

WSR 24-21-033

EXPEDITED RULES

OFFICE OF STATE AUDITOR

[Filed October 7, 2024, 2:30 p.m.]

Title of Rule and Other Identifying Information: Eliminating unnecessary gendered pronouns in chapters 48-13 and 48-21 WAC.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: By replacing gendered pronouns with specific pronouns, this proposal removes ambiguity and clarifies the language without changing the effect of the rules.

Reasons Supporting Proposal: The office of state auditor's (office) vision is to increase trust in government. A key component of trust is clear, reliable communication. To that end, the office strives for clarity and plain language in all its written material. Updating the WAC governing some of the office's operations are a natural addition to ongoing work within the office; we strive for inclusive and unambiguous communication, and eliminating unnecessary and/or vague pronouns promotes both.

Statutory Authority for Adoption: RCW 34.05.353, 42.50.100, 42.56.070, 42.56.120, 43.09.281, 43.21C.120, 43.09.281, 48.21.030.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of state auditor, public.

Name of Agency Personnel Responsible for Drafting: Kathleen Cooper, Insurance Building, P.O. Box 40021, Olympia, WA 98504-0021, 564-999-0800; Implementation and Enforcement: Al Rose, Insurance Building, P.O. Box 40021, Olympia, WA 98504-0021, 564-999-0805.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This change relates only to internal governmental operations that are not subject to violation by a person. Additionally, this change clarifies language of the rules without changing the effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Al Rose, Auditor, Insurance Building, P.O. Box 40021, Olympia, WA 98504-0021, phone 564-999-0805, email rosea@sao.wa.gov, beginning November 6, 2024, 12:00 p.m., AND RECEIVED BY December 24, 2024, 5:00 p.m.

October 8, 2024
Al Rose
Rules Coordinator

OTS-5876.1

AMENDATORY SECTION (Amending WSR 18-02-060, filed 12/29/17, effective 1/29/18)

WAC 48-13-030 Availability of public records. (1) **Hours for inspection of records.** Public records are available for inspection and copying by appointment during normal business hours of the state auditor's office, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding legal holidays. Original records must be inspected at the offices of the state auditor's office. A requestor shall not take state auditor's office records from state auditor's offices without the permission of the public records officer or designee.

(2) **Records index and records available online.** An index of public records is available for use by members of the public. The index may be accessed online at <http://www.sao.wa.gov>. A variety of records is also available on the state auditor's office website.

(3) **Making a request for public records.**

(a) Any person wishing to inspect or obtain copies of public records of the state auditor's office should make the request in writing by letter, fax, or email addressed to the public records officer or using the office's website form located at: <http://www.sao.wa.gov>. Records requests should include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and email address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to retain photocopies or electronic versions of nonelectronic records instead of simply inspecting them, (~~he or she~~) the requestor should so indicate and make arrangements to pay for copies of the records. A deposit may be required prior to the office's collection of the records requested. Pursuant to WAC 48-13-070.

AMENDATORY SECTION (Amending WSR 18-02-060, filed 12/29/17, effective 1/29/18)

WAC 48-13-040 Processing of public records requests—General.

(1) **Order of response.** The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying; or
- (b) If copies or scanned records are requested and terms of payment are met, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Clarifications.**

(a) If a requestor fails to respond to a request to clarify the request and the entire request is unclear, the request may be closed without further action.

(b) If portions of the request are clear, those portions of the request will be processed.

(4) **Failure to respond.** If the state auditor's office does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(5) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask ((him or her)) the requestor to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the state auditor's office believes that a record is exempt from disclosure and should be withheld in whole or in part, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld or redacted. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) **Inspection of records.**

(a) Consistent with other demands, the state auditor's office shall promptly provide space to inspect public records. No member of the public may remove a record from the viewing area or disassemble or alter any record. The requestor shall indicate which documents ((he or she)) the requestor wishes the agency to copy.

(b) The requestor must claim or review the assembled records within ((~~thirty~~)) 30 days of the state auditor's office notification ((~~to him or her~~)) that the records are available for inspection. The agency will ((~~notify~~)) inform the requestor in writing of this requirement and ((~~inform~~)) that the requestor ((~~that he or she~~)) should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the ((~~thirty~~)) 30-day period or make other arrangements, the state auditor's office may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(8) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if (~~he or she~~) the requestor reasonably determines that it would be practical to provide the records in that way. If, within (~~thirty~~) 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the state auditor's office has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill (~~his or her~~) the requestor's obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the state auditor's office has closed the request.

(12) **Later discovered records.** If, after the state auditor's office has informed the requestor that it has provided all available records, the state auditor's office becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(13) Detailed policy can be found on office website at <http://www.sao.wa.gov>.

OTS-5877.1

AMENDATORY SECTION (Amending WSR 10-22-022, filed 10/22/10, effective 11/22/10)

WAC 48-21-010 Definitions. "Local government" includes any municipal corporation, taxing district, or other governmental unit subject to audit by the state auditor's office, acting through its legally constituted legislative body or its designee.

"Local government association" means any generally recognized association or organization whose membership consists exclusively or principally of local government units or (~~their~~) its officers.

"Officers of a local government association" includes any person serving as an elected officer of a local government association or any person employed by a local government association as its executive director or any person with duties equivalent to those of an executive director.

"Writing" means handwriting, typewriting, printing, and every other means of commonly understood written recording, including letters, facsimiles or electronic mail.

AMENDATORY SECTION (Amending WSR 10-22-022, filed 10/22/10, effective 11/22/10)

WAC 48-21-030 Response of director of audit. The director of audit shall review any bill challenged by a local government, together with the reasons for the challenge. Within (~~ten~~) 10 days of receipt of notification from the local government, the director of audit shall respond in writing to the local government, either reaffirming the bill or modifying it, and stating the reasons for (~~his~~) this action.