

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington
DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 82-06

(1) I, AMOS E. REED, director of Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Adoption of: Chapter 137-57 and Chapter 137-56
Repeal of: Chapter 275-92

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

This action is taken pursuant to Notice No. 82-04-059 filed with the code reviser on 2-2-82. Such rules shall take effect:
[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):

[X] (a) This rule is promulgated pursuant to RCW 72.65.100 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 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.

APPROVED AND ADOPTED March 12 19 82

By Amos E. Reed

Amos E. Reed, Secretary
Title

STATE OF WASHINGTON FILED

3 13 82

CODE III, SECT. OFFICE

W3R 82-08-055

Chapter 137-56 WAC

COMMUNITY RESIDENTIAL PROGRAMS, WORK/TRAINING RELEASE

NEW SECTION

WAC 137-56-005 PURPOSE. The purpose of this chapter is to set forth the rules and regulations governing the administration of the department's work/training release programs.

NEW SECTION

WAC 137-56-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director, division of community services, department of corrections.

(3) "Assistant director" is the assistant director of community residential programs.

(4) "Community residential programs administrator" is the staff member assigned by the assistant director to administer and supervise the work/training release programs.

(5) "Work/training release facility supervisor" is a staff member assigned by the community residential programs administrator to administer and supervise a specific work/training release facility and includes his/her designee.

(6) "Work/training release counselor" is a staff member assigned by the work/training release facility supervisor to supervise and counsel a caseload of work/training release inmates or residents at a specific work/training release facility.

(7) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide housing and supervision for work/training release inmates or residents.

(8) "Work/training release coordinator" is a staff member assigned by the superintendent of an adult correctional institution to act as liaison between the institution and work/training release facility personnel.

(9) "Work/training release inmate or resident" is an inmate of a major adult correctional institution who has been approved and placed in a work/training release plan, or probationer/parolee placed by the courts or the board of prison terms and paroles in a work/training release facility.

(10) "Sponsor-escort" is a responsible citizen assigned to escort and supervise an inmate or resident during official and social activities outside of the work/training release facility.

(11) "Work/training release facility" is an institution or other establishment approved for housing and supervision of work/training release inmates or residents during the inmate's or resident's stay in a work/training release program.

(12) "One working day" is a nine hour day, 8:00 a.m. to 5:00 p.m. excluding weekends and holidays.

NEW SECTION

WAC 137-56-020 SECRETARY'S AUTHORITY TO GRANT OR DENY. The secretary or his or her designee may grant or deny work/training release

as authorized by chapter 72.65 RCW subject to the rules of this chapter.

NEW SECTION

WAC 137-56-030 REASONS FOR WHICH GIVEN. Work/training release may be authorized for one or more of the following:

- (1) To take full-time or part-time employment;
- (2) To take vocational training, including attendance at an accredited college.
- (3) To make application to or be interviewed by prospective employers or to enroll in an academic or vocational training program (known as temporary work/training release).

NEW SECTION

WAC 137-56-040 APPLICATION--WHO MAY APPLY. (1) An inmate may apply for work/training release provided that:

- (a) He or she has minimum security status;
 - (b) His or her minimum term has been fixed by the board of prison terms and paroles;
 - (c) He or she has less than two years to serve on the minimum term including anticipated good time credits.
- (2) Persons convicted of rape in the first degree shall not be eligible for work/training release at any time during the first three years of confinement.
- (3) Persons convicted of murder first degree are not eligible for work/training release, without the written approval of the secretary.

NEW SECTION

WAC 137-56-050 APPLICATION--CONSIDERATION. (1) The inmate shall submit his or her application for work/training release to his or her counselor on forms prescribed by the department.

(2) The classification committee shall make its recommendations to the superintendent, giving written documentation of the information which the committee relied on and giving reasons for the recommendation.

(3) Work/training release applications shall be evaluated without regard for color, national origin, or creed.

