



RULE-MAKING ORDER

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

Agency: Department 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 rule making order increases the certification fees for field crops certified by the Washington State Crop Improvement Association by the OFM fiscal growth factor of 3.03% for the fiscal year 2005 assuring fees for seed certification services are adequate to cover increases in operating costs.

Citation of existing rules affected by this order:

Repealed:
 Amended: 16-303-340
 Suspended:

Statutory authority for adoption: RCW 15.49.310, 15.49.370(3)

Other authority : RCW 34.05

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-01-230 on 12-22-04 (date).
 Describe any changes other than editing from proposed to adopted version:

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: 2-14-05

NAME (TYPE OR PRINT)
Valoria Loveland

SIGNATURE
Valoria N. Loveland

TITLE
Director

CODE REVISER USE ONLY

TIME _____
 WSR 05-05-052 (10)

**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:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

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

	New	0	Amended	1	Repealed	0
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The number of sections adopted in the agency's own initiative:

	New	0	Amended	0	Repealed	0
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	0	Amended	0	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	1	Repealed	0

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower	\$((20.66)) <u>21.28</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$((2.86)) <u>2.94</u>
(c) Millet - first acre	\$((30.73)) <u>31.66</u>
-each additional acre	\$((6.13)) <u>6.31</u>
(d) Hybrid sorghum - first acre	\$((30.73)) <u>31.66</u>
-each additional acre	\$((12.28)) <u>12.65</u>
(e) Special field inspection fee per acre	\$((2.44)) <u>2.51</u>
(f) Late application fee	\$((19.36)) <u>19.94</u>
(g) Reinspection fee	\$((38.76)) <u>39.93</u>

minimum for each field which did not pass field inspection plus ~~\$((0.42))~~ 0.43 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~\$((38.76))~~ 39.93.

(h) Final certification fee	\$((0.240)) <u>0.245</u>
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per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee

\$0.105

per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee	\$0.105
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per cwt. of clean seed sampled, with
minimum charge of (~~ten dollars~~) \$10.30
per sample, which is charged to
conditioning plant in lieu of mechanical
sampling.

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.