



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 18, 2026

TIME: 1:38 PM

WSR 26-11-042

Agency: Attorney General's Office

- Original Notice
- Supplemental Notice to WSR 25-20-108
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 24-21-023 ; 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) Public Records Act – Model Rules Chapter WAC 44-14

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 30, 2026	3 to 5 p.m.	John A. Cherberg Building, Rooms ABC, 304 15 <sup>th</sup> Avenue SW, Olympia, WA 98501	Oral and written comments will be accepted at the hearing.

Date of intended adoption: On or after July 15, 2026 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Morgan Damerow  
 Address P.O. Box 40100, Olympia, WA 98504  
 Email agorulemaking@atg.wa.gov  
 Fax 360-570-3418  
 Other

Beginning (date and time) May 20, 2026 at 8 a.m.

By (date and time) June 30, 2026 at 5 p.m.

Assistance for persons with disabilities:

Contact Elaine Ganga  
 Phone 360-280-5370  
 Fax 360-664-0228  
 TTY  
 Email elaine.ganga@atg.wa.gov  
 Other

By (date) June 29, 2026

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Attorney General's Office has proposed amendments to several advisory Public Records Act (PRA) Model Rules (Model Rules) and a comment in chapter 44-14 WAC. The purpose of the proposal is to update the Model Rules and comments for WAC 44-14 030 to reflect the court decisions in *Cousins v Dept. of Corrections*, 3 Wn.3d 19, 546 P.3d 415 (2024) on the content of notices sent by agencies to requesters when a request is closed, *O'Dea v. City of Tacoma*, 19 Wn. App.2d 67, 493 P.3d 1245 (2021) on the submission of records requests, address concerns raised by the Media in its petition for rulemaking, clarify in WAC 44-14 030 that state and local agencies have different obligations relating to maintaining records indices, and include gender neutral language. The Media's petition for rulemaking can be found at [www.atg.wa.gov/rulemaking-activity](http://www.atg.wa.gov/rulemaking-activity). It generally requests that certain of the Model Rules be amended to clarify or emphasize an agency's obligation to respond to requests promptly and to process requests diligently as provided in the PRA. In response to that petition the AGO is proposing, for example, amendments to: WAC 44-14-010 and 020 to emphasize promptness; WAC 44-14-030 to ensure public records are available to be produced; and WAC 44-14-040 on evaluating the complexity of a request and factors for considering estimate of time to respond to a request, use of third party notices, and exercising diligence in providing installments. Following publication, public hearing on the proposed amendments, and after consideration of public comment to the proposed amendments to Model Rules, the Office is updating its proposed amendments and scheduling a public hearing seeking additional comments.

**Reasons supporting proposal:** The Public Records Act (PRA) at chapter 42.56 RCW provides the public access to state and local government agency public records. The PRA directs the Office of the Attorney General to adopt, and from time to time revise, advisory Model Rules. RCW 42.56.570(2) and (3). Under RCW 42.56.570(2), the Attorney General is required to adopt Model Rules addressing the following subjects: (a) Providing fullest assistance to requestors; (b) Fulfilling large requests in the most efficient manner; (c) Fulfilling requests for electronic records; and (d) Any other issues pertaining to public disclosure as determined by the Attorney General. RCW 42.56.570(4) provides that local agencies should consult the Model Rules when establishing local ordinances for compliance with the requirements and responsibilities under chapter 42.56 RCW. RCW 42.56.152 provides that records training must be consistent with the Model Rules. The Model Rules are at

chapter 44-14 WAC. The purpose of the Model Rules and their comments is to provide information to records requestors and state and local agencies about "best practices" for complying with the PRA. WAC 44-14-00001. The Model Rules are advisory, but they provide public agencies model language, and other information in comments, to consider when adopting their PRA regulations, ordinances or policies. While the Model Rules and comments are advisory only, they are a resource. Over time new caselaw and the experience of agencies and requestors bring to light areas of the Model Rules that can be updated or clarified to better reflect current law and provide improved guidance on compliance with the PRA.

**Statutory authority for adoption:** : RCW 42.56.570

**Statute being implemented:** : RCW 42.56.570; chapter 42.56 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION: While the rules are advisory, the court decisions in *Cousins v. Dept. of Corrections*, 3 Wn.3d 19, 546 P.3d 415 (2024) and *O'Dea v. City of Tacoma*, 19 Wn. App.2d 67, 493 P.3d 1245 (2021) have been issued since the Model Rules and their comments were originally adopted in 2006-2007 as updated in 2018. These decisions provide guidance for the content of notices sent by agencies to requestors when a request is closed and in the submission of requests for records. The Model Rules should be amended to reflect this guidance so that agencies and the public have clarity about the closing of requests and the starting of the one-year statute of limitations for judicial review as well as in submitting requests for records.

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

**Name of proponent:** (person or organization) Nick Brown, Washington State Attorney General

**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Morgan Damerow	Olympia, WA	360-570-3418

Implementation n/a

Enforcement n/a

**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 an agency 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 review committee has not made the section applicable to the adoption of this rule

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (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 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 42.56.570](#); [RCW 42.56.070](#); [RCW 42.56.120](#).

Explanation of how the above exemption(s) applies to the proposed rule: The Model Rules are advisory only and apply only to governmental agencies, not small businesses. [RCW 42.56.570](#). To the extent there are costs assessed by public agencies providing records in response to PRA requests by small businesses, the authorized costs are set out in statute and apply to all requestors. [RCW 42.56.070](#); [RCW 42.56.120](#).

**(2) Scope of exemptions: Check one.**

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement: Complete this section if any portion is not exempt.**

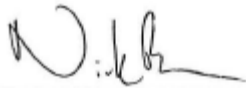
If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by [RCW 19.85.020\(2\)](#)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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> 5/15/20	<b>Signature:</b> 
<b>Name:</b> Nick Brown	
<b>Title:</b> Washington State Attorney General	