

HB 3381 - H AMD 1541

By Representative Kessler

ADOPTED AS AMENDED 03/10/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** To protect taxpayers, many state programs
4 require the costs of licensing, registration, certification, and
5 related government services to be borne by the profession or industry
6 that uses the services, rather than by the taxpaying public as a whole.
7 State standards that govern the professional duties of these industries
8 are intended to protect the general public by safeguarding health,
9 safety, employees, and consumers. The legislative approval of the
10 fees and fee increases in this act is intended to ensure that the
11 general public is not assessed these costs while also providing
12 adequate funding to statutory programs that safeguard and improve
13 Washington's health, safety, employees, and consumers.

14 **Sec. 2.** RCW 39.12.070 and 2006 c 230 s 1 are each amended to read
15 as follows:

16 DEPARTMENT OF LABOR AND INDUSTRIES--PREVAILING WAGE--CERTIFICATION
17 OF AFFIDAVITS. The department of labor and industries may charge fees
18 to awarding agencies on public works for the approval of statements of
19 intent to pay prevailing wages and the certification of affidavits of
20 wages paid. The department may also charge fees to persons or
21 organizations requesting the arbitration of disputes under RCW
22 39.12.060. The amount of the fees shall be established by rules
23 adopted by the department under the procedures in the administrative
24 procedure act, chapter 34.05 RCW. The fees shall apply to all
25 approvals, certifications, and arbitration requests made after the
26 effective date of the rules. All fees shall be deposited in the public
27 works administration account. The department may refuse to arbitrate
28 for contractors, subcontractors, persons, or organizations which have

1 not paid the proper fees. The department may, if necessary, request
2 the attorney general to take legal action to collect delinquent fees.

3 The department shall set the fees permitted by this section at a
4 level that generates revenue that is as near as practicable to the
5 amount of the appropriation to administer this chapter, including, but
6 not limited to, the performance of adequate wage surveys, and to
7 investigate and enforce all alleged violations of this chapter,
8 including, but not limited to, incorrect statements of intent to pay
9 prevailing wage, incorrect certificates of affidavits of wages paid,
10 and wage claims, as provided for in this chapter and chapters 49.48 and
11 49.52 RCW. However, the fees charged for the approval of statements of
12 intent to pay prevailing wages and the certification of affidavits of
13 wages paid shall be (~~no greater than twenty five~~) forty dollars.

14 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1,
15 2008.

16 **Sec. 4.** RCW 43.22.434 and 2005 c 274 s 296 are each amended to
17 read as follows:

18 DEPARTMENT OF LABOR AND INDUSTRIES--FACTORY ASSEMBLED
19 STRUCTURES/MOBILE/MANUFACTURED HOMES. (1) The director or the
20 director's authorized representative may conduct such inspections,
21 investigations, and audits as may be necessary to adopt or enforce
22 manufactured and mobile home, commercial coach, conversion vending
23 units, medical units, recreational vehicle, park trailer, factory built
24 housing, and factory built commercial structure rules adopted under the
25 authority of this chapter or to carry out the director's duties under
26 this chapter.

27 (2) For purposes of enforcement of this chapter, persons duly
28 designated by the director upon presenting appropriate credentials to
29 the owner, operator, or agent in charge may:

30 (a) At reasonable times and without advance notice enter any
31 factory, warehouse, or establishment in which manufactured and mobile
32 homes, commercial coaches, conversion vending units, medical units,
33 recreational vehicles, park trailers, factory built housing, and
34 factory built commercial structures are manufactured, stored, or held
35 for sale;

1 (b) At reasonable times, within reasonable limits, and in a
2 reasonable manner inspect any factory, warehouse, or establishment as
3 required to comply with the standards adopted by the secretary of
4 housing and urban development under the national manufactured home
5 construction and safety standards act of 1974. Each inspection shall
6 be commenced and completed with reasonable promptness; and

7 (c) As requested by an owner of a conversion vending unit or
8 medical unit, inspect an alteration.

9 (3) For purposes of determining compliance with this chapter's
10 permitting requirements for alterations of mobile and manufactured
11 homes, the department may audit the records of a contractor as defined
12 in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor
13 as defined in RCW 19.28.006 when the department has reason to believe
14 that a violation of the permitting requirements has occurred. The
15 department shall adopt rules implementing the auditing procedures.
16 Information obtained from a contractor through an audit authorized by
17 this subsection is confidential and not open to public inspection under
18 chapter 42.56 RCW.

