PROPOSED RULE MAKING

CR-102 (August 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: November 22, 2017
TIME: 10:01 AM

WSR 17-23-187

Agency: Forest Practices Board

☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

☒ **Preproposal Statement of Inquiry was filed as WSR 17-19-015 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**
☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) Public Records Fee Schedule – amending chapter 222-08 WAC

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
January 4, 2018	4:30 p.m.	Room 172, Natural Resources Building, 1111 Washington Street SE, Olympia	

Date of intended adoption: February 14, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: Patricia Anderson
Address: P.O. Box 47012
Email: forest.practicesboard@dnr.wa.gov
Fax: 360.902.1428
Other:
By (date) January 5, 2018

Assistance for persons with disabilities:
Contact Forest Practices Division
Phone: 360.902.1400
Fax:
TTY:
Email:
Other:
By (date) December 18, 2017

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Forest Practices Board (Board) is amending its public disclosure rules to implement House Bill 1595 (2017 Legislature) by adopting the fee schedule outlined in RCW 42.56.120, because it would be unduly burdensome for the Board to determine the actual costs of providing public records. The rulemaking will amend the Board's rule on the costs associated with public records, and make other minor amendments consistent with other statutory changes.

Reasons supporting proposal: The Forest Practices Board is implementing the legislative intent of HB 1595 which became effective July 23, 2017. Adopting an actual cost approach to public records fees would be unduly burdensome to the Board, which does not currently have accurate data regarding the many specific cost elements associated with public records production, nor does it have the resources or appropriated funds to conduct an actual cost study. The Board cannot divert resources away from other critical agency programs in order to perform such a cost study. Additionally, such a study would be time-consuming. Therefore, Forest Practices Board will use the statutory fee schedule in RCW 42.56.120(2). Other minor changes are also made to make the Board's rules consistent with statutory provisions.

Statutory authority for adoption: RCW 76.09.040, chapter 34.05 RCW, and chapter 42.56 RCW

Statute being implemented: chapter 42.56 RCW

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) Forest Practices Board

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Marc Engel	1111 Washington Street SE, Olympia	360.902.1390
Implementation:	Donelle Mahan	1111 Washington Street SE, Olympia	360.902.1405
Enforcement:	Joe Shramek	1111 Washington Street SE, Olympia	360.902.1398

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

☒ No: Please explain: Rule making is exempt per RCW 34.05.328(5)(b)(ii) and (iii).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☒	RCW 34.05.310 (4)(b) (Internal government operations)	☐	RCW 34.05.310 (4)(e) (Dictated by statute)
☒	RCW 34.05.310 (4)(c) (Incorporation by reference)	☒	RCW 34.05.310 (4)(f) (Set or adjust fees)
☒	RCW 34.05.310 (4)(d) (Correct or clarify language)	☐	RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: November 20, 2017	**Signature:**
Name: Stephen Bernath	
Title: Chair	