



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: November 17, 2021

TIME: 2:58 PM

WSR 21-24-003

Agency: Military Department

Effective date of rule:

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
- No
- If Yes, explain: \_\_\_\_\_

**Purpose:** Engrossed House Bill 1596 (2017) authorizes agencies to assess statutory costs for copies of public records if the agency has adopted a rule or regulation declaring the reasons that determining the actual cost of copies would be unduly burdensome. This emergency rule makes that determination and accordingly authorizes the Military Department to assess statutory costs for copies, as permitted by RCW 42.56.120.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 323-10-070
- Suspended:

Statutory authority for adoption: RCW 42.56.070; RCW 42.56.120

Other authority:

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** Prior to the adoption of this emergency rule, the Military Department has not required public records requesters to pay for the costs of copies as permitted by RCW 42.56.120, as amended in 2017 by EHB 1596. However, public records requests made to the Department have substantially increased in volume and frequency over the last year, and the costs imposed on the agency have been significant. These costs undermine the Department's ability to protect public health, safety, and the general welfare. The immediate adoption of this emergency rule is therefore necessary to allow the Department to charge statutory fees under RCW 42.56.120 and mitigate the current burden on the agency.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____

Recently enacted state statutes: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

Pilot rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

Other alternative rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**Date Adopted:** 11/17/2021

**Name:** Cynthia Whaley

**Title:** Rules Coordinator

**Signature:**

