

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1683

(1) I, Bob J. Mickelson, director of
Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)
the annexed rules relating to:

Seed Assessment WAC 16-304-110 and WAC 16-304-130.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.
 This action is taken pursuant to Notice No. WSR 80-05-100; 80-05-081 & 80-06-079 filed with the code reviser
 on 3/5/80; 4/30/80; 5/23/80. Such rules shall take effect:
 pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.
 I, _____, find that
 an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or
 general welfare and that observance of the requirements of notice and opportunity to present views on the
 proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

 Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.____ (1977 c 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- (a) This rule is promulgated pursuant to RCW 15.49 and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW _____ which directs that the

 (agency)
 has authority to implement the provisions of

 (name of act or RCW citation)
 (c) This rule is promulgated under the general rule-making authority of the

 (agency)
 as authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON
APPROVED AND ADOPTED May 30 1980
FILED

MAY 30 1980

By Bob J. Mickelson
Director of Agriculture
Title _____

CODE REVISER'S OFFICE
WSR 80-06-101



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted.

1. The rules pertain to a seed assessment (Statutory authority 15.49 RCW).
2. The amendments extend the assessment for an additional two years.
3. Art Losey
406 General Administration Bldg. AX-41
Olympia, WA 98504
(206) 753-5062
4. Proponents: Department of Agriculture Dewey Maxwell
Bob Prentice
Les Clemons, Seed Advisory Board

Opponents: Wilbur Brotherton Lee Shoults
Rex Blodgett
Gary Heaton
5. Representatives from the pea and lentil industry were in great numbers at the recent hearing and all the representatives opposed the extension of the seed assessment. The pea and lentil people represent approximately 19 percent of the seed industry. No other representatives from other segments of the seed industry opposed the seed assessment. Testimony from the wheat, dry bean and grass seed industries supported the assessment. The Seed Advisory Committee recommended the continuation of the seed assessment for two more years.

AMENDATORY SECTION (Amending Order No. 1605, filed April 30, 1979)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales in excess of \$10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of ~~((4))~~ four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the ~~((USDA))~~ United States Department of Agriculture National foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ~~((1978))~~ 1980 through June 30, ~~((1979))~~ 1981 shall be due August 1, ~~((1979))~~ 1981 and payable by February 1, ~~((1980))~~ 1982. The assessment fees for the period beginning July 1, ~~((1979))~~ 1981 through June 30, ~~((1980))~~ 1982 shall be due August 1, ~~((1980))~~ 1982 and payable by February 1, ~~((1981))~~ 1983.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

AMENDATORY SECTION (Amending Order No. 1571, filed March 31, 1978)

WAC 16-304-130 EFFECTIVE DATES. This regulation is effective through June 30, ~~((1980))~~ 1982. Between January 1, ~~((1980))~~ 1982 and March 1, ~~((1980))~~ 1982, the assessment program shall be reviewed by the Seed Branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of RCW ~~((42-32))~~ 42.30 and 34.04, the Administrative Procedures Acts. The Advisory Committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to ~~((verify))~~ verify such funds are being used only for seed quality control activities.