



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 13-14-093 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-358-990--Temporary Worker Housing Fees, WAC 246-361-990--Cherry Harvest Camps Fees.
Amendments to reduce the licensing fee amount and revise the fee structure.

Hearing location(s): Department of Health
Town Center 2 (TC2)
Conference Room 158
111 Israel Road
Tumwater, Washington

Date: April 23, 2014 Time: 1:00 p.m.

Submit written comments to:

Name: Debra Fisher
Address: PO Box 47852
Tumwater, WA 98504-7852
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-4626 by (date) 04/23/2014

Assistance for persons with disabilities: Contact

Debra Fisher by 04/18/2014

TTY (800) 833-6388 or () 711

Date of intended adoption: 05/05/2014

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rule reduces licensing fees and revises the fee structure. The proposed rule reduces the existing fee from \$9 per occupant to a proposed set fee of \$50 plus \$4 per occupant. The proposed fee and structure are for both initial applications and annual renewal.

Reasons supporting proposal:

In 2012, the legislature provided the department with one-time, supplemental funding for the department to temporarily reduce fees and conduct an evaluation of the program to consider fee amount and structure. As a result of the evaluation and through implementation of program efficiencies the department has determined that the proposed fee reduction will support current program activities.

Statutory authority for adoption:

RCW 43.70.340 and chapter 70.114A RCW

Statute being implemented:

RCW 43.70.340 and chapter 70.114A RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 03/17/2014

NAME (type or print)

John Wiesman, DrPH, MPH

SIGNATURE

.DrPH, MPH

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 17, 2014

TIME: 11:29 AM

WSR 14-07-068

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Debra Fisher	111 Israel Road SE, Tumwater, WA 98501	360-236-2942
Implementation.... Debra Fisher	111 Israel Road SE, Tumwater, WA 98501	360-236-2942
Enforcement..... Debra Fisher	111 Israel Road SE, Tumwater, WA 98501	360-236-2942

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

Under RCW 19.85.025 and RCW 34.05.310 (4)(f), an SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name:

Address:

phone

fax

e-mail

No: Please explain: Under RCW 34.05.328 (5)(b)(vi) of the administrative procedure act, a cost benefit analysis is not required for rules that set or adjust fees or rates pursuant to legislative standards.

WAC 246-358-990 Fees. (1) ~~((License))~~ **Licensing fee.** ~~((The li-
cense fee covers initial licenses and renewals, and includes on-site
surveys. An operator must submit to the department an annual license
fee for))~~ An operator shall submit to the department of health a li-
censing fee according to Table 1 of this section prior to the depart-
ment of health issuing a temporary worker housing (TWH) operating li-
cense. Except as provided in subsection (2) of this section, the li-
censing fee consists of two portions:

(a) An administrative portion according to Table 1 of this sec-
tion; and

(b) A facility portion, based on the maximum occupancy of the
TWH, according to Table 1 of this section. For purposes of ((licens-
ing)) this section, maximum occupancy is the ((total)) greatest number
of occupants that ((the amount of space and fixtures of the temporary
worker housing (TWH) can support)) reside in the TWH during the calen-
dar year.

(2) ~~((Technical assistance fee. An operator may be charged for
each technical assistance visit conducted by the department when re-
quested or approved by the operator or their designee. This fee will
be charged according to WAC 246-359-990 Table 1, Part G.))~~ **Minimum li-
censing fee.** The minimum licensing fee is ninety dollars.

(3) **Late fees.** The department of health may charge a late fee
((may be charged)) according to Table 1 of this section in addition to
the licensing fee when:

(a) ((The initial)) For a new license, the application and li-
censing fee((, as required by WAC 246-358-025(2)),) are not received
by the department of health at least forty-five days prior to the new
TWH opening operation date;

(b) ((The renewal)) For a previously licensed TWH, the applica-
tion and licensing fee((, as required by WAC 246-358-025(2)),) are not
received by the department of health by February twenty-eighth of the
year the operator intends to operate the TWH ((renewal due date)).

(4) ~~((TWH civil fine. An operator may be assessed a civil fine
for failure or refusal to obtain a license prior to occupancy of TWH.
Civil fines for TWH are provided for in RCW 43.70.335.~~

~~(5))~~ **Refunds.**

(a) The department of health will refund fees paid by the opera-
tor if:

(i) The operator submits a written request to the department of
health for a refund; and

(ii) The operator provides documentation to the department of
health that the ((housing)) TWH was not occupied during the license
period.

(b) The department of health will refund two-thirds of the li-
censing fees paid, less a fifty dollar processing fee, if an applica-
tion has been received but no preoccupancy ((survey)) inspection has
been performed by the department of health.

