



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (August 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 15, 2017

TIME: 3:26 PM

WSR 17-19-078

Agency: Washington State School for the Blind

Subject of possible rule making: The purpose of this possible rule making is to adopt a permanent rule that implements the State Legislatures new Public Records Act (PRA) requirement and provide the necessary findings so that the Washington State School for the Blind may continue to use the amended statutory default fee schedule that became effective July 23, 2017, and continue to waive copy fees under the listed circumstances. The additional purpose of the rule is to continue to explain procedures for payment for copies. The School for the Blind intends to repeal its permanent rule at WAC 72-276-090, a copying fees rule adopted under prior PRA statutes

Statutes authorizing the agency to adopt rules on this subject: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120 (as amended by Chap. 304, 2017 Laws).

Reasons why rules on this subject may be needed and what they might accomplish: The Public Records Act is at chapter 42.56 RCW. The 2017 Legislature amended RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 to require that effective July 23, 2017 if an agency uses the new law's 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 School for the Blind is not calculating actual costs for copying records because to do so would be unduly burdensome. The School for the Blind intends to adopt the rule on a permanent basis so it can continue to use the statutory default copy fee schedule. 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. The School for the Blind intends to enact a permanent rule to address waiver of charges assessed for a public record. The School for the Blind intends to continue to explain the procedures for payment for copies. Finally, the School for the Blind intends to repeal WAC72-276-090, its copying fees rule originally adopted under former chapter 42.17 RCW because that rule is now outdated.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The School for the Blind will be proposing a permanent rule and repealing a current rule in


response to the copying fee amendments to RCW 42.56.120. The School for the Blind will provide public notice of this rulemaking through filings in the *Washington State Register* and through posting information on the school website at <https://www.wssb.wa.gov/wp/>. During a public comment period, the School will also seek comment: (1) as to be described in the anticipated Rule Making Proposal form (CR-102); (2) from persons who have requested notice of School rule making; and (3) from persons who attend the public hearing

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Other:	Other:
Additional comments:	
Date: 9/15/2017	Signature: 
Name: Scott McCallum	
Title: Superintendent	