19 (4)((+a)) The department shall set a schedule of fees by rule
20 which will cover the costs incurred by the department in the
21 administration of RCW 43.22.335 through 43.22.490, and is hereby
22 authorized to do so pursuant to RCW 43.135.055. The department may
23 waive mobile/manufactured home alteration permit fees for indigent
24 permit applicants.

25 ~~((b)(i) Until April 1, 2009, subject to (a) of this subsection,~~
26 ~~the department may adopt by rule a temporary statewide fee schedule~~
27 ~~that decreases fees for mobile/manufactured home alteration permits and~~
28 ~~increases fees for factory built housing and commercial structures plan~~
29 ~~review and inspection services.~~

30 ~~(ii) Effective April 1, 2009, the department must adopt a new fee~~
31 ~~schedule that is the same as the fee schedule that was in effect~~
32 ~~immediately prior to the temporary fee schedule authorized in (b)(i) of~~
33 ~~this subsection. However, the new fee schedule must be adjusted by the~~
34 ~~fiscal growth factors not applied during the period that the temporary~~
35 ~~fee schedule was in effect.))~~

36 **Sec. 5.** RCW 70.74.137 and 1988 c 198 s 12 are each amended to read
37 as follows:

1 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. Every person
2 applying for a purchaser's license, or renewal thereof, shall pay an
3 annual license fee of (~~five~~) twenty-five dollars. The director of
4 labor and industries may adjust the amount of the license fee to
5 reflect the administrative costs of the department. The fee shall not
6 exceed (~~fifteen~~) one hundred dollars.

7 Said license fee shall accompany the application and shall be
8 transmitted by the department to the state treasurer: PROVIDED, That
9 if the applicant is denied a purchaser's license the license fee shall
10 be returned to said applicant by registered mail.

11 **Sec. 6.** RCW 70.74.140 and 1988 c 198 s 13 are each amended to read
12 as follows:

13 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. Every person
14 engaging in the business of keeping or storing of explosives shall pay
15 an annual license fee for each magazine maintained, to be graduated by
16 the department of labor and industries according to the quantity kept
17 or stored therein, of (~~ten~~) fifty dollars. The director of labor and
18 industries may adjust the amount of the license fee to reflect the
19 administrative costs of the department. The fee shall not exceed
20 (~~one~~) four hundred dollars.

21 Said license fee shall accompany the application and shall be
22 transmitted by the department to the state treasurer.

23 **Sec. 7.** RCW 70.74.142 and 1988 c 198 s 14 are each amended to read
24 as follows:

25 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. Every person
26 applying for a user's license, or renewal thereof, under this chapter
27 shall pay an annual license fee of (~~five~~) fifty dollars. The
28 director of labor and industries may adjust the amount of the license
29 fee to reflect the administrative costs of the department. The fee
30 shall not exceed (~~fifteen~~) two hundred dollars.

31 Said license fee shall accompany the application, and be (~~turned~~
32 ~~over~~) transmitted by the department to the state treasurer: PROVIDED,
33 That if the applicant is denied a user's license the license fee shall
34 be returned to said applicant by registered mail.

1 fingerprinting and criminal history record information checks shall be
2 required of all general partners. Such fingerprints as are required by
3 the department of labor and industries shall be submitted on forms
4 provided by the department to the identification section of the
5 Washington state patrol and to the identification division of the
6 federal bureau of investigation in order that these agencies may search
7 their records for prior convictions of the individuals fingerprinted.
8 The Washington state patrol shall provide to the director of labor and
9 industries such criminal record information as the director may
10 request. The applicant shall give full cooperation to the department
11 of labor and industries and shall assist the department of labor and
12 industries in all aspects of the fingerprinting and criminal history
13 record information check. The applicant (~~(may)~~) shall be required to
14 pay (~~(a)~~) the current federal and state fee (~~((not to exceed twenty~~
15 ~~dollars to the agency that performs the fingerprinting and criminal~~
16 ~~history process))~~) for fingerprint-based criminal history background
17 checks.

