

# Chapter 137-12A WAC

## ONE-TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

### WAC

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**WAC 137-12A-010 Purpose.** The purpose of this chapter is to implement the distribution of funds appropriated by the legislature to 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 the one-time impact of adding beds or increasing population capacity at correctional facilities.

[Statutory Authority: RCW 72.01.090. WSR 91-10-018, § 137-12A-010, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. WSR 84-14-077 (Order 84-10), § 137-12A-010, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-010, filed 2/27/84. Formerly chapter 137-12 WAC.]

**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 preexisting 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 state registered domestic

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partner 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.

[Statutory Authority: RCW 72.01.090. WSR 10-07-143, § 137-12A-020, filed 3/23/10, effective 4/23/10; WSR 91-10-018, § 137-12A-020, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. WSR 84-14-077 (Order 84-10), § 137-12A-020, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-020, filed 2/27/84.]

**WAC 137-12A-030 Eligibility.** (1) A political subdivision is eligible to apply for 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.

[Statutory Authority: RCW 72.01.090. WSR 91-10-018, § 137-12A-030, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. WSR 84-14-077 (Order 84-10), § 137-12A-030, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-030, filed 2/27/84.]

**WAC 137-12A-040 Funding priority.** The impact committee established herein shall establish a priority of funding under this chapter.

[Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. WSR 84-14-077 (Order 84-10), § 137-12A-040, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-040, filed 2/27/84.]

**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  
Contracts and Legal Affairs  
P.O. Box 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.

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- (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.

[Statutory Authority: RCW 72.01.090. WSR 03-21-088, § 137-12A-050, filed 10/17/03, effective 11/17/03; WSR 91-10-018, § 137-12A-050, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. WSR 84-14-077 (Order 84-10), § 137-12A-050, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-050, filed 2/27/84.]

**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) Deputy secretary, office of administrative services;
- (b) Deputy secretary, office of correctional operations;
- (c) Contracts and regulations administrator;
- (d) Administrator, capital planning and development;

and the

(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.

[Statutory Authority: RCW 72.01.090. WSR 03-21-088, § 137-12A-060, filed 10/17/03, effective 11/17/03; WSR 91-10-018, § 137-12A-060, filed 4/23/91, effective 5/24/91; WSR 87-06-045 (Order 87-01), § 137-12A-060, filed 3/4/87. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-060, filed 2/27/84.]

**WAC 137-12A-070 Contracts.** Requests approved for funding under this chapter shall be evidenced in a written contract document processed through the contracts and 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.

[Statutory Authority: RCW 72.01.090. WSR 03-21-088, § 137-12A-070, filed 10/17/03, effective 11/17/03; WSR 91-10-018, § 137-12A-070, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-070, filed 2/27/84.]

**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.

[Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-080, filed 2/27/84.]

**WAC 137-12A-090 Limitation of funding.** Funding under this chapter shall be available only to the maximum appropriated by the legislature for that purpose.

[Statutory Authority: RCW 72.01.090. WSR 91-10-018, § 137-12A-090, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.02.040 and 72.72.040. WSR 84-06-009 (Order 84-03), § 137-12A-090, filed 2/27/84.]