

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1764

(1) I, M. Keith Ellis, director of Washington State Department of Agriculture do promulgate and adopt at Olympia, WA the annexed rules relating to:

Seed assessment fees in WAC 16-304.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 82-07-089 filed with the code reviser on 3/24/82. Such rules shall take effect:

- [] pursuant to RCW 34.04.030(2).
[X] at a later date, such date being July 1, 1982

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW 15.49.310; 15.49.370; 15.49.400 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency)

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

as authorized in RCW (agency)

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED May 5 19 82 FILED

MAY 5 1982

By M. Keith Ellis Director of Agriculture

Title

CODE REVISER'S OFFICE

WSR 82-10-067

AMENDATORY SECTION (Amending Order No. 1683, filed 5/30/80)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington state seed act, shall also, pursuant to RCW 15.49.310 and RCW 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales in excess of \$10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, (~~1980~~) 1981 through June 30, (~~1981~~) 1982 shall be due August 1, (~~1981~~) 1982 and payable by February 1, (~~1982~~) 1983. The assessment fees for the period beginning July 1, (~~1981~~) 1982 through June 30, (~~1982~~) 1983 shall be due August 1, (~~1982~~) 1983 and payable by February 1, (~~1983~~) 1984.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

AMENDATORY SECTION (Amending Order No. 1683, filed 5/30/80)

WAC 16-304-130 EFFECTIVE DATES. This regulation is effective through June 30, (~~1982~~) 1984. Between January 1, (~~1982~~) 1984 and March 1, (~~1982~~) 1984, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under (~~the~~) the authority of (~~chapters~~) chapter 42.30, the open public meetings act, and chapter 34.04, the administrative (~~Procedures Acts~~) procedure act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.