



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: March 20, 2018

TIME: 9:03 AM

WSR 18-07-082

Agency: Lower Columbia College

Original Notice

Supplemental Notice to WSR

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 18-03-017 ; 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); or

Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Amending Title 132M-110 WAC, Public Records Disclosure Policy; amending WAC 132M-110-010, WAC 132M-110-020, WAC 132M-110-050, WAC 132M-110-060, WAC 132M-110-080, WAC 132M-110-090, and 132M-110-100; repealing WAC 132M-110-030, WAC 132M-110-040, WAC 132M-110-070, WAC, WAC 132M-110-110, WAC 132M-110-120, WAC 132M-110-130, WAC 132M-110-140 and WAC 132M-110-990.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
May 16, 2018	5:00 PM	1600 Maple Street, Administration Building – Room 100 – Heritage Room Longview, WA 98632	

**Date of intended adoption:** May 16, 2018 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Linda Clark  
Address: 1600 Maple Street, PO Box 3010, Longview, WA 98632  
Email: rulemaking@lowercolumbia.edu  
Fax: 360-442-2129  
Other:  
By (date) May 9, 2018

**Assistance for persons with disabilities:**

Contact Linda Clark  
Phone: 360-442-2100  
Fax: 360-442-2129  
TTY: 800-833-6388  
Email: rulemaking@lowercolumbia.edu  
Other:  
By (date) May 9, 2018

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Amending chapter 132M-110 WAC to clarify procedures regarding the disclosure of records, new definitions, fees, request procedure, clarification when the request is unclear, and current statute citations.

**Reasons supporting proposal:** HB 1594 and 1595 passed during the 2017 legislature, making the Public Records Act amendments effective July 23, 2017. Chapter 132M-110 WAC establishes procedures the college follows to provide full access to public records and to implement the provisions of the Public Records Act (chapter 42.46 RCW). The rule establishes procedure for both persons requesting access to public records and also for college staff. The proposed amendment clarifies procedures regarding disclosure of electronic record in order to remain up-to-date with current technology. Updates to the rule are necessary to keep procedures current and reflect recent legislative changes. The 2017 Legislature amended RCW 42.56.120 at Chapter 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 is adopting a rule so it can use the statutory default copy fee schedule.

**Statutory authority for adoption:** RCW 28B.50.140, RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120 (as amended by Chap. 304, 2017 Laws).

**Statute being implemented:** RCW 42.56

**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:**

**Name of proponent:** (person or organization) Lower Columbia College  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Kendra Sprague	1600 Maple Street Administration Building – 115 Longview, WA 98632	360-442-2121
Implementation:	Nolan Wheeler	1600 Maple Street Administration Building - 203 Longview, WA 98632	360-442-2201
Enforcement:	Nolan Wheeler	1600 Maple Street Administration Building - 203 Longview, WA 98632	360-442-2201

**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: A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328(5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules committee has not made that section applicable to the adoption of this rule.

**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:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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 RCW 42.56.070; RCW 42.56.120.

Explanation of exemptions, if necessary:

To the extent there are costs assessed by this agency for records provided in response to public records requests by small businesses, the authorized costs are set out in statute and apply to all requesters. RCW 42.56.070; RCW 42.56.120

**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:

<b>Date:</b> 3/15/18
<b>Name:</b> Kendra Sprague
<b>Title:</b> Vice President of Foundation, HR & Legal Affairs

<b>Signature:</b> 
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