

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 85-11

(1) I, Amos E. Reed, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Adopt: Chapter 137-10 WAC, Petition for Promulgation, Amendment, or Repeal of Rule or for Declaratory Ruling.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 85-23-022 filed with the code reviser on 11-13-85. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order 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 public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 34.04.060 and RCW 34.04.080 and is intended to administratively implement that statute. [] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the (agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED December 31, 1985

STATE OF WASHINGTON FILED

DEC 21 1985

CODE REVISER'S OFFICE

WSR 86-02-051

By Amos E. Reed, Secretary Title

Chapter 137-10 WAC

PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF RULE OR FOR
DECLARATORY RULING

WAC

137-10-005	Purpose.
137-10-010	Definitions.
137-10-015	Qualifications and filing.
137-10-020	Form of petition.
137-10-025	Consideration and disposition.

NEW SECTION

WAC 137-10-005 PURPOSE. The purpose of this rule is to establish the procedures by which an interested party may petition the department of corrections for the promulgation, amendment, or repeal of a rule pursuant to RCW 34.04.060, or for a declaratory ruling pursuant to RCW 34.04.080.

NEW SECTION

WAC 137-10-010 DEFINITIONS. (1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of the department of corrections or the secretary's designee.

NEW SECTION

WAC 137-10-015 QUALIFICATIONS AND FILING. (1) Any interested person may petition the department for the promulgation of a new department rule, the amendment or repeal of an existing department rule, or for a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforced by the department.

(2) All such petitions shall be delivered or mailed to the office of the secretary, department of corrections, P.O. Box 9699, Olympia, Washington 98504.

NEW SECTION

WAC 137-10-020 FORM OF PETITION. (1) A petition filed under this chapter shall be typewritten or prepared in other legible form on 8 1/2" by 11" white paper.

(2) If such petition is for the promulgation, amendment, or repeal of a department rule, it shall be captioned as follows:

In the matter of the petition }
of (name of the petitioning }
party).

Petition for (state whether for
promulgation, amendment, or repeal)
of rule(s).

(3) If such petition is for a declaratory ruling it shall be captioned as follows:

In the matter of the petition }
of (name of petitioning party)}

Petition for Declaratory
Ruling

(4) The text of such petitions shall be set out in consecutively numbered paragraphs, the first of which shall contain the name and mailing address of the petitioning party. All petitions shall be dated and signed by the petitioning party.

(5) A petition for the promulgation, amendment, or repeal of a department rule shall set forth:

(a) A statement of whether the petition is for the promulgation of a new rule, or the amendment or repeal of an existing rule;

(b) The full text of any desired new rule, or the citation and full text of any existing rule and the full text of the amendment sought, or the citation and full text of any rule sought to be repealed;

(c) The reason for the requested promulgation, amendment, or repeal;

(d) The facts, allegations, and arguments on which the petitioning party relies in support of the requested promulgation, amendment, or repeal; and

(e) The nature of the interest of the petitioning party in the subject matter of the rule.

(6) A petition for a declaratory ruling of the department shall set forth:

(a) The full text and citation of the rule or statute upon which the declaratory ruling is sought;

(b) The nature of the declaratory ruling sought;

(c) The reasons why the declaratory ruling is sought;

(d) The facts, allegations, and arguments on which the petitioning party relies in support of the issuance of the declaratory ruling; and

(e) The nature of the interest of the petitioning party in the subject matter of the petition.

NEW SECTION

WAC 137-10-025 CONSIDERATION AND DISPOSITION. (1) Within thirty days after its receipt, a petition filed pursuant to this chapter will be considered by a member(s) of the department's staff appointed by the secretary for that purpose. Such staff member(s) may conduct a hearing on the petition, in which event the petitioning party will be given twenty days notice of the date, time, and place for such hearing. Upon completion of its consideration, the department staff will submit its recommendation with respect to the petition to the secretary.

(2) Within thirty days after receipt of the staff's recommendations the secretary will consider the petition and the recommendations and decide either to deny the petition or, as the case may be, to direct rule-making proceedings consistent with the petition be commenced; or decide that a declaratory ruling be issued.

(3) The petitioning party will be notified of the secretary's decision in writing. If the petition is denied, the reason for such denial will be set forth in the notice. If a declaratory ruling is issued, a copy will be mailed to the petitioning party.