

(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

other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

NEW SECTION. Sec. 2. No member of a local decision-making body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body.

NEW SECTION. Sec. 3. No legislative action taken by a local legislative body, its members, or local executive officials shall be invalidated by an application of the appearance of fairness doctrine.

NEW SECTION. Sec. 4. Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17.020(5) and (25) no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

NEW SECTION. Sec. 5. A candidate for public office who complies with all provisions of applicable public disclosure and ethics laws shall not be limited from accepting campaign contributions to finance the campaign, including outstanding debts; nor shall it be a violation of the appearance of fairness doctrine to accept such campaign contributions.

NEW SECTION. Sec. 6. During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

NEW SECTION. Sec. 7. Participation by a member of a decision-making body in earlier proceedings that result in an advisory recommendation to a decision-making body shall not disqualify that person from participating in any subsequent quasi-judicial proceeding.

NEW SECTION. Sec. 8. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of a decision-making body from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual. Where the basis is known or should reasonably have been known prior to the issuance of a decision and is not raised, it may not be relied on to invalidate the decision.

NEW SECTION. Sec. 9. In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

NEW SECTION. Sec. 10. Nothing in this chapter prohibits the restriction or elimination of the appearance of fairness doctrine by the appellate courts. Nothing in this chapter may be construed to expand the appearance of fairness doctrine.

NEW SECTION. Sec. 11. Nothing in this chapter prohibits challenges to local land use decisions where actual violations of an individual's right to a fair hearing can be demonstrated.

NEW SECTION. Sec. 12. If any provision of this 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. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 14. 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 9, 1982.

Passed the Senate March 8, 1982.

Approved by the Governor April 3, 1982.

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

CHAPTER 230

[Substitute House Bill No. 1149]

STATE FIREWORKS LAW

AN ACT Relating to fireworks; amending section 9, chapter 228, Laws of 1961 and RCW 70.77.160; amending section 11, chapter 228, Laws of 1961 and RCW 70.77.170; amending section 13, chapter 228, Laws of 1961 and RCW 70.77.180; amending section 19, chapter 228, Laws of 1961 and RCW 70.77.210; amending section 20, chapter 228, Laws of 1961 and RCW 70.77.215; amending section 23, chapter 228, Laws of 1961 and RCW 70.77.230; amending section 27, chapter 228, Laws of 1961 and RCW 70.77.250; amending section 28, chapter 228, Laws of 1961 and RCW 70.77.255; amending section 29, chapter 228, Laws of 1961 and RCW 70.77.260; amending section 34, chapter 228, Laws of 1961 and RCW 70.77.285; amending section 36, chapter 228, Laws of 1961 and RCW 70.77.295; amending section 38, chapter 228, Laws of 1961 and RCW 70.77.305; amending section 40, chapter 228, Laws of 1961 and RCW 70.77.315; amending section 42,