



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: May 8, 2001

(2) Purpose: To amend the fee schedule for fee-supported services, such as plant pest inspection and testing, within fiscal growth factors for Fiscal Year 2001 and Fiscal Year 2002 and to make technical corrections in the text.

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

Repealed:
 Amended: WAC 16-470-911, 16-470-916, 16-470-921
 Suspended:

(4) Statutory authority for adoption: Chapters 17.24 and 15.14 RCW
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 01-07-096 on March 21, 2001 (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 or Expedited Repeal **Emergency Rules**

- 31 days after filing
- Other (specify) _____*
- Immediately
- Later (specify)

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

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date
May 8, 2001

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 8 2001

TIME 2:21 AM/PM AM

WSR 0411-033

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Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

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

New	Amended	Repealed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

New	<u>2</u>	Amended	<u>3</u>	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:

Negotiated rule making:	New	Amended	Repealed		
Pilot rule making:	New	Amended	Repealed		
Other alternative rule making:	New	<u>2</u>	Amended	<u>3</u>	Repealed

AMENDATORY SECTION (Amending WSR 99-22-076, filed 11/2/99, effective 12/3/99)

WAC 16-470-911 Schedule of fees and charges--Applicable fees and charges--Effective ((July 1, 1999)) June 30, 2001.

- (1) Hourly rate
 - (a) Business hours \$((26.90)) 27.65
 - (b) Nonbusiness hours (see WAC 16-407-905) \$((34.40)) 35.35
- (2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus	\$((80.70))	\$((59.15))	\$((45.20))	\$((17.20))	\$((2.65))
<u>(ELISA)</u>	<u>83.00 ea</u>	<u>60.80 ea</u>	<u>46.45 ea</u>	<u>17.65 ea</u>	<u>2.70 ea</u>
bacteria	((35.60))	((34.40))	((32.25))	((31.20))	((31.20))
	<u>36.60 ea</u>	<u>35.35 ea</u>	<u>33.15 ea</u>	<u>32.05 ea</u>	<u>32.05 ea</u>
fungus	((37.65))	((32.25))	((31.20))	((30.10))	((27.90))
	<u>38.70 ea</u>	<u>33.15 ea</u>	<u>32.05 ea</u>	<u>30.95 ea</u>	<u>28.70 ea</u>
nematode	((27.90))	((25.80))	((23.65))	((23.65))	((21.50))
	<u>28.70 ea</u>	<u>26.50 ea</u>	<u>24.30 ea</u>	<u>24.30 ea</u>	<u>22.10 ea</u>

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

NEW SECTION

WAC 16-470-912 Schedule of fees and charges--Applicable fees and charges--Effective July 1, 2001. (1) Hourly rate.

- (a) Business hours \$28.40
- (b) Nonbusiness hours (see WAC 16-407-905) \$36.30
- (2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus	\$85.30 ea	\$62.45 ea	\$47.70 ea	\$18.10 ea	\$2.75 ea
<u>(ELISA)</u>					
bacteria	37.60 ea	36.30 ea	34.05 ea	32.90 ea	32.90 ea

Identity Determi- nation	1 sample	5 samples	10 samples	50 samples	100+samples
fungus	39.75 ea	34.05 ea	32.90 ea	31.80 ea	29.50 ea
nematode	29.50 ea	27.20 ea	24.95 ea	24.90 ea	22.70 ea

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

AMENDATORY SECTION (Amending WSR 99-12-035, filed 5/26/99, effective 6/26/99)

WAC 16-470-916 Schedule of fees and charges--Fees for post entry inspection services--Effective ((July 1, 1999)) June 30, 2001.

(1) Site inspection and/or permit review and approval
 \$((~~53.80~~)) 55.30

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

NEW SECTION

WAC 16-470-917 Schedule of fees and charges--Fees for post entry inspection services--Effective July 1, 2001. (1) Site inspection and/or permit review and approval \$56.80

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

WAC 16-470-921 Schedule of fees and charges--Miscellaneous fees--Effective July 1, 1999. (1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a workday or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged back at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents are provided subject to the charges and conditions established in chapter 16-401 WAC (~~16-401-026~~).