



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (October 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 15, 2017

TIME: 11:35 AM

WSR 18-01-082

Agency: Public Disclosure Commission

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain: The Public Records Act is in Chapter 42.56 RCW. RCW 42.56.120 as amended effective July 23, 2017 (Chapter 304, 2017 Laws, sec.3) requires that before an agency uses the amended statutory default copy fee schedule in the new law (rather than determining actual costs of copies) the agency must have a rule declaring the reason that it is not calculating actual coast because to do so would be unduly burdensome. The new emergency rule, WAC 390-14-030 makes those findings. The statute as amended also allows an agency to waive any charge assessed for a public record pursuant to a rule. WAC 390-14-030 - also provides for fee waivers

Purpose: The purpose of the rule is to implement the new Public Records Act requirement and provide the necessary findings so the Public Disclosure Commission may begin using the amended statutory default fee schedule effective on July 23, 2017 and waive copy fees under listed circumstances effective July 23, 2017. The additional purpose of the rule is to explain procedures for payment.

Citation of rules affected by this order:

New:
Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 42.56.100; RCW 42.56.040(1)(d); RCW 42.56.120 (as amended by Chapter 304, 2017 Laws); RCW 42.17A.110(1)

Other authority: RCW 34.05.350(2) - the PDC is in the process of permanent rule making

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The 2017 Legislature amended RCW 42.56.120 (Chap. 304, 2017 Laws, Sec. 3) to require that effective July 23, 2017 if an agency uses the new laws 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 PDC office is not calculating actual costs for copying records because to do so would be unduly burdensome for the reasons specified in WAC 390-14-030. 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. In order to waive copy fees for records responsive to a request submitted on or after July 23, 2017, WAC 390-14-030 describes the circumstances under which the office will waive copy fees. The office also finds that it is in the general welfare and the public interest, benefits requestors and the agency to adopt the emergency rule to preserve and update fees in accordance with the legislatively adopted schedule, and allow for fee waivers

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: December 15, 2017	Signature: 
Name: Barbara G Sandahl	
Title: Deputy Director	