



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 20, 2018

TIME: 3:04 PM

WSR 18-07-100

Agency: Office of the State Treasurer

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-03-176 ; 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) Adding a new rule regarding the Public Records Act: Copying Fees – Payment - WAC474-01-091

Repealing an outdated rule regarding the Public Records Act: Copying Fees – WAC474-01-090

Hearing location(s):

Date: Time: Location: (be specific) Comment:

April 24, 2018	2:00 pm	106 11 th Ave SW Olympia, WA 98504	
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Date of intended adoption: April 24, 2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: Shawn Myers

Address: 416 Sid Snyder Ave. SW., Room 230, PO Box 40200, Olympia, WA 98504

Email: Shawn.Myers@tre.wa.gov

Fax: 360-902-9037

Other:

By (date) Friday, April 20, 2018

Assistance for persons with disabilities:

Contact Shawn Myers

Phone: 360-902-9002

Fax: 360-902-9037

TTY:

Email: Shawn.Myers@tre.wa.gov

Other:

By (date) April 20, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rulemaking is to adopt a permanent rule that implements the State Legislature's new Public Records Act (PRA) requirement and provide the necessary findings so that the Office of the State Treasurer may use the amended statutory default fee schedule that became effective July 23, 2017, and waive copy fees under listed circumstances. The additional purpose of the rule is to continue to explain procedures for payment for copies. The Office is repealing its permanent rule WAC 474-01-090, a copying fees rule adopted under prior PRA statutes.

Reasons supporting proposal: The Public Records Act is at chapter 42.56 RCW. The 2017 Legislature amended RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 to require that effective July 23, 2017 if an agency uses the new law's amended statutory default copy fee schedule (rather than determining actual costs of copies), the agency must have a rule declaring the reason it is not calculating actual costs is because to do so would be unduly burdensome. The office is adopting a permanent rule so it can use the statutory default copy fee schedule. In addition, RCW 42.56.120 as amended by Chap. 304, 2017 Laws, Sec. 3 allows an agency to waive any charges assessed for a public records pursuant to agency rule. The office is repealing WAC 474-01-090, its copying fee rule originally adopted under former chapter RCW 42.17 because that rule is now outdated.

Statutory authority for adoption: RCW 42.56.100; RCW 42.56.040(1)(d); RCW 42.56.120; RCW43.08.050

Statute being implemented: RCW 42.56.120

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:

Name of proponent: (person or organization) Office of the State Treasurer

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Shawn Myers	Olympia, WA	360-902-9002

Implementation:

Enforcement:

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: A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328(5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily

make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules committee has not made the section applicable to the adoption of this rule.

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 type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input 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 RCW 42.56.070; RCW 42.56.120.

Explanation of exemptions, if necessary: To the extent there are costs assessed by this agency for records provided in response to public records requests by small businesses, the authorized costs are set out in statute and apply to all requesters. RCW 42.56.070; RCW 42.56.120

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: March 20, 2018

Name: Shawn Myers

Title: Assistant State Treasurer

Signature:

