

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 84-03

(1) I, Amos E. Reed, director of Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Adopt: WAC 137-12A, One-time Impact Funds Available to Qualifying Political Subdivisions

Repeal: WAC 137-12

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

This action is taken pursuant to Notice No. 84-03-014 filed with the code reviser on 1-9-84. 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:

- [] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
[X] (b) This rule is promulgated pursuant to RCW 72.02.040 and 72.72.040 which directs that the

DEPARTMENT OF CORRECTIONS

(agency)

has authority to implement the provisions of

Chapter 76, Section 51(3), Laws of 1983 1st Ex. Sess.

(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 February 27, 19 84

FEB 27 1984

By Amos E. Reed

Amos E. Reed, Secretary Title

CODE REVISER'S OFFICE WSR 84-06-009

Chapter 137-12A WAC

ONE TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

NEW SECTION

WAC 137-12A-010 PURPOSE. The legislature has appropriated \$1,480,000 solely for the one-time cost impact to communities associated with locating additional state correctional facilities. This chapter is intended to implement this appropriation by setting forth the procedure for applying for said funds.

NEW SECTION

WAC 137-12A-020 DEFINITIONS. As used in this chapter, the following items shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

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

(3) "Inmate" shall mean individuals sentenced to the custody of the department under state law and inmates transferred from other states or the federal government.

(4) "Institution" shall mean all those facilities set forth in RCW 72.01.050 (2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(5) "Political subdivision" shall mean any city, town, county or other unit of local government.

(6) "Additional correctional facility" shall mean (a) new buildings constructed at a new location for use in housing or servicing inmates; (b) new buildings constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) preexisting buildings heretofore not used by the department as a correctional facility which are reopened for use in housing or servicing inmates.

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

NEW SECTION

WAC 137-12A-030 ELIGIBILITY. Counties, cities, and towns are eligible for funding if an additional correctional facility is located in their jurisdiction.

NEW SECTION

WAC 137-12A-040 FUNDING PRIORITY. The impact committee established herein shall establish a priority of funding under this chapter. Funding shall be limited to documented impacts associated with the locating of additional correctional facilities.

NEW SECTION

WAC 137-12A-050 APPLICATION PROCEDURE. (1) Counties, cities, or towns must formally request funding under this chapter by submitting a request to:

Department of Corrections
Office of Contracts and Regulations
P.O. Box 9699
Olympia, WA 98504

(2) Requests must include the documented impacts associated with the locating of the correctional facility in their jurisdiction. Impacts may include the following:

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

(3) The burden of demonstrating the impact shall be on the requesting jurisdiction.

NEW SECTION

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 deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator;
- (e) Capital programs administrator; and the
- (f) 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.

NEW SECTION

WAC 137-12A-070 CONTRACTS. Requests approved for funding under this chapter shall be evidenced in a written grant or contract document processed through the office of contracts and regulations and approved by the secretary and submitting jurisdiction.

NEW SECTION

WAC 137-12A-080 IMPLIED CONSENT TO AUDIT. (1) By submitting requests the requesting political subdivision agrees to maintain records which would support the request made for a period five years after the date of such request.

(2) If requested by the secretary, or his/her designee, the political subdivision shall make these records available for review and/or audit by the department.

NEW SECTION

WAC 137-12A-090 LIMITATION OF FUNDING. Funding under this chapter shall be available only to the maximum allocated by the legislature.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 137-12-010 DEFINITIONS.
- (2) WAC 137-12-020 PURPOSE.
- (3) WAC 137-12-030 ELIGIBLE POLITICAL SUBDIVISIONS.
- (4) WAC 137-12-040 PERIOD OF FUNDING.
- (5) WAC 137-12-050 FUNDING PRIORITY.
- (6) WAC 137-12-060 BILLING PROCEDURE.
- (7) WAC 137-12-070 CUTOFF DATE.
- (8) WAC 137-12-080 REVIEW COMMITTEE.
- (9) WAC 137-12-090 SPECIAL AUTHORIZATIONS.