

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1705

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

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

General provisions for hourly fees for grain inspection in WAC 16-212-030, WAC 16-212-050, WAC 16-212-060, WAC 16-212-001, WAC 16-212-00101, WAC 16-212-002, WAC 16-212-003, WAC 16-212-0031, WAC 16-212-004, WAC 16-212-00401.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. This action is taken pursuant to Notice No. WSR 80-04-115 filed with the code reviser on April 2, 1980. Such rules shall take effect: [X] 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) 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):

[X] (a) This rule is promulgated pursuant to RCW 22.09 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 FILED

MAY 30 1980

CODE REVISER'S OFFICE WSR 80-06-100

APPROVED May 30 19 80

By Bob J. Mickelson

Director of Agriculture Title



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98501

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

1. Rules pertaining to fees and hourly fees for the inspection and weighing of grain shipped through Washington state. (Statutory Authority RCW 22.09)
2. Reduced fees charged to the industry in the areas of weighing grain and night shift work.
3. Art G. Losey
406 General Administration Bldg.
Olympia, WA 98504
753-5062
4. Proponents:

Department of Agriculture
David J. Hogan, Continental Grain Co.
Ole Christensen, Cargill, Inc.
Fred Davis, United Grain Corporation
Don Munkers, Pacific Northwest Grain Growers
Stanley Jacot, North Pacific Grain Growers, Inc.

Opponents: None
5. No agency comments.

AMENDATORY SECTION, (Amending Order 1490, filed 3/1/77)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES. (1) Straight time, rate per hour ((during-regular-working-hours-Monday---Friday)).....\$16.00 This hourly rate may be applied ((Monday-through-Friday)) on any job where the fee is not sufficient to provide revenue of \$16.00 per hour (($\frac{1}{3}$)) per man. ((On-these-occasions-where-work-begins-before,-or-is-required-after-regular-working-hours-or-Saturday,-Sunday-or-holidays,-the-rate-applied-will-be \$20.00-per-hour-))

(2) Overtime, and night shift rate per hour: ((-----\$12.00 Whenever-overtime-is-required-for-the-performance-of-any-service-for-which-the fee-is-charged-on-a-tonnage,-car,-or-sample-basis-or-for-the-inspection-of ships-as-to-condition-for-cargo,-this-overtime-rate-will-be-charged-in-addition to-the-regular-fee--Whenever-overtime-is-required-Saturdays,-Sundays--or holidays,-or-an-employee-is-called-from-his-home-after-regular-working-hours, a-minimum-of-four-(4)-hours-may-be-charged-))

(a) Whenever overtime is required for the performance of any requested service, a maximum overtime rate of \$12.00 per hour per man may be charged in addition to the regular fees (i.e. weighing, inspection, etc.).

(b) For shifts from 3:00 a.m. until 8:00 a.m., a fee of \$12.00 per hour per man shall be charged in addition to the regular inspection and weighing fees.

(c) Whenever a service is requested before or after working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$8.00 per hour per man shall be charged in addition to the regular inspection and weighing fees. Whenever an employee is called from his home after regular working hours, or on Saturdays, Sundays or holidays, a minimum of four (4) hours shall be charged at the rate of \$8.00 per hour.

(d) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested later than 3:00 p.m. the day prior to the start of the requested shift, a fee of \$12.00 per hour per man shall be charged in addition to the regular fee.

(e) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested by 3:00 p.m. the day prior to the start of the requested shift, a fee of \$4.00 per hour per man may be charged in addition to the regular fee.

(f) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested the day prior to the start of the requested night shift and is not cancelled by 5:00 p.m. the day prior to the start of the requested night shift, and the service cannot be performed for that shift through no fault of the department, a fee of \$20.00 per hour per man shall be charged for a minimum of four (4) hours.

(g) At the Seattle, Tacoma, Longview, Kalama and Vancouver grain elevators, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one (1) month or longer, with only an occasional work stoppage, additional fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that fees will defray the department's cost (approximately \$16.00 per hour per man).

