

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1746

(1) I, M. KEITH ELLIS, director of WASHINGTON STATE DEPARTMENT OF AGRICULTURE

do promulgate and adopt at OLYMPIA, WASHINGTON (place)

the annexed rules relating to: Chapter 296, Laws of 1981 relating to Historical depositors and new depositors of agricultural commodities.

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

This action is taken pursuant to Notice No. filed with the code reviser on. 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, M. KEITH ELLIS, 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:

The Legislature amended the Warehouse Act, defining a historical depositor for agricultural commodities. This amendment becomes effective July 26, 1981. This emergency regulation needs to be placed in effect immediately, in order to offer protection to the depositor of agricultural commodities and the warehousemen since the harvest of these commodities is presently in process.

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):

[ ] (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 APPROVED AND ADOPTED July 28 1981

JUL 28 1981

By [Signature] DIRECTOR OF AGRICULTURE

Title

CODE REVISER'S OFFICE WSR 81-16-029



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

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RULE PURPOSE STATEMENT

JULY 28, 1981

1. WAC 16-224-040 Historical Depositor

To implement RCW 22.09.010(15), regarding historical depositor.  
To allocate warehouse space on the basis of historical deposits.

RCW 22.09

2. To offer protection to the depositor of agricultural commodities and the warehousemen since the harvest of these commodities is presently in process.

The Legislature amended the Warehouse Act defining a historical depositor for agriculture commodities.

3. Drafting, Implementation and Enforcement: Elmer Gibbons, Chief, Warehouse Auditing Branch, Department of Agriculture, N. 617 Fancher Rd., Bldg. 103D, Spokane, Washington 99211  
Phone: 509-456-2739

4. Pacific Northwest Grain and Feed Association; private industry  
Washington State Council of Farm Cooperatives; private industry

5. No agency comments.

6. No.

NEW SECTION

WAC 16-224-040 HISTORICAL DEPOSITOR. Prior to allocating warehouse space on the basis of historical deposits, each warehouseman shall, for the purposes of the definition of "historical depositor" as set forth in RCW 22.09.010(15), file with the department of agriculture a policy statement setting forth the criteria that identifies a person who in the normal course of business operations has consistently made deposits, in the same warehouse, of commodities produced on the same land. Any subsequent changes in this policy shall be filed with the department.