(4) Probationers/parolees may be referred by the superior court or board of prison terms and paroles.

NEW SECTION

WAC 137-56-060 APPLICATION--DECISION. (1) If the superintendent approves the work/training application, he or she shall forward copies of the application and plan to the work/training release facility to which the inmate requests transfer; and to the assistant director, community resident programs.

(2) If the superintendent disapproves the work/training release application, he or she shall return the application to the counselor, stating his or her reasons for denial and set a date when the inmate may reapply.

NEW SECTION

WAC 137-56-070 PLAN--INVESTIGATION. (1) Upon receipt of an approved work/training release application and plan from the superintendent, the work/training release facility supervisor or his or her designee shall complete an investigation.

(2) The work/training release investigation will verify the plan as it pertains to employment, financial resources, training, community reaction, and any other factors which may affect the inmate's or resident's ability to successfully complete a work/training release program.

(3) The work/training release plan investigation will be forwarded by the work/training release facility supervisor to the assistant director, community residential programs, or his or her designee, with a recommendation for or against approval of the plan.

NEW SECTION

WAC 137-56-080 PLAN--APPROVAL OR DENIAL. (1) The assistant director, community residential programs, or his or her designee has the authority to approve or disapprove a plan.

(2) Upon approval of a plan, the on-site representative, classification unit in headquarters, shall issue a transfer order.

(3) If approved, the inmate or resident shall sign and agree under oath, to the standard rules of work/training release. (See WAC 137-56-100.)

(4) If the plan is disapproved, the assistant director, community residential programs, or his or her designee shall state the reasons for denial in writing with a copy to the superintendent and inmate and will set a date when the inmate can reapply.

NEW SECTION

WAC 137-56-090 PLAN--RESTRICTIONS. (1) An inmate or resident will not be permitted to travel outside the state.

(2) The work or training site shall be within reasonable commuting distance (in most circumstances not more than fifty miles) of the work/training release facility or institution in which the inmate or resident is confined.

(3) If the inmate or resident has been placed in a work/training release facility for the purpose of developing a plan (temporary work/training release) and the plan is not secured within ten working days from the date of issuance of transfer orders, the inmate or resident may be returned to the institution without prejudice.

(4) The purpose of work/training release is to provide a short adjustment period in a work/training release facility prior to parole. Before a work/training release plan is approved, the staff will have a reasonable expectation that the inmate or resident will be paroled in a period of time which will normally not exceed six months. If a parole date is not fixed within six months of placement in a

work/training release plan, the assistant director, community resident programs, or his or her designee will review the case on an individual basis and may return the inmate or resident to the institution if it appears that the inmate or resident will be on work/training release for an extended period of time.

NEW SECTION

WAC 137-56-100 STANDARD RULES. In consideration of being granted work/training release, the inmate or resident must agree to observe and abide by the following rules:

(1) Continue in the approved work or training release plan until it is officially changed. Any modification of the plan must be authorized in writing by the work/training release facility supervisor.

(2) Comply with local work/training release facility rules, and any special restrictions imposed in writing by the work/training release facility supervisor. The inmate or resident may appeal in writing to the community residential programs administrator, if the inmate or resident considers any of the restrictions to be unwarranted or arbitrary.

(3) Comply with such other restrictions and/or conditions as may be imposed in the original work/training release plan by the community residential programs administrator or his or her designee.

(4) Remain confined to the work/training release facility premises at all times other than the time necessary to implement the plan or when authorized under WAC 137-56-140. Any work/training release inmate or resident approved for placement under a work/training release plan who willfully fails to report to his or her designated assignment or return to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with state law.

(5) Have employment or other resources in order to maintain himself or herself financially.

(6) Not consume, ingest, inject, or possess nonprescription narcotic or "dangerous" drugs or controlled substances or alcoholic beverages.

(7) Agree to disburse all earnings in accordance with the approved work/training release plan and report all income to the work/training facility supervisor. All income from any source shall be immediately placed in the resident's trust fund account by the facility supervisor. A receipt will be issued by the facility supervisor.

