

individual business signs to defray the costs of their installation and maintenance.

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CHAPTER 81

[Substitute House Bill No. 833]

CITY AND COUNTY JAIL ACT OF 1974

AN ACT Relating to city and county jails; adding a new chapter to Title 36 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. It is the policy of this state that jail facilities provide a humane and safe environment consistent with efficient use of available funds and it is therefore the purpose of this chapter to provide for the determination of the role of the state regarding detention and correctional services and facilities, to permit classification of local detention and correctional facilities on the basis of their purpose and their function, to allow for the formulation of state-wide minimum standards for any newly constructed or substantially remodeled facilities regarding physical plant, limitations on types of use, standards for health, safety, safekeeping, conditions of confinement, and welfare of persons confined, to allow for the determination of a fiscal impact of the implementation of these standards and to have presented to the legislature a proposal for financing of any construction or modernization required to meet these standards.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Detention facility" means a facility operated by a governing unit, primarily designed, staffed and used for the temporary housing of persons charged with a violation or criminal offense prior to trial or sentencing and for the temporary housing of such persons for limited periods following trial and/or sentencing.

(2) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of persons following conviction of a violation or criminal offense with primary emphasis on the provision of corrective and rehabilitative services to such persons.

(3) "Health care" means medical, dental, and mental health care, as well as the provision of prescription drugs.

(4) "Commission" means the state-wide city and county jail commission created by section 3 of this 1974 act.

(5) "Substantially remodeled" means significant alterations made to the physical plant of a jail or correctional facility, as defined by the commission.

(6) "Jail" as used in this chapter or in other statutes relating to jails operated by governing units as defined in this chapter, means a detention facility as defined herein.

(7) "Governing unit" means the city and/or county or any combination of cities and/or counties responsible for the operation, supervision, and maintenance of a detention facility or correctional facility.

NEW SECTION. Sec. 3. A state-wide city and county jail commission shall be appointed by the governor. This commission shall provide a plan for the periodic inspection of all detention and correctional facilities and shall promulgate all regulations pursuant to the provisions of this chapter. The commission shall consist of fifteen members, who shall be selected as follows:

(1) The governor shall appoint: (a) An incumbent sheriff from a county of the first class or larger; (b) an incumbent sheriff from a county of the second class or smaller; (c) an incumbent chief of police from a city with a population of one hundred thousand or more; and (d) an incumbent chief of police from a city with a population of less than one hundred thousand;

(2) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney;

(3) The governor shall appoint one incumbent superior or district court judge;

(4) The governor shall appoint two elected officials of municipal governments;

(5) The governor shall appoint two elected officials of county governments;

(6) The governor shall appoint one medical doctor licensed by the state of Washington;

(7) The governor shall appoint a member of the local government committee of the Washington state house of representatives who is also a member of this committee's subcommittee on county, city jail standards;

(8) The governor shall appoint the secretary of the department of social and health services or his designee;

(9) The governor shall appoint two members of the public, one of whom has been incarcerated in a city or county jail or correctional facility: PROVIDED, That at least six of these members of the commission shall reside east of the crest of the Cascade mountain range: PROVIDED, FURTHER, That, any member of the commission appointed pursuant to this section as an incumbent

official shall immediately upon the termination of his holding of said office cease to be a member of the commission.

The chairman of the commission shall be appointed by the governor and shall serve as chairman at his pleasure. A vice chairman shall be elected by the commission. The commission shall meet on call of the chairman or on request of a majority of its members, but not less than three times per year.

The secretary of the department of social and health services shall provide the necessary staff, office space and necessary expenses of the commission.

NEW SECTION. Sec. 4. Members of the commission shall, pursuant to RCW 43.03.050, receive authorized per diem for the time spent in performance of their duties, and in addition all members shall be entitled to reimbursement for actual travel expenses incurred in the performance of their duties pursuant to RCW 43.03.060.

NEW SECTION. Sec. 5. The commission shall:

(1) Examine, and by December 1, 1974, present to the legislature recommendations relating to detention and correction services, including the formulation of the role of the state and local governing units regarding detention and correctional facilities;

(2) Formulate proposed minimum standards and rules for detention and correctional facilities regarding physical plant, limitations on types of use, standards for health safety, safekeeping, conditions of confinement, and welfare of persons confined: PROVIDED, That all such standards shall be adopted pursuant to the provisions of chapter 34.04 RCW: PROVIDED FURTHER, That such standards shall not be enforceable before an effective date set by the legislature which date shall not be sooner than one year following receipt by the legislature of the commission's report regarding the matters set forth in this section;

(3) Propose the administrative form for formulating and enforcing minimum standards and rules for detention and correctional facilities;

(4) Determine the fiscal impact of the implementation of the standards and rules enumerated in section 5 (2) and section 6 of this 1974 act; and

(5) Present to the legislature a proposal for the financing of any implementation, construction or modernization required to meet the standards and rules enumerated in section 5 (2) and section 6 of this 1974 act: PROVIDED, That the commission shall present these determinations and standards to the legislature by December 1, 1974.

NEW SECTION. Sec. 6. The commission shall formulate proposed minimum standards and rules for detention and correctional facilities regarding:

- (1) The keeping of records;
- (2) The separation of inmates;
- (3) The posting of rules of conduct in jails;
- (4) The employment of inmates;
- (5) The provision of emergency and other health care for all inmates;
- (6) A sufficient number of personnel to be on duty in jail facilities;
- (7) Plans for fire suppression;
- (8) An inmate education plan;
- (9) An inmate visitation plan;
- (10) An inmate correspondence plan, providing for confidential communications between an inmate and his or her counsel;
- (11) An inmate library service plan utilizing the services of professional librarians in formulating the plan;
- (12) An inmate exercise and recreation program;
- (13) The use of and purchase of books, magazines and newspapers by inmates;
- (14) The use of disciplinary actions: PROVIDED, That all cruel and unusual punishment is prohibited;
- (15) The provision of healthful food;
- (16) The supplying of personal care items for inmates;
- (17) Showering or bathing by inmates;
- (18) Cleanliness and sanitation of the facilities;
- (19) Visiting and attorney interviews, religious services, group counseling, classroom and study, meetings, library services and indoor recreation.

NEW SECTION. Sec. 7. Sections 1 through 6 of this 1974 act shall constitute a new chapter in Title 36 RCW and shall be known and cited as the city and county jail act of 1974.

NEW SECTION. Sec. 8. The provisions of this chapter shall cease to be effective and all commissions formed hereunder shall be abolished on June 30, 1975.

NEW SECTION. Sec. 9. If any provision of this 1974 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. 10. This 1974 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.

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CHAPTER 82

[House Bill No. 931]

PUBLIC EMPLOYEES—

HOSPITALIZATION AND MEDICAL AID BENEFITS--

TRUSTS OF SELF-INSURANCE

AN ACT Relating to insurance; amending section 1, chapter 75, Laws of 1963 as last amended by section 6, chapter 147, Laws of 1973 1st ex. sess. [and RCW 41.04.180]; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 75, Laws of 1963 as last amended by section 6, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.04.180 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.52 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of