

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1571

(1) I, Bob J. Mickelson, director of the Department of Agriculture

do promulgate and adopt at Olympia Washington (place)

the annexed rules relating to:

WAC 16-304-100, WAC 16-304-110, WAC 16-304-120, and WAC 16-304-130 relating to a seed quality control program and fees for enforcement.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

2/1/78

This action is taken pursuant to Notice No. 7873, 7939 and 78-02-113 filed with the code reviser on 11/16/77, Such rules shall take effect:

12/21/77

pursuant to RCW 34.04.040(2) at a later date, such date being July 1 1978

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

XX (a) This rule is promulgated pursuant to RCW 15.49 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON

APPROVED AND ADOPTED March 31 19 78.

MAR 31 1978

By Bob J. Mickelson Director of Agriculture

Title

CODE REVISER'S OFFICE

WSR 78-07-070

NEW SECTION

WAC 16-304-100 DEFINITIONS. (1) "Fiscal year" shall mean the twelve month period July 1 through June 30.

(2) "Seed labeling permit" means a permit issued by the Department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

(3) "Seed Branch advisory committee" means a committee elected by the Washington Seed Council and shall be composed of representatives of the small grains, pea and lentil, bean and vegetable, small seeded legumes and grass seed industries, together with the president of the Washington Seed Council who acts as chairman.

(4) "Stock seed" means breeders, pre-basic, or like initial generation of seed.

NEW SECTION

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to Section 15.49.400 RCW, 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 10 cents per one hundred dollars gross annual dollar sales 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 4 ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the USDA National foundation seed project; and PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must 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-processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1978 through June 30, 1979 shall be due August 1, 1979 and payable by February 1, 1980. The assessment fees for the period beginning July 1, 1979 through June 30, 1980 shall be due August 1, 1980 and payable by February 1, 1981.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment

fee or minimum of \$10.00, 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.

NEW SECTION

WAC 16-304-120 REGISTRANT RECORDS. Each seed labeling registrant shall maintain reasonable and necessary records accurately reflecting the gross annual dollar value of agricultural and/or vegetable seed distributed in this state.

NEW SECTION

WAC 16-304-130 EFFECTIVE DATES. This regulation is effective through June 30, 1980. Between January 1, 1980 and March 1, 1980 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 authority of RCW 42.32 and 34.04, the Administrative Procedures Acts. The Advisory Committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to varify such funds are being used only for seed quality control activities.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Rules pertaining to seed quality control program and fees for enforcement. (Statutory authority 15.49 RCW)
2. This is a new order initiating a seed quality control program.
3. Art Losey
406 General Administration Building AX-41
Olympia, Washington 98504
(206) 753-5062
Bob Eschbach
2015 S. 1st Street
Yakima, Washington 98903
(509) 575-2750
4. Proponents: Department of Agriculture
Washington State Crop Improvement Association
Les Clemons
Ted Dionne
Richard Lawson
Duward Massie
Bob McDonald
Jack McGillis
Bob Pollock
Robert Prentice
Opponents: B. Bigsby
Oscar Bjordahl
Harold Blain
Rex Blodgett
Don Bolingbroke
John Britt
Bill Brotherton
**Marsh Commack
Thomas Duffel
Michel Dunlap
Harold Fritsch
*Gayle Gaither
Bob Gingrich
Leonard Keller
Del Moore
Jim Nelson
Garnet D. Radebaugh
Leonard Singhose
J. Palmer Trimble

*Company is a proponent

**Now proponent

Note: Most opponents are out-of-state pea and lentil dealers.

5. This program was requested by the Washington-North Idaho Seed Association through the Seed Branch Advisory Committee which is composed of industry representatives from all segments of the seed industry, along with the chairman of the Washington State Seed Council.

The Seed Act, 15.49 RCW, requires the department to carry on a seed control program; however, the legislature has not funded the activity since 1969. This program will allow the department to carry out legislative responsibilities the legislature has not been able to fund.