



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310) Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 24, 2018

TIME: 8:20 AM

WSR 18-03-176

Agency: Office of the State Treasurer

Subject of possible rule making: The purpose of the rule is to implement the State Legislature's new Public Records Act requirement and provide the necessary findings so that the Office of the State Treasurer may use the amended statutory default fee and waive copy fees. The additional purpose of the rule is to explain procedures for payment.

Statutes authorizing the agency to adopt rules on this subject: RCW 42.56.100; RCW 42.56.040(1)(d); RCW 42.56.120(as amended by Chap. 304,2017 Laws); RCW 43.08.050.

Reasons why rules on this subject may be needed and what they might accomplish: 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 believes that calculating actual costs for copying records would be unduly burdensome. In addition, RCW 42.56.120 as amended by Chap. 304, 2017 Laws, Sec. 3 allows an agency to waive any charge assessed for a public record pursuant to agency rule. The agency is considering adopting a rule that would allow the agency to waive copy fees for records responsive to a request.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Process for developing new rule (check all that apply):

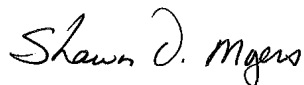
- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The office will be proposing a permanent rule and repealing a current rule in response to the copying fee amendments to RCW 42.56.120. The office will provide public notice of this rulemaking through filings in the Washington State Register and through posting information on the office website at www.tre.wa.gov. During a public comment period, the office will also seek comment: (1) as to be described in the anticipated Rule Making Proposal form (CR-102);(2) from persons who have requested notice of office rule making; and (3) from persons who attend the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
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Additional comments:

Date: January 24, 2018	Signature: 
Name: Shawn Myers	
Title: Assistant State Treasurer	