

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1751

(1) I, Mike Schwisow, Deputy Director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington

the annexed rules relating to: Grain inspection and weighing fees in WAC 16-212.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on 10/21/81. Such rules shall take effect: - WSR-81-21-072

XX 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 34.04.026 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 22.09.460 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.

APPROVED AND ADOPTED December 2, 1981.

DEC 2 1981

By

Mike Schwisow

Mike Schwisow, Deputy Director

Title

CODE REVISER'S OFFICE

WSR 81-24-066

JOHN SPELLMAN
Governor



M. KEITH ELLIS
Director

STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

406 General Administration Bldg., AX-41 • Olympia, Washington 98504

Date: December 2, 1981

To: Code Reviser

From: Allen Stine, Chief, Grain Branch *AS*

RE: BOLD FACE TYPE

I am requesting that the sections indicated in pencil in the margin be printed in bold face type. We are requesting this because our fee schedule is quite long and this will emphasize major points.

1b

AMENDATORY SECTION (Amending Order No. 1404, filed 6/30/75)

WAC 16-212-020 GRAIN AND COMMODITY INSPECTION POINTS. (({1}))
The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing ((grain)) standardized grains, hay, beans, peas, lentils and other commodities: Colfax, Kalama, Longview, Pasco, Seattle, Spokane, Tacoma and Vancouver.

AMENDATORY SECTION (Amending Order No. 1705, filed 5/30/80)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES. (1)
((STRAIGHT-TIME;-RATE-PER-HOUR)) Straight time, rate per hour...\$16.00
This hourly rate ((may)) shall be applied on any job where the fee is not sufficient to provide revenue of \$16.00 per hour per man.

(2) ((OVERTIME;-AND-NIGHT-SHIFT-RATE-PER-HOUR)) Overtime, and night shift rate per hour:

((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)) (a) 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)) (b) 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((-)): PROVIDED, That ((Whenever)) whenever an employee is called from his home after regular working hours, or on Saturdays, Sundays or holidays, a minimum of four hours shall be charged at the rate of \$8.00 per hour.

((d)) (c) 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)) fees.

((e)) (d) 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)) shall be charged in addition to the regular ((fee-)) fees: PROVIDED, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost of \$16.00 per hour per man. If not, an additional overtime fee shall be assessed to equal \$16.00 per hour per man.

((f)) (e) 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 hours.

((g)) (f) At ((the-Seattle;-Tacoma;-Longview;-Kalama-and-Vancouver grain-elevators)) all designated inspection points, 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 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 inspection and weighing fees generated that shift will defray the department's cost of ((approximately)) \$16.00 per hour per man((-)). If not, an additional overtime charge shall be assessed to equal \$16.00 per hour per man.

(i) The department shall be given at least thirty days notice, in writing, of cancellation of any continuous night shift operation.

(ii) The term "occasional work stoppage" shall mean union stop work meetings usually held once per month.

(3) ((STANDBY-RATE-PER-HOUR)) Standby rate per hour.....\$20.00
Whenever a service is requested before or after working hours, Monday

through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a Standby rate of \$20.00 per hour per man shall be charged. Before or after regular working hours, Monday through Friday, a minimum of two hours ((will)) shall be charged, and anytime on Saturdays, Sundays or holidays a minimum of four hours ((will)) shall be charged.

AMENDATORY SECTION (Amending Order No. 1705, filed 5/30/80)

WAC 16-212-050 CERTIFICATES. (1) (~~COPIES-OF-CERTIFICATES, EXPORT, -AFTER-ORIGINAL-ISSUANCE, -EACH-RUN~~) 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 certificatesper copy.....\$ 1.00
(~~per-copy[-]~~)

AMENDATORY SECTION (Amending Order No. 1705, filed 5/30/80)

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

- (a) From vessel to elevator...per ton.....(~~(\$-0:11)~~) \$ 0.12
- (b) Bin transfers.....per ton.....(~~(\$-0:11)~~) \$ 0.12
- (c) From elevator to vessel...per ton.....(~~(\$-0:11)~~) \$ 0.12
(Inspection - (~~(\$0:06)~~) \$0.065 per ton)
(Weighing - (~~(\$0:05)~~) \$0.055 per ton)

(2) (~~INSPECTION-(ONLY)~~) 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 inspectionsper car.....(~~(\$8:00)~~) \$10.40
- (b) Covered hopper-type cars which are sampled by ((USDA)) United States Department of Agriculture approved mechanical belt, spout, or leg-type samplers at plants.....per car.....(~~(\$10:00)~~) \$12.60
- (c) Covered hopper-type cars sampled by ((~~other~~)) methods other than by (b) above for original and all subsequent original inspections.....per car.....(~~(\$15:00)~~) \$17.60
- (d) Additional factors requested (that do not affect the grade)(~~(\$-2:00)~~)

- (i) added to existing certifications...per factor.....\$ 2.00
- (ii) factor certification only.....per certificate.....\$ 2.45

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample...per reinspection.....(~~(\$-6:00)~~) \$ 6.75
(In case of a material error in grade, a corrected certificate will be issued without a fee.)