18 (2) The director of labor and industries shall not issue a license
19 to manufacture, purchase, store, use, or deal with explosives to:

20 (a) Any person under twenty-one years of age;

21 (b) Any person whose license is suspended or whose license has been
22 revoked, except as provided in RCW 70.74.370;

23 (c) Any person who has been convicted in this state or elsewhere of
24 a violent offense as defined in RCW 9.94A.030, perjury, false swearing,
25 or bomb threats or a crime involving a schedule I or II controlled
26 substance, or any other drug or alcohol related offense, unless such
27 other drug or alcohol related offense does not reflect a drug or
28 alcohol dependency. However, the director of labor and industries may
29 issue a license if the person suffering a drug or alcohol related
30 dependency is participating in or has completed an alcohol or drug
31 recovery program acceptable to the department of labor and industries
32 and has established control of their alcohol or drug dependency. The
33 director of labor and industries shall require the applicant to provide
34 proof of such participation and control; or

35 (d) Any person who has previously been adjudged to be mentally ill
36 or insane, or to be incompetent due to any mental disability or disease
37 and who has not at the time of application been restored to competency.

1 (3) The director of labor and industries may establish reasonable
2 licensing fees for the manufacture, dealing, purchase, use, and storage
3 of explosives.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.74 RCW
5 to read as follows:

6 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. All funds
7 collected by the department under RCW 70.74.137 through 70.74.146 and
8 70.74.360 shall be transferred to the state treasurer for deposit into
9 the accident and medical aid funds under RCW 51.44.010 and 51.44.020.

10 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.130
11 RCW to read as follows:

12 DEPARTMENT OF HEALTH--HEALTH PROFESSIONS BACKGROUND CHECKS. In
13 accordance with RCW 43.135.055, to implement the background check
14 activities conducted pursuant to RCW 18.130.--- (section 7 of Fourth
15 Substitute House Bill No. 1103, health professions), the department may
16 establish fees as necessary to recover the cost of these activities
17 and, except as precluded by RCW 43.70.110, the department shall require
18 applicants to submit the required fees along with other information
19 required by the state patrol.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.130
21 RCW to read as follows:

22 DEPARTMENT OF HEALTH--HEALTH PROFESSIONS. In accordance with RCW
23 43.135.055, the department may annually increase application and
24 renewal fees as necessary to recover the cost of implementing the
25 administrative and disciplinary provisions of chapter . . ., Laws of
26 2008 (Fourth Substitute House Bill No. 1103)).

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.84 RCW
28 to read as follows:

29 DEPARTMENT OF HEALTH--RADIOLOGY ASSISTANTS. In accordance with RCW
30 43.135.055, the department may establish application, certification,
31 and renewal fees as necessary to recover the cost of implementing
32 chapter . . ., Laws of 2008 (Substitute House Bill No. 6439, radiology
33 assistants).

1 **Sec. 15.** RCW 15.58.070 and 2002 c 274 s 3 are each amended to read
2 as follows:

3 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) All registrations
4 issued by the department expire December 31st of the following year
5 except that registrations issued by the department to a registrant who
6 is applying to register an additional pesticide during the second year
7 of the registrant's registration period shall expire December 31st of
8 that year.

9 (2) An application for registration (~~shall~~) must be accompanied
10 by a fee of (~~two~~) three hundred ninety dollars for each pesticide,
11 except that a registrant who is applying to register an additional
12 pesticide during the year the registrant's registration expires shall
13 pay a fee of one hundred (~~forty-five~~) ninety-five dollars for each
14 additional pesticide.

15 (3) Fees (~~shall~~) must be deposited in the agricultural local fund
16 to support the activities of the pesticide program within the
17 department.

18 (4) Any registration approved by the director and in effect on the
19 last day of the registration period, for which a renewal application
20 has been made and the proper fee paid, continues in full force and
21 effect until the director notifies the applicant that the registration
22 has been renewed, or otherwise denied in accord with the provision of
23 RCW 15.58.110.

