

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 86-05

(1) I, Amos E. Reed, director of the Department of Corrections do promulgate and adopt at Olympia, Washington the annexed rules relating to:

- Amend: WAC 137-08-060, Public Records Available
WAC 137-08-070, Public Records Officer
WAC 137-08-140, Remedy for Review of Denial of Disclosure

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

This action is taken pursuant to Notice No. 86-07-066 filed with the code reviser on 3-19-86. 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 10.97.080 and RCW 42.17.320 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 April 29 19 86

STATE OF WASHINGTON FILED

APR 29 1986

CODE REVISER'S OFFICE WSR 86-10-010

By Amos E. Reed, Secretary Title

AMENDATORY SECTION (Amending Order 85-06, filed 6/10/85)

WAC 137-08-060 PUBLIC RECORDS AVAILABLE. (1) Requests for any identifiable public record may be initiated at any office of the department during normal business hours.

(2) The department shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The department's failure to so respond shall entitle the person seeking disclosure to petition the public ((records)) disclosure officer pursuant to WAC 137-08-140.

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

WAC 137-08-070 PUBLIC ((RECORDS)) DISCLOSURE OFFICER. The department shall designate a public ((records)) disclosure officer, located in the state administrative office, who shall be responsible for implementing the department's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

WAC 137-08-140 ((REMEDY--FOR)) REVIEW OF DENIAL OF DISCLOSURE. (1) If the person requesting disclosure disagrees with the decision of a public disclosure coordinator denying disclosure of a public record, ((this)) such person may ((at-any--time)) petition the department's public ((records)) disclosure officer for review of the decision denying disclosure. The form used by the public disclosure coordinator to deny disclosure of a public record shall clearly indicate this right of review.

(2) Within ten working days after receipt of a petition for review of a decision denying disclosure, the public ((records)) disclosure officer shall review the decision((s)) denying disclosure ((in the-most-prompt-fashion-possible)), and advise the petitioner, in writing, of the public disclosure officer's decision on the petition. Such review shall be deemed completed at the end of the second business day following ((receipt--by-the-department-of-the-petition-for review--This)) denial of disclosure, and shall constitute final agency action for the purposes of judicial review((7-pursuant-to-REW 42-47-320)).