



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

<b>Agency:</b> Department of Corrections	<input type="checkbox"/> Permanent Rule
<b>(1) Date of adoption:</b> October 17, 2003	<input type="checkbox"/> Emergency Rule
	<input checked="" type="checkbox"/> Expedited Rule Making

**(2) Purpose:** Administrative updates and changes to the attached nine WAC chapters. The changes update statutory and other references, update titles of executive management, change addresses and other similar changes which do not change the effect of the rules.

**(3) Citation of existing rules affected by this order:**  
 Repealed:  
 Amended: WAC 137-10-015; WAC 37-12A-050, -060 & -070; WAC 137-58-010, -020, -030 & -040; WAC 137-67-015, -025, -030, -035 & -040; WAC 137-68-010 & -020; WAC 137-70-020, -060 & -070; WAC 137-75-020, -040 & -050; WAC 137-78-010, -030, -060 & -070; 137-80-010, -020, -040 & -060.  
 Suspended:

**(4) Statutory authority for adoption:** RCW 72.01.090  
 Other Authority:

**PERMANENT RULE ONLY (Including Expedited Rule Making)**  
 Adopted under notice filed as WSR 03.16.073 on August 20, 2003 (date).  
 Describe any changes other than editing from proposed to adopted version:

**EMERGENCY RULE ONLY**  
 Under RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
 Reasons for this finding:

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:**  
 Yes     No    If Yes, explain:

<b>(6) Effective date of rule:</b>	
<b>Permanent Rules</b>	<b>Emergency Rules</b>
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify)
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)	
<b>Name (Type or Print)</b> Joseph D. Lehman	
<b>Signature</b> <i>Joseph D. Lehman</i>	
<b>Title</b> Secretary	<b>Date</b> Oct 16, 2003

**CODE REVISER USE ONLY**

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STATE OF WASHINGTON  
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WSR 03-21-088

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended	Repealed
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

**The number of sections adopted at the request of a nongovernmental entity:**

New	Amended	Repealed
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**The number of sections adopted in the agency's own initiative:**

New	Amended	<u>29</u>	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended	Repealed
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed	
<b>Pilot rule making:</b>	New	Amended	Repealed	
<b>Other alternative rule making:</b>	New	Amended	<u>29</u>	Repealed

AMENDATORY SECTION (Amending Order 85-11, filed 12/31/85)

**WAC 137-10-015 Qualifications and filing.** (1) Any interested person may petition the department for the promulgation of a new department rule, the amendment or repeal of an existing department rule, or for a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforced by the department.

(2) All such petitions shall be delivered or mailed to the Office of the Secretary, Department of Corrections, P.O. Box ((~~9699~~)) 41101, Olympia, Washington 98504-1101.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

**WAC 137-12A-050 Application procedure.** (1) A political subdivision must request funding under this chapter by submitting a written request to:

Department of Corrections  
(~~Office of~~) Contracts and (~~Regulations~~) Legal Affairs  
P.O. Box (~~9699~~) 41114  
Olympia, WA 98504-1114

(2) Requests must document the one-time cost impact for which reimbursement is requested. Such documentation may include reference to:

- (a) Criminal justice costs.
- (b) Social service or human service costs.
- (c) Transportation, roads and utility costs.
- (d) Other similar costs.

(3) Requests for reimbursement of costs related to inmate families shall be documented by the political subdivision and take into account offsetting revenues from federal, state, or charitable sources. Such documentation shall include, but not be limited to:

- (a) Social service or human service costs within the community related to inmate families.
- (b) Criminal justice costs.
- (c) The relationship of those costs to the offender population.

(d) An affidavit that such costs are not funded or offset from other sources or subject to reimbursement by the recipient of such services.

(4) The burden of demonstrating the impact shall be on the requesting political subdivision. The department may provide technical assistance to the political subdivision and verification of impact requests.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

**WAC 137-12A-060 Department review committee.** (1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) (~~The assistant director, sitting,~~

~~(b) Director, division of management and budget;~~

~~(c) Director, division of prisons;~~

~~(d)) Deputy secretary, office of administrative services;~~

(b) Deputy secretary, office of correctional operations;

(c) Contracts and regulations administrator;

~~((e) Chief, facilities management and administrative services;~~

~~(f) Director, division of community corrections;)) (d)~~

Administrator, capital planning and development; and the

~~((g)) (e) Senior assistant attorney general assigned to the department.~~

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

**WAC 137-12A-070 Contracts.** Requests approved for funding under this chapter shall be evidenced in a written contract document processed through the ~~((office of))~~ contracts and ~~((regulations))~~ legal affairs section and approved by the secretary and submitting jurisdiction. Funding shall be limited to actual costs incurred during the term of the contract.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

**WAC 137-58-010 Purpose.** (1) The purpose of this chapter is to ensure department compliance with the State Environmental Policy Act, (SEPA), chapter 43.21C RCW, and the regulations promulgated thereto, chapter ~~((197-10))~~ 197-11 WAC and to set forth department procedures in regards to SEPA requirements.

