



RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Department of Agriculture Permanent Rule Emergency Rule Expedited Repeal

(1) Date of adoption: February 24, 2004

(2) Purpose: This rule making order increases Washington State Crop Improvement Association fees for certification of buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, and small grains (WAC 16-303-340) by the Office of Financial Manegment (OFM) fiscal growth factor for fiscal year 2004 (3.20%). These increases are necessary to ensure that Washington State Crop Improvement Association revenues are sufficient to recover operating costs.

(3) Citation of existing rules affected by this order:
Repealed: None
Amended: WAC 16-303-340
Suspended: None

(4) Statutory authority for adoption: RCW 15.49.370(3) and 15.49.310
Other authority: RCW 34.05

PERMANENT RULE ONLY
Adopted under notice filed as WSR 04-01-181 on 12-23-03 (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: Fee increase is limited by the OFM fiscal growth factor for 2004.

(6) Effective date of rule:
Permanent Rules
 31 days after filing
 Other (specify) _____*
Emergency Rules
 Immediately
 Later (specify) _____

CODE REVISER USE ONLY

FEB 24 2004

2:13

04-06-029

NAME (TYPE OR PRINT)
Valoria Loveland

SIGNATURE
Valoria Loveland

TITLE
Director

DATE
February 24, 2004

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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> 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 03-06-005, filed 2/20/03, effective 3/23/03)

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	\$(20.02) <u>20.66</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$(2.78) <u>2.86</u>
(c) Millet - first acre	\$(29.78) <u>30.73</u>
-each additional acre	\$(5.94) <u>6.13</u>
(d) Hybrid sorghum - first acre	\$(29.78) <u>30.73</u>
-each additional acre	\$(11.90) <u>12.28</u>
(e) Special field inspection fee per acre	\$(2.37) <u>2.44</u>
(f) Late application fee	\$(18.76) <u>19.36</u>
(g) Reinspection fee	\$(37.56) <u>38.76</u>

minimum for each field which did not pass field inspection plus \$ ~~((0.41))~~ 0.42 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$ ~~((37.56))~~ 38.76.

(h) Final certification fee	\$(0.235) <u>0.240</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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pc 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.