

WSR 25-01-120
PROPOSED RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed December 16, 2024, 2:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-01-018.

Title of Rule and Other Identifying Information: Chapter 196-09 WAC, Board practices and procedures. A new section is being created regarding public indexes.

Hearing Location(s): On January 28, 2025, at 2:00 p.m., at the Board of Registration for Professional Engineers and Land Surveyors (Board) Office, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501; or WebEx meeting. The board is holding this hearing in person at the board's offices in Olympia. The public may also virtually participate in the hearing by accessing the hearing link on the board's rule-making page: <https://brpels.wa.gov/current-laws-and-rules/rulemaking-activity>.

Date of Intended Adoption: February 13, 2025.

Submit Written Comments to: Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, email Shanan.Gillespie@brpels.wa.gov, beginning January 2, 2025, 7:30 a.m., by January 28, 2025, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Mackenzie Wherrett, phone 360-664-1568, TTY 711, email Mackenzie.Wherrett@brpels.wa.gov, by January 22, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Public Records Act (RCW 42.56.070) requires state agencies to create, maintain, and make available to the public indexes of certain records and enact a rule describing the indexing system.

Reasons Supporting Proposal: Allowing certain board records to be readily available to the public creates transparency and reduces occurrences of public records requests, thereby eliminating unnecessary bureaucracy.

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: RCW 42.56.070.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting: Shanan Gillespie, 605 11th Avenue S.E., #201, Olympia, WA 98501, 360-664-1570; Implementation and Enforcement: Ken Fuller, 605 11th Avenue S.E., #201, Olympia, WA 98501, 360-664-1575.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The board is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328 (5) (a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Explanation of exemptions: This rule is exempt per RCW 34.05.310 (4)(b) because the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:
Is fully exempt.

December 16, 2024
Ken Fuller
Director

OTS-6050.1

NEW SECTION

WAC 196-09-152 Records index. (1) **Purpose.** This rule implements RCW 42.56.070 (5) and (6) and 34.05.220 (2) and (3).

(2) The board has implemented an indexing system for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the board has maintained an index which include final orders and board orders;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) indexed by type of order, date issued, profession, case number, and respondent name;

(c) Policy statements as defined in RCW 34.05.010(15) that were entered after June 30, 1990;

(d) Minutes of board meetings shall be indexed chronologically.

(3) Most indexes are available online at brpels.wa.gov and are available for public inspection and copying weekdays, excluding legal holidays or other days the agency is closed, between 8:30 a.m. and 4:30 p.m. at the board's office, 605 11th Ave SE, Suite 201, Olympia, Washington.

(4) The indexes are updated quarterly. In addition to the indexing system, the board also maintains and continually updates its website at brpels.wa.gov, which includes board laws and rules; board forms; board meeting agendas and materials; and other agency documents.