

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1942

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia (place)

the annexed rules relating to: Chapter 16-401 Nursery fees and assessments.

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

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: thirty days after they are filed with the code reviser 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, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare... The 1987 legislature adopted changes in RCW 15.13 giving the department authority to set license fees for nursery dealers and assessments on fruit tree stock... These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 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:

(a) This rule is promulgated pursuant to RCW 15.13 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 July 24 19 87 FILED

By [Signature] Deputy Director

JUL 24 1987

Deputy Director Title

CODE REVISER'S OFFICE WSR 87-16-014

AMENDATORY SECTION (Amending Order 1315, filed 5/30/73)

WAC 16-401-020 NURSERY INSPECTION FEES. (Facility inspection) Any plant material at the location licensed as a nursery dealer under chapter 15.13 RCW shall be subject to inspection. A certificate will be written stating the result of the inspection.

A fee may be charged for repeated, subsequent inspections: PROVIDED, That the license location shall be subject to no more than two paid inspections each license period. Fees shall be based on actual time spent for inspection as follows:

| | | |
|----------------|-------------|---------|
| Up to 1/2 hour | | None |
| 1/2 to 1 hour | ((\$-5-00)) | \$ 9.00 |
| 1 to 2 hours | ((\$10-00)) | 18.00 |
| 2 to 3 hours | ((\$15-00)) | 27.00 |
| Over 3 hours | ((\$20-00)) | 36.00 |

AMENDATORY SECTION (Amending Order 1628, filed 3/21/79)

WAC 16-401-025 NURSERY INSPECTION--REQUESTED INSPECTIONS. Requested nursery inspections shall be at the rate of ~~(((\$12-00))~~ \$18.00 per hour, except as listed below, and shall include, but not be limited to:

| | | |
|--|------------------|--------------|
| Third party inspections, <u>including</u> travel time | | |
| Minimum charge..... | ((\$-12-00/hr-)) | \$18.00/hour |
| Phytosanitary certificate | | |
| Minimum charge each inspection | | |
| First phytosanitary..... | ((\$6-00)) | \$9.00 |
| Each additional phytosanitary | | |
| <u>(or hourly rate whichever applies)</u> | ((\$2-00)) | \$3.00 |
| Nursery ((stock)) inspection ((certificate)) <u>record</u> | | |
| Minimum charge..... | | \$6.00 |
| Fumigation certificate | | |
| Minimum charge..... | ((\$18-00-ea-)) | \$27.00 ea. |
| Field inspections | | |
| Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year | | |
| Per acre or fraction thereof..... | | \$2.00 |
| Certificate of inspection of nursery <u>stock</u> | | |
| ((Stock)) Minimum charge: | | |
| Licensed nurseryman..... | | No Fee |
| Unlicensed nurseryman..... | | 1.00 ea. |
| Nursery sticker | | |
| In lots of 250..... | | .01 ea. |
| Less than 250 (minimum 10)..... | | .10 ea. |
| Nursery stock inspection certificate tag | | |
| In lots of 250..... | | .01 ea. |
| Less than 250 (minimum 10)..... | | .10 ea. |

When combinations of requested inspections are ~~((in--combination))~~ made, the charge ~~((will))~~ shall be ~~(((\$12-00))~~ \$18.00 per hour and minimum charges ~~((will))~~ shall be waived.
 EXCEPTION: When combination inspections include fumigation, a minimum charge will be ~~(((\$18-00))~~ \$27.00.

AMENDATORY SECTION (Amending Order 1628, filed 3/21/79)

WAC 16-401-030 EXTRA CHARGES. Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of ~~((\\$12.00))~~ \$18.00 per hour above the minimum charges listed.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of ~~((\\$18.00))~~ \$27.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal ~~((\\$18.00))~~ \$27.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving, Veteran's Day, Christmas Day, ~~((Lincoln's Birthday, Washington's Birthday, Columbus Day and General Election Day))~~ President's Day, and Martin Luther King Jr.'s Birthday. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed.

NEW SECTION

WAC 16-401-040 NURSERY DEALER LICENSE FEES. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

(1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be twenty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be fifty dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be fifty dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

NEW SECTION

WAC 16-401-050 ANNUAL ASSESSMENT--FRUIT TREE MATERIAL. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-401-002 PROMULGATION.