

WSR 21-24-024
PROPOSED RULES

CONSOLIDATED TECHNOLOGY SERVICES

[Filed November 19, 2021, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-15-081.

Title of Rule and Other Identifying Information: Chapter 143-06 WAC, fee waivers. Updating this rule to comply and conform with EHB 1595 and agency policies.

Hearing Location(s): On January 7, 2022, at 10:00 a.m., virtual, meeting information will be posted at <https://watech.wa.gov/Understanding-and-participating-Rule-Making-Process>.

Date of Intended Adoption: January 10, 2022, or later.

Submit Written Comments to: Brianna Southworth-Schultz, 1500 Jefferson Street S.E., Olympia, WA 98504, email Brianna.southworth@watech.wa.gov, by January 5, 2022.

Assistance for Persons with Disabilities: Contact Brianna Southworth-Schultz, phone 360-407-2753, email Brianna.southworth@watech.wa.gov, by January 5, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending its rules relating to public records to confirm [conform] with chapter 304, Laws of 2017, and to make other updates relating to fee waivers for electronic production of records.

Reasons Supporting Proposal: To ensure the best interests of the public and the agency.

Statutory Authority for Adoption: RCW 42.56.100, 42.56.120.

Statute Being Implemented: RCW 42.56.120.

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

Name of Proponent: Consolidated technology services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brianna Southworth-Schultz, 1500 Jefferson Street, Olympia, WA 98504, 360-407-2953.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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 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 committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 42.56.070, 42.56.120.

Explanation of exemptions: To the extent there are costs assessed by this agency for records provided in response to public records requests by small businesses, the authorized costs are set out in statute and apply to all requesters. RCW 42.56.070, 42.56.120.

November 15, 2021
Brianna Southworth-Schultz
Records Manager

OTS-3340.1

AMENDATORY SECTION (Amending WSR 19-06-020, filed 2/27/19, effective 3/30/19)

WAC 143-06-180 Fee waivers. ~~(1) Requestors are required to pay for copies in advance of receiving records. ((Fee waivers are an exception and are available for some small requests under the following conditions.~~

~~(1) It is within the discretion of)~~ (2) The public records officer ((to)) may waive copying fees when:

(a) All of the records responsive to an entire request are paper copies only and are ~~((twenty-five))~~ 25 or fewer pages; ~~((or))~~

(b) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule~~((-~~

~~(2) Fee waivers are not applicable to records provided in installments.))~~; or

(c) The public records officer determines, based upon the circumstances of the records request, that fee waiver is in the public interest.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, and 43.10.110. WSR 19-06-020, § 143-06-180, filed 2/27/19, effective 3/30/19.]