

FORM OF ORDER AND TRANSMITTAL BY AGENCY ...AVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 84-10

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Amend: Chapter 137-12A WAC, One-Time Impact Funds Available to Qualifying Political Subdivisions

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

This action is taken pursuant to Notice No. 84-11-067 filed with the code reviser on 5-22-84. 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.
[] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency) (name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the DEPARTMENT OF CORRECTIONS (agency)

as authorized in RCW 72.01.090 and to implement Section 2, Chapter 246, Laws of 1984.

(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.

STATE OF WASHINGTON APPROVED AND ADOPTED July 2, 1984 By Amos E. Reed, Secretary Title

CODE REVISER'S OFFICE WSR 84-14-077

Chapter 137-12A WAC

ONE-TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

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

WAC 137-12A-010 PURPOSE. ~~The ((legislature--has--appropriated \$4,480,000--solely--for--the--one--time--cost--impact--to--communities))~~ purpose of this chapter is to implement the distribution of funds appropriated by the legislature to reimburse political subdivisions for the one-time cost impact associated with locating additional state correctional facilities within their boundaries or associated with other events specifically designated by the legislature. ((This chapter is intended to implement this appropriation by setting forth the procedure for applying for said funds.))

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

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 ~~((s))~~ sentenced to the custody of the department under state law and ~~((inmates))~~ an individual transferred from ~~((other))~~ another state ~~((s))~~ or the federal government.

(4) "Institution" shall mean ~~((all--these--facilities--set--forth))~~ a facility described in RCW 72.01.050 (2), such other similar facility hereafter established and ~~((all))~~ a community ~~((residential--programs--under--the--department's--jurisdiction))~~ 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 ~~((s))~~ constructed at a new location for use in housing or servicing inmates; (b) a new building ~~((s))~~ constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) a preexisting building ~~((s))~~ heretofore not used by the department as a correctional facility which ~~((are))~~ 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) All references to the singular shall include the plural unless noted otherwise.

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

WAC 137-12A-030 ELIGIBILITY. ~~((Counties,--cities,--and--towns--are))~~ (1) A political subdivision is eligible to apply for funding under this chapter if ((an--additional--correctional--facility--is--located--in--their--jurisdiction)) it experiences a one-time cost impact. 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 84-03, filed 2/27/84)

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.))~~

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

WAC 137-12A-050 APPLICATION PROCEDURE. (1) ~~((Counties, cities, or towns))~~ A political subdivision must ~~((formally))~~ 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 ~~((include the documented))~~ document the one-time cost impact ~~((s associated with the locating of the correctional facility in their jurisdiction. Impacts))~~ for which reimbursement is requested. Such documentation may include ~~((the following))~~ reference to:

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

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