



# RULE-MAKING ORDER

(RCW 34.05.360)

Adm Order 5087

**CR-103** (10/1/89)

**Agency:** Department of Agriculture  Permanent Rule  
 Emergency Rule

**(1) Date of adoption:** 10/25/95

**(2) Purpose:** Response to industry request to 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:** WAC 16-316-474  
Repealed:  
Amended: X  
Suspended:

**(4) Authority for adoption:**  
Statute: RCW 15.49.310 and 15.49.370(3)  
Other Authority:

**(5.1) PERMANENT RULE ONLY**  
Pursuant to notice filed as WSR 95-18-063 on 9/1/95 (date).  
  
Describe any changes other than editing from proposed to adopted version:

**(5.2) EMERGENCY RULE ONLY**  
Pursuant to 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: The fee increase is consistent with the fiscal growth factor.

**(6) Effective date of rule:**  
**Permanent Rules**  31 days after filing  
 Other (specify)\*:  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required.)  
**Emergency Rules**  Immediately  
 Later (specify):

**CODE REVISER USE ONLY**  
  
CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED  
  
OCT 25 1995  
TIME: 9:55  
WSR: 95-22-031

**Name (Type or Print)**  
Jim Jesernig

**Signature**

**Title** Director **Date** 10/25/95

AMENDATORY SECTION (Amending Order 5045, filed 5/27/94, effective 6/27/94)

**WAC 16-316-474 Buckwheat--Chickpea--Field pea--Lentil--Millet--Soybean--Sorghum--Small grain--Application and fees.** (1)

An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

(2) Due dates:

- (a) Buckwheat - June 1
- (b) Field pea - June 1
- (c) Chickpea - June 1
- (d) Lentil - June 1
- (e) Millet - June 1
- (f) Soybean - July 1
- (g) Sorghum - July 15
- (h) Small grains - June 1 for both winter varieties and spring varieties.

(i) After due date, an application with late application fee may be accepted for service.

(3) Fees:

(a) Application fee per variety per grower . . . . .	<del>(( \$16.00 ))</del>	<u>\$16.82</u>
(b) Field inspection fee per acre except millet and hybrid sorghum . . . . .	<del>(( \$2.25 ))</del>	<u>\$ 2.36</u>
(c) Millet - first acre . . . . .		\$25.00
- each additional acre . . . . .		\$ 5.00
(d) Hybrid sorghum - first acre . . . . .		\$25.00
- each additional acre . . . . .		\$10.00
(e) Special field inspection fee per acre . . . . .	<del>(( \$2.00 ))</del>	<u>\$ 2.10</u>
(f) Late application fee . . . . .	<del>(( \$15.00 ))</del>	<u>\$15.76</u>
(g) Reinspection fee . . . . .	<del>(( \$30.00 ))</del>	<u>\$31.53</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 ~~(( \$30.00 ))~~ \$31.53.

(h) Final certification fee . . . . . ~~(( \$0.20 ))~~ \$ 0.21  
per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee . . . . . ~~(( \$0.10 ))~~ \$0.105  
per cwt. of production from fields inspected which is utilized for seed, which shall be 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 . . . . . ~~(( \$0.10 ))~~ \$0.105

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

(4) 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 shall be refunded upon request until June 30 of the year following harvest.

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