



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Public Disclosure Commission

Preproposal Statement of Inquiry was filed as WSR 16-17-032 ; 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).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

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

Date: Thursday, December 8, 2016 Time: 9:30 AM

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

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

Assistance for persons with disabilities: Contact

Jana Greer by email at Jana.Greer@pdc.wa.gov

TTY () _____ or (360) 753-1985

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.

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

Statute being implemented: RCWs 42.17A.140

Is rule necessary because of a:

Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

DATE
October 28, 2016

NAME (type or print)
Lori Anderson

SIGNATURE
Lori Anderson

TITLE
Communications & Training Officer

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**

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
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lori Anderson	711 Capitol Way, Rm. 206, Olympia, WA 98504	(360) 664-2737
Implementation.... Evelyn Lopez	711 Capitol Way, Rm. 206, Olympia, WA 98504	(360) 664-2735
Enforcement..... Evelyn Lopez	711 Capitol Way, Rm. 206, Olympia, WA 98504	(360) 664-2735

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 _____

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 _____

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.

NEW SECTION

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.