

TRANSMITTAL OF RULES ADOPTED

FROM: WASHINGTON STATE AERONAUTICS COMMISSION  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules Permanent rules  , being Order No. 76-1  
Emergency rules

relating to (Name of rules or description of subject matter)

General organization and public disclosure and practice and procedure

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 5821 <sup>①</sup> filed with the code reviser  
on 4/1/76 <sup>②</sup> were regularly adopted as permanent rules of  
(date) Polynesian Motel  
this agency at Ocean Shores, WA on 4/23/76 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 34.04  
RCW. The effective date of such rules shall be \_\_\_\_\_ <sup>③</sup>

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,  
that the immediate adoption of these rules is necessary for the  
preservation of the public health, safety, or general welfare and  
that observance of the requirements of notice and opportunity to  
present views on the proposed action would be contrary to the  
public interest, were regularly adopted as emergency rules of this  
agency at \_\_\_\_\_ on \_\_\_\_\_ and  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter  
34.04 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this 29th day of April 1976.

STATE OF WASHINGTON  
**FILED**  
APR 29 1976  
CODE REVISER'S OFFICE  
DOCKET # 2287 FILE # 3

WASHINGTON STATE AERONAUTICS COMMISSION  
(AGENCY)  
By Robert T. Johnson  
Assistant Attorney General  
Title

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:  
RCW 34.04.040. Leave this space blank except in such special cases.

WASHINGTON STATE AERONAUTICS COMMISSION

Administrative Order No. 76-1

1. A motion to adopt as permanent rules chapter 12-04, General Organization and Public Disclosure (WAC 12-04-010 through 12-04-150), and chapter 12-08, Practice and Procedure (WAC 12-08-010 through 12-08-040), was duly adopted by the Washington State Aeronautics Commission at its meeting held at the Polynesian Motel at Ocean Shores, Washington, on April 23, 1976.

2. The adoption of the aforesaid rules after being first duly recorded as an administrative order in the order register of the Washington State Aeronautics Commission shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and WAC 1-12-050.

Dated this 23rd day of April, 1976.

Dr. George Wm. Koss  
Chairman

ATTEST:

N N Howell  
Secretary

TITLE 12

WASHINGTON STATE AERONAUTICS COMMISSION

Chapters

- 12-04 General Organization and Public Disclosure
- 12-08 Practice and Procedure

NEW  
WAC 12-04-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Aeronautics Commission with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25 - 32 of that act, dealing with public records.

NEW  
WAC 12-04-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) The Aeronautics Commission is the commission appointed by the governor pursuant to section 1, chapter 252, Laws of 1945, as amended by section 1, chapter 68, Laws of 1967. The Aeronautics Commission shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the commission.

NEW  
WAC 12-04-030 PUBLIC RECORDS AVAILABLE. All public records of the commission, as defined in WAC 12-04-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and these rules.

NEW  
WAC 12-04-040 MEMBERSHIP, OFFICERS, QUORUM, DIRECTOR, ADMINISTRATIVE OFFICES, FUNCTION. (1) Members. The Aeronautics Commission shall consist of one member from each congressional district, who shall be appointed by the governor, by and with the advice and consent of the senate. The successors of the members initially appointed shall be appointed for terms of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No more than a simple majority of the members shall be appointed from the same political party. All members of the commission shall be citizens and bona fide residents of the state. No more than three members shall have any direct or indirect financial or pecuniary interest in civil aviation.

(2) Officers, Quorum. The commission shall annually elect from among its members a chairman, vice chairman and secretary. Four members shall constitute a quorum, and no action shall be taken by less than a majority of the commission.

(3) Director. A director of aeronautics shall be appointed by the commission and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly invested in and imposed upon him. He shall devote his entire time to the duties of his office and perform such services as the commission shall authorize and direct, and not be actively engaged or employed

in any other business, vocation, or employment nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise.

He shall be the executive officer of the commission and under its supervision shall administer the provisions of the Aeronautics Commission Act, chapter 14.04 RCW, and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission.

The director shall appoint, in accordance with chapter 41.06 RCW subject to the approval of the commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the commission and for whose services funds have been appropriated.

