

**WSR 24-18-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-170—Filed August 30, 2024, 2:49 p.m., effective September 1, 2024]

Effective Date of Rule: September 1, 2024.

Purpose: The purpose of this emergency rule is to provide guidance to the public on the new requirements of costs of providing public records based on the implementation of body worn cameras for the Washington department of fish and wildlife's (department) law enforcement officers that begins on September 1, 2024.

Citation of Rules Affected by this Order: Amending WAC 220-120-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department plans to activate body worn cameras for its law enforcement officers starting on September 1, 2024. As part of this new program, the department must amend WAC 220-120-060 to update its fee schedule for anticipated record requests associated with body worn cameras. The department previously undertook a fee study in 2024 to research the reasonable costs for producing records requested for body worn cameras.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 30, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-120-06000A Costs of providing public records. Effective September 1, 2024, and until further notice, requirements for costs of providing records shall be as contained herein:

(1) There is no fee for inspecting public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of RCW 42.56.120

(2) Pursuant to RCW 42.56.120, the department may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120 and as published in the department's fee schedule available on the department website at <http://wdfw.wa.gov>.

(3) Before copying requested public records, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all of the records. The public records officer or designee may also require payment of the remainder or an installment of the copying costs before providing all of the records.

(4) The department will not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth in this section.

(5) The department may determine whether customized electronic access to public records is required if the department estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the department for other department purposes. The department will charge the actual costs, including staff time and outside vendor costs necessary to reimburse the department for providing customized electronic access services.

(6) The department may waive any charges for providing public records at the discretion of the public records officer. This determination will be made on a case-by-case basis.

(7) Payment. Payment may be made by cash, check, or money order to the Washington department of fish and wildlife.