24 **Sec. 16.** RCW 15.58.180 and 1997 c 242 s 4 are each amended to read
25 as follows:

26 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) Except as provided
27 in subsections (4) and (5) of this section, it is unlawful for any
28 person to act in the capacity of a pesticide dealer or advertise as or
29 assume to act as a pesticide dealer without first having obtained an
30 annual license from the director. The license (~~shall~~) expires on the
31 master license expiration date. A license is required for each
32 location or outlet located within this state from which pesticides are
33 distributed. A manufacturer, registrant, or distributor who has no
34 pesticide dealer outlet licensed within this state and who distributes
35 (~~such~~) pesticides directly into this state (~~shall~~) must obtain a
36 pesticide dealer license for his or her principal out-of-state location

1 or outlet, but such a licensed out-of-state pesticide dealer is exempt
2 from the pesticide dealer manager requirements.

3 (2) Application for a license (~~shall~~) must be accompanied by a
4 fee of (~~fifty~~) sixty-seven dollars and (~~shall~~) must be made through
5 the master license system and (~~shall~~) must include the full name of
6 the person applying for the license and the name of the individual
7 within the state designated as the pesticide dealer manager. If the
8 applicant is a partnership, association, corporation, or organized
9 group of persons, the full name of each member of the firm or
10 partnership or the names of the officers of the association or
11 corporation (~~shall~~) must be given on the application. The
12 application (~~shall further~~) must state the principal business address
13 of the applicant in the state and elsewhere, the name of a person
14 domiciled in this state authorized to receive and accept service of
15 summons of legal notices of all kinds for the applicant, and any other
16 necessary information prescribed by the director.

17 (3) It is unlawful for any licensed dealer outlet to operate
18 without a pesticide dealer manager who has a license of qualification.
19 (~~The department shall be notified forthwith of any change in the~~
20 ~~pesticide dealer manager designee during the licensing period.~~)

21 (4) This section does not apply to (a) a licensed pesticide
22 applicator who sells pesticides only as an integral part of the
23 applicator's pesticide application service when (~~such~~) pesticides are
24 dispensed only through apparatuses used for (~~such~~) pesticide
25 application, or (b) any federal, state, county, or municipal agency
26 that provides pesticides only for its own programs.

27 (5) A user of a pesticide may distribute a properly labeled
28 pesticide to another user who is legally entitled to use that pesticide
29 without obtaining a pesticide dealer's license if the exclusive purpose
30 of distributing the pesticide is keeping it from becoming a hazardous
31 waste as defined in chapter 70.105 RCW.

32 **Sec. 17.** RCW 15.58.200 and 1997 c 242 s 5 are each amended to read
33 as follows:

34 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. The director shall
35 require each pesticide dealer manager to demonstrate to the director
36 knowledge of pesticide laws and rules; pesticide hazards; and the safe
37 distribution, use and application, and disposal of pesticides by

1 satisfactorily passing a written examination after which the director
2 shall issue a license of qualification. Application for a license
3 (~~shall~~) must be accompanied by a fee of (~~twenty-five~~) thirty-three
4 dollars. The pesticide dealer manager license (~~shall be an annual~~
5 ~~license expiring~~) expires annually on a date set by rule by the
6 director.

7 **Sec. 18.** RCW 15.58.205 and 2003 c 212 s 5 are each amended to read
8 as follows:

9 (1) (~~Except as provided in subsection (2) of this section,~~) No
10 individual may perform services as a structural pest inspector or
11 advertise that they perform services of a structural pest inspector
12 without obtaining a structural pest inspector license from the
13 director. The license expires annually on a date set by rule by the
14 director. Application for a license must be on a form prescribed by
15 the director and must be accompanied by a fee of (~~forty-five~~) sixty
16 dollars.

17 (2) The following are exempt from the application fee requirement
18 (~~of subsection (1)~~) of this section when acting within the
19 authorities of their existing licenses issued under this chapter
20 (~~15.58~~) or chapter 17.21 RCW: Licensed pest control consultants;
21 licensed commercial pesticide applicators and operators; licensed
22 private-commercial applicators; and licensed demonstration and research
23 applicators.

24 (3) The following are exempt from the structural pest inspector
25 licensing requirement: Individuals inspecting for damage caused by
26 wood destroying organisms if the inspections are solely for the purpose
27 of: (a) Repairing or making specific recommendations for the repair of
28 the damage, or (b) assessing a monetary value for the structure
29 inspected. Individuals performing wood destroying organism inspections
30 that incorporate but are not limited to the activities described in (a)
31 or (b) of this subsection are not exempt from the structural pest
32 inspector licensing requirement.

