



RULE-MAKING ORDER

1-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Washington State Department of Agriculture

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) January 1, 2005 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The purpose of the adopted amendments to WAC 16-250-155 and WAC 16-252-155 is to increase tonnage fees for commercial feed and pet food/specialty pet food from nine cents per ton to twelve cents per ton in order to help reduce a feed program funding deficit. The feed program is funded entirely from fees (registration fees, license fees and inspection fees). The three-cent/ton increase that the department is adopting will not completely address the feed program funding deficit, but it will give the department and its feed advisory committee sufficient time to address long-term program funding needs and solutions. **Note:** Section 309(2), chapter 25, Laws of 2003 1st sp.s. (ESSB 5404) authorizes the department to adopt fee increases that exceed the Office of Financial Management (OFM) fiscal growth rate factor.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 16-250-155 and WAC 16-252-155
Suspended: None

Statutory authority for adoption: Chapter 15.53 RCW Chapter 25, Laws of 2003, 1st Special Session (ESSB 5404)

Other authority: Chapter 34.05 RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-11-093 on May 19, 2004.
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: Does not apply. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:
 That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: July 6, 2004

NAME (TYPE OR PRINT)
Valoria H. Loveland

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

COMMUNICATIONS OFFICE
STATE CITY DIVISION
FILE

JUL 6 2004

TIME 8:25
WSR 04-14-076 PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

New	0	Amended	2	Repealed	0
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	2	Repealed	0

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

WAC 16-250-155 Tonnage fee requirements. Each initial distributor of commercial feed in or into Washington state must pay the department an inspection fee of (~~nine~~) twelve cents per ton on all commercial feed they sold during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

AMENDATORY SECTION (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

WAC 16-252-155 Tonnage fee required. Each initial distributor of a pet food or specialty pet food in or into Washington state must pay the department an inspection fee of (~~nine~~) twelve cents per ton on all pet food or specialty pet food they sold, for distribution within Washington state, during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.