

Chapter 390-12 WAC

ADMINISTRATIVE PROCEDURES

WAC

390-12-010	Public disclosure commission—Meetings.
390-12-250	Declaratory order—Petition requisites—Consideration—Disposition.
390-12-255	Petitions for rule making, amendment or repeal—Form—Consideration—Disposition.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

390-12-020	Purpose. [Order 9, § 390-12-020, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-030	Definitions. [Order 9, § 390-12-030, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-040	Public disclosure commission—Description of central and field organization. [Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-12-040, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. WSR 91-24-011, § 390-12-040, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-040, filed 7/9/85; Order 62, § 390-12-040, filed 8/26/75; Order 42, § 390-12-040, filed 9/26/74; Order 9, § 390-12-040, filed 4/24/73.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.
390-12-050	Operations and procedures. [Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-12-050, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-12-050, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-050, filed 7/9/85; WSR 79-10-017 (Order 79-05), § 390-12-050, filed 9/7/79.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.
390-12-060	Public records available. [Order 9, § 390-12-060, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-070	Public records officer. [Order 9, § 390-12-070, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-080	Office hours. [Order 9, § 390-12-080, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-090	Requests for public records. [Order 9, § 390-12-090, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-100	Copying. [Order 9, § 390-12-100, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-110	Exemptions. [Order 9, § 390-12-110, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-120	Review of denials of public records requests. [Order 9, § 390-12-120, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-140	Records index. [Order 9, § 390-12-140, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-150	Public disclosure commission—Communications. [Order 62, § 390-12-150, filed 8/26/75; Order 42, § 390-12-150, filed 9/26/74; Order 9, § 390-12-150, filed 4/24/73.] Repealed by WSR 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
390-12-160	Adoption of form. [Order 9, § 390-12-160 and Form, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).

390-12-170	Public disclosure commission—Organization and structure—Officers—Terms. [Statutory Authority: RCW 42.17A.110. WSR 13-11-009, § 390-12-170, filed 5/2/13, effective 6/2/13. Statutory Authority: RCW 42.17.370. WSR 93-19-034, § 390-12-170, filed 9/7/93, effective 10/8/93. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-170, filed 7/9/85; Order 62, § 390-12-170, filed 8/26/75; Order 14, § 390-12-170, filed 7/31/73.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.
390-12-180	Public disclosure commission—Duties of officers. [Order 62, § 390-12-180, filed 8/26/75; Order 14, § 390-12-180, filed 7/31/73.] Repealed by WSR 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
390-12-190	Public disclosure commission—Elections—Vacancies. [Order 62, § 390-12-190, filed 8/26/75; Order 14, § 390-12-190, filed 7/31/73.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.
390-12-200	Public disclosure commission—Role of the executive director. [Statutory Authority: RCW 42.17A.110. WSR 16-05-008, § 390-12-200, filed 2/4/16, effective 3/6/16. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-200, filed 7/9/85; Order 62, § 390-12-200, filed 8/26/75; Order 14, § 390-12-200, filed 7/31/73.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.
390-12-210	Public disclosure law—Duties of other agencies. [Order 62, § 390-12-210, filed 8/26/75; Order 14, § 390-12-210, filed 7/31/73.] Repealed by WSR 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).

WAC 390-12-010 Public disclosure commission—Meetings. (1) Pursuant to RCW 42.30.075, regular meetings of the public disclosure commission are scheduled to be held monthly on the fourth Thursday of each month at 9:30 a.m. unless a different time is noted on an agenda, except November and December when a combined meeting may be scheduled to be held during the first or second week of December.

(2) Commissioners meet monthly to consider and act on policy matters, enforcement matters, rule makings and interpretations, adjudicative proceedings, modification requests, agency management, budget, legislative matters, public and stakeholder input, education and assistance, and other matters consistent with its oversight responsibilities to ensure the agency's mission is fulfilled and to ensure compliance with, and equitable and effective enforcement of, the act. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) the Administrative Procedure Act (chapter 34.05 RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-12-010, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17.370 and 42.17.690. WSR 06-07-001, § 390-12-010, filed 3/1/06, effective 4/1/06. Statutory Authority: RCW 42.17.370(1). WSR 04-12-053,

§ 390-12-010, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.390. WSR 94-05-010, § 390-12-010, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-010, filed 7/9/85; WSR 82-05-001 (Order 82-01), § 390-12-010, filed 2/4/82; WSR 80-06-119 (Order 80-06), § 390-12-010, filed 5/30/80; WSR 79-10-070 (Order 79-06), § 390-12-010, filed 9/19/79; Order 62, § 390-12-010, filed 8/26/75; Order 14, § 390-12-010, filed 7/31/73.]

WAC 390-12-250 Declaratory order—Petition requirements—Consideration—Disposition. (1) Any person may submit a petition for a declaratory order pursuant to RCW 34.05.240 in any form so long as it:

(a) Clearly states the question the declaratory order is to answer; and

(b) Provides a statement of the facts which raise the question.

(2) The executive director may conduct an independent investigation in order to fully develop the relevant facts.

(3) The executive director will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five business days notice of the time and place of such meeting. Such notice may be waived by the petitioner.

(4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory order.

(5) The commission may issue either a binding or a non-binding order or decline to issue any order.

(6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five business days notice of such meeting shall be provided to the petitioner.

(7) If an order is to be issued, the petitioner shall be provided a copy of the proposed order and invited to comment.

(8) The declaratory order cannot be a substitute for a compliance action and is intended to be prospective in effect.

(9) The commission will decline to consider a petition for a declaratory order or to issue an order when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-12-250, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 17-03-028, § 390-12-250, filed 1/6/17, effective 2/6/17. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-12-250, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-250, filed 7/9/85; WSR 81-18-043 (Order 81-03), § 390-12-250, filed 8/28/81.]

WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition. Any person may submit a petition requesting the adoption, amendment or repeal of any rule by the commission, pursuant to RCW 34.05.330 and the uniform rules adopted by the office of financial management that are set forth in chapter 82-05 WAC.

[Statutory Authority: RCW 42.17.370(1). WSR 99-12-056, § 390-12-255, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-12-255, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). WSR 81-18-043 (Order 81-03), § 390-12-255, filed 8/28/81.]