



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (7/1/89)

Agency: DEPARTMENT OF CORRECTIONS

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: April 4, 1991

(2) Purpose: To provide some fiscal redress to political subdivisions for impact of offender-family households on local criminal justice and social services resources.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 137-12A: 010, 020, 030, 050, 060, 070, 090

Suspended:

(4) Authority for adoption:

Statute: 72.01.090

Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 90-21-130 on 10/23/90 (date).

Describe any changes other than editing from proposed to adopted version:

**(5.2) EMERGENCY RULE ONLY**

Pursuant to 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:

(6) Effective date of rule:

**Permanent Rules**

30 days after filing

Other (specify) \_\_\_\_\_ \*

\*(If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**Emergency Rules**

Immediately

Later (specify) \_\_\_\_\_

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

APR 23 1991

TIME 1:40 AM PM  
WSR 91-10-018

NAME (TYPE OR PRINT)

Chase Riveland

SIGNATURE

TITLE

Secretary

APR 4, 1991

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

WAC 137-12A-010 PURPOSE. The purpose of this chapter is to implement the distribution of funds appropriated by the legislature to ~~((reimburse-political-subdivisions-for))~~ mitigate the one-time cost impact associated with locating additional state correctional facilities within their boundaries; with the cost of criminal justice and social/human services associated with inmate families within their boundaries; or the costs associated with ((other-events--specifically designated--by-the-legislature)) the one-time impact of adding beds or increasing population capacity at correctional facilities.

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

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 an individual sentenced to the custody of the department under state law and an individual transferred from another state or the federal government.

(4) "Institution" shall mean a facility described in RCW 72.01.050 (2), such other similar facility hereafter established and a community residence 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) a new building constructed at a new location for use in housing or servicing inmates; (b) a new building constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) a pre-existing building heretofore not used by the department as a correctional facility which is reopened for use in housing or servicing inmates.

(7) "One-time cost impact" shall mean an economic impact experienced by a political subdivision associated with locating an additional correctional facility within its boundaries or associated with such other event specifically designated by the legislature.

(8) "Inmate family" shall mean the inmate's dependent children, the inmate's spouse or parent and their dependents, or the legal guardian of the inmate's dependent children who were not residents of the local county where the inmate is incarcerated prior to the incarceration of the inmate.

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

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

WAC 137-12A-030 ELIGIBILITY. (1) A political subdivision is eligible to apply for ~~((funding))~~ mitigating funds under this chapter if it experiences a demonstrable one-time cost impact; or demonstrable costs for criminal justice and social/human services related to inmate families. Provided, however, application must be made prior to the last day of the state fiscal biennium in which the one-time cost impact occurred. Applications made after that date will be considered only if funds appropriated by the legislature are available.

(2) A political subdivision which has been reimbursed for a one-time cost impact is thereafter not eligible to apply for additional

funding under this chapter based on the same event which gave rise to the one-time impact for which reimbursement has been received.

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

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  
P.O. Box 9699  
Olympia, WA 98504

(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 Order 87-01, filed 3/4/87)

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)) assistant director, siting;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator; ((and-the))
- (e) Chief, ((office-of-capital-programs)) facilities management and administrative services;
- (f) Director, division of community corrections; and the
- (g) 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 Order 84-03, filed 2/27/84)

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. Funding shall be limited to actual costs incurred during the term of the contract.

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

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