



RULE-MAKING ORDER

R-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Agriculture

Permanent Rule
 Emergency Rule

Effective date of rule:
Permanent Rules
 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:
Emergency Rules
 Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If Yes, explain:

Purpose: By this rule making order, the department is adopting amendments to WAC 16-237-195 (Fees for warehouse audit and related services) that:

- Establish a fee for services performed by the department when conducting special year-end inventories requested by licensed warehouse operators; and
- Increase, beyond the OFM fiscal growth rate factor, the fees charged by the department for all services (except conducting special year-end inventories) performed by the WSDA Warehouse Audit Program. These services include, but are not limited to special technical assisted audits of records and inventories, observation of sampling of commodities, collection of samples for Karnal Bunt, and re-measurement of commodities and storage bins.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 16-237-195
Suspended:

Statutory authority for adoption: Chapter 25, Laws of 2003, 1st Special Session and Chapter 22.09 RCW

Other authority: Chapter 34.05 RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-01-231 on December 22, 2004 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

- Under RCW 34.05.350 the agency for good cause finds:
- 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.
 - 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:

Date adopted:
March 15, 2005

NAME (TYPE OR PRINT)
Valoria H. Loveland

SIGNATURE
Valoria H. Loveland

TITLE
Director

CODE REVISER USE ONLY

WA 15100

3:38

05-07-080

(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	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

New	0	Amended	1	Repealed	0
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	1	Repealed	0

AMENDATORY SECTION (Amending WSR 00-21-043, filed 10/13/00, effective 11/13/00)

WAC 16-237-195 Fees for warehouse audit and related services.

~~((These))~~ The following fees ((shall be applied)) apply to the following services:

~~(1) ((Measurement of new or additional storage including outside grain storage that requires a second and/or additional inspection or measurement, per hour \$ 23.00~~

~~(2) Special year end audits that require remeasurement at the request of the warehouse operator, per hour \$ 23.00~~

~~(3) Commodity Credit Corporation samples may be drawn by department personnel at the rate established by the grain inspection program.~~

~~(4) Appropriate overtime charges, mileage, and travel charges incurred by department personnel shall be assessed.))~~ For year-end inventories requested by a warehouse operator, the department charges the following:

	<u>A fee of:</u>	<u>If requested:</u>
(a)	<u>10% of the warehouse license fee</u>	<u>By July 30th of each year</u>
(b)	<u>15% of the warehouse license fee</u>	<u>After July 30 of each year</u>

(2) (a) The hourly rate for all other services performed by the warehouse audit program at the request of warehouse operators, grain dealers and/or other government agencies is \$33.00 per hour.

(b) These services include, but are not limited to, technical assisted audits of records and inventory, observation of sampling of commodities, collection of samples for the Karnal Bunt Survey, and remeasurement of commodities and storage bins.

(3) In addition to the hourly rate established in subsection (2) (a) of this section, the department assesses appropriate charges for overtime, mileage, meals, and lodging expenses incurred by department personnel when providing the types of services identified in subsection (2) (b) of this section.