



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 01, 2024

TIME: 3:10 PM

WSR 24-20-128

Agency: Board of Registration for Professional Engineers and Land Surveyors

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

- Preproposal Statement of Inquiry was filed as WSR** _____ ; or
- Expedited Rule Making--Proposed notice was filed as WSR** 24-16-070; 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) WAC 196-09 Board practices and procedures, WAC 196-23 Stamping and seals, WAC 196-33-400 Seals and stamps, WAC 196-34-115 Qualifying activities

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 20, 2024	12:30 pm	Board of Registration for Professional Engineers and Land Surveyors Office 605 11th Ave SE Suite 201 Olympia WA 98501 OR WebEx meeting	The Board of Registration for Professional Engineers and Land Surveyors 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 rulemaking page: https://brpels.wa.gov/current-laws-and-rules/rulemaking-activity

Date of intended adoption: December 12, 2024 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Shanan Gillespie
 Address PO Box 9025 Olympia WA 98507-9025
 Email shanan.gillespie@brpels.wa.gov
 Fax
 Other

Beginning (date and time) October 2, 2024, 12:01 am
 By (date and time) November 20, 2024, 11:59 pm

Assistance for persons with disabilities:

Contact Mackenzie Wherrett
 Phone 360-664-1568
 Fax
 TTY 711
 Email Mackenzie.wherrett@brpels.wa.gov
 Other

By (date) November 13, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: A petition was received requesting the Board amend pronoun usage throughout WAC 196. The pronouns (he/she, him/her, himself/herself) were amended to be inclusive and modern grammatically correct (they, them, themselves). This proposal was originally filed using the expedited rulemaking process, however, the Board received several objections to the process.

Reasons supporting proposal: These changes are minor, without changing the effect of the rules, and they support the Board's interest in being compliant with State inclusion policies

Statutory authority for adoption: RCW 18.43.035, RCW 18.210.050 and RCW 18.210.060

Statute being implemented: RCW 18.43 and RCW 18.210

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

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

Name of proponent: (person or organization) Skye Theriot

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Shanan Gillespie	605 11 th Ave SE #201 Olympia WA 98507	360-664-1570
Implementation	Ken Fuller	605 11 th Ave SE #201 Olympia WA 98507	360-664-1575
Enforcement	Ken Fuller	605 11 th Ave SE #201 Olympia WA 98507	360-664-1575

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 Board of Registration for Professional Engineers and Land Surveyors is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328(5)(a).

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input 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 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 19.85.025\(4\)](#). (Does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule: RCW 34.05.310(4)(d) applies because amendments clarify language without changing its effect: WAC 196-09, WAC 196-23, WAC 196-33-400, and WAC 196-34-115 Qualifying activities

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.


(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: October 1, 2024	Signature: 
Name: Ken Fuller	
Title: Director	