

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1605

(1) I, Bob J. Mickelson, director of

Department of Agriculture

do promulgate and adopt at Olympia, WA

(place)

the annexed rules relating to:

Seed assessment fees in WAC 16-304-110.

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

This action is taken pursuant to Notice No. WSR 79-03-054 filed with the code reviser on March 6, 1979. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(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):

[X] (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.

APPROVED AND ADOPTED April 30 19 79

STATE OF WASHINGTON FILED

By [Signature] Deputy Director

Title

APR 30 1979

[Form CR-7: Effective 12/1/77]

CODE REVISER'S OFFICE WSR 79-05-062

AMENDATORY SECTION (Amending Order 1571, filed 3/31/78)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and (~~(15.49.370-[15.49.370])~~) 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.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

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

- (a) This rule relates to the seed regulations in Washington state (statutory authority RCW 15.49).
- (b) Revision of regulations concerning production, certification and distribution of seed. These changes include a 15 percent increase in seed testing fees; amendments in seed certification, quarantine, phytosanitary, noxious weed seed programs, clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality, blending, the O.E.C.D. program; and, admendments to restricted noxious weed seed list.
- (c) Department of Agriculture
Grain and Chemical Division
Art G. Losey
406 General Admin. Bldg.
Olympia, WA 98504
753-5062
- Robert Eschbach
2015 So. 1st Street
Yakima, WA 98903
575-2750
- (d) Proponents:
- Department of Agriculture
Ted Dion
Les Clemmons
Jack McGillis
- Duward Massey
Bob Johnson
- Opponents: None
- (e) None