



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 17, 2023

TIME: 10:07 AM

WSR 23-07-093

Agency: County Road Administration Board

Title of rule and other identifying information: (describe subject) WAC 136-03 – Public Access to Information and Records. Updates to bring the County Road Administration Board's WAC for Public Records Act requests current.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Changes made will bring the County Road Administration Board's procedures, as codified in WAC, to the current requirements. This chapter of WAC was last updated in 1998.

Reasons supporting proposal: Need to bring the County Road Administration Board's administrative procedures for Public Records Act requests to current requirements as specified in RCW 42.56. Specifically RCW 42.56.040 – Duty to Publish Procedures.

Statutory authority for adoption: RCW 36.78.050; RCW 42.56.040

Statute being implemented: RCW 42.56 – Public Records Act

Is rule necessary because of a:

Federal Law?

☐ Yes

☒ No

Federal Court Decision?

☐ Yes

☒ No

State Court Decision?

☐ Yes

☒ No

If yes, CITATION:

Name of proponent: (person or organization) County Road Administration Board

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Drew Woods	2404 Chandler Ct SW, Suite 240; Olympia, WA 98502	360.753.5989
Implementation:	Jason Bergquist	2404 Chandler Ct SW, Suite 240; Olympia, WA 98502	360.753.5989
Enforcement:	Jane Wall	2404 Chandler Ct SW, Suite 240; Olympia, WA 98502	360.753.5989

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☒ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): This change will bring the County Road Administration Board's policies and procedures for Public Records Act requests into compliance with RCW 42.56. Changes fix out-of-date references to RCW, formatting to current code reviser office standards, and internal roles in processing Public Records Act requests.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Agency: County Road Administration Board

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Other:

AND RECEIVED BY (date) May 22, 2023

Date: March 14, 2023

Name: Jane Wall

Title: Executive Director

Signature:

