



# RULE-MAKING ORDER

**.R-103 (June 2004)**  
**(Implements RCW 34.05.360)**

Agency: Dept. of Agriculture

- Permanent Rule
- Emergency Rule

**Effective date of rule:**  
**Permanent Rules**  
 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**  
**Emergency Rules**  
 Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**  
 Yes  No If Yes, explain:

**Purpose:** This rulemaking order amends WAC 16-333-041 by increasing the hourly inspection fee for caneberry planting stock certification to equal the hourly inspection fee for other nursery services and slightly decreasing the caneberry certification application fee. The increase in the hourly inspection fee, which exceeds the fiscal growth rate factor for 2005, was authorized by Chapter 25, Laws of 2003, 1<sup>ST</sup> Special Session, Section 309(2). Section 309(2) reads: "Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth rate factor under RCW 43.135.055".

**Citation of existing rules affected by this order:**  
 Repealed:  
 Amended: WAC 16-333-041  
 Suspended:

**Statutory authority for adoption:** Chapters 15.13, 15.14 and 34.05 RCW

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 04-13-149 on June 23, 2004.  
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**  
 August 10, 2004

**NAME (TYPE OR PRINT)**  
 Valoria H. Loveland

**SIGNATURE**

**TITLE**  
 Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FBIHQ

MIG 10 2004

TIME: 10:56 AM  
 WSR: 04-17-038 PM

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

**WAC 16-333-041 Caneberry certification fees.** The caneberry certification fees are as follows:

	((Effective July 1, 2003
Application fee	\$140.70
Hourly inspection rate	\$28.10))

(1) Certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by the application fee of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.