

## CHAPTER 302

[House Bill No. 2939]

## CORRECTIONAL INSTITUTIONS—INMATE POPULATIONS

AN ACT Relating to population limits at correctional institutions; adding new sections to chapter 72.02 RCW; creating new sections; and repealing RCW 72.02.180 and 72.02.190.

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

**NEW SECTION.** Sec. 1. The following acts or parts of acts are each repealed:

(1) Section 109, chapter 136, Laws of 1981, section 2, chapter 350, Laws of 1985, section 4, chapter 143, Laws of 1988 and RCW 72.02.180; and

(2) Section 14, chapter 143, Laws of 1988 and RCW 72.02.190.

**\*NEW SECTION.** Sec. 2. *A new section is added to chapter 72.02 RCW to read as follows:*

*If the department of corrections provides new inmate beds, or provides double-bunks for existing cells, within ten miles of a city or town that is within three miles of correctional facilities that would have been subject to RCW 72.02.180 or 72.02.190, and if those facilities had an average annual inmate capacity of at least one thousand on the effective date of this act, the department shall, subject to appropriation by the legislature, provide mitigating funds to the city or town containing or closest to the facility with the new beds or double-bunked cells. For purposes of determining the eligibility of a city or town for mitigation funds under this section, the average annual inmate capacity of correctional facilities within three miles of a city or town shall be combined. The mitigation funds shall be calculated as follows: The number of new beds or double-bunked cells divided by one thousand multiplied by the annual general fund—state operating budget of the department's correctional facilities within ten miles of that town or city, multiplied by one percent. The city or town, in its discretion, may share the funds with other cities or the county in which the city or town is located. The department shall provide mitigation funds annually, adjusted for changes in additional new beds or double-bunked cells and in the department's budget. The funds authorized by this section shall be in addition to any other amounts that were authorized prior to the effective date of this act by the legislature or ordered by any court for the purpose of mitigating the impact of adult correctional facilities.*

\*Sec. 2 was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 3. *If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is*

*not provided by June 30, 1990, in the omnibus appropriations act, section 2 of this act shall be null and void.*

*\*Sec. 3 was vetoed, see message at end of chapter.*

**\*NEW SECTION.** *Sec. 4. A new section is added to chapter 72.02 RCW to read as follows:*

*The department of corrections shall provide annual financial assistance to the city and county of Walla Walla and the city of College Place in order to offset the direct economic costs incurred by the local governments as a result of the continued impact of the Washington state penitentiary and adjoining correctional facilities on city law enforcement, sewer, fire, water, and social services. The funds authorized by this section shall be in addition to any other amounts authorized by the legislature prior to the effective date of this act for the purpose of mitigating the impact of adult correctional facilities on local governments.*

*\*Sec. 4 was vetoed, see message at end of chapter.*

**\*NEW SECTION.** *Sec. 5. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 4 of this act shall be null and void.*

*\*Sec. 5 was vetoed, see message at end of chapter.*

**\*NEW SECTION.** *Sec. 6. A new section is added to chapter 72.02 RCW to read as follows:*

*If the department of corrections increases the average daily inmate population at the Twin Rivers corrections center above the nonemergency statutory limit under RCW 72.02.180, the department shall, subject to appropriation by the legislature, provide annual mitigating funds to the county in which the corrections center is located. The mitigation funds shall be calculated by multiplying the average daily inmate population that exceeds the nonemergency statutory limit for that fiscal year, by five hundred dollars.*

*\*Sec. 6 was vetoed, see message at end of chapter.*

**\*NEW SECTION.** *Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 6 of this act shall be null and void.*

*\*Sec. 7 was vetoed, see message at end of chapter.*

**\*NEW SECTION.** *Sec. 8. A new section is added to chapter 72.02 RCW to read as follows:*

*If inmate populations are increased at any institution as a result of the repeal of RCW 72.02.180 or 72.02.190, the department of corrections shall provide sufficient staffing at the institution to comply with the division of*

***prisons custody model as adopted by the department. In no event shall staffing levels be reduced below the levels in effect on the effective date of this act.***

\*Sec. 8 was vetoed, see message at end of chapter.

Passed the House March 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 31, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 31, 1990.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 entitled:

"AN ACT Relating to population limits at correctional institutions."

Section 1 of this bill repeals the statutory limits on the inmate populations of Shelton and Monroe correctional facilities. This change is necessary for the Department of Corrections to accommodate a rapidly increasing inmate population. Recent enhancements to the state's criminal statutes, particularly with respect to drug offenders, burglars and sex offenders, are projected to cause a doubling of prison inmates by the year 1996. Every effort must be made to ensure that these offenders are not released for lack of space.

Sections 2 through 7 establish a formula for providing mitigation funds to certain communities affected by the repealed population caps. I recognize that some communities have experienced the brunt of the state's need for prison sites.

I further recognize that those communities should not be asked to experience negative impacts without recompense. Nonetheless, I cannot support the provisions of this bill which offer a piecemeal approach to mitigation funding. If a statutory mitigation funding formula is to be adopted, it must be applicable statewide.

In addition, section 8 of this measure requires the Department of Corrections to continue staffing at the Washington Corrections Center at a level consistent with the current prison staffing model. This model is an administrative tool, and should not be embodied in statute. Furthermore, section 8 proposes to violate its own direction by prohibiting the department from staffing below current levels. Where the model would justify staffing at lower levels, fiscal prudence demands that we do so.

For the reasons stated above, I have vetoed sections 2, 3, 4, 5, 6, 7 and 8.

With the exception of sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 is approved."