

(iv) Retirement benefits under the Washington State Retirement System.

(4) Provisions of any contract in force on March 20, 1981 which conflict with requirements of this section shall continue in effect until contract expiration. After expiration, any new contract executed between the parties shall be consistent with this section.

(5) The superintendent of public instruction shall ensure compliance with this section and shall adopt rules under chapter 34.04 RCW for that purpose. The superintendent shall monitor the salary and compensation increases provided to employees and administrators by school districts.

NEW SECTION. Sec. 2. 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 March 7, 1984.

Passed the House March 7, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

CHAPTER 246

[Engrossed Senate Bill No. 4798]

PRISON OVERCROWDING

AN ACT Relating to prison overcrowding; amending section 16, chapter 137, Laws of 1981 as amended by section 4, chapter 163, Laws of 1983 and RCW 9.94A.160; amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); adding a new section to chapter 72.09 RCW; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

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

Sec. 1. Section 16, chapter 137, Laws of 1981 as amended by section 4, chapter 163, Laws of 1983 and RCW 9.94A.160 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the

revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners under its jurisdiction. The board shall adopt guidelines for the reduction of inmate population to be used in the event the governor calls the board into an emergency meeting under this section. The board shall not, under this subsection, reduce the prison term of an inmate serving a mandatory minimum term under RCW 9.95.040, an inmate confined for treason, an inmate confined for any violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW. In establishing these guidelines, the board shall give priority to sentence reductions for inmates confined for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement. The board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources. Guidelines adopted under this subsection shall be submitted to the senate institutions and house of representatives social and health services committees for their review. This subsection does not require the board to reduce inmate population to or below any certain number. The board may also take any other action authorized by law to modify the terms of prisoners under its jurisdiction;

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

Sec. 2. Section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) \$51,803,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) \$25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) \$4,054,000 is provided for intensive parole.

(v) \$16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) \$4,026,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) \$877,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 206,860,000 |
| General Fund Appropriation—Federal | \$ | 700,000 |
| Total Appropriation | \$ | 207,560,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT

| | | |
|---|----|------------|
| General Fund Appropriation—State | \$ | 13,278,000 |
| General Fund—Institutional Impact Account Appropriation | \$ | 865,000 |
| Total Appropriation | \$ | 14,143,000 |

The appropriations in this subsection are subject to the following conditions and limitations: \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities and for the one-time cost impact associated with the double bunking at the Washington Corrections Center due to the significant increase in the inmate population and the consequent impact on the community.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 5,463,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

NEW SECTION. Sec. 3. The legislature finds and declares that:

(1) The sentencing reform act of 1981 which established the sentencing guidelines commission and directed the commission to devise a system of recommended standard sentence ranges for all felony offenses, required the commission, in setting the standards, to emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(2) There is a need to plan and develop a system through which alternatives to total confinement can be used to serve nonviolent offenders who have been convicted of crimes but who, in the judgment of the courts and appropriate corrections personnel, can best serve their sentences without substantial danger to the community in local community programs rather than in state prisons or local jails.

(3) The department of corrections, which, under RCW 72.09.060 and 72.09.100(5), is charged with developing, establishing, and administering community service programs state-wide, has the expertise, and personnel to enable the development of a comprehensive system of alternative programs for nonviolent offenders.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 8 of this act.

(1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of corrections.

(3) "Alternatives to total confinement" means residential and nonresidential programs that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW and that are operated by the department or local government entities to serve nonviolent offenders who have been convicted of crimes, in lieu of incarceration in state prisons or local jails.

(4) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

NEW SECTION. Sec. 5. The department shall formulate a comprehensive plan for the development, implementation, and operation of alternatives to total confinement for nonviolent offenders, that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW.

