

WSR 23-07-138
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE
(Cranberry Commission)
[Filed March 22, 2023, 9:28 p.m.]

Title of Rule and Other Identifying Information: Chapter 16-565 WAC, Washington cranberry commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making amends the Washington cranberry commission marketing order by adding the word "state" to the legal name of the commission, changing it to the Washington state cranberry commission.

Reasons Supporting Proposal: The Washington cranberry commission wants to ensure the industry is recognized nationwide as well as internationally as a top producer of cranberries. Including the word state in the legal title of the commission ensures there are no questions about the location of the commission or the commodity it represents.

Statutory Authority for Adoption: RCW 15.65.047.

Statute Being Implemented: Chapter 15.65 RCW.

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

Name of Proponent: Washington cranberry commission, governmental.

Name of Agency Personnel Responsible for Drafting: Megan Finkenbinder, 1111 Washington Street S.E., Olympia, 360-902-1887; Implementation and Enforcement: Jack Stein, 1111 Washington Street S.E., Olympia, 360-902-1887.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

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

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: Using the expedited rule-making process is appropriate because the subject matter does not rise to the importance of a referendum of affected producers.

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 Megan Finkenbinder, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1887, fax 360-902-2092, email mfinkenbinder@agr.wa.gov, AND RECEIVED BY May 22, 2023.

March 22, 2023
Derek I. Sandison
Director

OTS-4432.1

Chapter 16-565 WAC
WASHINGTON STATE CRANBERRY COMMISSION

AMENDATORY SECTION (Amending WSR 22-12-077, filed 5/28/22, effective 6/28/22)

WAC 16-565-080 Requests for public records. (1) All requests for disclosure of public records must be submitted in writing directly to the commission's public records officer by mail to Washington State Cranberry Commission, P.O. Box 597, Grayland, Washington, 98547. The written request should include:

- (a) The name, address and telephone number or other contact information of the person requesting the records;
- (b) The calendar date on which the request is made; and
- (c) Sufficient information to readily identify records being requested.

(2) Any person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

(a) Public records made available for inspection may not be removed from the area the commission makes available for inspection.

(b) Inspection of any public record will be conducted in the presence of the public records officer or designee.

(c) Public records may not be marked or altered in any manner during the inspection.

(d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission's office and the availability of authorized staff to operate that equipment.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. WSR 22-12-077, § 16-565-080, filed 5/28/22, effective 6/28/22.]

AMENDATORY SECTION (Amending WSR 22-12-077, filed 5/28/22, effective 6/28/22)

WAC 16-565-090 Fees—Inspection and copying. (1) No fee will be charged for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW

42.56.120. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within 15 days of receipt of invoice payable to the Washington state cranberry commission. The commission may require that all charges be paid in advance of release of the copies of the records.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. WSR 22-12-077, § 16-565-090, filed 5/28/22, effective 6/28/22.]