(8) Comply with all federal, state, and local laws.

(9) Inmates or residents placed on work/training release are ordinarily approved with the understanding that they will be paroled in a reasonable time, normally within six months. If it is not possible to parole the inmate or resident within a reasonable period of time, he or she may be returned to the institution.

NEW SECTION

WAC 137-56-120 PROVISIONS OF SUPERVISION. In meeting its responsibilities for the care of inmates or residents, a work/training release facility shall provide:

(1) A staff on twenty-four hour duty and an office within the facility so that the staff can monitor the activities of the inmates or residents;

(2) A check-in and check-out system to insure that the whereabouts of the inmate or resident is known at all times, including checks on the inmate or resident at school and work;

(3) Bed checks or head counts to account for the inmate's or resident's whereabouts; a minimum of three bed checks shall be required between 12:00 midnight and 8:00 a.m.;

(4) Provide adequately for the inmate or resident with respect to sleeping quarters, bathroom facilities, and accommodations for cooking, dining, lounging and leisure time activities;

(5) Comply with state fire codes.

NEW SECTION

WAC 137-56-140 LIMITS OF CONFINEMENT. A work/training release inmate or resident shall be confined to the facility at all times except:

(1) When interviewing prospective employers or arranging for registration at a training facility;

(2) When working at paid employment or attending a training facility in a vocational or academic program;

(3) If enrolled in an on-campus training program and housed in an on-campus facility, when participating in customary and official on-campus activities or mandatory field trips;

(4) When authorized a point-to-point pass not to exceed two hours, excluding travel, for the purpose of transacting personal essential business between the hours of 8:00 a.m. and 10:00 p.m.;

(5) When authorized to participate in social and recreational activities in company with a sponsor-escort between 8:00 a.m. and 12:00 midnight;

(6) When on furlough;

(7) When on authorized medical appointments or court appearances.

NEW SECTION

WAC 137-56-150 SPONSOR-ESCORT. (1) A sponsor-escort shall be a responsible citizen who shall accompany and retain custody of a work/training release inmate or resident during a social or recreational activity. The sponsor-escort must be approved by the work/training release facility supervisor; and the sponsor and the inmate or resident must sign an agreement with the department which describes his or her responsibilities.

(2) Persons who are on active felony probation or parole shall not be approved as sponsor-escorts. Persons who have a past felony conviction and who have earned a discharge may be approved as sponsor-escorts on an individual basis by the assistant director, community resident programs, or his or her designee.

(3) Sponsor-escorts must complete a sponsor orientation class provided by the work/training release facility before eligibility under this section.

NEW SECTION

WAC 137-56-160 TERMINATION OF PLAN. A work/training release plan may be terminated:

(1) If requested in writing by the releasee;

- (2) If the contract permits, the contract agency refuses to accept or continue to serve the inmate or resident;
- (3) If the plan is discontinued or modified so that it no longer meets agency standards or if the releasee becomes unable to comply with the terms of the plan;
- (4) The inmate or resident lacks aptitude for the assignment or is improperly placed; or
- (5) The inmate or resident has been unable to adjust or adapt to the conditions of the work/training release facility; or
- (6) The inmate or resident has demonstrated through his or her behavior an unwillingness to respond to counseling by staff; or
- (7) The inmate's or resident's situation and circumstances have significantly changed; or
- (8) The inmate or resident has failed to comply with federal or state laws or local ordinances; or
- (9) The inmate or resident has failed to comply with standard work/training release rules as enumerated in WAC 137-56-100; or
- (10) The inmate or resident has failed to comply with such other written facility rules as are promulgated by the facility supervisor; or
- (11) The inmate or resident has failed to comply with such other specific restrictions or behavior expectations which have previously been called to the attention of the inmate or resident by the work/training release facility supervisor and are documented in writing.

