

Proposed Substitute House Bill 3381

By Representative Kessler

Summary

- Authorizes certain fee increases and new fees.
- 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.
- Changes the Department of Labor & Industries' authority to adopt fees in the factory assembled structures program.
- Increases the statutory minimum and maximum fees that may be charged by the Department of Labor & Industries in the explosives program.
- Authorizes the Department of Health to increase fees to implement 4SHB 1103 (health professions), including a new fee for background checks.
- Authorizes the Department of Health to charge fees in the radiology assistants program established by SHB 6439.
- Increases statutory fees charged by the Department of Agriculture for pesticide licensing and registration.
- Authorizes the Department of Agriculture to charge fees for inspection and monitoring activities in the animal health program.
- 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).

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1 AN ACT Relating to fees to implement programs that protect and
2 improve Washington's health, safety, education, employees, and
3 consumers; amending RCW 39.12.070, 43.22.434, 70.74.137, 70.74.140,
4 70.74.142, 70.74.144, 70.74.146, 70.74.360, 15.58.070, 15.58.180,
5 15.58.200, 15.58.205, 15.58.210, 15.58.220, 17.21.070, 17.21.110,
6 17.21.122, 17.21.126, 17.21.129, and 17.21.220; adding a new section to
7 chapter 70.74 RCW; adding new sections to chapter 18.130 RCW; adding a
8 new section to chapter 18.84 RCW; adding a new section to chapter 16.36
9 RCW; adding a new section to chapter 18.185 RCW; creating new sections;
10 providing effective dates; and declaring an emergency.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

12 NEW SECTION. **Sec. 1.** To protect taxpayers, many state programs
13 require the costs of licensing, registration, certification, and
14 related government services to be borne by the profession or industry
15 that uses the services, rather than by the taxpaying public as a whole.
16 State standards that govern the professional duties of these industries
17 are intended to protect the general public by safeguarding health,
18 safety, employees, and consumers. The legislative approval of the
19 fees and fee increases in this act is intended to ensure that the

1 general public is not assessed these costs while also providing
2 adequate funding to statutory programs that safeguard and improve
3 Washington's health, safety, employees, and consumers.

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

6 DEPARTMENT OF LABOR AND INDUSTRIES--PREVAILING WAGE--CERTIFICATION
7 OF AFFIDAVITS. The department of labor and industries may charge fees
8 to awarding agencies on public works for the approval of statements of
9 intent to pay prevailing wages and the certification of affidavits of
10 wages paid. The department may also charge fees to persons or
11 organizations requesting the arbitration of disputes under RCW
12 39.12.060. The amount of the fees shall be established by rules
13 adopted by the department under the procedures in the administrative
14 procedure act, chapter 34.05 RCW. The fees shall apply to all
15 approvals, certifications, and arbitration requests made after the
16 effective date of the rules. All fees shall be deposited in the public
17 works administration account. The department may refuse to arbitrate
18 for contractors, subcontractors, persons, or organizations which have
19 not paid the proper fees. The department may, if necessary, request
20 the attorney general to take legal action to collect delinquent fees.

21 The department shall set the fees permitted by this section at a
22 level that generates revenue that is as near as practicable to the
23 amount of the appropriation to administer this chapter, including, but
24 not limited to, the performance of adequate wage surveys, and to
25 investigate and enforce all alleged violations of this chapter,
26 including, but not limited to, incorrect statements of intent to pay
27 prevailing wage, incorrect certificates of affidavits of wages paid,
28 and wage claims, as provided for in this chapter and chapters 49.48 and
29 49.52 RCW. However, the fees charged for the approval of statements of
30 intent to pay prevailing wages and the certification of affidavits of
31 wages paid shall be (~~no greater than twenty five~~) forty dollars.

32 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1,
33 2008.