(2) These rules are supplemental to chapter 43.21C RCW and chapter ~~((197-10))~~ 197-11 WAC and are not intended to provide a comprehensive description of the SEPA requirements therein listed.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

**WAC 137-58-020 Definitions.** The definitions set forth in chapter ~~((197-10))~~ 197-11 WAC are hereby incorporated by reference into this chapter and should be referred to if necessary.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

**WAC 137-58-030 Agency responsibilities.** (1) The secretary or his/her designee shall be responsible for making final decisions regarding threshold determinations, adequacy of draft EISs and adequacy of final EISs where the department is the lead agency.

(2) The department's ~~((office of capital programs, division of prisons,))~~ capital planning and development section shall be responsible for submitting the necessary data set forth in WAC 137-58-040 to the secretary for his/her decision.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

**WAC 137-58-040 Responsibilities, ~~((office of))~~ capital ~~((programs))~~ planning and development.** The department's ~~((office of))~~ capital ~~((programs, division of prisons,))~~ planning and development section shall be responsible for complying with the threshold determination procedures of WAC ~~((197-10-300 through 197-~~

~~10-390~~) 197-11-300 through 197-11-390; and shall be responsible for the supervision, or actual preparation of draft EISs pursuant to WAC (~~(197-10-400 through 197-10-495)~~) 197-11-400 through 197-11-495, including the circulation of such statements, and the conduct of any public hearing required by chapter (~~(197-10)~~) 197-11 WAC. The office of capital programs shall also prepare or supervise the preparation of any required final EIS pursuant to WAC (~~(197-10-550 through 197-10-695)~~) 197-11-550 through 197-11-695.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

**WAC 137-67-015 Definitions.** (1) "Department" is the department of corrections.

(2) "Adult correctional institution" and "institution" is a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" is the secretary of the department of corrections or the secretary's designee.

(4) (~~"Director" is the director of the division of prisons~~) "Deputy secretary" is the deputy secretary, office of correctional operations, of the Washington state department of corrections or (~~the director's~~) his/her designee.

(5) "Superintendent" is a superintendent of an adult correctional institution or the superintendent's designee.

(6) "Treaty nation" is a country which has entered into a treaty with the United States on the execution of penal sentences.

(7) "Treaty" is a treaty under which an offender, sentenced in the courts of one country, may be transferred to the country of which the offender is a citizen or national, for the purpose of serving the sentence.

(8) "Country of origin or citizenship" is the country in which the inmate was born or in which the inmate has duly recognized citizenship.

(9) "OIA" is the Office of International Affairs, Criminal Division, United States Department of Justice.

(10) "United States" is the United States of America.

(11) "Detainer" is a hold or request for notification placed by any local, state, or federal law enforcement, penal, or prosecutorial agency based on untried charges, parole or probation violation, escape, unexpired sentence, bond-jumping, or any other fugitive matter.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

**WAC 137-67-025 Initial notification.** At the time of admission to the Washington corrections center, or the (~~Purdy~~) Washington corrections center for women, the orientation information given to all inmates will include information on international offender transfers. An inmate who is a citizen of a treaty nation will be informed of the existing treaty and be provided with the opportunity to indicate an interest or noninterest in a transfer to the inmate's country of origin or



citizenship on a application form provided by the department. Whenever possible, the form will be bilingual or translated into the inmate's native language. The application will be processed consistent with the purpose and provisions of the applicable treaty.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

**WAC 137-67-030 Process for application.** After the inmate's foreign country citizenship has been verified and that country has been identified as a treaty nation, the superintendent will forward the inmate's application for transfer and the verification of citizenship to the ((director)) deputy secretary. All applications for international transfer will be submitted by the ((director)) deputy secretary to the secretary for final department approval and recommended to the governor or the governor's designee pursuant to RCW 43.06.350.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

**WAC 137-67-035 Referral by the secretary to the Office of ((International Affairs)) Enforcement Operations, International Prisoner Transfer Program, Criminal Division, U.S. Department of Justice.** After approval of an inmate's application for transfer by the governor or the governor's designee, the secretary will refer the inmate's application to ((OIA)) the International Prisoner Transfer Program (IPTP).

