



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Agriculture

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: October 11, 1991

(2) Purpose: To increase fees to meet the increased cost of operation of the Seed Branch, and to adopt new billing policies and procedures.

(3) Citation of existing rules affected by this order:

- Repealed:  
Amended: WAC 16-304-039 through 16-304-050  
Suspended:

(4) Authority for adoption:

Statute: Chapter 15.49 RCW  
Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 91-15-099 on July 24, 1991 (date).

Describe any changes other than editing from proposed to adopted version:

The fee in 16-304-039 (2) (j) is changed from \$16.00 to \$20.00. The change will make this particular fee consistent with the other hourly fees in the rule.

**(5.2) EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) 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:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No If yes, explain:

(6) Effective date of rule:

- |                                                          |                                                |
|----------------------------------------------------------|------------------------------------------------|
| Permanent Rules                                          | Emergency Rules                                |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately           |
| <input type="checkbox"/> Other (specify) _____ *         | <input type="checkbox"/> Later (specify) _____ |

\* (if less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 11 1991

TIME: 1:30  
WSR: 91-21-043

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

*[Handwritten Signature]*

TITLE

Director

DATE

10/11/91



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

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Date: October 11, 1991  
To: Office of the Code Revisor  
From: *William E. Brookreson*  
William E. Brookreson, Assistant Director  
Department of Agriculture, Plant Services Division  
Re: Variance Between Proposed and Final Rule

On July 24, 1991 proposed amendments to Chapter 16-304 WAC, regarding rules relating to Schedule of Charges, were filed - WSR #91-15-099. The purpose of the proposal was to increase fees to meet the increased cost of operation of the Plant Services Division Seed Branch. The adopted rule varies slightly from the proposed version in 16-304-039 (2)(j). The proposed version listed the charge for "Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds" as \$16.00 per hour. The adopted version raises this charge to \$20.00 per hour. The intent of the change is to increase this particular fee along with the other fee increases originally proposed to help meet increased operating costs. The \$20.00 per hour rate will make this particular fee consistent with the other hourly fees in the rule.

NEW SECTION

WAC 16-304-039 SCHEDULE OF CHARGES--BILLING POLICIES AND PROCEDURES. (1) All billable services provided under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) On all debts due and payable after July 28, 1991, all delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00
Bluegrass	4 oz.	21.00	13.00	14.00
Bromegrass	6 oz.	22.00	13.00	11.50
Fescue	4 oz.	21.00	13.00	11.50
Orchardgrass	4 oz.	24.00	15.00	13.00
Ryegrass	4 oz.	21.00	13.00	10.50
Crested Wheatgrass	4 oz.	25.00	15.00	14.00
Other Wheatgrasses	6 oz.	36.00	22.00	14.00
Other grasses	4 oz.	17.00	10.50	10.50
Beans and peas	1 1/4 lb.	13.00	7.50	11.50
Cereals	1 1/4 lb.	13.50	9.00	11.50
Other crops	4 oz.	13.50	9.00	11.50
Mixture (for each additional kind)		10.50		13.00
Beets		18.00	8.50	17.00
Rapeseed		32.00	9.00	16.00
Carrot		13.50	9.00	11.50

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for

CRBTF	3
OTS	5
-5297;1	7
039;1	8
11	9
12	10
13	11
15	13
16	14
16	14
18	16
19	17
20	18
21	19
21	19
23	21
24	22
25	23
26	24
27	25
29	27
30	28
30	28

OTS	3
-5297;1	3
040;4	6

PURITY AND GERM (c)	TETRA-ZOLIUM 200 Seeds (d)		
		43	12
		43	12
		43	12
		43	12
		43	12
		43	12
		43	12
		43	12
\$46.00	\$21.00	45	14
35.00	21.00	47	16
33.50	21.00	49	18
32.50	21.00	51	20
37.00	21.00	53	22
31.50	21.00	55	24
		56	25
39.00	21.00	58	27
		59	28
50.00	21.00	61	30
27.50	21.00	63	32
24.50	21.00	65	34
25.00	21.00	67	36
25.00	21.00	69	38
		70	39
	21.00	72	41
35.00		73	42
48.00	21.00	74	43
25.00	36.00	75	44
		76	45
		77	46
		78	47
		80	49
		80	49
		82	51

Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam..... Noxious only  
 fee plus \$ 3.50  
 (or hourly rate when applicable)

(Required crop exam for all foundation and registered class grass seeds.)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams..... \$16.00  
 Poa annua check for other grasses - each 10 grams..... \$16.00

(c) Sod seed analysis -  
 Bluegrass..... \$56.00  
 Fescue..... \$40.00  
 Ryegrass..... \$32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, ((one-hundred)) fifty gram all weed/all crop. ((Fluorescent)) Fluorescence required on ryegrass; germ and ((fluorescent)) fluorescence test additional fee.)

(d) ((Fluorescent)) Fluorescence test - (four hundred seed test)..... \$13.00

(e) Pest and disease, soil exam or similar..... \$16.00  
 (Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only)..... \$18.00

(g) Variety separation of Kentucky bluegrass..... \$18.00  
 If separated at time of purity analysis..... \$ 9.00

(h) Sodium hydroxide test for presence of red and/or white wheat..... \$10.00

(i) Brassica seed chemical identification test..... \$10.00

(j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour)..... ~~\$(16.00)~~  
 20.00

(k) Fescue seed fluorescence test - a test required to determine presence of other fine fescue species in hard fescue and sheep fescue which is required on certified samples..... \$14.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports may not be mailed until all tests are completed.

(b) Samples shall be plainly labeled "inventory samples."

(c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.

(d) The fee for this service shall be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested at time sample is submitted).....		\$12.00
(b) Phone reports on test result, per call.....		\$ 3.50
(c) Preliminary report on germination (phone report only).....		\$ 8.00
(d) Morphological test.....		\$ 8.00
(alfalfa or clover examined under magnification for combine damage.)		
(e) Additional mailing of report (each destination).....		\$ 1.50
(f) Recopies of reports (minimum fee).....		\$ 2.50
Revised reports (minimum fee).....		\$ 5.00
	(or hourly fee when applicable)	
(g) I.S.T.A. rules test	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$14.00
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$14.00
(h) Canadian rules test	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$11.50
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$11.50
Bentgrass	\$44.00	\$16.00
(i) Seed count.....		\$16.00
(j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc.....		\$((+6.00))
		<u>20.00</u>
(k) Hourly fee for miscellaneous services.....		\$((+6.00))
		<u>20.00</u>
(l) Service charge for submitted federal phytosanitary certificates, per certificate.....		\$ 5.00
(m) All states noxious weed examination.....		\$10.00
(n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples.....		\$ 3.50
(o) Fee for facsimile transmission of documents, per document.....		\$ 3.50
(p) Undesirable grass species examination (UGS test).....		\$12.00

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-304-050 MISCELLANEOUS CHARGES.

(1) Sanitary certificate.....	\$20.00
(2) Service sampling or similar service: The fee for each service requested shall be:	
(a) Peas, beans, small grains or seeds of similar size per cwt.....	\$ 0.05
(b) For all other kinds - per cwt.....	\$ 0.15
(c) Minimum charge.....	\$((+6.00))
	<u>20.00</u>
(3) Tagging and sealing or similar service: The fee for each service requested shall be:	
(a) For all kinds of seed - per cwt.....	\$ 0.15
(b) Minimum fee.....	\$((+6.00))
	<u>20.00</u>

- (4) Checkweighing, checkloading, or similar service shall be - per hour..... \$((~~16.00~~)) 20.00
- Minimum fee..... \$((~~16.00~~)) 20.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$((~~16.00~~)) 20.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of \$((~~16.00~~)) 20.00 per hour plus mileage and travel time.

(7) Requests for services not listed - most appropriate fee.