

SB 6126 - S AMD 619
By Senator Parlette

ADOPTED 02/10/2004

1 Beginning on page 10, line 36, strike all of section 11 and insert
2 the following:

3 "Sec. 11. RCW 15.24.100 and 2002 c 313 s 123 are each amended to
4 read as follows:

5 (1) Subject to subsection (2) of this section, there is hereby
6 levied upon all fresh apples grown annually in this state, and all
7 apples packed as Washington apples, including fresh sliced, an
8 assessment of ((twelve cents on each one hundred pounds gross billing))
9 eight and seventy-five one-hundredths cents per hundred pounds of
10 apples, based on net shipping weight, or reasonable equivalent net
11 product assessment measurement((7)) as determined by the commission,
12 plus such annual decreases or increases thereof as are imposed pursuant
13 to the provisions of RCW 15.24.090. All moneys collected hereunder
14 shall be expended to effectuate the purpose and objects of this
15 chapter.

16 (2) No sooner than five years from the effective date of this
17 section, a petition may be filed with the commission to reduce the
18 assessment authorized in this section to zero. To be valid, the
19 petition must be signed by at least eight percent of all apple growers
20 eligible to vote in commission referendum elections. The petition
21 shall contain the name of a person designated to represent the
22 petitioners.

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

1 (b) Following the public hearings, the question of whether to
2 reduce the assessment authorized in this section to zero shall be
3 referred to a referendum mail ballot. The commission shall certify to
4 the director a list of apple growers eligible to vote in commission
5 referendum elections. The referendum shall be conducted and supervised
6 by the director using the certified list. Inadvertent failure to
7 notify an affected grower does not invalidate a referendum.

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

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

19 (e) The commission is responsible for all its own costs and all the
20 director's costs associated with the hearing, notice, and referendum
21 process. A subsequent petition may not be filed any sooner than five
22 years following the certification of the results of any previously held
23 referendum conducted under this subsection."

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