



RULE-MAKING ORDER

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

Agency: Department of Labor & Industries

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) December 1, 2008 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

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

- Yes No If Yes, explain:

Purpose: This rulemaking is in response to Chapter 285, Laws of 2008 (Engrossed House Bill 3381) which gave the department the authority to increase the fees associated with the explosives program.

See Attachment 1.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 296-52-61010; WAC 296-52-61020; WAC 296-52-61030
 Suspended: None

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. RCW 49.17.040, RCW 70.74.137, RCW 70.74.140, RCW 70.74.142, RCW 70.74.144, RCW 70.74.146, RCW 70.74.360, and Chapter 285, Laws of 2008

Other authority : None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-11-104 on May 20, 2008.

Describe any changes other than editing from proposed to adopted version: Adopted as proposed.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

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

Reasons for this finding:

Date adopted:

July 22, 2008

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

DATE: July 22, 2008

TIME: 9:50 AM

WSR 08-15-139

(COMPLETE REVERSE SIDE)

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>

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

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

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

	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>

Purpose:

Why was this rulemaking proposed?

Labor & Industries (L&I) is required by RCW 70.74.360 to process and issue all explosive licenses. On July 1, 2007, the Washington State Patrol (WSP) began charging the department for fees associated with processing state and Federal Bureau of Investigation (FBI) fingerprint and background records checks needed for L&I to issue the explosives license. Up to this point, the department had access to a federal and state database allowing us to conduct these fingerprint and background checks, also revoked by the WSP and the FBI prior to July 1, 2007.

It is anticipated that the annual cost to L&I to have the Washington State Patrol process 2,400 new applications and renewals will be \$100,000 per year. This cost is currently unfunded for the explosives licensing program within the Division of Occupational Safety and Health (DOSH) at L&I. Funding to pay the Washington State Patrol for these services is essential to meeting a statutory mandate and to the success of the explosives licensing program.

What change was proposed?

Amended the rule to:

- Require license applicants to pay the current federal and state fees for processing fingerprinting and background checks.
- Increase the license fee paid:
 - For explosives' purchases
 - By businesses' storing explosives
 - By explosives' users
 - By explosives' manufacturers
 - By businesses selling explosives.

Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

WAC 296-52-61010, License applicants must provide this information.

- Amended this section—took out the wording “Meet the requirements of WAC 296-52-610, Explosives licensing”.

WAC 296-62-136, Ventilation.

- Amended this section—changed the fee schedule to reflect what was written in Chapter 285, Laws of 2008.

WAC 296-52-61030, Applicant participation.

- Amended this section—took out the wording “May be required to pay a fee to the law enforcement agency providing fingerprint research services (RCW 70.74.360) and replaced it with “Must pay the fee to the department for processing the fingerprint card (RCW 703.74.360(1)).

CR 103 RULE-MAKING ORDER (RCW 34.05.360)
Department of Labor and Industries
Division of Occupational Safety and Health
CR-103 Filing Date: July 22, 2008

Attachment 1
(Purpose Statement)