



# PROPOSED RULE MAKING

## CR-102 (October 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: November 07, 2017

TIME: 4:55 PM

WSR 17-23-036

Agency: Public Disclosure Commission

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR

- Preproposal Statement of Inquiry was filed as WSR 17-19-100 ; 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); or
- Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Amend the following WAC to comply with new Public Records Act requirements (Chapter 304, 2017 Laws sec.3: WAC 390-14-025 "How do I make a public records request for commission records under the Public Records Act?"; WAC 390-14-028 "How are public records requests for electronic records processed?" and; WAC 390-14-030 "What are the charges for inspecting or copying public records?")

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
12/27/2017	2:00 pm	Public Disclosure Commission 711 Capitol Way, Suite 206 Olympia, WA 98501	

**Date of intended adoption:** 1/25/2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Barbara Sandahll  
 Address: PDC, 711 Capitol Way, Suite 206, Olympia, WA 98504  
 Email: pdc@pdc.wa.gov  
 Fax: (360)753-7112  
 Other:  
 By (date) 12/26/2017

**Assistance for persons with disabilities:**

Contact Jana Greer  
 Phone: (360)753-1111  
 Fax: (360)753-7112  
 TTY:  
 Email: pdc@pdc.wa.gov  
 Other:  
 By (date) 12/22/2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Amendments to RCW 42.56 require agencies to adopt new rules establishing fees for producing copies of public records. Amended statute allows the agency to use default copy fee schedule provided for in the new law. The statute also allows an agency to waive any charge assessed for a public record pursuant to a rule.

**Reasons supporting proposal:** Necessary to comply with amendments to RCW 42.56.

**Statutory authority for adoption:** RCW 42.17A.110(1); RCW 42.56.040(1)(d); RCW 42.56.120 (as amended by Chapter 304, 2017 Laws sec.3)

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

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

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

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Barbara Sandahl	PDC	360-753-1111
Implementation:	Barbara Sandahl	PDC	360-753-1111
Enforcement:	Barbara Sandahl	PDC	360-753-1111

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**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:  
TTY:  
Email:  
Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030(1)(a)(i).

Explanation of exemptions, if necessary: exempt under RCW 19.85.030(1)(a)(i) because the rule will not impose more than minor costs on businesses.

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** November 7, 2017

**Name:** Barbara Sandahl

**Title:** Deputy Director

**Signature:**