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

1 DEPARTMENT OF LABOR AND INDUSTRIES--FACTORY ASSEMBLED
2 STRUCTURES/MOBILE/MANUFACTURED HOMES. (1) The director or the
3 director's authorized representative may conduct such inspections,
4 investigations, and audits as may be necessary to adopt or enforce
5 manufactured and mobile home, commercial coach, conversion vending
6 units, medical units, recreational vehicle, park trailer, factory built
7 housing, and factory built commercial structure rules adopted under the
8 authority of this chapter or to carry out the director's duties under
9 this chapter.

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

13 (a) At reasonable times and without advance notice enter any
14 factory, warehouse, or establishment in which manufactured and mobile
15 homes, commercial coaches, conversion vending units, medical units,
16 recreational vehicles, park trailers, factory built housing, and
17 factory built commercial structures are manufactured, stored, or held
18 for sale;

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

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

27 (3) For purposes of determining compliance with this chapter's
28 permitting requirements for alterations of mobile and manufactured
29 homes, the department may audit the records of a contractor as defined
30 in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor
31 as defined in RCW 19.28.006 when the department has reason to believe
32 that a violation of the permitting requirements has occurred. The
33 department shall adopt rules implementing the auditing procedures.
34 Information obtained from a contractor through an audit authorized by
35 this subsection is confidential and not open to public inspection under
36 chapter 42.56 RCW.

37 (4)((+a)) The department shall set a schedule of fees by rule
38 which will cover the costs incurred by the department in the

1 administration of RCW 43.22.335 through 43.22.490, and is hereby
2 authorized to do so pursuant to RCW 43.135.055. The department may
3 waive mobile/manufactured home alteration permit fees for indigent
4 permit applicants.

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

10 ~~(ii) Effective April 1, 2009, the department must adopt a new fee~~
11 ~~schedule that is the same as the fee schedule that was in effect~~
12 ~~immediately prior to the temporary fee schedule authorized in (b)(i) of~~
13 ~~this subsection. However, the new fee schedule must be adjusted by the~~
14 ~~fiscal growth factors not applied during the period that the temporary~~
15 ~~fee schedule was in effect.))~~

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

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

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

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

30 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. Every person
31 engaging in the business of keeping or storing of explosives shall pay
32 an annual license fee for each magazine maintained, to be graduated by
33 the department of labor and industries according to the quantity kept
34 or stored therein, of ~~((ten))~~ fifty dollars. The director of labor and
35 industries may adjust the amount of the license fee to reflect the

1 administrative costs of the department. The fee shall not exceed
2 ((~~one~~)) four hundred dollars.

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

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

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

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

17 **Sec. 8.** RCW 70.74.144 and 1988 c 198 s 15 are each amended to read
18 as follows:

19 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. Every person
20 engaged in the business of manufacturing explosives shall pay an annual
21 license fee of ((~~twenty-five~~)) fifty dollars. The director of labor
22 and industries may adjust the amount of the license fee to reflect the
23 administrative costs of the department. The fee shall not exceed
24 ((~~fifty~~)) two hundred dollars.

25 Businesses licensed to manufacture explosives are not required to
26 have a dealer's license, but must comply with all of the dealer
27 requirements of this chapter when they sell explosives.

28 The license fee shall accompany the application and shall be
29 transmitted by the department to the state treasurer.

30 **Sec. 9.** RCW 70.74.146 and 1988 c 198 s 16 are each amended to read
31 as follows:

32 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. Every person
33 engaged in the business of selling explosives shall pay an annual
34 license fee of ((~~twenty-five~~)) fifty dollars. The director of labor

1 and industries may adjust the amount of the license fee to reflect the
2 administrative costs of the department. The fee shall not exceed
3 ((fifty)) two hundred dollars.

