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State of Washington
STATUTE LAW COMMITTEE

LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504



July 25, 1977

Art Losey
Assistant Supervisor
Grain and Chemical Division
Department of Agriculture
406 General Administration Bldg.
Olympia, Wa. 98504

Dear Mr. Losey:

During our codification of Department of Agriculture Orders No. 1532 (filed 6/1/77) and No. 1490 (filed 3/1/77), it was brought to my attention that certain sections purported to be amended therein contained no changes from their previous status. Moreover, neither the notices covering such proceedings nor the administrative orders whereby the rules were adopted specifically mentioned the sections included without amendment.

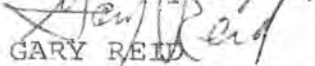
The sections improperly included are WAC 16-212-110 and 16-212-130 (in Order No. 1532) and WAC 16-212-020 and 16-212-050 (in Order No. 1490). Because of the above-mentioned procedural and formal errors, no change from the previous status of such sections will be reflected in our codification of material for the current WAC supplement.

Please note that only sections actually containing changes should be filed with our office. The inclusion of sections without change is unnecessary and could result in an inadvertent error being introduced into the section. The scope of the notice must also be considered when the subject matter of an administrative action is sought to be expanded, cf. State v. Squally, 78 Wn2d 475. Under the direction of RCW 34.04.027 our office summarily rejects any order or part thereof which goes beyond the scope of the original notice.

The above-mentioned orders also contained apparently new sections which were adopted with WAC section numbers previously used by existing sections. Under the authority of RCW 34.04.057 we have renumbered those sections with their own WAC section numbers. Section 16-212-200 of Order No. 1532 was codified as WAC 16-212-195; section 16-212-003 of Order No. 1490 was codified as WAC 16-212-00401. Future amendments of these sections must refer to the correct numbers assigned by our office.

To assist you in subsequent rule-making actions, enclosed are a copy of chapter 1-12 WAC and the pertinent forms for your agency. Should you have any questions regarding this matter, please feel free to call me at 6804.

Sincerely Yours,


GARY REID
Assistant Code Reviser

GR:bjp
Encl