



# PROPOSED RULE MAKING

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 14, 2017**  
**TIME: 2:56 PM**  
**WSR 17-23-083**

**Agency:** Washington State School for the Blind

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

- Preproposal Statement of Inquiry was filed as WSR 17-19-078 ; 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) repeal and replace WAC 72-276-090 Costs of providing copies of public records

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location: (be specific)</b>	<b>Comment:</b>
January 4, 2018	1:00pm	Washington State School for the Blind 2214 East 13 <sup>th</sup> Street Vancouver, WA 98661 Admin. Building/Board Room	

**Date of intended adoption:** January 4, 2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Janet Kurz, Executive Assistant  
Address: 2214 East 13<sup>th</sup> Street, Vancouver, WA 98661  
Email: janet.kurz@wssb.wa.gov  
Fax: 360-737-2120  
Other:  
By (date) December 29, 2017

**Assistance for persons with disabilities:**

Contact Janet Kurz, Executive Assistant  
Phone: 360-947-3302  
Fax: 360-737-2120  
TTY:  
Email: janet.kurz@wssb.wa.gov  
Other:  
By (date) December 29, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to comply with the 2017 Legislative amendment to RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 that requires that 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. The anticipated effects of the rule change is that it will change the copying fees for public records.

**Reasons supporting proposal:** To comply with the 2017 Legislative amendment to RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 that requires that 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.

**Statutory authority for adoption:** RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120 (as amended by Chap. 304, 2017 Laws)

**Statute being implemented:** 42.56.120 (as amended by Chap. 304, 2017 Laws)

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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

**Name of proponent:** (person or organization) Washington State School for the Blind

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Janet Kurz	Vancouver, WA	360-947-3302
Implementation:	Janet Kurz	Vancouver, WA	360-947-3302
Enforcement:	Scott McCallum	Vancouver, WA	360-947-3301

**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: A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule.

**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 .

Explanation of exemptions, if necessary: This rule changes is done to implement the legislative changes to public records copying fees dictated in the 2017 Legislative amendment to RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3

**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 14, 2017

**Name:** Scott McCallum

**Title:** Superintendent

**Signature:**

