



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

June 20, 2006

K. Kyle Thiessen
Code Reviser
PO Box 40551
Olympia, WA 98504-0551

Re: Request For Consent to Decodify Title 289 of the Washington Administrative Code

Dear Mr. Thiessen:

This is in response to your letter of April 27, 2006, expressing your conclusion that Title 289 of the Washington Administrative Code, relating to standards for the operation of county and city correctional facilities, should be decodified, and requesting the consent of the Attorney General to take that action. As your letter explains, RCW 34.05.210(6) provides in part:

With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

...

(b) The adopting agency ceases to exist and the rules are not transferred to a successor agency.

Our review of the history of Title 289 WAC and related statutes confirms your understanding that rules relating to local jail standards initially were promulgated under the authority of the Jail Commission. Laws of 1977, 1st Ex. Sess., ch. 316, § 5. The duties of that agency with respect to such rules subsequently were transferred to the Corrections Standards Board. Laws of 1986, ch. 118, § 2. The Corrections Standards Board, in turn, ceased to exist on January 1, 1988. Laws of 1987, ch. 462, § 21. We have located no provision transferring responsibility for the rules in Title 289 WAC to a successor agency. Rather, since 1988, RCW 70.48.071 has required counties and cities to adopt standards for their own correctional facilities. Laws of 1987, ch. 462, §§ 17, 24.

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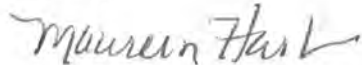
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For these reasons, the Attorney General concludes that the requirements of RCW 34.05.210(6) are satisfied, and thus, consents to decodification of Title 289 of the Washington Administrative Code.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Hart".

Maureen A. Hart
Solicitor General

MAH:rs