



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (August 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 05, 2018

TIME: 2:16 PM

WSR 18-03-017

Agency: Lower Columbia College

Subject of possible rule making: The purpose of this possible rule making is to adopt a permanent rule that implements the State Legislatures new Public Records Act (PRA) requirement and provide the necessary findings so that Lower Columbia College may continue to use the amended statutory default fee schedule that became effective July 23, 2017, and continue to waive copy fees under the listed circumstances. The additional purpose of the rule is to continue to explain procedures for payment for copies and to update the process for requesting documents under this act. Lower Columbia College intends to revise its permanent rule at WAC 132M-110-090, a copying fees rule adopted under prior PRA statutes. Additionally, Lower Columbia College intends to repeal WAC 132M-110-030, WAC 132M-110-040, WAC 132M-110-070, WAC 132M-110-100, WAC 132M-110-110, WAC 132M-110-120, WAC 132M-110-130, WAC 132M-110-140, WAC 132M-110-990. Additionally Lower Columbia College intends to revise WAC 132M-110-010, WAC 132M-110-020, WAC 132M-110-050, WAC 132M-110-060, WAC 132M-110-080 to more clearly explain procedures for requesting documents under this act and indicate that the new form can be found on Lower Columbia College's website rather than attached as an appendix to the WAC

Statutes authorizing the agency to adopt rules on this subject: RCW 28B.50.140, RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120 (as amended by Chap. 304, 2017 Laws).

Reasons why rules on this subject may be needed and what they might accomplish: The Public Records Act is at chapter 42.56 RCW. The 2017 Legislature amended RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 to require that effective July 23, 2017 if an agency uses the new law's amended statutory default copy fee schedule (rather than determining actual costs of copies), the agency must have a rule declaring the reason it is not calculating actual costs is because to do so would be unduly burdensome. Lower Columbia College is not calculating actual costs for copying records because to do so would be unduly burdensome. Lower Columbia College intends to adopt the rule on a permanent basis so it can continue to use the statutory default copy fee schedule. In addition, RCW 42.56.120 as amended by Chap. 304, 2017 Laws, Sec. 3 allows an agency to waive any charge assessed for a public record pursuant to agency rule. Lower Columbia College intends to enact a permanent rule to address waiver of charges assessed for a public record. Lower Columbia College intends to continue to explain the procedures for payment for copies and to update the process for requesting documents under this act. Lower Columbia College intends to revise WAC 132M-110-090, its copying fees rule originally adopted under former chapter 42.17 RCW because that rule is now outdated. Additionally, Lower Columbia College intends to repeal WAC 132M-110-030, WAC 132M-110-040, WAC 132M-110-070, WAC 132M-110-100, WAC 132M-110-110, WAC 132M-110-120, WAC 132M-110-130, WAC 132M-110-140, WAC 132M-110-990 and intends to revise WAC 132M-110-010, WAC 132M-110-020, WAC 132M-110-050, WAC 132M-110-060, WAC 132M-110-080 to more clearly explain procedures for requesting documents under this act and indicate that the new form can be found on Lower Columbia College's website rather than attached as an appendix to the WAC, this will allow an easier and more efficient process for requesting public records.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Lower Columbia College will be proposing a permanent rule and repealing a current rule in

response to the copying fee amendments to RCW 42.56.120. Lower Columbia College intends to revise its permanent rule at WAC 132M-110-090, a copying fees rule adopted under prior PRA statutes. Additionally, Lower Columbia College intends to repeal WAC 132M-110-030, WAC 132M-110-040, WAC 132M-110-070, WAC 132M-110-100, WAC 132M-110-110, WAC 132M-110-120, WAC 132M-110-130, WAC 132M-110-140, WAC 132M-110-990. Additionally Lower Columbia College intends to revise WAC 132M-110-010, WAC 132M-110-020, WAC 132M-110-050, WAC 132M-110-060, WAC 132M-110-080 to more clearly explain procedures for requesting documents under this act and indicate that the new form can be found on Lower Columbia College's website rather than attached as an appendix to the WAC. Lower Columbia College will provide public notice of this rulemaking through filings in the *Washington State Register* and through posting information on the school website at <https://lowercolumbia.edu/>. During a public comment period, the College will also seek comment: (1) as to be described in the anticipated Rule Making Proposal form (CR-102); (2) from persons who have requested notice of Lower Columbia College rule making; and (3) from persons who attend the public hearing

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Additional comments:

Date: 1/5/18
Name: Kendra Sprague
Title: Vice President of Foundation, HR, & Legal Affairs

Signature:

