



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: November 17, 2020

TIME: 1:49 PM

WSR 20-23-085

Agency: Department of Labor & Industries (L&I)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) November 17, 2020 (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: This rule permanently adopts requirements currently covered under the emergency rule filed on August 7, 2020, as WSR 20-17-029. The emergency rule will expire on December 6, 2020. The earlier adoption date is needed for the permanent rule to ensure there is not a gap in coverage of the regulations and for preservation of public health, safety, and welfare as described in WSR 20-17-029.

Purpose: The purpose of this rulemaking is to adopt amendments to the electrician certification qualifications under WAC 296-46B-940, to allow for a reciprocal agreement between the state of Washington and Oregon. This rulemaking will:

- Remove the minimum one-year waiting period for electricians licensed in a reciprocal state to apply for a Washington State certificate;
- Allow certified electricians that previously failed the Washington State electrical examination to become eligible for a reciprocal certificate two years after failing the examination; and
- Remove the provision that a person does not qualify for a reciprocal certificate if they were a Washington State resident at the time of examination in a reciprocal state.

L&I accepted a petition for rulemaking requesting the amendments to better harmonize rules between Washington and Oregon for the purposes of establishing a reciprocal agreement. On August 7, 2020, L&I filed a CR-103E emergency rule (WSR 20-17-029) to enact the proposed amendments and expedite an agreement. A CR-101 Preproposal Statement of Inquiry (WSR 20-17-028) was filed simultaneously to initiate the permanent rulemaking process. On August 17, 2020, L&I and the Oregon Building Codes Division signed a reciprocal agreement. The CR-102 Proposal was filed on October 6, 2020 (WSR 20-20-120).

This rulemaking allows L&I to continue the agreement with Oregon under the same conditions. The adopted rule and resulting reciprocal agreement will help to alleviate the shortage of journey level electricians in the state and provide more access to qualified electricians working near the border between Washington and Oregon.

Citation of rules affected by this order:

- New: None.
- Repealed: None.
- Amended: WAC 296-46B-940, Electrician/certificate of competency required.
- Suspended: None.

Statutory authority for adoption: Chapter 19.28 RCW, Electricians and Electrical Installations, including RCWs 19.28.010 and RCW 19.28.031

Other authority: None.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-20-120 on October 6, 2020 (date).
Describe any changes other than editing from proposed to adopted version:

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

Name: Alicia Curry

Address: Department of Labor & Industries, Field Services & Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400

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Email: Alicia.Curry@Lni.wa.gov

Web site: <https://www.lni.wa.gov/rulemaking-activity/?query=electrical>

Other:

**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 on the agency's own initiative:

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

New	___	Amended	<u>1</u>	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	___	Amended	<u>1</u>	Repealed	___

Date Adopted: November 17, 2020

Name: Joel Sacks

Title: Director

Signature:

