

(21) Section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310;

(22) Section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320;

(23) Section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350;

(24) Section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360;

(25) Section 1, chapter 66, Laws of 1973 1st ex. sess., section 17, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.370;

(26) Section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900; and

(27) Section 20, chapter 228, Laws of 1969 ex. sess., section 9, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.200.

NEW SECTION. Sec. 25. Sections 5 and 6 of this act shall take effect June 30, 1983. The remaining sections of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 1, 1982.

Passed the House March 11, 1982.

Passed the Senate March 10, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

## CHAPTER 228

[Substitute House Bill No. 922]

### PRISON OVERCROWDING REFORM ACT

AN ACT Relating to the board of prison terms and paroles; adding new sections to chapter 9.95 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 9.95 RCW a new section to read as follows:

The legislature recognizes the serious nature of the problems caused by overcrowding at the state's correctional institutions and realizes that while a long-term solution is constructing increased correctional facility capacity, the emergent nature of the current situation necessitates an immediate, short-range response in order to avoid more serious consequences.

NEW SECTION. Sec. 2. There is added to chapter 9.95 RCW a new section to read as follows:

(1) To assist in reducing the overcrowding conditions in this state's maximum and medium security prisons, the board of prison terms and paroles, in performance of its duties under chapter 9.95 RCW shall reduce the inmate population by implementation of the program adopted under subsection (2) of this section: **PROVIDED**, That certification, in writing, by the governor and concurrence of the secretary of the department of corrections that reductions to reduce prison overcrowding are necessary, shall precede any action by the board. The reductions shall not apply to inmates serving mandatory minimum prison terms under RCW 9.95.040, and may not be made for an inmate confined for treason, any class A felony, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW.

(2) The board of prison terms and paroles shall adopt, within ninety days of the effective date of this act, guidelines for the reductions of the inmate population. These guidelines shall be applied to all inmates except those with mandatory minimums under RCW 9.95.040 or those confined for a class A felony.

(3) In establishing these guidelines, the board shall give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement.

(4) In adopting this program, the board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources.

(5) The rules adopted according to the provisions of section 2 of this act shall not be implemented until the rules are submitted to the senate social and health services and the house institutions committee for their consideration and review.

(6) This section does not require the board to reduce the inmate population to or below any certain number.

**NEW SECTION.** Sec. 3. There is added to chapter 9.95 RCW a new section to read as follows:

The board of prison terms and paroles may request from the office of financial management, the department of corrections, the department of social and health services, and the administrator for the courts such cooperation, data, information, and data processing assistance as it may need to accomplish its duties, and such cooperation and services shall be provided without cost to the board.

**NEW SECTION.** Sec. 4. There is added to chapter 9.95 RCW a new section to read as follows:

(1) The chairman of the board of prison terms and paroles shall submit a report to the governor, the legislative budget committee, and any standing committee which may be designated by the speaker of the house or the president of the senate as to:

(a) The changes in board policy and procedures mandated by section 2 of this act;

(b) The conduct on parole of inmates released pursuant to section 2 of this act;

(c) Additional data deemed appropriate.

(2) The first report shall be made on or before June 30, 1982, and periodically thereafter as requested by the governor, the chairman of the legislative budget committee, the speaker of the house of representatives, or the president of the senate.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act may be known and cited as the Prison Overcrowding Reform Act of 1982.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall expire on July 1, 1984.

NEW SECTION. Sec. 7. If any provision of this 1982 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1982.

Passed the Senate March 10, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

## CHAPTER 229

[Substitute House Bill No. 1011]

### LOCAL LAND USE DECISIONS—APPEARANCE OF FAIRNESS DOCTRINE LIMITED

AN ACT Relating to petitioning local government officials; adding a new chapter to Title 42 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or