



RULE-MAKING ORDER

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

Agency: Department of Labor and Industries

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other See Attachment 2 (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: The purpose of this rulemaking is to clarify existing industrial insurance classifications in Chapter 296-17A WAC and create a new classification as a result of industry needs and legislative changes. A classification for geoduck divers is being repealed and a new sub classification is being created for geoduck divers (not including tenders). A rule in Chapter 296-17 WAC is being updated to include classification 0112 on the list of recognized construction classifications at the request of industry, which is in response to a rulemaking petition. Eleven classifications are being amended for clarification purposes. See Attachment 1.

Citation of existing rules affected by this order:

Repealed: 1
 Amended: 12
 Suspended: 0
 New: 1

Statutory authority for adoption: RCW 51.16.035, RCW 51.16.100 and Chapter 70, Laws of 2008 (SHB 2885)

Other authority : Title 51 RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-09-129 on April 22, 2008.

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

Removed the tender language from classification 0202-05 in response to Chapter 70, Laws of 2008 (SHB 2885) that passed the 2008 Legislature.

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

Name: _____ phone ()
 Address: _____ fax ()
 e-mail _____

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 (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 22, 2008

TIME: 9:21 AM

WSR 08-15-132

**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	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	<u>12</u>	Repealed	1
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>1</u>	Amended	<u>12</u>	Repealed	<u>1</u>

WAC 296-17-31013	Add 0112 (sand and gravel operations) to list of construction activities entitled to 5206 (shop classification)
WAC 296-17A-4801	Repeal geoduck diving class effective January 1, 2009
WAC 296-17A-0202	Create new sub classification for geoduck diving under construction divers classification. With removal of tenders the rate will move from \$3.33 to \$5.32
WAC 296-17A-0607	Added home staging to class for merchandise display
WAC 296-17A-2004	Changes a reference to 3402 to 5209.
WAC 296-17A-2102	Changes reference to drivers to specify all driving outside the yard is to be reported in 1102 for trucking.
WAC 296-17A-3402-11	Repeal this subcode which was temporary holding sub.
WAC 296-17A-3304	Removes reference to harvesting shellfish in this classification.
WAC 296-17A-3404	Added metal boat manufacturing to a metal goods class
WAC 296-17A-4109	Added special note regarding 4904
WAC 296-17A-4906	Added sales to class for institutions of higher learning
WAC 296-17A-6602	Included defogging for multi paned windows to window washing class
WAC 296-17A-6603	Added internet auctions to regular auction class
WAC 296-17A-7202	Added special note to real estate class regarding definition of worker and independent contractor

The effective dates for these rules are as follows:

Effective October 1, 2008: Amended WAC 296-17-31013; WAC 296-17A-0607; WAC 296-17A-2004; WAC 296-17A-2102; WAC 296-17A-3304; WAC 296-17A-3402; WAC 296-17A-3404; WAC 296-17A-4109; WAC 296-17A-4906; WAC 296-17A-6602; WAC 296-17A-6603; WAC 296-17A-7202

Effective January 1, 2009: New WAC 296-17A-0202

Effective January 1, 2009: Repealed WAC 296-17A-4801