



# PROPOSED RULE MAKING

## CR-102 (August 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 11, 2017

TIME: 3:48 PM

WSR 17-19-037

Agency: Washington State Department of Commerce

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 17-15-089 ; 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) Public Records  
Chapter 365-10 WAC, Public Records - Disclosure

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

10/30/17	10:00 A.M.	1011 Plum St. SE, Olympia, Room 407	
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Date of intended adoption: 10/31/17 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Shannon Goudy

Address: P.O. Box 42525, Olympia, WA. 98504-2525

Email: Shannon.goudy@commerce.wa.gov

Fax:

Other:

By (date) 10/30/17

### Assistance for persons with disabilities:

Contact Jaime Rossman

Phone: 360-725-2717

Fax: n/a

TTY: 711

Email: jaime.rossman@commerce.wa.gov

Other:

By (date) 10/23/17

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking is needed to update Commerce's WACs implementing the Public Records Act to reflect changes to the Act in the 2017 legislative session.

**Reasons supporting proposal:** Changes to the public records act during the 2017 legislation require Commerce to amend its public records disclosure rules. These include changes adopted by Commerce on an emergency basis in July 2017.

**Statutory authority for adoption:** EHB 1595 (Chapter 304, Laws of 2017), Chapters 42.56 and 43.330 RCW

**Statute being implemented:** Chapters 42.56 and 43.330 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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)  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Shannon Goudy	1011 Plum St. SE, Olympia, WA. 98504	360-725-2706
Implementation:	Shannon Goudy	1011 Plum St. SE, Olympia, WA. 98504	360-725-2706
Enforcement:	Shannon Goudy	1011 Plum St. SE, Olympia, WA. 98504	360-725-2706

**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: Commerce is not an agency listed under RCW 35.05.328(5)(a)

**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)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- 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 \_\_\_\_.

Explanation of exemptions, if necessary:


**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:

<b>Date:</b> 9/11/17	<b>Signature:</b> 
<b>Name:</b> Jaime Rossman	
<b>Title:</b> Rules Coordinator	