



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: February 20, 2002

(2) Purpose: Increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

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

Repealed:  
 Amended: WAC 16-303-340  
 Suspended:

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

Other Authority: Chapter 34.05 RCW

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-01-127 on 12-19-01 (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:

(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 rate factor for 2002

(6) Effective date of rule:

#### Permanent Rules

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*

#### Emergency Rules

- Immediately
- 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)  
William E. Brookreson

Signature  
*William E. Brookreson*

Title: Director (Acting) Date: 2/20/02

### CODE REVISER USE ONLY

CONFERENCE ROOM  
 SUITE 1015  
 10:25 AM  
 02-05-082 PM

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	<u>1</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>1</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

**WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.** (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower .....	<del>(\$18.87)</del> <u>\$19.39</u>
(b) Field inspection fee per acre except millet and hybrid sorghum .....	<del>(\$2.63)</del> <u>\$ 2.70</u>
(c) Millet - first acre .....	<del>(\$28.06)</del> <u>\$28.84</u>
-each additional acre .....	<del>(\$5.61)</del> <u>\$ 5.76</u>
(d) Hybrid sorghum - first acre .....	<del>(\$28.06)</del> <u>\$28.84</u>
-each additional acre .....	<del>(\$11.22)</del> <u>\$11.53</u>
(e) Special field inspection fee per acre .....	<del>(\$ 2.24)</del> <u>\$ 2.30</u>
(f) Late application fee .....	<del>(\$17.68)</del> <u>\$18.17</u>
(g) Reinspection fee .....	<del>(\$35.39)</del> <u>\$36.37</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 <del>(\$35.39)</del> <u>\$36.37</u> .	
(h) Final certification fee .....	<del>(\$0.225)</del> <u>\$ 0.23</u>
per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee .....	\$0.105
per cwt. of production from fields inspected which is utilized for seed, which is 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

...wt. of clean seed sampled, with minimum charge of ten dollars per sample, which is charged to conditioning plant in lieu of mechanical sampling.

(2) 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 is refunded upon request until June 30 of the year following harvest.

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