33 (4) (~~Persons holding a valid license to act as a structural pest~~
34 ~~inspector on July 1, 2003, are exempt from this requirement until~~
35 ~~expiration of that license.~~

36 (~~5~~) A structural pest inspector license is not valid for

1 conducting a complete wood destroying organism inspection unless the
2 inspector owns or is employed by a business with a structural pest
3 inspection company license.

4 **Sec. 19.** RCW 15.58.210 and 2003 c 212 s 4 are each amended to read
5 as follows:

6 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) (~~Except as~~
7 ~~provided in subsection (2) of this section,~~) No individual may perform
8 services as a pest control consultant without obtaining a license from
9 the director. The license (~~shall~~) expires annually on a date set by
10 rule by the director. Application for a license (~~shall~~) must be on
11 a form prescribed by the director and (~~shall~~) must be accompanied by
12 a fee of (~~forty-five~~) sixty dollars.

13 (2) The following are exempt from the licensing requirements of
14 (~~subsection (1) of~~) this section when acting within the authorities
15 of their existing licenses issued under chapter 17.21 RCW: Licensed
16 commercial pesticide applicators and operators; licensed private-
17 commercial applicators; and licensed demonstration and research
18 applicators. The following are also exempt from the licensing
19 requirements of (~~subsection (1) of~~) this section: Employees of
20 federal, state, county, or municipal agencies when acting in their
21 official governmental capacities; and pesticide dealer managers and
22 employees working under the direct supervision of the pesticide dealer
23 manager and only at a licensed pesticide dealer's outlet.

24 **Sec. 20.** RCW 15.58.220 and 1997 c 242 s 7 are each amended to read
25 as follows:

26 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. For the purpose of this
27 section public pest control consultant means any individual who is
28 employed by a governmental agency or unit to act as a pest control
29 consultant (~~as defined in RCW 15.58.030(28)~~). No person (~~shall~~)
30 may act as a public pest control consultant without first obtaining a
31 license from the director. The license (~~shall~~) expires annually on
32 a date set by rule by the director. Application for a license
33 (~~shall~~) must be on a form prescribed by the director and (~~shall~~)
34 must be accompanied by a fee of (~~twenty-five~~) thirty-three dollars.
35 Federal and state employees whose principal responsibilities are in
36 pesticide research, the jurisdictional health officer or a duly

1 authorized representative, public pest control consultants licensed and
2 working in the health vector field, and public operators licensed under
3 RCW 17.21.220 shall be exempt from this licensing provision.

4 **Sec. 21.** RCW 17.21.070 and 1997 c 242 s 11 are each amended to
5 read as follows:

6 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It (~~shall be~~) is
7 unlawful for any person to engage in the business of applying
8 pesticides to the land of another without a commercial pesticide
9 applicator license. Application for a commercial applicator license
10 (~~shall~~) must be accompanied by a fee of (~~one hundred seventy~~) two
11 hundred fifteen dollars and in addition a fee of twenty-seven dollars
12 for each apparatus, exclusive of one, used by the applicant in the
13 application of pesticides(~~(: PROVIDED, That the provisions of this~~
14 ~~section shall not apply to any person employed only to operate any~~
15 ~~apparatus used for the application of any pesticide, and in which such~~
16 ~~person has no financial interest or other control over such apparatus~~
17 ~~other than its day to day mechanical operation for the purpose of~~
18 ~~applying any pesticide))~~).

19 **Sec. 22.** RCW 17.21.110 and 1997 c 242 s 12 are each amended to
20 read as follows:

21 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It (~~shall be~~) is
22 unlawful for any person to act as an employee of a commercial pesticide
23 applicator and apply pesticides manually or as the operator directly in
24 charge of any apparatus which is licensed or should be licensed under
25 (~~the provisions of~~) this chapter for the application of any
26 pesticide, without having obtained a commercial pesticide operator
27 license from the director. The commercial pesticide operator license
28 (~~shall be~~) is in addition to any other license or permit required by
29 law for the operation or use of any such apparatus. Application for a
30 commercial operator license (~~shall~~) must be accompanied by a fee of
31 (~~fifty~~) sixty-seven dollars. (~~The provisions of~~) This section
32 (~~shall~~) does not apply to any individual who is a licensed commercial
33 pesticide applicator.