4 Businesses licensed to sell explosives must comply with all of the
5 dealer requirements of this chapter.

6 The license fee shall accompany the application and shall be
7 transmitted by the department to the state treasurer.

8 **Sec. 10.** RCW 70.74.360 and 1988 c 198 s 3 are each amended to read
9 as follows:

10 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. (1) The director
11 of labor and industries shall require, as a condition precedent to the
12 original issuance or renewal of any explosive license, fingerprinting
13 and criminal history record information checks of every applicant. In
14 the case of a corporation, fingerprinting and criminal history record
15 information checks shall be required for the management officials
16 directly responsible for the operations where explosives are used if
17 such persons have not previously had their fingerprints recorded with
18 the department of labor and industries. In the case of a partnership,
19 fingerprinting and criminal history record information checks shall be
20 required of all general partners. Such fingerprints as are required by
21 the department of labor and industries shall be submitted on forms
22 provided by the department to the identification section of the
23 Washington state patrol and to the identification division of the
24 federal bureau of investigation in order that these agencies may search
25 their records for prior convictions of the individuals fingerprinted.
26 The Washington state patrol shall provide to the director of labor and
27 industries such criminal record information as the director may
28 request. The applicant shall give full cooperation to the department
29 of labor and industries and shall assist the department of labor and
30 industries in all aspects of the fingerprinting and criminal history
31 record information check. The applicant ((may)) shall be required to
32 pay ((a)) the current federal and state fee ((not to exceed twenty
33 dollars to the agency that performs the fingerprinting and criminal
34 history process)) for fingerprint-based criminal history background
35 checks.

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

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

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

4 (c) Any person who has been convicted in this state or elsewhere of
5 a violent offense as defined in RCW 9.94A.030, perjury, false swearing,
6 or bomb threats or a crime involving a schedule I or II controlled
7 substance, or any other drug or alcohol related offense, unless such
8 other drug or alcohol related offense does not reflect a drug or
9 alcohol dependency. However, the director of labor and industries may
10 issue a license if the person suffering a drug or alcohol related
11 dependency is participating in or has completed an alcohol or drug
12 recovery program acceptable to the department of labor and industries
13 and has established control of their alcohol or drug dependency. The
14 director of labor and industries shall require the applicant to provide
15 proof of such participation and control; or

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

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

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

24 DEPARTMENT OF LABOR AND INDUSTRIES--EXPLOSIVES. All funds
25 collected by the department under RCW 70.74.137 through 70.74.146 and
26 70.74.360 shall be transferred to the state treasurer for deposit into
27 the accident and medical aid funds under RCW 51.44.010 and 51.44.020.

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

30 DEPARTMENT OF HEALTH--HEALTH PROFESSIONS BACKGROUND CHECKS. In
31 accordance with RCW 43.135.055, to implement the background check
32 activities conducted pursuant to RCW 18.130.--- (section 7 of Fourth
33 Substitute House Bill No. 1103, health professions), the department may
34 establish fees as necessary to recover the cost of these activities
35 and, except as precluded by RCW 43.70.110, the department shall require

1 applicants to submit the required fees along with other information
2 required by the state patrol.

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

5 DEPARTMENT OF HEALTH--HEALTH PROFESSIONS. In accordance with RCW
6 43.135.055, the department may annually increase application and
7 renewal fees as necessary to recover the cost of implementing the
8 administrative and disciplinary provisions of chapter . . ., Laws of
9 2008 (Fourth Substitute House Bill No. 1103)).

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

12 DEPARTMENT OF HEALTH--RADIOLOGY ASSISTANTS. In accordance with RCW
13 43.135.055, the department may establish application, certification,
14 and renewal fees as necessary to recover the cost of implementing
15 chapter . . ., Laws of 2008 (Substitute House Bill No. 6439, radiology
16 assistants).

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

19 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) All registrations
20 issued by the department expire December 31st of the following year
21 except that registrations issued by the department to a registrant who
22 is applying to register an additional pesticide during the second year
23 of the registrant's registration period shall expire December 31st of
24 that year.

