



# RULE-MAKING ORDER

**R-103 (June 2004)**  
**(Implements RCW 34.05.360)**

**Agency:** WA State Dept of Agriculture

- Permanent Rule**
- Emergency Rule**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** This rule making order amends WAC 16-354 to reduce the hop rootstock certification field inspection fees and make them equal to the fees charged for other nursery services. The current rule requires program participants to pay for hop rootstock certification inspections at the rate of \$16 per acre with a 5-acre minimum. This rule replaces the existing \$16 per acre charge with the fee schedule established in chapter 16-401 WAC that is used for other nursery services. The new rule will reduce the cost of hop rootstock certification inspections to the current participants. In addition, this rule clarifies existing language so that it is easier to read and understand.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 16-354-040 and WAC 16-354-050  
 Suspended:

**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 04-19-124 on September 21, 2004.  
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

**Date adopted:** November 29, 2004

**NAME (TYPE OR PRINT)**  
Valoria H. Loveland

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
 SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_

NOV 29 2004

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04-24-050 (FIR)

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	Repealed	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

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

AMENDATORY SECTION (Amending WSR 98-09-049, filed 4/15/98, effective 5/16/98)

**WAC 16-354-040 Hop rootstock certification application and fees.** (1) Application for inspection and testing of certified mother blocks and certified stock shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.

(2) As a condition of participation in the hop rootstock certification program, the applicant grower must furnish to the department all requested information pertinent to the operation of the program and must give consent to the department to take material from certified mother blocks and/or greenhouses for examination and testing.

~~(3) ((Field inspection fees are sixteen dollars for each acre per inspection with a minimum fee of eighty dollars for five acres or less per inspection.~~

~~(4))~~ Fees for field inspections or inspection of harvested rootstock for grade, phytosanitary certification, or other purposes are assessed at the appropriate rate established in ~~((WAC 16-401-025))~~ chapter 16-401 WAC.

~~((5))~~ (4) Payment for each inspection is due upon completion of the inspection. Billing may be arranged subject to department policies and processes.

AMENDATORY SECTION (Amending WSR 98-09-049, filed 4/15/98, effective 5/16/98)

**WAC 16-354-050 Hop rootstock tags and identity.** (1) ~~((Application for inspection and testing of certified mother blocks and certified stock shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.~~

~~(2))~~ Any person selling or offering for sale hop rootstock bearing a certification tag or otherwise identified as certified is responsible for the following:

(a) Accurately identifying the rootstock as to variety and year of harvest;

(b) Accurately identifying the rootstock as complying with all of the conditions of the certified hop rootstock program.

~~((3))~~ (2) Any person issued certification tag(s) must keep written records of stock produced and sold. These records must be produced at the request of the department.