(f) If a new sample is requested.....(refer to (2) above) (~~inspection-only-fee~~).

(3) (~~WEIGH-(ONLY)~~) Weigh only.

- (a) From railroad boxcars, covered hopper-type cars, or vessels to elevator.....per ton (grain only).....(~~(\$-0:08)~~) \$ 0.09
- (b) From elevator to railroad boxcars, covered hopper-type cars or vessels.....per ton (grain only).....(~~(\$-0:08)~~) \$ 0.09
- (c) Bin transfers...per ton (grain only).....(~~(\$-0:08)~~) \$ 0.09
- (d) ((Weighing)) Weigh only (other than grain).....per ton...\$ 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-INFO-ONLY~~~~file-review~~) Submitted samples: inspection; factor information only; and file review.....(~~(\$-4:00)~~) \$ 5.00

(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.)

BF (5) ((INSPECTION-OF-SHIPS-AS-TO-CONDITION)) Inspection of ships as to condition.

- (a) Per hold and/or tank.....((\$20:00)) \$21.00
- (b) Minimum charge.....((\$100:00)) \$108.00
- (c) ((Ships)) Ship's holds and/or tank condition inspections will be made on ships at anchor in midstream when requested.

(i) A minimum of two 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)) shall be charged for tankers in addition to the established inspection fee.

(ii) These inspections can only be made at the convenience of the grain inspection 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)) licensed shiphold inspector/s.

- BF (6) ((TRUCKS)) Trucks.
- (a) Inspect only.....per truck.....((\$-5:00)) \$10.00
- (b) ((Weight)) Weigh only...per truck.....((\$-3:00)) \$ 5.00

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

- WAC 16-212-065 SAMPLING, TESTING, AND CERTIFICATION OF WHEAT FOR SEDIMENTATION VALUES. (1) Sampling and certification of identifiable lots.....per sample.....\$ 5.00
- BF (2) Reinspection ((f)) per file sample ((or)), lot((?))...\$ 5.00
 - BF (3) Submitted sample certification..per sample.....\$ 5.00
 - BF (4) For sampling service only, to provide a sedimentation sample (minimum charge ((i)) one hour) per hour.....\$16.00
 - BF (5) Protein analysis (per certificate).....((\$-3:00)) \$ 4.00
 - BF (6) Falling number test (per certificate).....((\$-3:00)) \$10.00

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

- WAC 16-212-070 INSPECTION OF MISCELLANEOUS COMMODITIES. (1) ((HAY INSPECTION)) Hay inspection.
- (a) Complete inspection (minimum charge ((f)) \$30.00)....per ton.....\$ 1.00
 - (b) ((Partial)) Factor inspection (minimum charge ((f)) \$20.00)per ton.....\$ 1.00
 - (c) Submitted sample inspection.....((each)) per sample.....((\$-2:00)) \$ 5.00
 - (2) ((INSPECTION-OF-BEANS,-PEAS,-LENTILS-AND-SIMILAR-COMMODITIES (MINIMUM-CHARGE))) Inspection of beans, peas, lentils, and similar commodities (minimum charge)..........\$15.00
 - (a) Inspection of bags at inspection points...per cwt.....\$ 0.04
 - (b) Commodity inspection point, bulk per ton.....\$ 0.20
 - (c) Submitted sample inspection...per sample.....\$10.00
 - (3) Whenever the lot size or workload is not of sufficient size so that inspection and/or weighing fees generated will defray the department's cost of \$16.00 per hour per man, an additional fee shall be assessed to equal \$16.00 per hour per man.
 - (4) Whenever service is required at points other than at the designated inspection point, car mileage fees as per WAC 16-212-080(5) shall be charged and added to inspection and weighing charges.

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

- WAC 16-212-080 MISCELLANEOUS. (1) Weighing, checking and/or sampling commodities if not covered by WAC 16-212-060(3)(a), (b) and (c) minimum charge per hour.....\$16.00
- (2) Mailing samples, ((~~f~~) minimum charge (~~f~~)).....\$ 1.00
(actual cost if greater than minimum)
- (3) Sampling only, bulk commodities
- (a) Minimum charge.....\$ 4.00
- (b) Covered hopper-type cars.....\$11.00
- ~~((e) -- Sample only; unoffical (any railcar, open-throated probe).....\$ -4.00)~~
- (4) Fee for pickup samples on routes established by the department.....per sample.....\$ 0.50
- (5) Car mileage....per mile.....\$ 0.15
- (6) In all cases where no fee has been established for services, the charge for such service shall be as provided in WAC 16-212-030, hourly charges.
- (7) Any charges made in addition to the basic fees provided for in WAC 16-212-040 through 16-212-070 shall be classified as additional charges.

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

WAC 16-212-120 GRADES AND STANDARDS. The grades and standards established by the United States Department of Agriculture as of ~~((April 1, 1977))~~ January 1, 1982, for all grains and commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such grains and commodities in this state.