NEW SECTION

WAC 137-56-170 SERVICE OF NOTICE OF PROPOSED TERMINATION. (1) If a work/training release termination is proposed, the work/training release facility supervisor may suspend the work/training release plan and place the inmate or resident in custody pending a termination hearing.

(2) The work/training release facility supervisor shall advise the inmate or resident in writing of the factual allegations which provide the basis for the proposed termination within one working day after the suspension of the work/training release plan.

(3) The factual allegations may be amended and/or new allegations added at any time prior to the termination hearing, provided that the work/training inmate or resident shall have notice of such new and/or amended allegations at least twenty-four hours prior to the termination hearing.

NEW SECTION

WAC 137-56-180 TERMINATION HEARING--NOTICE. A work/training inmate or resident served with allegations providing the basis for a proposed work/training release termination shall be notified in writing that a hearing has been set before a review committee. The hearing will be set within five working days of the suspension of the work/training release plan, unless a longer time is approved by the assistant director, community residential programs, or his or her designee. The written notice of hearing shall be given to the inmate or resident at least twenty-four hours before the hearing and advise the inmate or resident of his or her rights, including the following:

(1) The inmate or resident shall be present at all stages of the hearing, except during deliberation in appropriate circumstances.

(2) The inmate or resident shall present his or her own case to the review committee. If there is a language or communications barrier, the review committee chairman shall appoint an advisor.

(3) The inmate or resident may have an attorney present only when a felony has been alleged. Such representation is limited to advising the inmate or resident of his or her rights to remain silent, and does not include the right to act as an advocate throughout the hearing.

(4) The inmate or resident may testify during the hearing or remain silent, and his or her silence will not be held against him or her.

(5) The inmate or resident may question all witnesses appearing and testifying at the hearing.

(6) Testimony and other evidence introduced shall be relevant to the issues under consideration.

(7) The inmate or resident may present witnesses and written statements from persons in his or her own behalf.

(8) Attendance at the hearing shall be limited to parties directly concerned. The review committee chairman may exclude unauthorized persons.

(9) The review committee shall make an evaluation of the inmate's or resident's progress, attitudes, need for program modifications, work/training alternatives, or institution programming; and shall make a recommendation to the board of prison terms and paroles regarding good time credits and readiness for parole.

NEW SECTION

WAC 137-56-190 FACILITY REVIEW COMMITTEE. (1) The review committee shall consist of at least four members, including the work/training release facility supervisor or his or her designee and a member of the contractor's staff, if the facility is under contract with the department. The two additional members shall be selected by the facility supervisor from either state staff, including probation and parole officers or the contractor's staff. No resident or inmate may be a member of this committee. The facility supervisor shall serve as chairman and shall have the authority to make the final decision. The facility supervisor or his or her designee shall inform the inmate, in writing, of the review committee's decision within three working days.

(2) At institutions, the classification committee may serve as the facility review committee for work/training release inmates or residents housed at the facility; except that the institution work/training release coordinator will be a member of the committee.

(3) No person making an allegation involved in the incident, or called as a witness, shall be a member of the review committee. Persons called as witnesses must be approved by the review committee chairman and must have information or facts which are relative to the allegations being considered. In the event that an individual is disqualified or disqualifies himself or herself under this rule or for any other reason, a replacement may be designated by the facility supervisor, community resident programs administrator, or assistant director, community resident programs.

NEW SECTION

WAC 137-56-200 TERMINATION HEARING--WAIVER. (1) At any time after having been served with an allegation providing the basis for a proposed termination, the inmate or resident may choose to waive his or her right to a hearing by signing an admission of the allegation

and request that the hearing be dispensed with or limited only to questions of disposition.

(2) The inmate or resident may admit in writing to part of the allegations and thereby limit the scope of the hearing.

(3) In those cases where the allegation involves misbehavior or other culpability on the part of the inmate or resident, he or she shall be advised in writing that in admitting the violation and waiving the hearing, a report will be submitted to the board of prison terms and paroles which may result in the loss of good time credits and/or the extension of the minimum term.

