



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

Adm. Order 4016

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

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: December 1, 1992

(2) Purpose: The nursery inspection program is entirely supported by licensing fees and fees for requested inspection services. The fee increases are needed to provide sufficient revenue to cover the cost of delivering the services.

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

Repealed:

Amended: WAC 16-401

Suspended:

(4) Authority for adoption:

Statute:

Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 92-21-096 on October 21, 1992 (date).

Describe any changes other than editing from proposed to adopted version: In the initial filing, sections 16-401-040(2)(c) through 16-401-040(4) were underlined on the print-out in error. These were not new sections, as the underlining would indicate. These sections had been adopted 6/10/92, amending order 2094.

**(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

31 days after filing

Immediately

Other (specify) \_\_\_\_\_ \*

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**

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

*[Signature]*, Deputy Director

Director

DATE 12/1/92

DEC 8 1992  
9:30  
92-24-007

NEW SECTION

**WAC 16-401-019 Schedule of fees and charges--Billing policies and procedures.** (1) All billable services provided under chapter 15.13 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 for established accounts. Accounts not paid-in-full within thirty days of billing shall be considered delinquent.

(2) All delinquent accounts shall be assessed a late charge equal to one and one-half 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-in-full at the time 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 accounts are paid-in-full. Such accounts may be subject to legal action for collection.

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

AMENDATORY SECTION (Amending Order 1953, filed 9/17/87)

**WAC 16-401-020 (~~(Nursery inspection fees)~~) Schedule of fees and charges--Facility inspection.** (~~((Facility inspection))~~) (1) Any plant material at (~~(the)~~) a location licensed as a nursery dealer under chapter 15.13 RCW shall be subject to regulatory inspection. A nursery inspection certificate (~~((will))~~) shall be (~~((written))~~) issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: Provided, That the license location shall be subject to no more than two paid inspections each license period. Fees shall be (~~((based on actual time spent for inspection as follows:~~

Up to 1/2 hour	None
1/2 to 1 hour	\$ 9.00
1 to 2 hours	18.00
2 to 3 hours	27.00
Over 3 hours	36.00))

assessed on the basis of the time required for the inspection at the hourly rate provided in WAC 16-401-025.

NEW SECTION

**WAC 16-401-023 Schedule of fees and charges--Establishing hourly rates.** (1) Requested services shall be provided at an hourly rate and an overtime rate. The overtime rate shall apply for service provided before 8:00 a.m. or after 5:00 p.m. during the work day and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The minimum hourly charge assessed shall be one hour. Additional charges shall be in one-half hour increments prospectively.

(4) Persons requesting service with less than twenty-four hours notice on a weekend or holiday, or before 8:00 a.m. or after 5:00 p.m., may be subject to a call back charge of two hours at the overtime rate, in addition to all other charges, if the department is actually required to pay call back to the employee(s) providing the requested service.

AMENDATORY SECTION (Amending Order 1953, filed 9/17/87)

**WAC 16-401-025 ((Nursery inspection Requested inspections))**  
**Schedule of fees and charges--Applicable rates and charges.**  
 ((Requested nursery inspections shall be at the rate of \$18.00 per hour, except as listed below, and shall include, but not be limited to:

Third party inspections, including travel time	
Minimum charge	\$18.00/hour
Phytosanitary certificate	
Minimum charge each inspection	
First phytosanitary	\$9.00
Each additional phytosanitary	
(or hourly rate whichever applies)	\$3.00
Nursery inspection record	
Minimum charge	\$6.00
Fumigation certificate	
Minimum charge	\$27.00 ea.

Field inspections

Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year

Per acre or fraction thereof . . . . . \$2.00

Certificate of inspection of nursery stock

Minimum charge:

Licensed nurseryman . . . . . No fee

Unlicensed nurseryman . . . . . 1.00 ea.

Nursery sticker

In lots of 250 . . . . . .01 ea.

Less than 250 (minimum 10) . . . . . .10 ea.

Nursery stock inspection certificate tag

In lots of 250 . . . . . .01 ea.

Less than 250 (minimum 10) . . . . . .10 ea.

When combinations of requested inspections are made, the charge shall be \$18.00 per hour and minimum charges shall be waived.

EXCEPTION: When combination inspections include fumigation, a minimum charge will be \$27.00.)

The following rates for requested inspection services shall apply:

(1) Hourly rate, per hour . . . . . \$ 25.00

(2) Overtime rate, per hour . . . . . \$ 32.00

(3) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be pro-rated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(4) Inspections for phytosanitary certification, including growing season field inspections, shall be provided at the hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry organization. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-040 (1) (b) or (2) (a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-040 (1) (c) or (2) (b), shall be without charge.

(a) There shall be no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate \$ 12.00

(c) Additional phytosanitary certificates . . . \$ 4.00 ea.

(5) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through a prescribed treatment (steam cleaning, hydro-washing, etc.) shall be performed at the hourly rate.

(a) All certificates must be issued at the time of inspection.

(b) For the first certificate, no additional charge.

(c) Additional certificates . . . . . \$ 4.00 ea.

(6) Inspections for garden brown snail certification or other miscellaneous inspection certification shall be at the hourly rate.

(a) For the first certificate . . . . . no charge

(b) For additional certificates . . . . . \$ 4.00 ea.

(7) Witnessing and certification of fumigation shall be at the hourly rate, plus a per lot or container fee of . . . . . \$ 10.00

(8) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection . . . . \$ 5.00

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate, per WAC 16-401-025, shall be applied. One certificate for one service shall be issued at no charge. Additional certificates will be issued at the \$4.00 rate.

AMENDATORY SECTION (Amending Order 1953, filed 9/17/87)

WAC 16-401-030 ((Extra)) Schedule of fees and charges--  
Miscellaneous charges. ((Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of \$18.00 per hour above the minimum charges listed.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of \$27.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal \$27.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving, Veteran's Day, Christmas Day, President's Day, and Martin Luther King Jr.'s birthday. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed.) The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage and other miscellaneous costs shall be charged back at the actual cost.

(2) Fee for special handling service (i.e., federal express, air parcel post or air freight) . . . . . \$ 3.50

(3) Fee for facsimile transmission of documents, per document . . . . . \$ 3.50

(4) Additional copies of certificates, per copy . . \$ .20

(5) Other requested office services, not specifically provided, shall be charged a fee based on the portion of an hour at the hourly rate in WAC 16-401-025 necessary to perform the service.

(6) Nursery stickers and nursery stock inspection: Certificate tags:

(a) In lots of 250 . . . . . \$ 5.00 per lot

(b) Less than 250 (minimum 10) . . . . . \$ .25 each

(7) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal . . . . . \$ 25.00

**WAC 16-401-040 Nursery dealer license fees.** As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

(1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be (~~twenty-five~~) thirty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be (~~fifty~~) seventy-five dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred fifty dollars.

(d) Retail nursery dealer license fee increases shall become effective January 1, 1993.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be (~~fifty~~) seventy-five dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred fifty dollars.

(c) Wholesale nursery dealer license fee increases shall become effective January 1, 1993.

(3) As provided in RCW 15.13.280 there is hereby established a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section to be used solely to support research projects recommended by the nursery advisory committee and of general benefit to the nursery industry.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit . . . . . \$5.00

**WAC 16-401-050 Annual assessment--Fruit tree material.** As provided in (~~chapter 15.13~~) RCW 15.13.310, the director of agriculture hereby establishes an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamental trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer.