



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (October 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: November 28, 2017

TIME: 11:21 AM

WSR 17-24-020

**Agency:** Department of Retirement Systems

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**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). This emergency rule-making order extends the provisions of the emergency rule-making order filed on July 21, 2017, and published as WSR 17-16-030, while completing the procedures for adopting the proposed rule filed on October 16, 2017, and published as WSR 17-21-078.

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

New:  
Repealed:  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.

**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.

**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:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	Repealed	___

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** November 21, 2017

**Name:** Tracy Guerin

**Title:** Director

**Signature:**



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.