

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 2

(1) I, AMOS REED, SECRETARY

DEPARTMENT OF CORRECTIONS

do promulgate and adopt at Olympia, Washington

(place)

the annexed rules relating to:

NEW: CHAPTER 137-12 WAC: Funding for Locating Specified Correctional Facilities

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

This action is taken pursuant to Notice No. filed with the code reviser on 7/1/81. Such rules shall take effect: WSR 81-14-080

- [X] 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 the foregoing 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 such emergency is:

Such 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):

[] (a) This rule is promulgated pursuant to RCW 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)

[X] (c) This rule is promulgated under the general rule-making authority of the DEPARTMENT OF CORRECTIONS

(agency)

as authorized in RCW 72.01.090

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(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.

STATE OF WASHINGTON APPROVED AND ADOPTED August 27 19 81 FILED

SEP 3 1981

By Amos Reed SECRETARY, DEPT. OF CORRECTIONS

Title

CODE REVISER'S OFFICE WSR 81-19-001

NEW SECTION

WAC 137-12-010 DEFINITIONS. These phrases, when used in this chapter, shall have the following meanings:

(1) "Affected political subdivision" denotes only the cities of Monroe and Steilacoom, and Pierce, Snohomish, Mason, and Clallam/Jefferson Counties.

(2) "Additional institution(s)" denotes the five hundred bed addition to the Washington state reformatory, the inclusion of the McNeil Island corrections center in the corrections system of the state of Washington, Olympic correctional center, and Birch Hall a one hundred twenty bed addition to the Washington corrections center, Shelton.

(3) "Incremental costs" denotes costs incurred by an "affected political subdivision" directly resultant from the location of an "additional institution" within its boundaries.

NEW SECTION

WAC 137-12-020 PURPOSE. The purpose of this chapter shall be to create a process for the fair and equitable disbursement of the one million two hundred thousand dollars, provided in section 48(3)(d) of chapter 340, Laws of 1981, solely for the one-time cost impact on communities associated with locating additional state correctional facilities.

NEW SECTION

WAC 137-12-030 ELIGIBLE POLITICAL SUBDIVISIONS. Costs shall be limited to incremental costs from additional institutions to affected political subdivisions.

NEW SECTION

WAC 137-12-040 PERIOD OF FUNDING. Funds shall be disbursed by June 30, 1983.

NEW SECTION

WAC 137-12-050 FUNDING PRIORITY. (1) Funding to affected political subdivisions shall be prioritized as follows:

(a) Criminal-justice incremental costs, including expenditures for police, prosecutorial, judicial, and related law-enforcement activities.

(b) Certain other incremental costs, such as expansion of sewage and water treatment facilities, road wear-and-tear, and expanded fire protection, which costs are not directly related to criminal justice but are directly related to the institution's impact on the community and can be documented as such.

(c) All other incremental costs, such as elementary and secondary education and any effect on a tax base, indirectly associated with the additional institution.

(d) Hereafter in this section the described classes of incremental costs shall be referred to as class (1) (a), class (1) (b) costs and class (1) (c) costs, respectively.

(2) All class (1) (a) costs shall be payable as soon as each such claim is approved by the secretary or his designee. All other approved claims--namely, those involving class (1) (b) or (1) (c) costs--shall be paid only after all claims have been submitted pursuant to WAC 137-12-070, except that (1) (b) costs may be prepaid if deemed necessary in the sound discretion of the secretary.

(3) Except as provided in (2), all approved claims of class (1) (a) costs shall be paid prior to any approved claims for class (1) (b) costs, and all approved claims for class (1) (b) costs shall be paid prior to any class (1) (c) costs. Payment of approved claims within class (1) (b) shall be prorated in the event that funding is insufficient to pay all approved (1) (b) claims fully, and a like procedure shall be used in respect to approved (1) (c) claims once all approved (1) (b) claims have been paid.

(4) No claims may be filed for costs reimbursed or reimbursable by prior contract with the state of Washington.

NEW SECTION

WAC 137-12-060 BILLING PROCEDURE. (1) Requests by political subdivisions for reimbursement shall be made on the standard Washington state invoice voucher, form A-19, with supporting documentation attached.

(2) All requests for reimbursement shall be submitted to:

Director, Division of Management and Budget, Mail Stop FN-61
Department of Corrections
Olympia, Washington 98504.

NEW SECTION

WAC 137-12-070 CUTOFF DATE. (1) After construction of the five hundred bed new facility on the grounds of the Washington state reformatory has been completed and that addition is occupied by inmates the secretary may require that any and all additional requests for reimbursements be submitted to the department, as provided by WAC 137-12-060, within a specified period of time of not less than forty-five days.

(2) Notice of this requirement shall be served by certified or registered mail upon the political subdivisions.

NEW SECTION

WAC 137-12-080 REVIEW COMMITTEE. (1) A review committee shall be formed to assist the secretary in matters pertaining to this chapter. Such a committee shall consist of the following individuals:

- (a) The capitol program administrator;
- (b) The director of the division of management and budget;
- (c) The director of prisons;
- (d) The senior assistant attorney general assigned to the department; and
- (e) The deputy secretary, who shall serve as chairman.

The secretary may delegate responsibilities of this chapter to this review committee.

(2) The secretary may at his discretion utilize a hearings officer to serve as a fact finder in matters pertaining to this chapter.

NEW SECTION

WAC 137-12-090 SPECIAL AUTHORIZATIONS. Notwithstanding any other provision of this chapter, the secretary may immediately authorize the following disbursements:

- (1) Forty thousand dollars for a feasibility study for relocation of the dock at Steilacoom;
- (2) Ten thousand dollars for contracting with Pierce County for ferry service to McNeil Island.