25 (2) An application for registration (~~shall~~) must be accompanied
26 by a fee of (~~two~~) three hundred ninety dollars for each pesticide,
27 except that a registrant who is applying to register an additional
28 pesticide during the year the registrant's registration expires shall
29 pay a fee of one hundred (~~forty-five~~) ninety-five dollars for each
30 additional pesticide.

31 (3) Fees (~~shall~~) must be deposited in the agricultural local fund
32 to support the activities of the pesticide program within the
33 department.

34 (4) Any registration approved by the director and in effect on the
35 last day of the registration period, for which a renewal application

1 has been made and the proper fee paid, continues in full force and
2 effect until the director notifies the applicant that the registration
3 has been renewed, or otherwise denied in accord with the provision of
4 RCW 15.58.110.

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

7 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) Except as provided
8 in subsections (4) and (5) of this section, it is unlawful for any
9 person to act in the capacity of a pesticide dealer or advertise as or
10 assume to act as a pesticide dealer without first having obtained an
11 annual license from the director. The license (~~shall~~) expires on the
12 master license expiration date. A license is required for each
13 location or outlet located within this state from which pesticides are
14 distributed. A manufacturer, registrant, or distributor who has no
15 pesticide dealer outlet licensed within this state and who distributes
16 (~~such~~) pesticides directly into this state (~~shall~~) must obtain a
17 pesticide dealer license for his or her principal out-of-state location
18 or outlet, but such a licensed out-of-state pesticide dealer is exempt
19 from the pesticide dealer manager requirements.

20 (2) Application for a license (~~shall~~) must be accompanied by a
21 fee of (~~fifty~~) sixty-seven dollars and (~~shall~~) must be made through
22 the master license system and (~~shall~~) must include the full name of
23 the person applying for the license and the name of the individual
24 within the state designated as the pesticide dealer manager. If the
25 applicant is a partnership, association, corporation, or organized
26 group of persons, the full name of each member of the firm or
27 partnership or the names of the officers of the association or
28 corporation (~~shall~~) must be given on the application. The
29 application (~~shall further~~) must state the principal business address
30 of the applicant in the state and elsewhere, the name of a person
31 domiciled in this state authorized to receive and accept service of
32 summons of legal notices of all kinds for the applicant, and any other
33 necessary information prescribed by the director.

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

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

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

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

14 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. The director shall
15 require each pesticide dealer manager to demonstrate to the director
16 knowledge of pesticide laws and rules; pesticide hazards; and the safe
17 distribution, use and application, and disposal of pesticides by
18 satisfactorily passing a written examination after which the director
19 shall issue a license of qualification. Application for a license
20 (~~shall~~) must be accompanied by a fee of (~~twenty-five~~) thirty-three
21 dollars. The pesticide dealer manager license (~~shall be an annual~~
22 ~~license expiring~~) expires annually on a date set by rule by the
23 director.

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

26 (1) (~~Except as provided in subsection (2) of this section,~~) No
27 individual may perform services as a structural pest inspector or
28 advertise that they perform services of a structural pest inspector
29 without obtaining a structural pest inspector license from the
30 director. The license expires annually on a date set by rule by the
31 director. Application for a license must be on a form prescribed by
32 the director and must be accompanied by a fee of (~~forty-five~~) sixty
33 dollars.

34 (2) The following are exempt from the application fee requirement
35 (~~of subsection (1)~~) of this section when acting within the
36 authorities of their existing licenses issued under this chapter

1 ((15.58)) or chapter 17.21 RCW: Licensed pest control consultants;
2 licensed commercial pesticide applicators and operators; licensed
3 private-commercial applicators; and licensed demonstration and research
4 applicators.

5 (3) The following are exempt from the structural pest inspector
6 licensing requirement: Individuals inspecting for damage caused by
7 wood destroying organisms if the inspections are solely for the purpose
8 of: (a) Repairing or making specific recommendations for the repair of
9 the damage, or (b) assessing a monetary value for the structure
10 inspected. Individuals performing wood destroying organism inspections
11 that incorporate but are not limited to the activities described in (a)
12 or (b) of this subsection are not exempt from the structural pest
13 inspector licensing requirement.

