



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: February 19, 2003	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Rule Making

(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 Repealed: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 ~~02-22-074~~ on 12/31/02.
 Describe any changes other than editing from proposed to adopted version:
03-02-095 dn

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 2003.

(6) Effective date of rule:

Permanent Rules	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) Valoria Loveland
Signature <i>Valoria Loveland</i>
Title Director
Date 2-19-03

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 20 2003

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TIME _____ AM
WSR 03-06-005 PM

(COMPLETE REVERSE SIDE)

**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 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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____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	Repealed	_____

AMENDATORY SECTION (Amending WSR 02-05-082, filed 2/20/02, effective 3/23/02)

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	\$((19.39)) <u>20.02</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$((2.70)) <u>2.78</u>
(c) Millet - first acre	\$((28.84)) <u>29.78</u>
-each additional acre	\$((5.76)) <u>5.94</u>
(d) Hybrid sorghum - first acre	\$((28.84)) <u>29.78</u>
-each additional acre	\$((11.53)) <u>11.90</u>
(e) Special field inspection fee per acre	\$((2.30)) <u>2.37</u>
(f) Late application fee	\$((18.17)) <u>18.76</u>
(g) Reinspection fee	\$((36.37)) <u>37.56</u>

minimum for each field which did not pass field inspection plus ~~\$((0.40))~~ 0.41 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~\$((36.37))~~ 37.56.

(h) Final certification fee	\$((0.23)) <u>0.235</u>
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per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee

	\$0.105
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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
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per cwt. 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.