



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 08-15-140 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

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

Title of rule and other identifying information: WAC 296-127-01316, Diver and Diver Tender, WAC 296-127-01334, Industrial Power Vacuum Cleaners, and WAC 296-127-01396, Construction Site Surveyor.

Hearing location(s):
Department of Labor and Industries
7273 Linderson Way Southwest, Room S117
Tumwater, Washington

Date: October 22, 2008 Time: 2:30 pm

Date of intended adoption: November 18, 2008
(Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: Sally Elliott
Address: Post Office Box 44400
Olympia, Washington 98504-4400
e-mail yous235@lni.wa.gov
fax (360) 902-5292 by October 22, 2008

Assistance for persons with disabilities: Contact
Sally Elliott by October 1, 2008
at yous235@lni.wa.gov or (360) 902-6411

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Prevailing wage rates on public work projects are determined and enforced according to the trade, occupation, or "classification" of work actually performed. The purpose of this rulemaking is to write scope of work descriptions for job classifications that have wage rates but no written scope of work descriptions in the Washington Administrative Code. This rulemaking will include scope of work descriptions for: construction site surveyors, industrial power vacuum cleaners, and divers/diver tenders.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: Chapter 39.12 RCW, RCW 43.22.051, and RCW 43.22.270

Statute being implemented: Chapter 39.12 RCW and RCW 43.22.270

Is rule necessary because of a:

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

DATE
September 16, 2008

NAME (type or print)
July Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 16, 2008
TIME: 9:48 AM

WSR 08-19-070

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

Not Applicable

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... David Soma	Tumwater, Washington	(360) 902-5330
Implementation.... Patrick Woods	Tumwater, Washington	(360) 902-6348
Enforcement..... Patrick Woods	Tumwater, Washington	(360) 902-6348

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 contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This rule is specifically exempt from the SBEIS requirement because the proposed rule will not impose more than minor costs on businesses [see RCW 19.85.030(1)(a)]. Wage rates already exist for each of these job classifications. Through this rule making, the department provides greater clarity to all affected parties as to when and to which activities the wage rates apply on public works projects.

Is a cost-benefit analysis required under RCW 34.05.328?

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

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Fax: (360) 902-5292

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No: Please explain: