



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Washington State Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: May 27, 1998	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Adoption
	<input type="checkbox"/> Expedited Repeal

(2) Purpose: Increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. Also, certain eligible varieties have been added and deleted.

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: WAC 16-316-474 and WAC 16-316-525
 Suspended:

(4) Statutory authority for adoption: RCW 15.49.310 and RCW 15.49.370(3)
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 98-09-101 on 4/22/98 (date).
 Describe any changes other than editing from proposed to adopted version:

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:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR ____ on ____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain: Fee increase is within fiscal growth factor.

(6) Effective date of rule:

Permanent Rules or Expedited Repeal	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify)

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

Name (Type or Print) James M. Jesernig	
Signature <i>James M. Jesernig</i>	
Title Director	Date 5/27/98

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 28 1998

TIME 2:15
98-12-032

**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	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

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

New	Amended	<u>2</u>	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended		Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended		Repealed
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The number of sections adopted using:

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

AMENDATORY SECTION (Amending WSR 97-16-026, filed 7/29/97, effective 8/29/97)

WAC 16-316-474 Buckwheat--Chickpea--Field pea--Lentil--Millet--Soybean--Sorghum--Small grain--Application and fees.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

- (2) Due dates:
 - (a) Buckwheat - June 1
 - (b) Field pea - June 1
 - (c) Chickpea - June 1
 - (d) Lentil - June 1
 - (e) Millet - June 1
 - (f) Soybean - July 1
 - (g) Sorghum - July 15
 - (h) Small grains - June 1 for both winter varieties and spring varieties.

(i) After due date, an application with late application fee may be accepted for service.

(3) Fees:

(a) Application fee per variety per grower	(\$18.27) <u>\$19.03</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	(\$2.55) <u>\$ 2.65</u>
(c) Millet - first acre	(\$27.16) <u>\$28.29</u>
- each additional acre	(\$5.43) <u>\$ 5.65</u>
(d) Hybrid sorghum - first acre	(\$27.16) <u>\$28.29</u>
- each additional acre	(\$10.86) <u>\$11.31</u>
(e) Special field inspection fee per acre	(\$2.27) <u>\$ 2.36</u>
(f) Late application fee	(\$17.12) <u>\$17.83</u>
(g) Reinspection fee	(\$34.26) <u>\$35.69</u>

minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~(\$34.26)~~ \$35.69.

(h) Final certification fee

(\$0.22) <u>\$ 0.225</u>

per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$0.105
per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee \$0.105
per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant

to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 5086, filed 10/25/95, effective 11/25/95)

WAC 16-316-525 Buckwheat--Chickpea--Field pea--Lentil--Millet--Soybean--Sorghum--Small grain--Eligible variety and stock seed.

Kind	Variety
Barley, spring	((Belford, Camelot (P), Columbia (P), Colter, Cougarbar, Crest, Crystal, Exel, Gallatin, Harrington, Klages, Horsford, Maranna, Medallion (P), Menuet (P), Melody (P), Meltan (P), Morex, Nancy (P), Russell, Steptoe, Baronesse (P), WestBred Gustoe (P), WestBred Sprinter (P), Whitford (P))) <u>Bancroft, Baronesse (P), Bear, Belford, Camelot (P), Chinook, Colter, Columbia (P), Crest, Gallatin, Garnet, Germain's 96 (P), Harrington, Lewis, Maranna, Melody (P), Meltan (P), Micah, Morex, Steptoe, Washford, WB Nebula (P), WestBred Gustoe (P), Westford (P)</u>
Chickpea	Dwellely, <u>Evans</u> , Myles, Sanford, Sara
Barley, winter	Boyer, Eight-Twelve, Hesk, <u>Hoody</u> , Hundred, Kamiak, <u>Kold, Scio</u> , Showin
Buckwheat, spring	<u>Mancan</u> , Manor((-Mancan))
Field pea	((Alaska 81, Garfield, Latah, Umatilla)) <u>Aladin, Alaska 81, Astina, Croma, Delta, Espace, Fallon, Joel, Karita, Phantom, Shawnee, Swing, Umatilla</u>
Lentil	Brewer, Crimson, <u>Mason</u> , Red Chief
Oat, spring	<u>Cayuse, Celsia, Magnum (P)</u> , Monida, Otana, Park((:))
Rye, winter	Puma, Rymin

Kind	Variety
Wheat, spring	((Alpowa, Butte 86, Calorwa, Centenial, Dirkwin, Edwall, Klasic (P), Nomad (P), Penawawa, Spillman, Treasure, Wadual, Wadual 94, Wakanz, Wampum, Wawawai, WestBred 906R (P), WestBred 926 (P), WestBred 936 (P), WestBred Express (P), WestBred Sprite, WestBred Vanna (P), Yecora Rojo)) <u>Alpowa, Butte 86, Calorwa, Cavalier (P), Centenial, Edwall, ID3775, Klasic (P), Kulm, ML455 (P), Nomad (P), Penawawa, Pomerelle, Skagit (P), Spillman, Sunstar 50-30 (P), Treasure, Wadual, Wadual 94, Wakanz, Wawawai, WestBred 906R (P), WestBred 926 (P), WestBred 936 (P), WestBred Express (P), WestBred Sprite, WestBred Vanna (P), Whitebird, Yecora Rojo</u>
Wheat, winter	((Andrews, Banner (P), Basin (P), Batum, Blizzard, Buchanan, Cashup (P), Daws, Durham's Pride (P), Eltan, Gene, Hatton, Hill-81, Hoff, Hyak, John, Kmor, Lewjain, MacVicar, Madsen, Malcolm, Meridian, Moro, Nugaines, Quantum 542 (P), Rely, Rod, Rohde, Sprague, Stephens, Tres, Weston)) <u>Andrews, Banner (P), Basin (P), Batum, Blizzard, Bonneville, Buchanan, BZ-470, Cashup (P), Coda, Daws, Durham's Pride (P), Eltan, Finley, Gene, Hatton, Hill-81, Hiller, Hoff, Hyak, John, Lambert, Lewjain, MacVicar, Madsen, Malcolm, Meridian, Moro, Nugaines, Quantum 542 (P), Rely, Rod, Sprague, Stephens, Survivor, Symphony (P)</u>
Triticale, spring	((Juan, Victoria,)) <u>Grace, Trical 2700 (P), Victoria</u>
Triticale, winter	<u>Celia, ((Flora,)) Stan I (P), Trical 102 (P), Trical 6600 (P), Trical Jenkins (P), ((Trical 102 (P),)) Trical Stan II (P), Trical XTO-65 (P)((, Whitman))</u>
<u>Wheat, Durum, Spring</u>	<u>Bravadur, Duraking, Durex, Kronos, Reva, Ria, Rich</u>
<u>Wheat, Durum, Winter</u>	<u>OR 3920036</u>

(P) means proprietary

The eligibility of other varieties may be approved by the

certifying ager. .

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.