



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 25, 2018

TIME: 9:20 AM

WSR 18-16-037

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):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
October 19, 2018	10:00 a.m.	Hilton Hotel 301 W 6 th St Vancouver, WA 98660	

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

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Teresa Norman	1111 Washington St SE, Olympia	360-902-2043
Implementation:	Teresa Norman	1111 Washington St SE, Olympia	360-902-2043
Enforcement:	Teresa Norman	1111 Washington St SE, Olympia	360-902-2043

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: A preliminary cost-benefit analysis may be obtained by contacting:

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

- No: Please explain: 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:

- | | |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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:

