Agency: Agriculture

☑ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

☑ Preproposal Statement of Inquiry was filed as WSR 17-10-067; or
☐ Expedited Rule Making--Proposed notice was filed as WSR ______; or
☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
☐ Proposal is exempt under RCW ______.

Title of rule and other identifying information: (describe subject) Chapter 16-700 WAC, State Fair Fund – Proration.

Hearing location(s):

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location: (be specific)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 19, 2018</td>
<td>10:00 a.m.</td>
<td>Hilton Hotel 301 W 6th St Vancouver, WA 98660</td>
<td></td>
</tr>
</tbody>
</table>

Date of intended adoption: 10/30/2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: Teresa Norman
Address: PO Box 42560
        Olympia, WA 98504-2560
Email: wsdarulescomments@agr.wa.gov
Fax: 360-902-2092
Other: By (date) 5:00 p.m. October 22, 2018

Assistance for persons with disabilities:

Contact Teresa Norman
Phone: 360-902-2043
Fax: 360-902-2092
TTY: 800-833-6388 or 711
Email: tnorman@agr.wa.gov
Other: By (date) October 10, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose is to update WSDA’s fair rules to be consistent with changes to state statute adopted by the Legislature in 2018. Chapter 280, 2018 Laws updated chapter 15.76 RCW to (1) ensure that if a fair is not held due to a natural disaster, and therefore does not conduct two successful, consecutive annual fairs, it will not lose eligibility to apply for allocations; (2) no longer restricts allocations to reimbursement for premiums and prizes; (3) allow fairs to receive reimbursement for operating expenses incurred; (4) increase the amount of the fair fund spent on allocations; and (5) clarify terms of appointment to the fairs commission. Chapter 16-700 WAC contains the requirements for agricultural fairs receiving allocations from the state fair fund. Proposed amendments reorganize the chapter and clarify qualifications and requirements for all categories of agricultural fairs.
Reasons supporting proposal: SB 6368, which amends chapter 15.76 RCW, was signed into law and became effective on June 7, 2018. Updates to the rules are necessary to comply with updates to the authorizing statute. In addition, this chapter has not been revised since 1997, lacks clarity, and contains outdated information.

Statutory authority for adoption: RCW 15.76.180 and chapter 34.05 RCW

Statute being implemented: Chapter 15.76 RCW

Is rule necessary because of a:
- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Agriculture ☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting</td>
<td>Teresa Norman</td>
<td>1111 Washington St SE, Olympia</td>
</tr>
<tr>
<td>Implementation</td>
<td>Teresa Norman</td>
<td>1111 Washington St SE, Olympia</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Teresa Norman</td>
<td>1111 Washington St SE, Olympia</td>
</tr>
</tbody>
</table>

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Is a cost-benefit analysis required under RCW 34.05.328? ☐ Yes ☒ No
If yes, insert statement here:

A preliminary cost-benefit analysis may be obtained by contacting:
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

☒ No: Please explain: The Washington State Dept. of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
  ☒ RCW 34.05.310 (4)(b)
    (Internal government operations)
  ☒ RCW 34.05.310 (4)(e)
    (Dictated by statute)
  □ RCW 34.05.310 (4)(c)
    (Incorporation by reference)
  □ RCW 34.05.310 (4)(f)
    (Set or adjust fees)
  ☒ RCW 34.05.310 (4)(d)
    (Correct or clarify language)
  □ RCW 34.05.310 (4)(g)
    (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW 34.05.310(4)(b), 34.05.310(4)(d), and 34.05.310(e). These rules concern distribution of public funds to agricultural fairs. The rules do not regulate or change the business practices of any business.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency’s analysis showing how costs were calculated. ______

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: 
Address: 
Phone: 
Fax: 
TTY: 
Email: 
Other: 

Date: July 25, 2018
Name: Patrick Capper
Title: Deputy Director

Signature: