**Agency:** Department of Natural Resources

**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:** The 2017 Legislative amended portions of RCW 42.56.120 pertaining to fee charges for public record copies. EHB 1595 requires that a rule be in place if an agency needs to use the statutory public records fee schedule, rather than charging for actual costs. DNR lacks sufficient data to use the actual cost method this time. This rule specifies that DNR will utilize the Legislature’s statutory default fee schedule, effective July 23, 2017. DNR has filed a proposed rulemaking under WSR 17-22-019 to begin the permanent rulemaking process for these and other changes to WAC 332-10.

**Citation of rules affected by this order:**
- New:
  - Repealed:
  - Amended: 332-10-170
  - Suspended:

**Statutory authority for adoption:** 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:** Change in state law RCW 42.56.120(3) EHB 1595 effective 7-23-2017.
<table>
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<th>Category</th>
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<td>Federal statute:</td>
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<td>Federal rules or standards:</td>
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<td>Recently enacted state statutes:</td>
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<td>The number of sections adopted at the request of a nongovernmental entity:</td>
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<td>The number of sections adopted on the agency’s own initiative:</td>
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<td>The number of sections adopted in order to clarify, streamline, or reform agency procedures:</td>
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<td>Pilot rule making:</td>
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<td>Other alternative rule making:</td>
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**Date Adopted:** 11/13/17

**Name:** Brule Burkhart

**Title:** Deputy Supervisor For Administration
AMENDATORY SECTION (Amending WSR 92-22-076, filed 11/2/92, effective 12/3/92)

WAC 332-10-170 Fees for performing the following service. Charges for the following categories of services will be collected and transmitted to the state treasurer for deposit:

1. Twenty-five dollars for the approval of any assignment of contract of sale, assignment of lease, assignment of bill of sale or assignment of right of way.

2. Twenty-five dollars for the division of contracts or leases pursuant to RCW 79.01.236.


4. Twenty-five cents per page, plus postage if mailed, for copies of documents which do not exceed 8-1/2 x 14 inches in size. May be copied by requestor or agency staff.

Up to one dollar per page, plus postage if mailed, for copies of documents when copying would unreasonably disrupt the operations of the agency, requiring uninterrupted, long-term use of agency copy equipment. Actual costs incident to such copying will be charged. Copies not to exceed 8-1/2 x 14 inches in size.

5. Copies of documents or nonstandard items beyond the size of documents set forth in subsection (4) of this section (e.g., computer printouts, films, recordings or maps) will be charged on the basis of the cost of reproduction including the time of department personnel as determined by the department of natural resources. For public records requests: Adopting an actual cost rule would be unduly burdensome. DNR does not currently have accurate data regarding the many specific cost elements associated with public records production, nor does it have the resources or appropriated funds to conduct an actual cost study. DNR cannot divert resources away from other critical agency programs in order to perform such a cost study. Additionally, such a study would be time consuming, and a legally suitable fee structure is necessary to defray the costs to people of Washington associated with public records production. Therefore, DNR will use the statutory fee schedule in RCW 42.56.120(2).