NEW SECTION

WAC 137-56-210 TERMINATION HEARING--RULES OF EVIDENCE. (1) All relevant and material evidence is admissible which, in the majority opinion of the review board, is the best evidence reasonably obtainable having due regard for its necessity, availability, and trustworthiness.

(2) All evidence material to the issues raised in the hearing shall be offered into evidence. All evidence forming the basis for the department's decision in a matter shall be offered into evidence.

(3) Every party shall have the right to question witnesses who testify in person and shall have the right to submit rebuttal evidence. This shall not be deemed to prevent the admission and consideration of hearsay evidence.

(4) Documentary evidence, including written statements submitted by interested parties on behalf of the inmate or resident, may be received. Such evidence may include copies of documents, excerpts from documents and incorporation of written material by reference, including depositions.

(5) Although relevant, the chairman of the review committee may exclude evidence if the probative value is outweighed by the danger of unfair prejudice, confusion of the issues, misleading the committee or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

NEW SECTION

WAC 137-56-220 TERMINATION HEARING--FINDINGS AND CONCLUSIONS. (1) At the conclusion of the hearing, the review committee will make a finding of fact within one working day as to whether or not the allegations made against the inmate or resident have been proven by a preponderance of the evidence presented at the hearing.

(2) If the review committee determines that the allegations have not been proven by a preponderance of the evidence presented at the hearing, the inmate or resident shall be restored to work/training release status.

(3) If the review committee determines that one or more of the allegations have been proven by a preponderance of the evidence presented at the hearing, the review committee will proceed to a disposition.

NEW SECTION

WAC 137-56-230 TERMINATION HEARING--DISPOSITION. (1) The review committee will consider the inmate's or resident's total background, adjustment on work/training release, attitude, recommendations of interested parties, and any other information relative to the inmate's or resident's ability to continue in the program. The review committee shall make a determination as to whether or not the inmate or resident has earned good time credits towards parole, and whether the matter should be referred to the board of prison terms and paroles for possible increase in the inmate's or resident's minimum term.

(2) The inmate or resident shall be present at all stages of the review, except for deliberation and even during deliberation when appropriate, and shall have the opportunity to make argument in his or her own behalf.

NEW SECTION

WAC 137-56-240 TERMINATION HEARING--DECISION. The review committee may:

(1) Restore the inmate or resident to his or her work/training release status under the same or modified conditions as the original plan; or

(2) Revoke the work/training release plan and return the inmate or resident to an institution, or return the probationer/parolee to the court or the board of prison terms and paroles for final disposition. The facility supervisor shall notify the inmate or resident orally within one working day and confirm the decision in writing within three working days.

(3) The written decision shall specify the evidence upon which the review committee relied and shall include a description of the circumstances surrounding the allegation(s) upon which the termination of work/training release is based, the reasons for the decision, a discussion of the inmate's or resident's personal culpability in the actions which have led to the termination, and an evaluation of the inmate's or resident's progress, attitudes, need for further programs including work training alternatives and readiness for parole.

NEW SECTION

WAC 137-56-250 TERMINATION HEARING--APPEAL. The inmate or resident may appeal the decision of the facility review committee to the community residential programs administrator. Appeal requests must be in writing, must be specific and based on objection to the procedures used or the information available to the committee in making its decision. Appeals must be submitted within five working days of the committee's oral decision. The community residential programs administrator, or his or her designee, upon receipt of an appeal, will review the findings and decision of the review committee and either:

(1) Continue the inmate or resident in the existing work/training release plan; or

(2) Continue the inmate or resident in a work/training release program with appropriate and specific conditions for expected future behavior or modifications in the inmate's or resident's plan; or

(3) Terminate work/training release and return the inmate or resident to an institution for other programming.

The reviewer's decision will be made promptly, normally not to exceed five working days, and given to the inmate or resident and committee chairman in writing.