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

**WAC 137-67-040 Verification hearing.** Following ((OIA)) IPTP approval and approval of the treaty country, the inmate will be referred by ((OIA)) IPTP to a United States magistrate or a United States district court judge, or other appointed United States official to assure and document the inmate's voluntary request for transfer. Federal authorities will complete the necessary procedures to effect voluntary transfer under the applicable treaty and laws of the United States.

AMENDATORY SECTION (Amending Order 82-20, filed 12/22/82)

**WAC 137-68-010 Definitions.** (1) "Compact" is the interstate compact for supervision of probationers and parolees as codified in RCW 9.95.270.

(2) "Compact administrator" is the (~~director of the division of community services~~) deputy secretary, office of correctional operations, department of corrections, who is responsible for the administration of the interstate compact for the supervision of adult probationers and parolees.

(3) "Deputy compact administrator" is a person appointed by the compact administrator and delegated responsibility for the administration of the interstate compact.

(4) "Sending state" is the state in which the individual was granted probation or parole and in which the jurisdiction of the case is retained.

(5) "Receiving state" is the state providing supervision of the parolee or probationer under the interstate compact.

(6) "Probationer" is a person under jurisdiction of a state superior or circuit court who is being supervised under the compact.

(7) "Parolee" is a person under jurisdiction of a paroling authority who is being supervised under the interstate compact.

(8) "Parole officer" is a state (~~probation and parole officer~~) community corrections officer (CCO) employed by the department of corrections.

(9) (~~"Supervising parole officer"~~) "Supervising community corrections officer" is a (~~parole officer~~) CCO assigned to supervise a probationer or parolee as required by the interstate compact and to act in regard to all matters connected with hearings conducted pursuant to the interstate compact rules.

(10) "Violations specified" are charges and/or allegations made against probationer or parolee by a parole officer in regard to violation of law or failure to comply with the general conditions of probation or parole or special instructions and conditions as set forth by the court of jurisdiction or the paroling authority.

(11) "Preliminary hearing" is a hearing conducted in accordance with RCW (~~9.95B.010 through 9.95B.900~~) 10.88.290.

(12) "Hearing officer" is a person authorized by the compact administrator (~~in accordance with RCW 9.95B.020~~) to hear cases involving alleged violations of conditions of parole or probation. Neither the person making the allegations of violation or his or her direct supervisor shall act as hearing officer.

**WAC 137-68-020 Detained or arrested probationer or parolee--  
Right to preliminary hearing.** (1) A probationer or parolee being supervised for another state under the interstate compact if detained or arrested within the state of Washington shall have the right as provided in (~~chapter 9.95B~~) RCW 10.88.290, to a preliminary hearing to determine whether there is probable cause to believe a condition or conditions of probation or parole have been violated and whether there is reason to believe the violations alleged are of such nature that a revocation of probation or parole should be considered by the sending state.

(2) The detained or arrested probationer or parolee may waive his or her right to such hearing in writing.

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

**WAC 137-70-020 Definitions.** As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.

(2) "Deputy secretary" shall mean the deputy secretary of the department, or the deputy secretary's designee.

(3) "Contingency plan" shall mean a plan developed under RCW 72.02.150 by the secretary with representatives of political subdivisions for dealing with disturbances at a state penal facility.

(4) "Department" shall mean the department of corrections.

(5) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred to the custody of the department from another state or the federal government.

(6) "Institution" and "penal facility" shall mean any facility identified in RCW 72.01.050(2) and any community residential program under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(7) "Political subdivision" shall mean any city, town, or county.

(8) "Administrator" shall mean the administrator of the department's (~~office of~~) contracts and (~~regulations~~) legal affairs section, or the administrator's designee.

(9) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 85-04, filed 3/11/85)

**WAC 137-70-060 Billing procedure.** (1) All requests for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, showing the total reimbursement requested, accompanied by a completed request for reimbursement form issued by the department. The vouchers and form should be mailed or delivered to the Department of Corrections, (~~Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61~~) Office of Administrative Services, Contracts and Legal Affairs, P.O. Box 41114, Olympia, Washington 98504-1114.

(2) The department may require the requesting political subdivision to submit such other documentation and information the

department deems necessary to further support or explain the request.

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

**WAC 137-70-070 Department review.** (1) All requests for reimbursement shall be reviewed by the administrator.

(2) The administrator shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the administrator shall notify the requesting political subdivision in writing, setting forth the reasons for disapproval.

(3) The administrator's decision shall be final unless appealed to the department's impact appeals panel within twenty days after a political subdivision receives notice of disapproval. The impact appeals panel shall be composed of the deputy secretary (~~(and the director of the department's division of management and budget, or the director's)~~), office of correctional operations and the deputy secretary, office of administrative services, or his/her designee.

(4) An appeal from the administrator's decision disapproving a political subdivision's request for reimbursement must be in writing and must set forth the reasons why the political subdivision believes its request should be approved. The appeal shall be addressed to the Impact Appeals Panel, Department of Corrections, P.O. Box (~~(9699, Olympia, WA 98504, attention: Office of Contracts and Regulations)~~) 41114, Olympia, WA 98504-1114, attention: Contracts and Legal Affairs.

(5) The decision of the impact appeals panel shall be deemed to be the department's final administrative action with respect to the appeal.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

**WAC 137-75-020 Definitions.** As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;

(2) "Department" shall mean the department of corrections;

(3) (~~"Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;~~) "Deputy secretary" shall mean the deputy secretary, office of correctional operations or his/her designee.

(4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;

(5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;

(6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);

(7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;

(8) All references to the singular shall include the plural, unless otherwise noted.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

**WAC 137-75-040 Extraordinary emergency medical treatment.**

(1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall (~~(, in the case of parolees and~~

~~work release inmate(s)) be given to the ((director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons)) deputy secretary.~~

AMENDATORY SECTION (Amending Order 87-03, filed 6/30/87)

**WAC 137-75-050 Request for reimbursement.** (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, (~~Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504~~) Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, who will (~~forward the request to the director. The director will~~) confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests must be filed within thirty days after the costs for which reimbursement is requested were incurred. Provided, however, with respect to such costs incurred in the month of June in odd-numbered years, such requests must be filed no later than ten days after the close of the state fiscal biennium (June 30).

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

**WAC 137-78-010 Definitions.** For the purposes of this chapter the following words shall have the following meanings:

(1) "Assault" means an intentional touching, striking, cutting, or shooting of a person or the body of another.

(2) "Assault benefits" means reimbursement to employees of some of their costs attributable to being the victim of an offender assault.

(3) (~~("Chief, office of employee services")~~) "Administrator, safety and risk management" means the individual who is appointed by the secretary to head the (~~(office of employee services)~~) safety and risk management section or his/her designee.

(4) "Department" means the department of corrections.

(5) "Employee" means any individual who is appointed by the secretary, and who serves under the supervision and authority of the department. The term "employee" shall not include an individual performing personal services under contract or offenders.

(6) "Deputy secretary" is the deputy secretary for the office of correctional operations or his/her designee.

(7) "Doctor" means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutics; podiatry; dentistry; optometry.

(~~(7)~~) (8) "Offender" means any person in the custody of or subject to the jurisdiction of the department of corrections.

(~~(8)~~) (9) "Secretary" means the secretary of the department of corrections or the secretary's designee.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

**WAC 137-78-030 Application process.** Employees who meet the requirements of WAC 137-78-020 and elect to apply for assault benefits shall submit a signed application for assault benefits and a properly completed report of personal injury form (DOC 3-133 (~~(x)~~)), together with the certificate of the doctor that attended him or her, to his or her (~~(supervisor)~~) locally designated representative or human resource office within ten working days of the occurrence of the assault or, if the application could not be reasonably submitted within that period, within ten working days of



the time when application could reasonably have been made. Applications shall be reviewed through the ~~((appropriate division))~~ employee's chain of command. The ~~((division director))~~ deputy secretary shall forward the application, with appropriate recommendations, to the ~~((office of employee services))~~ safety and risk management section. The ~~((chief of the office of employee services))~~ administrator, safety and risk management shall grant or deny the request for assault benefits within ten working days after written notification from the employee or the department of labor and industries that the employee's application for compensation under Title 51 RCW has been approved, but may extend that time to gather additional information.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