34 **Sec. 23.** RCW 17.21.122 and 1997 c 242 s 13 are each amended to
35 read as follows:

1 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It (~~shall be~~) is
2 unlawful for any person to act as a private-commercial pesticide
3 applicator without having obtained a private-commercial pesticide
4 applicator license from the director. Application for a private-
5 commercial pesticide applicator license (~~shall~~) must be accompanied
6 by a fee of (~~twenty-five~~) thirty-three dollars.

7 **Sec. 24.** RCW 17.21.126 and 2004 c 100 s 2 are each amended to read
8 as follows:

9 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It is unlawful for any
10 person to act as a private applicator, limited private applicator, or
11 rancher private applicator without first complying with requirements
12 determined by the director as necessary to prevent unreasonable adverse
13 effects on the environment, including injury to the pesticide
14 applicator or other persons, for each specific pesticide use.

15 (1) Certification standards to determine the individual's
16 competency with respect to the use and handling of the pesticide or
17 class of pesticides for which the private applicator, limited private
18 applicator, or rancher private applicator is certified (~~shall~~) must
19 be relative to hazards of the particular type of application, class of
20 pesticides, or handling procedure. In determining these standards the
21 director (~~shall~~) must take into consideration standards of the EPA
22 and is authorized to adopt these standards by rule.

23 (2) Application for a private applicator or a limited private
24 applicator license(~~, or the renewal of such licenses under RCW~~
25 ~~17.21.132(4), shall~~) must be accompanied by a fee of (~~twenty-five~~)
26 thirty-three dollars. Application for a rancher private applicator
27 license(~~, or renewal of such license under RCW 17.21.132(4), shall~~)
28 must be accompanied by a fee of (~~seventy-five~~) one hundred dollars.
29 Individuals with a valid certified applicator license, pest control
30 consultant license, or dealer manager license who qualify in the
31 appropriate statewide or agricultural license categories are exempt
32 from the private applicator, limited private applicator, or rancher
33 private applicator fee requirements. However, licensed public
34 pesticide operators, otherwise exempted from the public pesticide
35 operator license fee requirement, are not also exempted from the fee
36 requirements under this subsection.

1 **Sec. 25.** RCW 17.21.129 and 1997 c 242 s 15 are each amended to
2 read as follows:

3 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. Except as provided in
4 RCW 17.21.203, it is unlawful for a person to use or supervise the use
5 of any experimental use pesticide or any restricted use pesticide on
6 small experimental plots for research purposes when no charge is made
7 for the pesticide and its application without a demonstration and
8 research applicator's license.

9 (1) Application for a demonstration and research license (~~shall~~)
10 must be accompanied by a fee of (~~twenty-five~~) thirty three dollars.

11 (2) Persons licensed (~~in accordance with~~) under this section are
12 exempt from the requirements of RCW 17.21.160, 17.21.170, and
13 17.21.180.

14 **Sec. 26.** RCW 17.21.220 and 1997 c 242 s 17 are each amended to
15 read as follows:

16 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) All state agencies,
17 municipal corporations, and public utilities or any other governmental
18 (~~agency shall be~~) agencies are subject to (~~the provisions of~~) this
19 chapter and its rules (~~adopted thereunder concerning the application~~
20 ~~of pesticides~~)).

21 (2) It (~~shall be~~) is unlawful for any employee of a state agency,
22 municipal corporation, public utility, or any other government agency
23 to use or to supervise the use of any restricted use pesticide, or any
24 pesticide by means of an apparatus, without having obtained a public
25 operator license from the director. Application for a public operator
26 license (~~shall~~) must be accompanied by a fee of (~~twenty-five~~)
27 thirty-three dollars. The fee (~~shall~~) does not apply to public
28 operators licensed and working in the health vector field. The public
29 operator license (~~shall be~~) is valid only when the operator is acting
30 as an employee of a government agency.

31 (3) The jurisdictional health officer or his or her duly authorized
32 representative is exempt from this licensing provision when applying
33 pesticides that are not restricted use pesticides to control pests
34 other than weeds.