The commission may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by the Aeronautics Commission Act, chapter 14.04 RCW. Such delegated powers and duties may be exercised by the director in the name of the commission.

(4) Administrative Offices. The administrative offices of the commission and its staff shall be located at 8600 Perimeter Road, Boeing Field, Seattle, Washington 98108. The commission has no established field organization and all available records relating to commission functions shall be at the foregoing address.

(5) Function. The commission shall have general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the commission in the development of aeronautics and aeronautical facilities in this state.

EW      WAC 12-04-050 MEETINGS. (1) Regular Meetings. Pursuant to section 7, chapter 250, Laws of 1971, 1st ex. sess. and RCW 42.30.070, regular meetings of the Aeronautics Commission shall be held on the second Friday of each calendar month. Said meetings will begin with informal discussions at 8:00 a.m., followed by the formal meeting commencing at 9:30 a.m. Said meetings shall be at the specific location as determined by the commission and such specific location for any particular meeting may be obtained by contacting the commission's administrative office.

(2) Special Meetings.

(a) A special meeting may be called at any time by the chairman or by a majority of the members. Said meeting shall be called by delivering personally or by mail written notice to each member of the commission; and to each local newspaper of general circulation and to each local radio or television station which has on file with the commission a written request to be notified of such special

meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the commission. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the commission a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

(b) If the business to be transacted at the special meeting requires urgent and immediate action so that it would be impractical for the commissioners to gather at one location, the special meeting may be held by telephone conference: PROVIDED that the notice requirements of section 8, chapter 250, Laws of 1971, 1st ex. sess. and RCW 42.30.080 must be complied with: AND PROVIDED that the quorum and majority requirements of WAC 12-04-040(2) apply: AND FURTHER PROVIDED that all participating members must be able to hear all discussion and deliberation and be heard by all other participating members: AND FURTHER PROVIDED that such meeting shall be open and public and all persons shall be permitted to attend any such meeting pursuant to the provisions of chapter 250, Laws of 1971, 1st ex. sess., by coming to the administrative office of the commission where speakers will be provided which shall transmit all discussion and deliberation.

EW WAC 12-04-060 PUBLIC RECORDS OFFICER. The commission's public records shall be in charge of the public records officer designated by the commission. The person so designated shall be located in the administrative office of the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

EW WAC 12-04-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

EW WAC 12-04-080. REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records

may be obtained, by members of the public, upon compliance with the following procedures: (1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
  - (b) The time of day and calendar date on which the request was made;
  - (c) The nature of the request;
  - (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
  - (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.
- (2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

EW            WAC 12-04-090    **COPYING.** No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

EW            WAC 12-04-100    **EXEMPTIONS.** (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 12-04-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

EW            WAC 12-04-110    **REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS**

(1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records

officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) With regard to review of denial of requests hereunder, the provisions of WAC 12-04-040(2) regarding quorum shall be inapplicable.

EW WAC 12-04-120 PROTECTION OF PUBLIC RECORDS. The public records officer shall, to the extent practical, insure that records requested are not removed from the premises nor portions thereof removed by members of the public.

EW WAC 12-04-130 RECORDS INDEX. (1) The commission has available to all persons a current index which provides identifying information as to those of the following records applicable to the commission and issued, adopted or promulgated since June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opines upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

EW WAC 12-04-140 COMMUNICATIONS. All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the commission's decisions and other matters, shall be addressed as follows: c/o Public Records Officer, Aeronautics Commission, 8600 Perimeter Road, Boeing Field, Seattle, Washington 98108.

EW WAC 12-04-150 ADOPTION OF FORM. The Aeronautics Commission hereby adopts use by all persons requesting inspection and/or copies of records the form set out below, entitled "request for public records."

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

Aeronautics Commission  
8600 Perimeter Road  
Boeing Field  
Seattle, Washington 98108

AERONAUTICS COMMISSION  
REQUEST FOR PUBLIC RECORDS

Date \_\_\_\_\_ Time \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Description of Records (see index):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information obtained through this request for public records will not be used for commercial purposes.

