

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

NEW SECTION. Section 1. There is added to chapter 79.01 RCW a new section to read as follows:

The legislature finds and declares that, due to the extraordinary volume of material washed down onto state-owned beds and shorelands in the Toutle river, Coweman river and portions of the Cowlitz river, the dredge spoils placed upon adjacent privately owned property in such areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweman river and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent private lands during the years 1980 through December 31, 1985, as a result of dredging of these rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of such lands without the necessity of any charge by the department of natural resources and free and clear of any interest of the department of natural resources of the state of Washington.

NEW SECTION. Sec. 3. 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 Senate April 24, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 276

[Engrossed Senate Bill No. 3304]

CITY AND COUNTY JAILS—STATE FUNDING

AN ACT Relating to city and county jails; amending section 5, chapter 316, Laws of 1977 ex. sess. as amended by section 13, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.050; amending section 12, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.120; amending section 16, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.160; and adding new sections to chapter 70.48 RCW.

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

Section 1. Section 5, chapter 316, Laws of 1977 ex. sess. as amended by section 13, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.050 are each amended to read as follows:

In addition to any other powers and duties contained in this chapter, the commission shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails(~~(-PROVIDED, That))~~). In adopting each rule or regulation pertaining to mandatory custodial care standards, the commission shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation. The commission shall grant variances from custodial care standards to governing units which operate jails with physical deficiencies which directly affect their ability to comply with these standards, if the governing unit is eligible for and has applied for funds under RCW 70.48.110. The variances remain in effect until state funding to improve or reconstruct the jails of these governing units has been expended for that purpose;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with commission rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive of weekends and holidays, without being transferred to a detention or correctional facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) The secretary shall submit minimum physical plant standards to the commission for review and promulgate proposed standards pursuant to chapter 34.04 RCW. After such promulgation, the standards shall be presented for review at a public conference of city, town, and county legislative and executive officials and directors of departments of correction or the chief law enforcement officers of the governing units in four regional meetings, two of which shall be east of the Cascade range. Subsequent to these

reviews, and utilizing the data received, the commission shall adopt minimum physical plant standards pursuant to chapter 34.04 RCW, after approval by the legislature;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules, regulations, and standards adopted hereunder: PROVIDED, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of RCW 70.48.080(6).

Sec. 2. Section 12, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.120 are each amended to read as follows:

There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such earnings shall accrue to the local jail improvement and construction account. Funds shall be remitted to the governing units in a reasonably timely fashion to meet their contractual obligations. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the commission.

Sec. 3. Section 16, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.160 are each amended to read as follows:

Having received approval pursuant to RCW 70.48.060(~~(1)~~), a governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the (~~said~~) approved project(~~(1) and (2)~~). A jail shall not be closed for non-compliance to physical plant standards within this same ten year period. This section does not apply if:

(1) The commission or its successor elects to fund phased components of a jail project for which a governing unit has applied. In that instance, initially funded components do not constitute full funding within the meaning of RCW 70.48.060(1) and 70.48.070(2) and the commission may fund subsequent phases of the jail project;

~~((However, this section shall not apply if))~~ (2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

NEW SECTION. Sec. 4. There is added to chapter 70.48 RCW a new section to read as follows:

For the purposes of RCW 70.48.080, "full or partial closure" of a jail means the nonuse of a jail or a defined portion thereof for incarceration purposes. The term does not mean limitations on jail programs, services, capacities, or lengths of incarceration time.

NEW SECTION. Sec. 5. There is added to chapter 70.48 RCW a new section to read as follows:

All cities or counties which accept funding for jail remodeling or new construction under this chapter shall certify to the commission that the facility to be built shall, upon opening, meet all mandatory custodial care standards adopted by the commission under RCW 70.48.050. The commission shall not make funding under this chapter contingent on compliance of the existing jail facility with standards adopted under RCW 70.48.050.

Passed the Senate April 24, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 277

[Substitute Senate Bill No. 3456]

PUBLIC RECORDS

AN ACT Relating to public records; amending section 3, chapter 57, Laws of 1891 as amended by section 12, chapter 81, Laws of 1971 and RCW 2.32.050; amending section 8, chapter 5, Laws of 1919 as amended by section 21, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.050; amending section 15, chapter 5, Laws of 1919 as amended by section 7, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.090; amending section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 and RCW 18.29.060; amending section 22, chapter 112, Laws of 1935 as amended by section 29, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.080; amending section 27, chapter 52, Laws of 1957 and RCW 18.32.090; amending section 7, chapter 112, Laws of 1935 and RCW 18.32.190; amending section 13, chapter 144, Laws of 1919 as last amended by section 56, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.53.050; amending section 15, chapter 4, Laws of 1919 and RCW 18.57.160; amending section 36.23.065, chapter 4, Laws of 1963 as last amended by section 1, chapter 14, Laws of 1973 and RCW 36.23.065; repealing section 10, chapter 112, Laws of 1935, section 31, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.200; repealing section 12, chapter 112, Laws of 1935 and RCW 18.32.300; repealing section 6, chapter 36, Laws of 1919 and RCW 18.36.110; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; repealing section 8, chapter 4, Laws of 1919 and RCW 18.57.100; and repealing section 9, chapter 4, Laws of 1919 and RCW 18.57.110.

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