**PROPOSED RULE MAKING**

**Agency:** Public Disclosure Commission

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**Title of rule and other identifying information:** (Describe Subject) [new] WAC 390-05-195 Application of RCW 42.17A.140(1).

**Hearing location(s):**
Office of the Public Disclosure Commission, 711 Capitol Way, Rm. 206, Olympia, WA 98504

**Submit written comments to:**
Name: Evelyn Fielding-Lopez
Address: P O Box 40908, Olympia, WA 98504
e-mail: Evelyn.lopez@pdc.wa.gov
fax: (360) 664-2735 by (date) November 30, 2016

**Date of intended adoption:** December 8, 2016
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**
The proposed new rule establishes a timely filed presumption for mailed reports that are received by the Public Disclosure Commission within five business days of the statutory filing deadline.

**Reasons supporting proposal:**
RCW 42.17A.140(1) provides that the post office cancellation mark be used as the date received for mailed reports. Postage purchased online at stamps.com is not cancelled, which results in the Commission frequently receiving mailed reports in envelopes that do not bear a cancellation mark. Having the ability to use the date received to determine whether a report is timely filed resolves the issue presented by a lack of a post office cancellation mark. Furthermore, the Commission will realize efficiencies if allowed to stamp one, consistent received date on reports as they are scanned for online access.

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**Statutory authority for adoption:** RCWs 42.17A.110(1)

**Statute being implemented:** RCWs 42.17A.140

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**Is rule necessary because of a:**

<table>
<thead>
<tr>
<th>Federal Law?</th>
<th>Federal Court Decision?</th>
<th>State Court Decision?</th>
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<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
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</tbody>
</table>

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 28, 2016
TIME: 2:15 PM
WSR 16-22-048

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**DATE**
October 28, 2016

**NAME** (type or print)
Lori Anderson

**SIGNATURE**

**TITLE**
Communications & Training Officer

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

No fiscal impact is expected to result from the proposed rule.

Name of proponent: (person or organization) Public Disclosure Commission

Private
Public
X Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting.............. Lori Anderson</td>
<td>711 Capitol Way, Rm. 206, Olympia, WA  98504</td>
<td>(360) 664-2737</td>
</tr>
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<td>Implementation....Evelyn Lopez</td>
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<td>(360) 664-2735</td>
</tr>
<tr>
<td>Enforcement........Evelyn Lopez</td>
<td>711 Capitol Way, Rm. 206, Olympia, WA  98504</td>
<td>(360) 664-2735</td>
</tr>
</tbody>
</table>

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:

phone ( )__________
fax ( )__________
e-mail ______________

X No. Explain why no statement was prepared.
No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small business. The PDC is not subject to the requirement to prepare a school district fiscal impact statement, per RCW 28A.305.135 and 34.05.320.

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 ______________

X No: Please explain:
A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection (5)(1)(i) of RCW 34.05.328. Further, the PDC does not voluntarily make that section applicable to the adoption of these rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of these rules.
WAC 390-05-195 Application of RCW 42.17A.140(1). (1) In accordance with RCW 42.17A.140(1), the date of receipt of any properly addressed application, report, statement, notice, or payment required under the provisions of chapter 42.17A RCW is the date shown by the post office cancellation mark on the envelope. The commission frequently receives mailed items that do not bear a post office cancellation mark.

(2) Any report mailed to the commission under the provisions of chapter 42.17A RCW is presumed to be filed timely if received within five business days of the due date provided for in chapter 42.17A RCW.

(3) A mailed report may not be substituted for a report required to be electronically filed under the provisions of chapter 42.17A RCW.