



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 04, 2017

TIME: 8:39 AM

WSR 17-24-060

Agency: Washington State Department of Commerce

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes No If Yes, explain: EHB 1595 (Chapter 304, Laws of 2017) establishes new requirements for state agencies wishing to charge fees to recover the cost of providing public records. Section 3(2)(b) specifies that an agency need not calculate actual costs for providing records if it has rules or regulations declaring the reasons that doing so would be unduly burdensome. Commerce finds that its records are diverse in nature and are preserved in a wide variety of formats. Thus, it would require significant time and resources to compile actual costs of providing records. The needed resources to do a cost study are not currently available and, therefore, the Commerce finds that it would be unduly burdensome to calculate the actual costs of copying public records. Commerce intends to adopt the default cost schedule established by EHB 1595.

Purpose: 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, including to make permanent an emergency rule filed by Commerce on July 20, 2017 at WSR 17-16-009.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 365-10-050, WAC 365-10-060, WAC 365-10-090, WAC 365-10-100, WAC 365-10-120
Suspended:

Statutory authority for adoption: Chapters 42.56 and 43.330 RCW

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-19-037 on September 11, 2017 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

**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	___	Amended	<u>5</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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: 11/30/17

Name: Brian Bonlender

Title: Director

Signature:

