



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**
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**Washington Administrative Code
Notice of Permanent Rules for WAC 196-09
Board practices and procedures.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comments about the proposed rulemaking.

Adoption of: WAC 196-09-152 Records index

Effective date: These rule changes will become effective 31 days after filing (approximately March 22, 2025).

Summary of all public comments received on this rule proposal and the agency's response to those comments:

Comment:

The draft rule WAC 196-09-152 meets many of the PRA's requirements, but not quite all.

Board of Registration for Professional Engineers and Land Surveyors	WAC vs. PRA REQUIREMENTS	
WAC 196-09-152Records 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;	Does the rule cover indexes of – <ul style="list-style-type: none">○ Final orders in adjudicative proceedings “that contain an analysis or decisions of substantial importance to the agency in carrying out its duties”?	yes
	<ul style="list-style-type: none">○ Declaratory orders “that contain an analysis or decisions of substantial importance to the agency in carrying out its duties”?	no

<p>(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;</p> <p>(c) Policy statements as defined in RCW 34.05.010(15) that were entered after June 30, 1990;</p> <p>(d) Minutes of board meetings shall be indexed chronologically.</p> <p>(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.</p> <p>(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;</p>	<p>○ Interpretive statements?</p>	no
	<p>○ Policy statements?</p>	yes
	<p>Does the rule describe “a system of indexing for the identification and location” of the covered orders and statements?</p>	partially*
	<p>Does the rule include –</p> <p>○ Requirements for the form and content of the indexes?</p>	partially*
	<p>○ The indexes’ location and availability?</p>	partially*
	<p>○ The schedule for revising or updating the indexes?</p>	yes

Response:

The Board appreciates your involvement in the rulemaking process, and working with our Advising AAG, we have amended the proposed language to include the topics addressed in the table above.

Changes made to the proposed WAC because of public comment:

(1)(a) Added “indexed by type of order, date issued, profession, case number, and respondent name”

(1)(b) Added “topic”

(1)(c) Added “interpretive statements as defined in RCW 34.05.010(8), and declaratory orders” and “indexed by title, topic and date issued”

(3) Removed “Most”

If you have any questions, please contact Shanan Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanan.Gillespie@brpels.wa.gov.