(3) Standby ((and/or-hourly-overtime,)) rate per hour.....\$20.00 Whenever a service is requested (({)) before or after working hours, Monday through Friday ((and)) or anytime on Saturdays, Sundays or holidays ((}), and service cannot be performed through no fault of the department, ((or-the-fee is-not-sufficient-to-provide-a-revenue-of-\$20.00,-the)) a Standby ((and/or Hourly-Overtime)) rate of \$20.00 per hour per man shall be ((applied)) charged. Before or after regular working hours, Monday through Friday, a minimum ((charge-will-be)) of two (2) hours will be charged, and anytime ((-)) on Saturdays, Sundays or holidays a minimum ((charge-will-be)) of four (4) hours will be charged.

AMENDATORY SECTION, (Amending Order 1490, filed 3/1/77)

WAC 16-212-050 CERTIFICATES. (1) Copies of certificates, export, after original issuance, each run.....\$2.00 (The above shall apply to "Divided Original Export Certificate". Each numbered set of certificates shall constitute a "run"). (2) Extra copies of inspection, protein or weight certificates....\$1.00 per copy.

AMENDATORY SECTION, (Amending Order 1490, filed 3/1/77)

WAC 16-212-060 INSPECTION AND/OR WEIGHING FEES. (1) Combination inspection and weighing fees. Ships, barges and transfers of bulk grain.

(a) From vessel to elevator.....per ton.....	((\$-0-12))	\$ 0.11
(b) Bin transfers.....per ton.....	((\$-0-12))	\$ 0.11
(c) From elevator to vessel...per ton.....	((\$-0-12))	\$ 0.11
(Inspection - \$0.06 per ton)		
(Weighing - ((\$-0-06)) \$0.05 per ton)		
(2) Inspection (only). (Sample, Inspect, Grade and Certificate).		
(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections.....		\$ 8.00
(b) Covered hopper-type cars which are sampled by USDA approved mechanical belt, spout, or leg-type samplers at plants.....		\$10.00
(c) Covered hopper-type cars sampled by other methods than by (b) above for original and all subsequent original inspections.....		\$15.00
(d) Additional factors requested (that ((does)) <u>do</u> not affect the grade).....		\$ 2.00
(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample.....		\$ 6.00
(In case of a material error in grade, a corrected certificate will be issued without a fee.)		
(f) If new sample is requested.....(refer to above inspection only fee)		
(3) Weigh (only)		
(a) From railroad boxcars, covered hopper-type cars, or vessels to elevator.....per ton (grain only).....	((\$-0-09))	\$ 0.08
(b) From elevator to railroad boxcars, covered hopper-type cars or vessels.....per ton (grain only).....	((\$-0-09))	\$ 0.08
(c) Bin transfers.....per ton (grain only).....	((\$-0-09))	\$ 0.08
(d) Weighing only (other than grain).....per ton.....	((\$-0-12))	\$ 0.11
(e) Weigh (grain by-products into maximum 30 ton portable containers, fitness inspection of container, weigh by-product and sample)...per container..		\$ 8.00
(4) Submitted samples, inspections, or factor information only.....		
.....file review.....		\$ 4.00
(Example of factor information only--where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.)		
(5) Inspection of ships as to condition		
(a) Per hold and/or tank.....		\$ 20.00
(b) Minimum charge.....		\$100.00
(c) Ships holds and/or tank condition inspections will be made on ships at anchor in midstream when requested.		
(i) A minimum of two (2) hours of regular time at \$16.00 per hour (one man) for general cargo vessels and a minimum of four hours of regular time at \$16.00 per hour (two men) will be charged for tankers in addition to the established fee.		
(ii) These inspections can only be made at the convenience of the office during daylight hours, under safe working conditions, and when weather conditions permit.		
(iii) These inspections can only be made within the area of the designated tidewater grain inspection office.		
(iv) A ship's officer or company agent shall accompany the grain inspector/s.		
(6) Trucks		
(a) Inspect only.....per truck.....		\$ 5.00
(b) Weight only.....per truck.....		\$ 3.00

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 16-212-001	PROMULGATION
WAC 16-212-00101	PROMULGATION
WAC 16-212-002	PROMULGATION
WAC 16-212-003	PROMULGATION
WAC 16-212-0031	PROMULGATION
WAC 16-212-004	PROMULGATION
WAC 16-212-00401	PROMULGATION