35 (4) (~~Such~~) Agencies, municipal corporations, and public utilities
36 (~~shall be~~) are subject to legal recourse by any person damaged by

1 such application of any pesticide, and (~~such~~) action may be brought
2 in the county where the damage or some part (~~thereof~~) of the damage
3 occurred.

4 NEW SECTION. Sec. 27. DEPARTMENT OF AGRICULTURE--PESTICIDE FEES.
5 Sections 15 through 26 of this act take effect January 1, 2009.

6 NEW SECTION. Sec. 28. A new section is added to chapter 16.36 RCW
7 to read as follows:

8 DEPARTMENT OF AGRICULTURE--ANIMAL INSPECTION. (1) The director may
9 adopt rules establishing fees for:

10 (a) The establishment and inspection of animal holding facilities
11 authorized under this chapter;

12 (b) The inspection and monitoring of animals in authorized animal
13 holding facilities; and

14 (c) Special inspections of animals or animal facilities that the
15 director may provide at the request of the animal owner or interested
16 persons.

17 (2) The fees shall, as closely as practicable, cover the cost of
18 the service provided.

19 (3) All fees collected under this section shall be deposited in an
20 account in the agricultural local fund and used to carry out the
21 purposes of this chapter.

22 NEW SECTION. Sec. 29. A new section is added to chapter 18.185
23 RCW to read as follows:

24 DEPARTMENT OF LICENSING--BAIL BOND RECOVERY AGENTS. Pursuant to
25 RCW 43.24.086 and 43.135.055, the department may increase fees as
26 necessary to defray the cost of administering chapter ---, Laws of 2008
27 (Substitute House Bill No. 2759).

28 NEW SECTION. Sec. 30. DEPARTMENT OF FINANCIAL INSTITUTIONS.
29 During fiscal years 2008 and 2009, the department of financial
30 institutions may increase fees as follows:

31 (1) Credit union hourly fee for examination, investigation, and
32 processing applications, by not more than 5.57% (FY 2009);

33 (2) Credit union quarterly asset assessment, by not more than 5.57%
34 (FY 2009);

- 1 (3) Loan originator license amendment fee, to add a mortgage broker
2 relationship, by not more than \$50 (FY 2008);
3 (4) Mortgage broker license amendment fee, change of designated
4 broker, by not more than \$25 (FY 2008);
5 (5) Mortgage broker license application fee, main office location,
6 by not more than \$1 (FY 2008);
7 (6) Banks exam hourly fees, by not more than 5.53% (FY 2008);
8 (7) Banks semi-annual assessment, by not more than 5.53% (FY 2008);
9 (8) Banks semi-annual assessment, interstate assets, by not more
10 than \$183,321 (FY 2008).

11 NEW SECTION. **Sec. 31.** Captions used in this act are not any part
12 of the law.

13 NEW SECTION. **Sec. 32.** Except for sections 2 and 15 through 26 of
14 this act, this act is necessary for the immediate preservation of the
15 public peace, health, or safety, or support of the state government and
16 its existing public institutions, and takes effect immediately."

17 Correct the title.

- EFFECT: (1) Authorizes certain fee increases and new fees.
(2) Increases from \$25 to \$40 the cap on the fees charged by the Department for approving statements of intent to pay prevailing wages and certification of affidavits of wages.
(3) Changes the Department of Labor and Industries' authority to adopt fees in the factory assembled structures program and removes expiration date on current fee schedule.
(4) Increases the statutory minimum and maximum fees that may be charged by the Department of Labor and Industries in the explosives program.
(5) Authorizes the Department of Health to increase fees to implement 4SHB 1103 (health professions), including a new fee for background checks.
(6) Authorizes the Department of Health to charge fees in the radiology assistants program established by SHB 6439.
(7) Increases statutory fees charged by the Department of Agriculture for pesticide licensing and registration.
(8) Authorizes the Department of Agriculture to charge fees for inspection and monitoring activities in the animal health program.
(9) Authorizes the Department of Licensing to increase license fees

in the bail bond program to implement ESSB 6437 (new requirements for bail bond recovery agents).

(10) Authorizes the Department of Financial Institutions to increase certain fees in the credit union, banks, mortgage brokers, and loan originators programs as specified.

--- END ---