

WSR 23-13-097
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 20, 2023, 10:26 a.m.]

Title of Rule and Other Identifying Information: Contractor registration rules; WAC 296-200A-041 When will the department deny an application for registration, renewal or reinstatement?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This expedited rule making proposes amendments to the conditions for denying a contractor's application for registration, renewal, or reinstatement under WAC 296-200A-041. The amendments to the rule are required to implement 2SHB 1534, chapter 213, Laws of 2023. 2SHB 1534 establishes new conditions for denial of contractor registrations when an applicant is a successor to a business entity with unsatisfied final judgments and for minor status. The provisions take effect July 23, 2023. This expedited rule making proposes amendments for uniformity with the statute.

Specifically, the proposed rule:

- Adds language that a contractor's application for registration, renewal or reinstatement must be denied if:
 - o The applicant is under 18 years of age at the time of application; or
 - o The applicant is a successor to an entity that has an unsatisfied final judgment against it for work performed under chapter 18.27 RCW or owes money to the department of labor and industries (L&I) for assessed penalties or fees as a result of a final judgment.
- Allows an exception for denial of a registration for successors to an entity with unsatisfied final judgments.
- Includes amendments for housekeeping to renumber subsections.

Reasons Supporting Proposal: 2SHB 1534 passed the legislature this year and was signed into law. The statute amends and adds new sections under chapter 18.27 RCW with various effective dates. L&I plans to develop rules over several phases of rule making for consistency with the statute. This rule making is the first phase.

Statutory Authority for Adoption: 2SHB 1534, chapter 213, Laws of 2023; and chapter 18.27 RCW.

Statute Being Implemented: 2SHB 1534, chapter 213, Laws of 2023; and chapter 18.27 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Melissa McBride, Program Manager, Tumwater, Washington, 360-902-5571; Implementation and Enforcement: Steve Reinmuth, Assistant Director, Tumwater, Washington, 360-902-6348.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is appropriate as the amendments result from 2023 legislation.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-6134, email Alicia.Curry@Lni.wa.gov, AND RECEIVED BY August 21, 2023.

June 20, 2023
Joel Sacks
Director

OTS-4639.2

AMENDATORY SECTION (Amending WSR 09-10-079, filed 5/5/09, effective 6/5/09)

WAC 296-200A-041 When will the department deny an application for registration, renewal or reinstatement? The department shall deny an application for registration, renewal or reinstatement if:

- (1) The applicant does not submit the required documents on the forms required by the department.
- (2) If the documents are false or incomplete.
- (3) The documents do not have the legal name of the contractor as documented on official governmental issued photo identification.
- (4) The applicant is under 18 years old at the time of application.
- (5) The applicant does not have a valid unified business identifier number, if required by the department of revenue.
- ~~((5))~~ (6) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment.
- ~~((6))~~ (7) The applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment.
- ~~((7))~~ (8) The applicant is a successor to an entity with an unsatisfied final judgment against it in an action that was incurred for work performed subject to chapter 18.27 RCW or owes the department money for penalties assessed or fees due under chapter 18.27 RCW as a result of a final judgment, unless the applicant demonstrates by a preponderance of the evidence that the applicant did not know of the unsatisfied final judgment, by having exercised due diligence and

timely verifying with the department that the other contractor was in good standing, then the department may grant the application for registration under RCW 18.27.030.

(9) The applicant has not complied with a department of social and health services - support enforcement division support enforcement order.

[Statutory Authority: Chapter 18.27 RCW and 2008 c 120. WSR 09-10-079, § 296-200A-041, filed 5/5/09, effective 6/5/09.]

WSR 23-13-120
EXPEDITED RULES
DEPARTMENT OF LICENSING
[Filed June 21, 2023, 10:04 a.m.]

Title of Rule and Other Identifying Information: WAC 308-09-015 Military spouse requesting and expedited processing and 308-09-020 Military spouse licensing—Equivalency to Washington standards and temporary licensing.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is changing requirements for expedited licensing and timelines for temporary licensing for military spouses. This change aligns with E2SHB [2SHB] 1009, passed during the 2023 legislative session.

Reasons Supporting Proposal: These updates align rule with statute following the adoption of E2SHB [2SHB] 1009.

Statutory Authority for Adoption: RCW 18.340.020.

