



# RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: September 27, 2002

**(2) Purpose:**

- Repeal WAC 16-458-080 Fruit and vegetable district three (Moses Lake district) to comply with the statutory mandate that the state be divided into not less than two fruit & vegetable inspection districts.
- Amend WAC 16-458-075 Fruit and vegetable district two (Yakima) and WAC 16-458-085 Fruit and vegetable district four (Wenatchee) to divide Moses lake District three between District Two and District Four. By eliminating Moses Lake District Three, the Fruit & Vegetable Inspection Program's operating expenses will decrease due to the elimination of two management and three clerical positions.
- Adopt a new section, WAC 16-400-008, which reduces fees charged for inspection services in the area served by Moses Lake District Three (as defined in rule on January 1, 2002) by nine and one-half percent (except for inspection charges accrued on FV-300 and FV-301 certificates). This fee reduction begins July 1, 2002 and remains in effect through June 20, 2003, at which time the fees return to the level of fees established in Chapter 16-400 WAC. WAC 16-400-008 also reduces fees charged for inspection services in the area served by Yakima District Two (as defined by rule on January 1, 2002) by twelve and one-half percent (except for inspection charges accrued on FV-300 and FV-301 certificates). This reduction begins July 1, 2002 and continues until the conditions established in Chapter 322, Laws 2002 (SSB 6254) are met, at which time the fees return to the level of fees established in Chapter 16-400 WAC.

(3) Citation of existing rules affected by this order: Chapter 16-400 WAC and Chapter 16-458 WAC

Repealed: WAC 16-458-080

Amended: WAC 16-458-075 and WAC 16-458-085

Suspended:

(4) Statutory authority for adoption: Chapter 15.17 RCW

Other authority: RCW 34.05.350 and RCW 34.05.380(2)

**PERMANENT RULE ONLY**

Adopted under notice filed as WSR 02-17-101 on August 21, 2002 (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

NAME (TYPE OR PRINT)

WILLIAM E. BROOKRESON

SIGNATURE

TITLE

DEPUTY DIRECTOR

DATE

9/27/02

**CODE REVISER USE ONLY**

SEP 27 2002

321

WSR 02-20-062

**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	<u>1</u>	Amended	<u>2</u>	Repealed	<u>1</u>

**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	___	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	<u>1</u>	Amended	<u>2</u>	Repealed	<u>1</u>

AMENDATORY SECTION (Amending WSR 99-17-002, filed 8/4/99, effective 9/4/99)

**WAC 16-458-075 Fruit and vegetable district two.** Fruit and vegetable district two shall consist of Kittitas, Klickitat, Skamania, Yakima (~~(and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road from its junction with Range 27E on the east, thence west to the Yakima County line, this includes the Prosser, Kiona, and Benton City areas)~~), Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Benton, Franklin, Walla Walla, Columbia, Asotin, Whitman and Garfield counties.

AMENDATORY SECTION (Amending WSR 99-17-002, filed 8/4/99, effective 9/4/99)

**WAC 16-458-085 Fruit and vegetable district four.** Fruit and vegetable district four shall consist of Grays Harbor, Jefferson, Clallam, Island, Mason, Kitsap, Pierce, Thurston, King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whatcom, Chelan, Douglas and Okanogan counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-458-080 Fruit and vegetable district three.

NEW SECTION

**WAC 16-400-008 Reduction of inspection fees levied under this chapter.** All inspection fees levied under this chapter shall be reduced as follows:

(1) Fees charged for inspection services in the area served by the Moses Lake District number three (as the district was constituted by rule on January 1, 2002\*) shall be reduced by nine and one-half percent, except for inspection charges accrued on FV-300 and FV-301 certificates. The fee reduction shall begin July 1, 2002, and remain in effect through June 30, 2003, at which time the fees charged shall return to the level of fees adopted in this chapter.

Note: On January 1, 2002, Moses Lake District three consisted of all counties located west of the Cascade Mountains, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman counties, and that portion of Benton County lying south and east of the Sellards Road, from its junction with Yakima County on the west thence east to the center line of Range 27E, thence north to the Columbia River; this excludes the Benton City, Kiona and Prosser areas.

(2) Fees charged for inspection services in the area served by the Yakima District number two (as the district was constituted by rule on January 1, 2002\*) shall be reduced by twelve and one-half percent, except for inspection charges accrued on FV-300 and FV-301 certificates. The fee reduction shall begin July 1, 2002, and continue until the conditions established in chapter 322, Laws of 2002 (SSB 6254) are met at which time the fees charged shall return to the level of fees adopted in this chapter.

Note: On January 1, 2002, Yakima District two consisted of Kittitas, Klickitat, Skamania, Yakima and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road from its junction with Range 27E on the east, thence west to the Yakima County line; this includes the Prosser, Kiona, and Benton City areas.