\_\_\_\_\_  
Signature

Number of copies \_\_\_\_\_

Number of pages \_\_\_\_\_

Per page charge \$ \_\_\_\_\_

Total charge \$ \_\_\_\_\_

NEW

WAC 12-08-010 UNIFORM PROCEDURAL RULES. The Washington State Aeronautics Commission, hereinafter designated the Commission, adopts as its rules of practice those uniform procedural rules promulgated by the code reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through WAC 1-08-590 as now or hereafter amended, subject to the additional rules contained herein as WAC 12-08-020 through WAC 12-08-040 and such other additional rules that the Commission may add from time to time. The Commission reserves the right to make whatever determination is fair and equitable should any question, not covered by its rules, come before the Commission, said determination to be in accordance with the spirit and intent of the law (chapter 165, Laws of 1947).

NEW

WAC 12-08-020 CONTESTED CASE HEARING. The Commission shall hold formal hearings, conducted as contested cases under the Administrative Procedure Act, chapter 34.04 RCW, where required by the provisions of chapter 14.04 RCW.

NEW

WAC 12-08-030 HEARINGS BEFORE HEARING OFFICER. When directed by the Commission, any hearing conducted pursuant to chapter 14.04 RCW shall be heard by a hearing officer appointed by the Commission. Contested case hearings shall be conducted in accordance with the uniform rules of procedure under WAC 12-08-010 as otherwise modified by this chapter.

NEW

WAC 12-08-040 PROPOSED ORDERS BY HEARING OFFICERS AND APPEAL. (1) General. WAC 12-08-030 shall apply in any proceeding under chapter 14.04 RCW which has been the subject of a contested case hearing and which is the subject of decision by the Commission, except when:

- (a) there is no objection to a request, made on the record, by a party or the hearing officer for omission of the hearing officer's proposed order; or
- (b) the decision is not adverse to any party to the proceeding other than to the Commission.

(2) Preparation and service of proposed order. In proceedings covered by (1) the officer conducting the hearing, or, when required, such other officer as shall be designated by the Commission, shall prepare a proposed order including findings of fact and conclusions of law and the same shall be served upon all parties of record.

(3) Briefs to hearing officer. At the conclusion of the hearing, the hearing officer may provide for the submission of briefs and fix the time to be allotted therefor.

(4) Exceptions--who may file. Any party of record may file exceptions to the hearing officer's proposed order.

(5) Exceptions--time for filing. Exceptions to hearing officer's proposed order must be filed in triplicate with the Director of the Commission and one copy must be served upon all other parties of record or their attorneys within ten days of the date of service of said proposed order. Proof of service

must be made in accordance with WAC 1-08-120.

(6) Exceptions--contents. Exceptions to hearing officer's proposed orders shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by reference to that page or part of the record or, in the alternative, by a statement of the evidence relied upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute, and/or to the applicable rule and regulation involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to statements in the summary portion of the proposed order, there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate order.

(7) Replies--who may file. Any party of record may file replies to exceptions.

(8) Replies--time for filing. Replies to exceptions must be filed in triplicate with the Director of the Commission. One copy shall be served on all other parties of record or their attorney of record within ten days of the date of the service of the exceptions. Proof of service must be made in accordance with WAC 1-08-120.

(9) Replies--contents. Replies to exceptions shall be specific and must be stated and numbered separately and must be supported by a reference to that page or part of the record, or in the alternative a statement of the evidence, relied upon to support the reply.

(10) Time for filing--variance. The hearing officer or the Commission may in his or its discretion, upon notice to the parties, reduce or extend the time for filing exceptions and replies.

(11) Briefs or written arguments. Briefs or written arguments shall accompany exceptions and replies.

(12) Oral argument. The Commission may in its discretion hear oral argument at a time and place to be designated by it upon notice to all affected parties. Upon the failure of any party requesting and receiving permission to present oral argument to make such argument to the Commission in support of its written objections, the Commission may on its own motion consider the case submitted on the briefs or written arguments, unless such party shall have requested and have been granted a continuance in advance.

(13) Final decision. After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, or on its own motion if no exceptions are filed, a majority of the Commission may affirm or modify the hearing officer's proposed order by an appropriate order. The statutory time for review proceedings shall not commence until the date of the Commission's final decision and order.