



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Department of Retirement Systems

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) July 23, 2017

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** To amend the department's rule concerning fees for copying and providing public records, in compliance with Engrossed House Bill 1595 (Chapter 304, Laws of 2017).

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 415-06-060  
 Suspended:

**Statutory authority for adoption:** RCW 41.05.050(5)

**Other authority :**

**EMERGENCY RULE**

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Prior to charging a fee for providing copies of public records, EHB 1595 requires the department to conduct a study to determine actual costs or to declare in a rule or regulation why such a study would be unduly burdensome.

**Date adopted:** July 21, 2017

**NAME (TYPE OR PRINT)**

Tracy Guerin

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 21, 2017**

**TIME: 1:52 PM**

**WSR 17-16-030**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

**WAC 415-06-060 ((Copying)) Fees.** (1) No fee shall be charged for the inspection of public records(~~(. The department shall charge a fee equal to the amount necessary to reimburse the department for its actual costs incident to any copying)~~) or for locating public records and making them available for copying. However, the department may charge fees for copying and providing copies of public records. Such fees will not exceed the rates established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

(2) Pursuant to RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017, the department declares for the following reasons that it would be unduly burdensome to calculate the actual costs of copying and providing copies of public records: Department resources were not allocated for performing a study to calculate the actual costs; the department lacks the necessary resources to perform such a study and calculations; and such a study would interfere with and disrupt other essential department functions.