



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Labor and Industries

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) January 1, 2010 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes  No If Yes, explain:

**Purpose:**

This rule proposal will amend the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2010. Classification base rates were amended in order to base the rates on updated loss and payroll experience and the proposed decision to increase premium rates an overall average 7.6 percent per hour worked.

**Citation of existing rules affected by this order:**

Repealed:

Amended: See Attachment B

Suspended:

**Statutory authority for adoption: RCW 51.16.035 (Base Rates, RCW 51.32.073 (Supplemental Pension), RCW 51.08.010 (Retrospective Rating), and RCW 51.04.020(1) (General Authority)**

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 09-19-137 on September 22, 2009

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

The Department proposed two options (Option 1 and Option 2) of rating tables and rating calculations as a result of a pending rulemaking which would change the way occupational disease claims are allocated for retro and non-retro employers. The choice of which tables would be used depended on the adoption or non-adoption of that rulemaking. The rulemaking was adopted October 26, 2009 WSR 09-22-024. The rating tables and rating calculations being adopted for this rate rulemaking are Option 1 which increases rates by 7.6%.

Updates were made to the rates for two classifications for horseracing as a result of testimony given by the Washington Horseracing Commission.

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 \_\_\_\_\_

**Date adopted:** November 30, 2009

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

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

**DATE: November 30, 2009**

**TIME: 4:36 PM**

**WSR 09-24-086**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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	_____	Amended	<u>10</u>	Repealed	_____
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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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>10</u>	Repealed	_____

**Attachment B  
CR 103**

**Chapter 296-17 WAC General Reporting Rules, Audit and Recordkeeping, Rates and Rating System for Washington Workers' Compensation Insurance**

**This adoption amends the following sections:**

Experience modification	WAC 296-17-855
Table I	WAC 296-17-875
Table II	WAC 296-17-880
Table III	WAC 296-17-885
Table IV	WAC 296-17-890
Industrial insurance accident fund base rates and medical aid base rates by class of industry	WAC 296-17-895
Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications	WAC 296-17-89502
Horse racing industry industrial insurance, medical aid, and supplemental pension by class	WAC 296-17-89504
Table I (Retro)	WAC 296-17-90492
Assessment for supplemental pension fund	WAC 296-17-920