**WAC 137-78-060 Denial of application for assault benefits.**

If the employee's request for assault benefits is denied by the ~~((office of employee services))~~ safety and risk management administrator, the employee may, within ten working days from the date of denial, file a petition with the office of ~~((employee services))~~ administrative services (OAS) deputy secretary for reconsideration, stating the specific grounds upon which the application should be granted. ~~((The petition shall be in the format specified by the office of employee services. The petition shall be deemed to have been denied if not disposed of within twenty working days from the date the petition is filed.))~~ The OAS deputy secretary shall respond within twenty working days from the date the petition was received; provided that the time may be extended to gather additional information.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

**WAC 137-78-070 Appeal from denial of assault benefits/overpayments.** (1) If the employee's petition for assault benefits to the ~~((chief of the office of employee services))~~ office of administrative services deputy secretary is denied, the employee may appeal that decision to the secretary in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box ~~((9699))~~ 41101, Olympia, Washington 98504-~~1101~~, within thirty days after the denial of assault benefits ~~((or within ten days after disposition of the petition for reconsideration))~~.

(2) If a dispute exists between the employee and department concerning the amount of any overpayment to be repaid the department, the employee may request a hearing in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box ((~~9699~~) 41101, Olympia, Washington 98504-1101, within thirty days after the dispute arises.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

**WAC 137-80-010 Purpose.** These rules and regulations are adopted pursuant to and in accordance with chapter (~~(34.04)~~) 34.05 RCW. The purpose is to provide standards and procedures for the operation of the division of institutional industries.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

**WAC 137-80-020 Definitions.** (1) "Secretary" means the secretary of the department of corrections or his/her designee.

(2) (~~("Director")~~) "Program administrator" means the (~~(director)~~) administrator of the institutional industries (~~(division)~~) program appointed by the secretary.

(3) "Institutional industries board of directors" means the board established by the authority of the Corrections Reform Act of 1981, RCW 72.09.070.

(4) "Free venture industries" means any industry producing goods or services for sale to both the public and private sector which is operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. Inmates shall be paid a wage by the organization of not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director, or minimum wage, whichever is greater.

(5) "Tax reduction industries" means any state-owned and operated enterprises designed to reduce the cost for services and goods for tax supported agencies and for nonprofit organizations which assist persons who are poor or infirm. Products of these enterprises may be sold to public agencies and to nonprofit organizations which assist persons who are poor or infirm. Inmates shall be paid for their work on a gratuity scale, approved by the director, which shall not exceed the federal minimum wage.

(6) "Institutional support industries" means any industry operated by the department of corrections designed and managed to provide basic work training and experience to the inmate. All able and eligible inmates who are assigned work and who are not working in other classes of industries are included in this class. Inmates shall be paid for their work in accordance with an inmate gratuity scale adopted by the secretary.

(7) "Community work industries" means any industry operated by the department of corrections designed and managed to provide services in the inmate's resident community at a reduced cost.

Services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist the poor or infirm. Inmates shall receive a gratuity from a unit of local government which shall not exceed the minimum wage.

(8) "Community ((~~service~~) restitution programs" means any program operated by the state, local unit of government, or a nonprofit agency which assists persons who are poor or infirm which is subject to supervision by the department of corrections which enables an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

(9) "Department" means the department of corrections.

(10) "Institutional industries" means the ((~~division~~) program within the department of corrections office of correctional operations charged with developing and managing comprehensive work programs to provide work skills, work experience and exposure to the work ethic for offenders under the jurisdiction of the department.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

**WAC 137-80-040 Sale of goods.** (1) The ((~~director~~) program administrator or his/her designee may sell all articles, materials, and supplies authorized by statute to be produced or manufactured in correctional institutions to any state agency, political subdivision of the state or as otherwise authorized by statute.

(2) The secretary shall require those institutions under his direction to give preference to those articles, materials, and supplies produced or manufactured by institutional industries when purchases are made for institution needs.

(3) The ((~~director~~) program administrator may cause to be prepared annually, at such times he may determine, lists containing the descriptions of all articles and supplies manufactured and produced in state correctional institutions; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

**WAC 137-80-060 Inmate job opportunities.** The ((~~director~~) program administrator shall cause to be periodically prepared and distributed to a central location in each institution a list of prison industries' job opportunities. This list shall include, but not limited to, job descriptions and the educational and skill requirements of each job and shall be made available to personnel

of the institutio , institutional industries and to the inmates.