NEW SECTION

WAC 137-56-260 TIME LIMITS. The time limits contained in these rules shall not be deemed to be jurisdictional and failure to adhere to a particular time limit shall not be a bar to any procedure or action covered by these rules.

NEW SECTION

WAC 137-56-270 EXCEPTIONS. The secretary may authorize exceptions to the criteria listed in WAC 137-56-040, 137-56-080, and 137-56-110 through 137-56-150.

Chapter 137-57 WAC

SITING OF COMMUNITY RESIDENTIAL PROGRAMS (WORK TRAINING RELEASE FACILITIES)

NEW SECTION

WAC 137-57-005 PURPOSE. The purpose of this chapter is to ensure department cooperation with local jurisdictions in the siting of work/training release facilities and to encourage public comment and advice in the siting decisions.

NEW SECTION

WAC 137-57-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director of the division of community services, department of corrections.

(3) "Assistant director" is the assistant director of community residential programs, division of community services, department of corrections.

(4) "Work/training release facility" is an institution, community residential program or other establishment approved for housing and supervision of work/training release inmates or residents as defined in WAC 137-56-010.

(5) "Office of contracts and regulations" is an office within the division of management and budget, department of corrections.

NEW SECTION

WAC 137-57-020 SECRETARY'S AUTHORITY. (1) Pursuant to RCW 72.65.080 the secretary may enter into contracts with the appropriate authority for the payment of the cost of feeding and lodging and other expenses of having work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program as defined in chapter 137-56 WAC. In addition, the secretary is authorized to acquire by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Although the facilities are not subject to the zoning laws of the city or county in which they are situated, it is the purpose of this chapter to ensure department cooperation with local jurisdictions in siting decisions and to encourage public comment and advice.

(2) All contracts and leases authorized under RCW 72.65.080, excepting contracts or leases with a federal, state, or local government agency, shall be solicited and awarded in conformance with this chapter effective March 1, 1982.

NEW SECTION

WAC 137-57-030 ADVISORY COMMITTEE. When the department intends to locate or relocate a work/training release facility, the assistant director shall be responsible for assembling a department advisory committee composed of local elected and/or public officials, local law enforcement heads, interested citizens and department staff. The advisory committee shall be apprised of the department's need for the site and the geographical location desired.

The committee shall then be given the opportunity to make recommendations to the assistant director regarding said site and the selection thereof. These recommendations shall be recorded in writing.

NEW SECTION

WAC 137-57-040 REQUEST FOR PROPOSAL. (1) If the department is seeking a contractor or vendor to provide both a site and a program, the assistant director, in conjunction with the committee and the department's office of contracts and regulations, shall develop a request for proposal (RFP) articulating the department's requirements.

(2) Proposals received in response to the RFP shall be evaluated by the committee in accordance with criteria developed by the committee.

Such criteria shall include:

- (a) The cost of the program;
- (b) The reliability of the contractor;
- (c) The scope of the program; and
- (d) The site selected and site criteria in WAC 137-57-050.

(3) The assistant director shall then submit three recommendations to the director (or less if there are not three responsive bids), who shall then submit these to the secretary for approval.

NEW SECTION

WAC 137-57-050 SITE SELECTION ONLY. (1) If the department is seeking a site only and not a work/training release vendor or contractor, the department need not prepare a request for proposal (RFP). Instead, the assistant director shall advertise the department's need in a local newspaper and shall perform a search of possible locations.

(2) After locations have been identified, the assistant director shall submit the possible sites to the advisory committee for review. The committee's review shall evaluate the following factors:

- (a) The cost of the site, e.g., improvements that would be required to renovate, repair, remodel, or alter the site to make it suitable for a work release program;
- (b) The desirability of the site for program activities;
- (c) The access to public transportation available at the site;
- (d) The community impacts associated with the site; and
- (e) The current zoning restrictions applicable to property in that geographical area.

