



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: May 6, 2003

(2) Purpose: Chapter 16-333 WAC - Certification of Caneberry Planting Stock. This rulemaking order adopts the fee schedule for caneberry plant certification for fiscal years 2003 and 2004. The fee schedule in WAC 16-333-041 increases caneberry certification fees by the OFM fiscal growth factor for fiscal year 2003 (3.29%), effective until June 30, 2003, and fiscal year 2004 (3.2%), effective July 1, 2003. In addition, this order repeals WAC 16-333-040 because it is no longer needed. Finally, as required by Executive Order 97-02, WAC 16-333-010 and WAC 16-333-041 are rewritten to improve their clarity.

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

- Repealed: WAC 16-333-040
- Amended: WAC 16-333-010 and 16-333-041
- Suspended:

(4) Statutory authority for adoption: Chapters 15.14 and 34.05 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-07-089 on March 19, 2003 (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:

(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) June 30, 2003*

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

Emergency Rules

- Immediately
- Later (specify) _____

CODE REVISER USE ONLY

Name (Type or Print)
Valoria H. Loveland

Signature
Valoria H. Loveland

Title: Director
Date: May 6, 2003

CODE REVISER'S OFFICE
STATE OF WASHINGTON
F-111

336

TIME _____

WSR 03-10-081

A.M.
P.M.

(COMPLETE REVERSE SIDE)

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>1</u>

AMENDATORY SECTION (Amending WSR 00-19-035, filed 9/12/00, effective 10/13/00)

WAC 16-333-010 Definitions. ((+1+)) "Caneberry" means any cultivated *Rubus* species.

((+2+)) "Department" means the department of agriculture of the state of Washington.

((+3+)) "Director" means the director of the department of agriculture or a duly appointed representative.

((+4+)) "Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

((+5+)) "Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

((+6+)) "Nuclear stock" means caneberry plants that have been indexed and found free of known viruses and virus-like diseases by United States Department of Agriculture personnel or other personnel acceptable to the department. Nuclear plants must be reindexed for virus and virus-like diseases at least every three years and maintained under conditions that would ensure freedom from infection.

((+7+)) "Off-type" means appearing by visual examination to be different from the species or variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

((+8+)) "Root cuttings" means sections of roots which have one or more bud.

((+9+)) "Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

((+10+)) "Tolerance" means the maximum acceptable percentage of planting stock that is diseased, infected by plant pests, defective, or off-type based on visual inspection or laboratory testing by the director or other authorized person.

((+11+)) "Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 01-11-030, filed 5/8/01, effective 6/8/01)

WAC 16-333-041 Caneberry certification fees ((effective July 1, 2001)). The caneberry certification fees are as follows:

	<u>Effective until June 30, 2003</u>	<u>Effective July 2003</u>
<u>Application fee</u>	\$136.34	\$140.70
<u>Hourly inspection rate</u>	\$27.26	\$28.10

(1) ((Caneberry)) Certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by ((a ~~\$132.00~~)) the application fee.

(2) Inspection fees. ((The inspection fee is \$26.40 per hour)) The department will conduct certification inspections at the hourly inspection rate plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-333-040

Caneberry certification fees
effective June 30, 2001.