14 ((Persons holding a valid license to act as a structural pest
15 inspector on July 1, 2003, are exempt from this requirement until
16 expiration of that license.

17 (5)) A structural pest inspector license is not valid for
18 conducting a complete wood destroying organism inspection unless the
19 inspector owns or is employed by a business with a structural pest
20 inspection company license.

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

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

30 (2) The following are exempt from the licensing requirements of
31 ((~~subsection (1) of~~)) this section when acting within the authorities
32 of their existing licenses issued under chapter 17.21 RCW: Licensed
33 commercial pesticide applicators and operators; licensed private-
34 commercial applicators; and licensed demonstration and research
35 applicators. The following are also exempt from the licensing
36 requirements of ((~~subsection (1) of~~)) this section: Employees of
37 federal, state, county, or municipal agencies when acting in their

1 official governmental capacities; and pesticide dealer managers and
2 employees working under the direct supervision of the pesticide dealer
3 manager and only at a licensed pesticide dealer's outlet.

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

6 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. For the purpose of this
7 section public pest control consultant means any individual who is
8 employed by a governmental agency or unit to act as a pest control
9 consultant (~~((as defined in RCW 15.58.030(28)))~~). No person (~~((shall))~~)
10 may act as a public pest control consultant without first obtaining a
11 license from the director. The license (~~((shall))~~) expires annually on
12 a date set by rule by the director. Application for a license
13 (~~((shall))~~) must be on a form prescribed by the director and (~~((shall))~~)
14 must be accompanied by a fee of (~~((twenty-five))~~) thirty-three dollars.
15 Federal and state employees whose principal responsibilities are in
16 pesticide research, the jurisdictional health officer or a duly
17 authorized representative, public pest control consultants licensed and
18 working in the health vector field, and public operators licensed under
19 RCW 17.21.220 shall be exempt from this licensing provision.

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

22 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It (~~((shall be))~~) is
23 unlawful for any person to engage in the business of applying
24 pesticides to the land of another without a commercial pesticide
25 applicator license. Application for a commercial applicator license
26 (~~((shall))~~) must be accompanied by a fee of (~~((one hundred seventy))~~) two
27 hundred fifteen dollars and in addition a fee of twenty-seven dollars
28 for each apparatus, exclusive of one, used by the applicant in the
29 application of pesticides(~~((: PROVIDED, That the provisions of this~~
30 ~~section shall not apply to any person employed only to operate any~~
31 ~~apparatus used for the application of any pesticide, and in which such~~
32 ~~person has no financial interest or other control over such apparatus~~
33 ~~other than its day to day mechanical operation for the purpose of~~
34 ~~applying any pesticide))~~).

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

3 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It (~~shall be~~) is
4 unlawful for any person to act as an employee of a commercial pesticide
5 applicator and apply pesticides manually or as the operator directly in
6 charge of any apparatus which is licensed or should be licensed under
7 (~~the provisions of~~) this chapter for the application of any
8 pesticide, without having obtained a commercial pesticide operator
9 license from the director. The commercial pesticide operator license
10 (~~shall be~~) is in addition to any other license or permit required by
11 law for the operation or use of any such apparatus. Application for a
12 commercial operator license (~~shall~~) must be accompanied by a fee of
13 (~~fifty~~) sixty-seven dollars. (~~The provisions of~~) This section
14 (~~shall~~) does not apply to any individual who is a licensed commercial
15 pesticide applicator.

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

18 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It (~~shall be~~) is
19 unlawful for any person to act as a private-commercial pesticide
20 applicator without having obtained a private-commercial pesticide
21 applicator license from the director. Application for a private-
22 commercial pesticide applicator license (~~shall~~) must be accompanied
23 by a fee of (~~twenty-five~~) thirty-three dollars.

