

# Title 287 WAC

## INVESTMENT BOARD

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### Chapter 287-02 WAC

#### PUBLIC RECORDS

#### WAC

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**WAC 287-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the state investment board with the provisions of chapter 42.17 RCW dealing with public records.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-010, filed 11/10/81.]

**WAC 287-02-020 Definitions.** The following definitions shall apply to this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of government 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 of paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "State investment board" means the board established by chapter 3, Laws of 1981. The state investment board shall hereinafter be referred to as the "board." Where appropriate, the term state investment board also refers to the staff and employees of the board.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-020, filed 11/10/81.]

**WAC 287-02-030 Description of central and field organization of the state investment board.** The state investment board is a state agency empowered to perform all duties prescribed by law with respect to the investment of trust and public funds. The administrative offices of the state investment board and its staff are located at 314 Insurance Building, Olympia, Washington.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-030, filed 11/10/81.]

**WAC 287-02-040 Operations and procedures.** The state investment board is charged with the duty to invest certain trust and public funds, as set forth in RCW 43-.84.150, and chapter 3, Laws of 1981. The board shall meet at least quarterly, at times and locations determined by the board, in order to perform its duties. All such meetings will comply with the Open Meetings Act.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-040, filed 11/10/81.]

**WAC 287-02-050 Public records available.** All public records of the state investment board as defined in WAC 287-02-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.370.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-050, filed 11/10/81.]

**WAC 287-02-060 Public records officer.** The state investment board's public records shall be in the charge of the public records officer designated by the agency. The person so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the state investment board's rules and regulations regarding release of public records, coordinating the staff of the committee in this regard and generally insuring compliance by the staff with the public records disclosures requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-060, filed 11/10/81.]

**WAC 287-02-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the state investment board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday excluding legal holidays.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-070, filed 11/10/81.]

**WAC 287-02-080 Requests for public records.** In accordance with requirements of chapter 42.17 RCW 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 state investment board which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the board's staff, if the public records officer is not available at the administrative office of the board 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 board's current index, and 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.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-080, filed 11/10/81.]

**WAC 287-02-090 Copying.** No fee shall be charged for the inspection of public records. The board shall charge a fee for copying public records not to exceed 50 cents per page. This charge is the amount necessary to reimburse the board for its actual costs incident to such copying.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-090, filed 11/10/81.]

**WAC 287-02-100 Exemptions.** (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 287-02-080 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the board reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. 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 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.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-100, filed 11/10/81.]

**WAC 287-02-110 Review of denials of public record requests.** (1) Any person who objects to the denial of a request for a public record may petition for review of such decision by rendering 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 executive director of the board. The executive director shall immediately consider the matter and either affirm or reverse such 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 executive director has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-110, filed 11/10/81.]

**WAC 287-02-120 Records index.** (1) Index. The board has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since May 1, 1981:

(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 opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

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

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-120, filed 11/10/81.]

WAC 287-02-130 State investment board address. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of the board's decisions and other matters, shall be addressed as follows: State Investment Board, c/o Public Records Officer, 314 Insurance Building, Olympia, Washington 98504.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-130, filed 11/10/81.]

WAC 287-02-140 Adoption of form. The board hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form set out below entitled "Request for public record."

REQUEST FOR PUBLIC RECORD

Name of Requestor:

Address:

Phone:

Date of Request:

Time of Request:

Nature of Request:

- 1. Index Reference \_\_\_\_\_
2. If not identifiable by reference to the index, then describe the document(s) in detail \_\_\_\_\_

Signature \_\_\_\_\_

For Office Use Only:

- (1) Request Granted [ ] Record Withheld [ ] Record Withheld In Part [ ]
(2) If withheld, name the exemption contained in RCW 42.17.310, which authorizes the withholding of the record or part of record.
(3) If withheld, briefly explain how the exemption applies to the record withheld.
(4) If request granted, time \_\_\_\_\_, day \_\_\_\_\_.

[Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. 81-23-012 (Order 81-1), § 287-02-140, filed 11/10/81.]

Chapter 287-04 WAC
CONFLICT OF INTEREST

- WAC
287-04-010 Promulgation.
287-04-020 Purpose.
287-04-030 Rules of conduct.
287-04-040 Conflict of employment.

WAC 287-04-010 Promulgation. Pursuant to section 4, chapter 219, Laws of 1981 the board promulgates the following rules relating to conflict of interest and

ethical conduct appropriate to the specific needs of the board.

[Statutory Authority: RCW 43.33A.110. 81-23-012 (Order 81-1), § 287-04-010, filed 11/10/81.]

WAC 287-04-020 Purpose. The board finds that the trusteeship and investment management of the state's trust and retirement funds demand the highest degree of confidence from the beneficiaries of the funds and the public in general, and the establishment of rules regarding conflict of interest and ethical conduct will promote and sustain public trust and maintain integrity in government.

[Statutory Authority: RCW 43.33A.110. 81-23-012 (Order 81-1), § 287-04-020, filed 11/10/81.]

WAC 287-04-030 Rules of conduct. (1) No board member or staff member shall be involved in any decision by the board to transact business with or through a business entity in which that member has a direct and substantial economic interest, as defined by chapter 42.18 RCW and WSR 80-15-040 (Executive Order 80-16).

(2) No member of the board or its staff, by virtue of his or her position shall, directly or indirectly, give or receive or agree to receive any compensation, gift, reward or gratuity from any source except the state of Washington unless otherwise provided by law, or regulations.

(3) No member of the board or its staff shall, within a period of two years after termination of such service or employment, appear before the board or receive compensation for any services rendered for or on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned and in which that person personally participated during the period of his or her service or employment.

(4) No member of the board of its staff shall accept employment or engage in business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position.

(5) No member of the board or its staff shall disclose confidential information gained by reason of his or her official position, nor shall otherwise use such information for his or her personal gain or benefit.

(6) No member of the staff shall have an account with an institutional salesman serving the state.

(7) No member of the board or its staff shall knowingly purchase or sell securities for his or her own account or in an account in which he or she has a beneficial interest in competition in the market place with state trust and retirement funds.

(8) No member of the board or its staff may in any way apply, for his or her account or for an account in which he or she has a beneficial interest, information acquired in the management of the funds which would be detrimental to the funds or in any way be contrary to the best interests of the state trust and retirement funds.

[Statutory Authority: RCW 43.33A.110. 81-23-012 (Order 81-1), § 287-04-030, filed 11/10/81.]

**WAC 287-04-040 Conflict of employment.** No board or staff member shall accept employment which will adversely affect the performance of that member's official duties, discredit the board or result in a conflict of interest.

[Statutory Authority: RCW 43.33A.110. 81-23-012 (Order 81-1), § 287-04-040, filed 11/10/81.]

**Chapter 287-06 WAC**  
**STATE ENVIRONMENTAL POLICY ACT--**  
**INTERPRETATION**

**WAC**  
287-06-010 Exemption from provisions of WAC 197-10-800.

**WAC 287-06-010 Exemption from provisions of WAC 197-10-800.** The state investment board has reviewed its authorized activities and found them all to be exempt from the provisions of Title 197 WAC. This statement is adopted in compliance with the requirement that the board adopt guidelines consistent with Title 197 WAC.

[Statutory Authority: RCW 43.21C.120. 81-23-012 (Order 81-1), § 287-06-010, filed 11/10/81.]