



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: November 16, 2021

TIME: 8:14 AM

WSR 21-23-080

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

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-24-104 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Proposed changes to WAC 296-46B-995, Electrical Board – Appeal rights and hearings.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 6, 2022	9:00 a.m.	Virtual and telephonic hearing only. Please join on your computer or mobile app (Microsoft Teams) by Click here to join the meeting or visiting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDk4ZDMyNzUtYmQxNC00MTQyLWlyZmUtZjYxNGJlY2JkNTg3%40thread.v2/0?context=%7b%22id%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22oid%22%3a%22acb1df6f-3588-43aa-b503-63aebce21ddc%22%7d Or calling (audio only) 1-253-372-2181 Phone Conference ID: 495 867 492# (pound sign must be entered)	The virtual/telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received

Date of intended adoption: March 1, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Alicia Curry

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

Email: Alicia.Curry@Lni.wa.gov

Fax: 360-902-5292

Other:

By (date) 5 p.m. on January 6, 2021

Assistance for persons with disabilities:

Contact Alicia Curry
Phone: 360-902-6244
Fax: 360-902-5292
TTY:
Email: Alicia.Curry@Lni.wa.gov
Other:
By (date) December 20, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rulemaking is to propose amendments to the electrical rules governing the Electrical Board, appeals and the appeals process under WAC 296-46B-995. The rules governing appeals and the appeal process before the Electrical Board are confusing and out of date. L&I accepted a petition for rulemaking from the state's Electrical Board to amend the rules for the purposes of clarifying, simplifying, and making the procedures for appeals to the board easier to understand and navigate. This rulemaking is necessary to propose amendments requested by the petitioner so the rules are up-to-date and clear for those that appeal decisions to the board. The proposed amendments will:

- Modify the procedural requirements for the Electrical Board and Electrical Board meetings;
- Modify the appeal and hearing requirements for matters to the board; and
- Modify rules for general housekeeping, such as punctuation, typographical and reference corrections, formatting, reorganizing and relocating requirements, removal of obsolete language, etc.

Reasons supporting proposal: This rulemaking is in response to a petition for rulemaking. The rule changes are necessary to ensure the rules are clear, easier to understand, and navigate for persons appealing decisions to the board.

Statutory authority for adoption: Chapter 19.28 RCW, RCW 19.28.031, RCW 19.28.251

Statute being implemented: Chapter 19.28 RCW, 19.28.031, RCW 19.28.251

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Wayne Molesworth, Prog. Mgr.	Tumwater, Washington	360-480-5673
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: The proposed rule is exempt from the economic analysis requirement by meeting the following exemption criteria listed in RCW 34.05.328(5)(b) including:

- Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;
- Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and
- Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: November 16, 2021

Name: Joel Sacks

Title: Director

Signature:

