted individually, as well as part of a comprehensive promotion of the agricultural industry to:

(i) Enhance the reputation and image of Washington state's agricultural industry;

(ii) Increase the sale and use of apples and apple products in local, domestic, and foreign markets;

(iii) Protect the public and consumers by correcting any false or misleading information and by educating the public in reference to the quality, care, and methods used in the production of apples and apple products, and in reference to the various sizes, grades, and varieties of apples and the uses to which each should be put;

(iv) Increase the knowledge of the health-giving qualities and dietetic value of apple products; and

(v) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of apples and apple products;

(d) That the apple industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulation of the industry. Other regulations and restraints applicable to the apple industry include:

(i) Washington agriculture general provisions, chapter 15.04 RCW;

(ii) Pests and diseases, chapter 15.08 RCW;

(iii) Standards of grades and packs, chapter 15.17 RCW;

(iv) Tree fruit research, chapter 15.26 RCW;

(v) Controlled atmosphere storage, chapter 15.30 RCW;

(vi) Higher education in agriculture, chapter 28B.30 RCW;

(vii) Department of agriculture, chapter 43.23 RCW;

(viii) Fertilizers, minerals, and limes under chapter 15.54 RCW;

(ix) Organic products act under chapter 15.86 RCW;

(x) *Intrastate commerce in food, drugs, and cosmetics under chapter 69.04 RCW and rules;

(xi) Horticultural plants, Christmas trees, and facilities— Inspection and licensing under chapter 15.13 RCW;

(xii) Planting stock under chapter 15.14 RCW;

(xiii) Washington pesticide control act under chapter 15.58 RCW;

(xiv) Farm marketing under chapter 15.64 RCW;

(xv) Insect pests and plant diseases under chapter 17.24 RCW;

(xvi) Weights and measures under chapter 19.94 RCW;

(xvii) Agricultural products—Commission merchants, dealers, brokers, buyers, and agents under chapter 20.01 RCW; and

(xviii) The federal insecticide, fungicide, and rodenticide act under 7 U.S.C. Sec. 136; and

(e) That this chapter is in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety, and general welfare of the people of this state. [2016 sp.s. c 15 § 11; 2011 c 103 § 27; 2002 c 313 § 134; 1961 c 11 § 15.24.900. Prior: 1937 c 195 § 1; RRS § 2874-1.]

***Reviser's note:** Chapter 69.04 RCW was renamed "Intrastate commerce in drugs and cosmetics."

Purpose—2011 c 103: See note following RCW 15.26.120.

Effective dates—2002 c 313: See note following RCW 15.65.020.

RCW 15.24.910 Liberal construction. This chapter shall be liberally construed. [1961 c 11 § 15.24.910. Prior: 1937 c 195 § 17; RRS § 2874-17.]