



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: May 8, 2001

(2) Purpose: To amend the fee schedule for fee-supported services, such as nursery inspection and miscellaneous charges related to requested services, within fiscal growth factors for Fiscal Year 2001 and Fiscal Year 2002 and to make technical corrections in the text.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 16-401-021, 16-401-026, 16-401-031, 16-401-041
 Suspended:

(4) Statutory authority for adoption: Chapters 15.13 and 15.14 RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 01-07-099 on March 21, 2001 (date).
 Describe any changes other than editing from proposed to adopted version: None

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:

(6) Effective date of rule:

Permanent Rules Emergency Rules

or Expedited Repeal

- 31 days after filing Immediately
- Other (specify) _____ * 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)

Jim Jesernig

Signature

Title
Director

Date
May 8, 2001

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 8 2001

TIME 2:30 AM/PM PM

WSR 01-11-031

**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Federal statute:	New	Amended	Repealed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	Repealed
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The number of sections adopted in the agency's own initiative:

New	<u>2</u>	Amended	<u>4</u>	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	<u>2</u>	Amended	<u>4</u>	Repealed

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

WAC 16-401-021 Schedule of fees and charges--Facility inspection--Effective July 1, 1999. (1) Any plant material at a location licensed as a nursery dealer under chapter 15.13 RCW is subject to regulatory inspections. A nursery inspection report will be issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: Provided, That the license location is subject to no more than two paid inspections each license period. Fees are assessed on the basis of the time required for the inspection at the applicable hourly rate provided in chapter 16-401 WAC (~~(16-401-026)~~).

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

WAC 16-401-026 Schedule of fees and charges--Applicable rates and charges--Effective ((July 1, 1999)) June 30, 2001. The following rates apply for requested inspection services:

(1) Hourly rate

(a) Business hours \$ (~~(26.90)~~) 27.65

(b) Nonbusiness hours (see WAC 16-401-023)

. \$ (~~(34.40)~~) 35.35

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of

inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

(a) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate

..... \$ ((~~12.90~~)) 13.25

(c) Additional phytosanitary certificates
..... \$ ((~~4.20~~)) 4.30 ea.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(a) There is no additional charge for the first certificate.

(b) Additional certificates \$ ((~~4.20~~)) 4.30 ea.

(5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.

(a) For the first certificate no charge

(b) For additional certificates \$ ((~~4.20~~)) 4.30 ea.

(6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of

..... \$ ((~~10.75~~)) 11.05

(7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$ ((~~5.35~~)) 5.50

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate (per WAC 16-401-026) applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$((~~4.20~~)) 4.30 rate.

NEW SECTION

WAC 16-401-027 Schedule of fees and charges--Applicable rates and charges--Effective July 1, 2001. The following rates apply for requested inspection services:

(1) Hourly rate.

(a) Business hours \$28.40

(b) Nonbusiness hours (see WAC 16-401-023) \$36.30

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided

service during a work day or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

(a) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate

..... \$13.60

(c) Additional phytosanitary certificates \$4.40 ea.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(a) There is no additional charge for the first certificate.

(b) Additional certificates \$4.40

(5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.

(a) For the first certificate no charge

(b) For additional certificates \$4.40

(6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of

..... \$11.35

(7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$5.65

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$4.40 rate.

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

WAC 16-401-031 Schedule of fees and charges--Miscellaneous charges--Effective ((July 1, 1999)) June 30, 2001. The following rates for miscellaneous charges on requested inspections shall

apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in chapter 16-401 WAC (~~(16-401-026)~~).

(3) Nursery stickers and nursery stock inspection certificate tags:

(a) In lots of 250 \$ (~~(5.35)~~) 5.50 per lot

(b) Less than 250 (minimum 10) \$ (~~(0.26)~~) 0.267 each

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$ (~~(26.90)~~) 27.65

NEW SECTION

WAC 16-401-032 Schedule of fees and charges--Miscellaneous charges--Effective July 1, 2001. The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charges at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in chapter 16-401 WAC.

(3) Nursery stickers and nursery stock inspection certificate tags:

(a) In lots of 250 \$5.65 per lot

(b) Less than 250 (minimum 10) \$0.27

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$28.40

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

WAC 16-401-041 Nursery dealer license fees (~~--Effective July 1, 1999~~). Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars \$ 37.67

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand

dollars, the license fee is \$ 80.72

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$ 161.45

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$ 80.72

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$ 161.45

(3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270(~~(, per permit)~~).

(a) Effective June 30, 2001 per permit . . . \$ ((5.35)) 5.50

(b) Effective July 1, 2001, per permit \$ 5.65