(c) The department of health will refund one-third of the licens-
ing fees paid, less a fifty dollar processing fee, if an application
has been received and a preoccupancy ((survey)) inspection has been
performed by the department of health.

(d) The department of health will not refund applicant licensing
fees under the following conditions:

(i) The department of health has performed more than one on-site ((survey)) inspection for any purpose; or

(ii) One year has elapsed since a license application was received by the department of health, but no license was issued because the applicant failed to complete requirements for licensure.

(5) **Technical assistance fee.** The department of health may charge an operator for each technical assistance visit conducted by the department of health when requested or approved by the operator or their designee. This fee will be charged according to WAC 246-359-990, Table 1.

(6) **TWH civil fine.** The department of health may assess an operator a civil fine according to RCW 43.70.335.

**Table 1
Fees, Regular Temporary Worker Housing**

((Fee-Type	Fee	
License fee	\$9 per occupant, at maximum occupancy (\$90 minimum fee)	
Late fee	\$100))	
Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum occupancy
	(\$90 minimum total fee)	
Late	\$100 (Late fees are in addition to licensing fees)	

WAC 246-361-990 Fees for cherry harvest camps. (1) ~~((License))~~ **Licensing fee.** ~~((The license fee covers initial licenses and renewals, and includes on-site surveys. An operator must submit to the department an annual license fee for))~~ An operator shall submit to the department of health a licensing fee according to Table 1 of this section prior to the department of health issuing a temporary worker housing (TWH) operating license. Except as provided in subsection (2) of this section, the licensing fee consists of two portions:

(a) An administrative portion according to Table 1 of this section; and

(b) A facility portion, based on the maximum occupancy of the TWH, according to Table 1 of this section. For purposes of ~~((licensing))~~ this section, maximum occupancy is the ~~((total))~~ greatest number of occupants that ~~((the amount of space and fixtures of the temporary worker housing (TWH) can support))~~ reside in the TWH during the calendar year.

(2) ~~((Technical assistance fee. An operator may be charged for each technical assistance visit conducted by the department when requested or approved by the operator or their designee. This fee will be charged according to WAC 246-359-990 Table 1, Part G.))~~ **Minimum licensing fee.** The minimum licensing fee is ninety dollars.

(3) **Late fees.** The department of health may charge a late fee ~~((may be charged))~~ according to Table 1 of this section in addition to the licensing fee when:

(a) For a new license, the initial application and licensing fee ~~((, as required by WAC 246-361-025(2),))~~ are not received by the department of health at least forty-five days prior to the new TWH opening operation date;

(b) ~~((The renewal))~~ For a previously licensed TWH, the application and licensing fee ~~((, as required by WAC 246-361-025(2),))~~ are not received by the department ~~((by the TWH renewal due date))~~ of health by February twenty-eighth of the year the operator intends to operate the TWH.

(4) ~~((TWH civil fine. An operator may be assessed a civil fine for failure or refusal to obtain a license prior to occupancy of TWH. Civil fines for TWH are provided for in RCW 43.70.335.~~

~~((5))~~ **Refunds.**

(a) The department of health will refund fees paid by the operator if:

(i) The operator submits a written request to the department of health for a refund; and

(ii) The operator provides documentation to the department of health that the ~~((housing))~~ TWH was not occupied during the license period.

(b) The department of health will refund two-thirds of the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no preoccupancy ~~((survey))~~ inspection has been performed by the department of health.

(c) The department of health will refund one-third of the licensing fees paid, less a fifty dollar processing fee, if an application has been received and a preoccupancy ~~((survey))~~ inspection has been performed by the department of health.

(d) The department of health will not refund applicant licensing fees under the following conditions:

(i) The department of health has performed more than one on-site ((survey)) inspection for any purpose; or

(ii) One year has elapsed since a license application was received by the department of health, but no license was issued because the applicant failed to complete requirements for licensure.

(5) **Technical assistance fee.** The department of health may charge an operator for each technical assistance visit conducted by the department of health when requested or approved by the operator or their designee. This fee will be charged according to WAC 246-359-990, Table 1.

(6) **TWH civil fine.** The department of health may assess an operator a civil fine according to RCW 43.70.335.

**Table 1
Fees, Cherry Harvest Camps**

((Fee Type	Fee	
License fee	\$9 per occupant, at maximum occupancy (\$90 minimum fee)	
Late fee	\$100))	
Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum occupancy
	(\$90 minimum total fee)	
Late	\$100 (Late fees are in addition to licensing fees)	