



**PROPOSED RULE MAKING
(RCW 34.05.320)**

**CR-102 (7/22/01)
Do NOT use for expedited
rule making**

Agency: Department of Labor and Industries	<input checked="" type="checkbox"/> Original Notice
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>04-06-063</u> ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Continuance of WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: (Describe Subject) **Chapter 296-127 WAC, Prevailing Wage**

Purpose: This rulemaking clarifies the scope of work description for Outside Telephone Line Construction. The proposed changes specify that asphalt and other road repair and replacement are not covered under this scope of work description.

Other identifying information: None

(b) Statutory authority for adoption: Chapter 39.12 RCW	Statute being implemented: Chapter 39.12 RCW
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(c) Summary: **See purpose statement above.**

Reasons supporting proposal: **See purpose statement above.**

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Josh Swanson	Tumwater	360-902-5330
2. Implementation.... Patrick Woods	Tumwater	360-902-6348
3. Enforcement..... Patrick Woods	Tumwater	360-902-6348

(e) Name of proponent (person or organization): Department of Labor and Industries

Private
 Public
 Governmental

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

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation: NA
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

<p>(h) HEARING LOCATION: Department of Labor & Industries 7273 Linderson Way SE Olympia, WA 98504 Room S118</p> <p>Date: July 7, 2004 Time: 9:00 am</p> <p>Assistance for persons with disabilities or other accommodations: Contact Christine Swanson by July 1, 2004 at (360) 902-6411 or copc235@lni.wa.gov for special assistance/accommodation needs.</p>	<p>Submit written comments to: Christine Swanson 7273 Linderson Way SE Olympia, WA 98504-4400 Email: copc235@lni.wa.gov Fax: 360-902-5292</p>
	<p>DATE OF INTENDED ADOPTION: August 3, 2004</p>

NAME (TYPE OR PRINT) Paul Trause	WSR#04-12-068
SIGNATURE	
TITLE Director	
DATE June 1, 2004	

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

See purpose statement on page 1.

Does proposal change existing rules? YES NO

If yes, describe changes:

See purpose statement on page 1.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

No. Explain why no statement was prepared

The department considered whether the proposed prevailing wage rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed changes are exempted by law [see RCW 19.85.025 referencing RCW 34.05.310 (4)] from the small business economic impact requirements and do not impose a more than minor economic impact on business.

(l) Does RCW 34.05.328 apply to this rule adoption? Yes No

Please explain:

Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.