



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Board of Registration for Professional Engineers & Land Surveyors

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-08-073 ; or	<input type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input checked="" type="checkbox"/> Supplemental Notice to WSR 09-12-055
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

**Title of rule and other identifying information:** (Describe Subject) WAC 196-29 Professional Practices

**Hearing location(s):**

Courtyard Marriott – Salon A  
31910 Gateway Center Blvd S  
Federal Way WA 98003

Date: November 4, 2009 Time: 6:00 p.m.

**Submit written comments to:**

Name: George A. Twiss, PLS, Executive Director  
Address: Board of Professional Engineers & Land Surveyors  
PO Box 9025  
Olympia WA 98507-9025  
e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov)  
fax (360)664-2551 by (date) November 2, 2009

**Assistance for persons with disabilities:** Contact

Kim King, Administrative Assistant by November 2, 2009

TTY (360) 664-8885 or (360) 664-1564

**Date of intended adoption:** November 5, 2009

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To add a new section regarding the Federal Employee exemption.

This supplemental filing is being done, as new language was added to section (3) of the proposed language since the original filing.

**Reasons supporting proposal:** There have been questions from federal employees regarding who can perform engineering and/or land surveying on lands adjoining government property. This rule will help define who can perform work being done on federally owned property or on property adjoining federal land.

**Statutory authority for adoption:** RCW 18.43.035

**Statute being implemented:** Chapter 18.43 RCW

**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:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**DATE**  
July 14, 2009

**NAME** (type or print)  
George A. Twiss

**SIGNATURE**

**TITLE**  
Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 14, 2009  
TIME: 10:07 AM

**WSR 09-15-094**

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

None

**Name of proponent:** (person or organization) Board of Registration for Professional Engineers and Land Surveyors

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... George Twiss	405 Black Lake Blvd, Olympia WA 98502	(360) 664-1565
Implementation....George Twiss	405 Black Lake Blvd, Olympia WA 98502	(360) 664-1565
Enforcement..... George Twiss	405 Black Lake Blvd, Olympia WA 98502	(360) 664-1565

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

There is no economic impact to licensees.

**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 ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: There is no economic impact to licensees.

NEW SECTION

**WAC 196-29-200 Federal employee exemption.** (1) Under RCW 18.43.130(6) the provisions of the act shall not be construed to prevent or affect the practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for the government of the United States; provided:

(a) That all work performed is for the exclusive use of the federal government; and

(b) That all work performed is wholly contained within the confines of lands held by the federal government (federal enclave).

(2) Any engineering work that is performed and/or constructed for the benefit of a private citizen or business entity, even if directly adjoining lands held by the federal government, must be performed by or under the direct supervision of an engineer licensed in accordance with the requirements of chapter 18.43 RCW.

(3) Any surveying work that is performed for boundaries between lands held by the federal government and lands held by a private citizen or business entity, must be performed by or under the direct supervision of a land surveyor licensed in accordance with the requirements of chapter 18.43 RCW or under the authority of the Secretary of the Interior through special instructions approved by the Bureau of Land Management.