

# Chapter 137-10 WAC

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

### WAC

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**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 34.05.330, or for a declaratory ruling pursuant to RCW 34.05.240.

[Statutory Authority: RCW 72.01.090, WSR 07-12-073, § 137-10-005, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 34.04.060 and 34.04.080, WSR 86-02-051 (Order 85-11), § 137-10-005, filed 12/31/85.]

**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.

[Statutory Authority: RCW 34.04.060 and 34.04.080, WSR 86-02-051 (Order 85-11), § 137-10-010, filed 12/31/85.]

**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 41101, Olympia, Washington 98504-1101.

[Statutory Authority: RCW 72.01.090, WSR 03-21-088, § 137-10-015, filed 10/17/03, effective 11/17/03. Statutory Authority: RCW 34.04.060 and 34.04.080, WSR 86-02-051 (Order 85-11), § 137-10-015, filed 12/31/85.]

**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).
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(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
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(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.

[Statutory Authority: RCW 34.04.060 and 34.04.080, WSR 86-02-051 (Order 85-11), § 137-10-020, filed 12/31/85.]

**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.

[Statutory Authority: RCW 34.04.060 and 34.04.080. WSR 86-02-051 (Order 85-11), § 137-10-025, filed 12/31/85.]