



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: June 04, 2021

TIME: 2:46 PM

WSR 21-13-011

Agency: Human Rights Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-09-049 ; 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) These proposed rules are in Title 162 – Human Rights Commission, and Chapter 04 – General Provisions. Changes are made to Section 030 - Public Access to Records, which has been updated, and to Section 035 - Protective Orders to Seal Produced Documents, which has been eliminated as obsolete, and the Section 035 caption is changed to Processing of Public Records Requests – Electronic Record. New Sections added include; 032 - Agency Contact Information – Public Records Officer; 033 - Availability of Public Records; 034 - Processing of Public Records Requests – General; 036 - Exemptions; 037 - Costs of Providing Copies of Public Records; 038 - Review of Denials of Public Records.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 27, 2021	2PM	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Human Rights Commission will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. All involved will participate remotely. The public may login using a computer or device, or call-in using a phone, to listen to the hearing. The public may provide verbal comments during the specified time	

	<p>for public comment. For more information about how to attend this virtual meeting, please visit https://www.hum.wa.gov/rule-making. You can also email policy@hum.wa.gov to receive an email with login information for the hearing.</p>	
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Date of intended adoption: July 30, 2021 (Note: This is **NOT** the **effective** date)

Submit written comments to:
 Name: Laura Lindstrand, Policy Analyst
 Address: 711 S. Capitol Way, Ste. 402, PO Box 42490, Olympia, WA 98504
 Email: policy@hum.wa.gov
 Fax: 360-586-2282
 Other:
 By (date) July 9, 2021

Assistance for persons with disabilities:
 Contact Laura Lindstrand
 Phone: 360-878-4106
 Fax: 360-586-2282
 TTY:
 Email: policy@hum.wa.gov
 Other:
 By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These proposed rules update information on requesting and obtaining public records from the Human Rights Commission, and provide a method for having the denial of a public records reviewed within the agency. These rules will also allow charging the statutory default costs for providing public records. The language of WAC 164-04-030 has been substituted with new language, and additional WAC sections have been added. The updates reflect the Public Records Act Model Rules WAC 44-14, and reflect the costs incurred by the agency in providing copies of public records. The subject of the original WAC 162-04-035 is no longer relevant, as the process does not conform to current records release exemptions.

Reasons supporting proposal: The original rules are out of date. The proposed rules reflect the language in the Public Records Act Model Rules WAC 44-14. There is also no mechanism within the original rules for charging for copies of public records requests. As a small agency with limited resources and a large volume of public records requests, the Human Rights Commission is struggling with covering those costs and dealing with voluminous requests. The proposed rules will allow the agency to charge the statutory default costs for copying and mailing records.

Statutory authority for adoption: RCW 42.56.120, RCW 42.56.040

Statute being implemented: RCW 42.56.120

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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) Human Rights Commission Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Laura Lindstrand	711 S. Capitol Way, Ste. 402 Olympia WA 98504	360-359-4923
Implementation:	Laura Lindstrand	711 S. Capitol Way, Ste. 402 Olympia WA 98504	360-359-4923
Enforcement:	Laura Lindstrand	711 S. Capitol Way, Ste. 402 Olympia, WA 98504	360-359-4923

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: This agency does not fall within any category outlined in RCW 34.05.328(5)

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)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

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: June 4, 2021	Signature: 
Name: Laura Lindstrand	
Title: Policy Analyst	