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

26 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. It is unlawful for any
27 person to act as a private applicator, limited private applicator, or
28 rancher private applicator without first complying with requirements
29 determined by the director as necessary to prevent unreasonable adverse
30 effects on the environment, including injury to the pesticide
31 applicator or other persons, for each specific pesticide use.

32 (1) Certification standards to determine the individual's
33 competency with respect to the use and handling of the pesticide or
34 class of pesticides for which the private applicator, limited private
35 applicator, or rancher private applicator is certified (~~shall~~) must
36 be relative to hazards of the particular type of application, class of

1 pesticides, or handling procedure. In determining these standards the
2 director (~~shall~~) must take into consideration standards of the EPA
3 and is authorized to adopt these standards by rule.

4 (2) Application for a private applicator or a limited private
5 applicator license (~~, or the renewal of such licenses under RCW~~
6 ~~17.21.132(4), shall~~) must be accompanied by a fee of (~~twenty-five~~)
7 thirty-three dollars. Application for a rancher private applicator
8 license (~~, or renewal of such license under RCW 17.21.132(4), shall~~)
9 must be accompanied by a fee of (~~seventy-five~~) one hundred dollars.
10 Individuals with a valid certified applicator license, pest control
11 consultant license, or dealer manager license who qualify in the
12 appropriate statewide or agricultural license categories are exempt
13 from the private applicator, limited private applicator, or rancher
14 private applicator fee requirements. However, licensed public
15 pesticide operators, otherwise exempted from the public pesticide
16 operator license fee requirement, are not also exempted from the fee
17 requirements under this subsection.

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

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

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

28 (2) Persons licensed (~~in accordance with~~) under this section are
29 exempt from the requirements of RCW 17.21.160, 17.21.170, and
30 17.21.180.

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

33 DEPARTMENT OF AGRICULTURE--PESTICIDE FEES. (1) All state agencies,
34 municipal corporations, and public utilities or any other governmental
35 (~~agency shall be~~) agencies are subject to (~~the provisions of~~) this

1 chapter and its rules (~~((adopted thereunder concerning the application~~
2 ~~of pesticides))~~).

3 (2) It (~~((shall be))~~) is unlawful for any employee of a state agency,
4 municipal corporation, public utility, or any other government agency
5 to use or to supervise the use of any restricted use pesticide, or any
6 pesticide by means of an apparatus, without having obtained a public
7 operator license from the director. Application for a public operator
8 license (~~((shall))~~) must be accompanied by a fee of (~~((twenty-five))~~)
9 thirty-three dollars. The fee (~~((shall))~~) does not apply to public
10 operators licensed and working in the health vector field. The public
11 operator license (~~((shall be))~~) is valid only when the operator is acting
12 as an employee of a government agency.

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

17 (4) (~~((Such))~~) Agencies, municipal corporations, and public utilities
18 (~~((shall be))~~) are subject to legal recourse by any person damaged by
19 such application of any pesticide, and (~~((such))~~) action may be brought
20 in the county where the damage or some part (~~((thereof))~~) of the damage
21 occurred.

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

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

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

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

30 (b) The inspection and monitoring of animals in authorized animal
31 holding facilities; and

32 (c) Special inspections of animals or animal facilities that the
33 director may provide at the request of the animal owner or interested
34 persons.

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

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

4 NEW SECTION. **Sec. 29.** A new section is added to chapter 18.185
5 RCW to read as follows:

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

10 NEW SECTION. **Sec. 30.** Captions used in this act are not any part
11 of the law.

12 NEW SECTION. **Sec. 31.** Except for sections 2 and 15 through 26 of
13 this act, this act is necessary for the immediate preservation of the
14 public peace, health, or safety, or support of the state government and
15 its existing public institutions, and takes effect immediately.

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