Statute Being Implemented: E2SHB [2SHB] 1009; RCW 18.340.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debra Allen-Ba, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-664-1399.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule making is to incorporate new explicit laws passed by the 2023 state legislature to allow military spouse licensing applicants to request expedited processing when they hold an active license in another jurisdiction with equivalent standards to Washington state requirements, and to require temporary licenses issued to be valid of [for] at least 180 days.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kelsey Stone, Department of Licensing, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, AND RECEIVED BY August 22, 2023.

June 21, 2023

OTS-4693.1

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

WAC 308-09-015 Military spouse requesting expedited processing.

(1) A military spouse may request expedited processing when the military spouse:

(a) Holds an active license in good standing issued by another jurisdiction in which the other states standards are equal to or greater than Washington licensing standards;

(b) Is moving to Washington as a result of their spouse's ~~((permanent change of duty station based on military orders; and~~

~~(c) Is leaving employment in another state to accompany their spouse to Washington))~~ military transfer to Washington.

(2) To request expedited processing, the military spouse applicant must:

(a) Submit the appropriate license application indicating the applicant is a military spouse, ~~((with))~~ fingerprints, and required documentation associated with criminal background check, and the appropriate fee(s);

(b) Submit documentation that shows the applicant had an applicable license in good standing issued by another jurisdiction in which the other states standards are equal to or greater than Washington licensing standards and that shows the applicant is not subject to any disciplinary action by the licensing authority of that jurisdiction;

(c) ~~((Upon request, submit any of the following:~~

~~(i) A copy of the military service member's service orders;~~

~~(ii) A letter from the military service member's commanding officer explaining the military service member's transfer of duty stations;~~

~~(iii) A copy of the DD Form 1172-2 DEERS Enrollment;~~

~~(iv) Other supporting U.S. Department of Defense or Department of Veterans Affairs documentation.~~

~~(d) Upon request, submit a copy of the marriage certificate or evidence of the registered domestic partnership with the military service member.)~~ Affirm that the applicant's spouse is a military service member transferred to Washington state and meets all the requirements for expedited licensure.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-015, filed 6/11/20, effective 7/12/20.]

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

WAC 308-09-020 Military spouse licensing—Equivalency to Washington standards and temporary licensing. (1) The licensing authority must process a request for temporary license ((as soon as practical)) within 30 days after receipt of a completed application. A completed application means that the authority has received all supporting materials, related application fees, copy of the certificate issued by the other state or jurisdiction, fingerprints, and required documentation associated with a criminal background check. The licensing authority must compare the profession or occupation requirements of the jurisdiction where the applicant held a license to the requirements associated with the most similar license issued by the licensing authority in Washington. The licensing authority will determine whether the requirements of the jurisdiction where the applicant holds a license meet or are substantially equivalent to the requirements for the requested profession or occupation in Washington.

(2) If the licensing authority determines the Washington requirements are substantially equivalent and have been met, and that the applicant is otherwise eligible for the requested license, the licensing authority may issue a standard license.

(3) If the licensing authority determines the training and practice standards of the state where the applicant holds a license are substantially equivalent and the applicant is otherwise eligible for the requested license, the licensing authority may issue a temporary license of no less than 180 days to allow the applicant time to complete additional requirements not related to training or practice standards that are necessary to qualify for a standard license in Washington.

(4) A temporary license issued under these rules becomes null and void when any of the following occur:

- (a) A standard license is issued;
- (b) A denial of the standard license application becomes final;
- (c) The temporary license expires.

(5) Prior to the expiration date of the temporary license the temporary license holder may ask the licensing authority in writing to extend the expiration date. The licensing authority will consider extension of the expiration date based on the temporary license holder's need and documented progress toward meeting standard license requirements.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-020, filed 6/11/20, effective 7/12/20.]

WSR 23-13-126
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE
[Filed June 21, 2023, 10:50 a.m.]

Title of Rule and Other Identifying Information: WAC 16-390-240
USDA audit verification and terminal market inspection fees.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state department of agriculture (WSDA) is proposing to amend WAC 16-390-240 USDA audit verification and terminal market inspection fees, to adopt fees identical to, and not less than, fees adopted by the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) as published in the Federal Register (Vol. 88, No. 98) on May 22, 2023, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table with an effective date of October 1, 2023. These changes are necessary to comply with WSDA's cooperative agreement with USDA-AMS for services the WSDA provides as a "federal-state inspection agency."