(3) The advisory committee shall make three recommendations to the secretary (or less if there are not three available sites) for a preliminary approval.

NEW SECTION

WAC 137-57-060 PUBLIC NOTICE, HEARING REQUIREMENTS. (1) After the secretary selects a site, or selects a contractor or vendor with an existing site, the assistant director under the direction of the office of contracts and regulations, shall either apply for or assist the contractor in applying for all the necessary permits required by local zoning laws.

(2) In the event there are no local zoning requirements, or hearing requirements, or where the secretary waives the permit requirement in (1) of this section, the assistant director under the direction of the office of contracts and regulations shall hold a public hearing to encourage citizen input. Notice of such a hearing shall be provided in a manner best designed to notify residents within the immediate area and within the budget limitations of the department.

(3) The comments received at the public hearing shall be submitted to the secretary for review and final approval of the proposed site.

NEW SECTION

WAC 137-57-070 CONTRACT/LEASE. Upon final approval pursuant to WAC 137-57-060 the office of contracts and regulations shall negotiate and draft a lease or contract for execution by the secretary. Said contract shall not run beyond a biennium.

NEW SECTION

WAC 137-57-080 WAIVER. The secretary may waive any provisions of this chapter if he/she deems such waiver to be in the best interest of the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | | |
|--------------|-----------------------|--|
| (1) | <u>WAC 275-92-310</u> | DEFINITIONS. |
| (2) | <u>WAC 275-92-315</u> | SECRETARY'S AUTHORITY TO GRANT OR DENY. |
| (3) | <u>WAC 275-92-320</u> | REASONS FOR WHICH GIVEN. |
| (4) | <u>WAC 275-92-325</u> | APPLICATION--WHO MAY APPLY. |
| (5) | <u>WAC 275-92-330</u> | APPLICATION--CONSIDERATION. |
| (6) | <u>WAC 275-92-335</u> | APPLICATION--DECISION. |
| (7) | <u>WAC 275-92-340</u> | PLAN--INVESTIGATION. |
| (8) | <u>WAC 275-92-345</u> | PLAN--APPROVAL OR DENIAL. |
| (9) | <u>WAC 275-92-350</u> | PLAN--RESTRICTIONS. |
| (10) | <u>WAC 275-92-355</u> | STANDARD RULES. |
| (11) | <u>WAC 275-92-400</u> | SUPERVISED FACILITY. |
| (12) | <u>WAC 275-92-405</u> | PROVISIONS OF SUPERVISION. |
| (13) | <u>WAC 275-92-410</u> | LIMITS OF CONFINEMENT. |
| (14) | <u>WAC 275-92-415</u> | SPONSOR--ESCORT. |
| (15) | <u>WAC 275-92-510</u> | TERMINATION OF PLAN. |
| (16) | <u>WAC 275-92-515</u> | SERVICE OF NOTICE OF PROPOSED TERMINATION. |
| (17) | <u>WAC 275-92-520</u> | TERMINATION HEARING--NOTICE. |
| (18) | <u>WAC 275-92-525</u> | FACILITY REVIEW COMMITTEE. |
| (19) | <u>WAC 275-92-530</u> | TERMINATION HEARING--WAIVER. |
| (20) | <u>WAC 275-92-535</u> | TERMINATION HEARING--RULES OF EVIDENCE. |
| (21) | <u>WAC 275-92-540</u> | TERMINATION HEARING--FINDINGS AND |
| CONCLUSIONS. | | |
| (22) | <u>WAC 275-92-545</u> | TERMINATION HEARING--DISPOSITION. |
| (23) | <u>WAC 275-92-550</u> | TERMINATION HEARING--DECISION. |
| (24) | <u>WAC 275-92-555</u> | TERMINATION HEARING--APPEAL. |
| (25) | <u>WAC 275-92-560</u> | TIME LIMITS. |
| (26) | <u>WAC 275-92-565</u> | EXCEPTIONS. |