



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

**CR-103** (7/23/95)

**Agency:** Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

**(1) Date of adoption:** May 28, 1996

**(2) Purpose:** To continue the seed assessment program which helps fund the Seed Branch and their seed quality control activities.

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

Repealed:

Amended: WAC 16-304-110, WAC 16-304-130

Suspended:

**(4) Statutory authority for adoption:** RCW 15.49.370

Other Authority:

**PERMANENT RULE ONLY**

Adopted under notice filed as WSR 96-09-091 on April 17, 1996 (date).

Describe any changes other than editing from proposed to adopted version: None

**EMERGENCY RULE ONLY**

Under 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:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

**(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**

- 31 days after filing
- Other (specify)\*:

**Emergency Rules**

- Immediately
- 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

JUN 03 1996

TIME: 3:50  
WSR 96-12-066

Name (Type or Print)

James Jesernig

Signature

Title  
Director

Date  
May 28, 1996

**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	New	-----	Amended	-----	Repealed	-----
<b>Federal rules or standards:</b>	New	-----	Amended	-----	Repealed	-----
<b>Recently enacted* state statutes:</b>	New	-----	Amended	-----	Repealed	-----

\*(current calendar year)

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

New	-----	Amended	----- <sup>2</sup>	Repealed	-----
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**The number of sections adopted in the agency's own initiative:**

New	-----	Amended	-----	Repealed	-----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

New	-----	Amended	-----	Repealed	-----
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Pilot rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Other alternative rule making:</b>	New	-----	Amended	----- <sup>2</sup>	Repealed	-----

AMENDATORY SECTION (Amending Order 5045, filed 5/27/94, effective 6/27/94)

**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 15.49.370, pay a general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars 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 shall 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-conditioner agreement rate in lieu of sale.

~~((The assessment fees for the period beginning July 1, 1993, through June 30, 1994, shall be payable by February 1, 1995.))~~ The assessment fees for the fiscal period beginning July 1, ~~((1994))~~ 1996, through June 30, ~~((1995))~~ 1997, shall be payable by February 1, ~~((1996))~~ 1998. Assessment fees for subsequent like fiscal periods shall become payable on February 1 of the following calendar year.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars, 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 5045, filed 5/27/94, effective 6/27/94)

**WAC 16-304-130 Seed inspection assessment--Effective dates.**  
This rule is effective through June 30, (~~1996~~) 1998. Between (~~January~~) October 1, (~~1996~~) 1997, and (~~March~~) January 1, (~~1996~~) 1998, 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 authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.05 RCW, the Administrative 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.