Reasons Supporting Proposal: The proposed fee amendments incorporate recent changes in the applicable USDA-AMS audit verification and terminal market inspection fees as required under the WSDA's cooperative agreement with USDA-AMS.

Statutory Authority for Adoption: RCW 15.17.030, [15.17].140(2), [15.17].150, and [15.17].270.

Statute Being Implemented: RCW 15.17.150 and [15.17].270.

Rule is necessary because of federal law, 7 C.F.R. Part 51.

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting: Rachel Furth, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1997; Implementation and Enforcement: Jessica Allenton, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1828.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: WSDA performs audit verification and terminal market inspection services requested by customers as a "federal-state inspection agency" under a cooperative agreement with USDA-AMS. Under the cooperative agreement, WSDA is required to charge no less than USDA-AMS when conducting audit inspection and terminal market inspection services. The proposed rule amendments adopt the updated USDA-AMS fees that go into effect October 1, 2023.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU

OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, WSDA, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-1802, fax 360-902-2092, email wsdarulescomments@agr.wa.gov, AND RECEIVED BY August 21, 2023.

June 21, 2023
 Jessica Allenton
 Assistant Director

OTS-4691.1

AMENDATORY SECTION (Amending WSR 22-22-063, filed 10/28/22, effective 12/1/22)

WAC 16-390-240 USDA audit verification and terminal market inspection fees. WSDA performs audit and inspection services requested by customers under a "cooperative agreement" with the United States Department of Agriculture's Agricultural Marketing Service (USDA/AMS). Under USDA/AMS rules, WSDA provides these services as a "federal-state inspection agency." Under USDA/AMS regulations and the cooperative agreement, the fees that WSDA charges for these services must be no less than the current USDA/AMS fees for these services. The applicable current USDA/AMS fees were published in the Federal Register in Vol. (~~(87, No. 114 on June 14, 2022)~~) 88, No. 98 on May 22, 2023, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table and, for the mileage fee related to terminal market inspection, for incorporation in the USDA/AMS "General Market Manual" at Appendix II, "Schedule of User Fees." In conformity with the cooperative agreement, WSDA adopts the same applicable fees for these services as set forth in this section.

(1) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(2) Specialty crop fees/audit and terminal market fees:

Quality and Condition Inspections for Whole Lots	((\$225.00) <u>\$242.00</u> per lot		
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots	((\$186.00) <u>\$200.00</u> per lot		
Condition Half Lot	((\$172.00) <u>\$185.00</u> per lot		
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product	((\$103.00) <u>\$110.00</u> per lot		
Dockside Inspections - Each Package Weighing <30 lbs.	\$0.044 per pkg.		
Dockside Inspections - Each Package Weighing >30 lbs.	\$0.068 per pkg.		
Charge per Individual Product for Dockside Inspection	((\$225.00) <u>\$240.00</u> per lot		
Charge per Each Additional Lot of the Same Product	((\$103.00) <u>\$110.00</u> per lot		
Inspections for All Hourly Work	Regular	Overtime	Holiday
	((\$100.00) <u>\$116.00</u>	((\$137.00) <u>\$153.00</u>	((\$175.00) <u>\$190.00</u>
Audit Services - Federal	((\$132.00) <u>\$155.00</u> per audit		
Audit Services - State	((\$132.00) <u>\$155.00</u> per audit		
GFSI Certification Fee ²	\$250.00 per audit		

² Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

(3) The mileage fee related to terminal market inspection services is \$1.96 per mile. Round trip mileage will be charged from an inspector's assigned location to the inspection site.

[Statutory Authority: RCW 15.17.030, [15.17].140(2), [15.17].150, and [15.17].270. WSR 22-22-063, § 16-390-240, filed 10/28/22, effective 12/1/22; WSR 19-18-047, § 16-390-240, filed 8/30/19, effective 9/30/19. Statutory Authority: RCW 15.17.030, [15.17].140(2), [15.17].150, [15.17].270 and chapter 34.05 RCW. WSR 18-21-167, § 16-390-240, filed 10/23/18, effective 11/23/18; WSR 17-24-077, § 16-390-240, filed 12/5/17, effective 1/5/18. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-240, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-240, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-16-084, § 16-390-240, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-240, filed 5/18/04, effective 6/18/04.]