The plan shall be submitted to the appropriate standing committee of the house of representatives and the senate for review by December 1, 1984. The plan shall include, but is not limited to:

(1) The establishment of goals and objectives for the development, implementation, and expansion of alternatives to total confinement;

(2) An identification and evaluation of current state and local alternatives to total confinement, including, but not limited to, probation-type services and court-ordered community service programs authorized under RCW 72.09.100(5);

(3) An evaluation of the existing organizational structure and of the services provided by the department's division of community services and its role in providing or administering programs that are alternatives to total confinement after July 1, 1984;

(4) The establishment of policies and procedures to improve and expand existing alternatives to total confinement including, but not limited to, probation-type services and court-ordered community service, and to develop new alternatives to total confinement. Policies and procedures on program site selection, offender intake assessment, program and offender monitoring, and evaluating and reporting the effectiveness of alternatives to total confinement should be included;

(5) The identification of the projected numbers of nonviolent offenders who may be eligible for alternatives to total confinement;

(6) A delineation of the role and functions of affected state and local government entities and state and local service providers with respect to the administration and operation of programs that are alternatives to total confinement;

(7) The identification of funding sources, funding responsibility, and costs associated with alternatives to total confinement and how funding for such programs can occur within state and local budget limitations;

(8) An analysis of the legal liability of state and local government entities and private sector service providers, and a determination of what types of insurance or other mechanisms are available to provide legal and financial safeguards;

(9) An identification of the statutory changes which may be necessary to permit full implementation of the plan; and

(10) An analysis of the role local correctional facilities should assume under chapter 9.94A RCW. The analysis shall determine: (a) Whether the state should assume financial responsibility for operating local correctional facilities, (b) whether the state should contract for county jail beds to house

state prisoners, (c) whether new jail facilities have adequate programs to meet the needs of state prisoners, and (d) the feasibility of counties using minimum security facilities for low-risk offenders.

NEW SECTION. Sec. 6. The department, in developing the plan, shall consult with and receive input from representatives of affected state and local government entities including the governor's interagency criminal justice work group, correctional organizations and associations, prosecuting attorneys, the defense bar, the legislature, private nonprofit agencies, and private citizens. The plan shall be submitted to the governor's interagency criminal justice work group for review prior to the submission of such plan to the legislature.

NEW SECTION. Sec. 7. The department's plan for the development, implementation, operation, and expansion of alternatives to total confinement shall reflect regional differences. The department shall consult with and receive input from affected agencies, organizations, service providers, and individuals working at the regional level.

NEW SECTION. Sec. 8. The department, in developing the plan, may request from the office of financial management, the board of prison terms and paroles, the administrator for the courts, the sentencing guidelines commission, the corrections standards board, and the department of social and health services such staff assistance, data, information, and data processing assistance as it may need to accomplish its task, and such services shall be provided without cost to the department.

NEW SECTION. Sec. 9. There is added to chapter 72.09 RCW a new section to read as follows:

(1) In recognition of prison overcrowding and the hazardous nature of employment in state correctional institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections for some of their costs attributable to their being the victims of inmate assaults. This program shall be limited to the reimbursement provided in this section.

(2) An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections, or the secretary's designee, finds that each of the following has occurred:

(a) An inmate has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.

(3) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW

(6) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION. Sec. 10. There is appropriated from the general fund to the department of corrections for the period ending December 30, 1984, the sum of forty-five thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of sections 3 through 8 of this act.

NEW SECTION. Sec. 11. 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.

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 3 through 8 of this act shall expire December 30, 1984.

Passed the Senate March 7, 1984.

Passed the House March 6, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

CHAPTER 247

[Engrossed Senate Bill No. 4504]

COMPREHENSIVE BUDGETING, ACCOUNTING, AND REPORTING SYSTEM

AN ACT Relating to state budgeting and accounting; amending section 43.88.090, chapter 8, Laws of 1965 as last amended by section 4, chapter 270, Laws of 1981 and RCW 43.88.090; adding new sections to chapter 43.88 RCW; and repealing section 1, chapter 306; Laws of 1983 and RCW 43.17.220.

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

NEW SECTION. Sec. 1. There is added to chapter 43.88 RCW a new section to read as follows:

(1) The director shall devise and maintain a comprehensive budgeting, accounting, and reporting system in conformance with generally accepted accounting principles applicable to state governments.

(2) The director shall submit a budget document in conformance with generally accepted accounting principles applicable to state governments for the period commencing July 1, 1987, and all ensuing periods.

(3) Any changes affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance, and personnel as a result of any changes resulting from subsection (2) of this section shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document.

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

The governor, through the director, shall prepare and publish within six months of the end of the fiscal year, as a matter of public record, an annual financial report that encompasses all funds and account groups of the state.

Sec. 3. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 4, chapter 270, Laws of 1981 and RCW 43.88.090 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. ~~((The estimates shall include statements or tables which indicate, by agency, the state funds~~