



Office of the State Treasurer
416 Syd Snyder Avenue SW, Room 230
Olympia, WA 98504

Concise Explanatory Statement, April 26, 2018, 10:33 am.

WAC 474-01-091

Introduction:

This document has been prepared in compliance with RCW 34.05.325, the Concise Explanatory Statement (CES) requirement of the Administrative Procedure Act. Included are: (1) reasons for adopting the amendments to the rules and to repeal one rule; (2) a description of the differences between the proposal and the text of the final rules; and, (3) a summary of comments received on the CR-102 (Proposed Rule Making) and responses to comments.

Statutory Authority:

Chapter 304, Washington Laws of 2017, Section 3, Chapter 42.56.120 of the Revised Code of Washington.

Public Notice of Rulemaking:

The Office of the State Treasurer was not contacted regarding the rule by any member of the public or interested party. The rules hearing held on April 24, 2018 at 2p.m. was not attended by any public member and no comments were received for the rule. In addition no written comments or public inquiries were received.

The Office placed the rule on the website in the agency's rulemaking docket in March of 2018.

CR 101

The Office of the State Treasurer filed the CR 101, Preproposal Statement of Inquiry, on January 24, 2018 with the Code Reviser pursuant to RCW 34.05.310.

CR 102

The Office of the State Treasurer filed the CR-102, Notice of Proposed Rulemaking, on April 4, 2018 with the Code Reviser pursuant to RCW 34.05.320.



Reasons for Adopting the Rule:

The purpose of this rulemaking is to adopt a permanent rule that implements the State Legislature's new Public Records Act (PRA) requirement and provides 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. 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, and 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.

To determine or define the term "unduly burdensome" for the Office of the State Treasurer's rulemaking process for an updated public records fee schedule as per Chapter 304, Laws of 2017, the agency considered the following elements:

- 1) The responsibilities for the management and coordination of public records requests within the agency are currently performed by two positions on a part-time basis.
- 2) To track and maintain the direct cost of supplies and other actual costs used for public records on a consistent and regular basis would be time consuming and involve additional agency staff and time which would interfere with other essential agency functions.

Description of the Differences in the proposed rule and the final rule:

There are no differences between the proposed rule and the final rule.



DUANE A. DAVIDSON
State Treasurer

State of Washington
Office of the State Treasurer

Summary of the Comments:

There were no comments received regarding the rule.

Responses to Comments:

As there were no comments or public testimony on the rule, there are no responses.