
SECOND SUBSTITUTE HOUSE BILL 2010

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Read first time 03/24/95.

1 AN ACT Relating to corrections; amending RCW 72.09.135, 72.09.130,
2 4.24.130, 72.10.020, 72.09.111, 9.94A.137, 72.09.070, 72.10.030, and
3 43.17.200; adding new sections to chapter 72.09 RCW; adding a new
4 section to chapter 9.94A RCW; creating new sections; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that increasing crime,
8 a burgeoning inmate population, and the upwardly spiraling cost of
9 building, maintaining, and operating our state's prisons have created
10 an urgent need to enact decisive new and stringent methods for
11 controlling the high cost of corrections. The legislature further
12 finds that the public has clearly demanded that every effort be made to
13 rid our streets of crime and that criminals be dealt with decisively
14 and firmly. At the same time, the public has also let it be known that
15 their tax dollars must be spent efficiently and that their investment
16 in expensive prisons buy safety for them and their families now and in
17 the future. To this end, the legislature insists that cost-
18 efficiencies in corrections must be implemented at every level and in
19 every aspect of the correctional system. Most importantly, however, is

1 the need to develop and implement a long-range corrections cost-
2 efficiency strategy that has as its foremost goal the investment in a
3 corrections management philosophy that will effectively lower the high
4 number of inmates recycled through our prisons. The legislature
5 believes that by implementing a corrections management philosophy that
6 mirrors the incentives, goals, morals, and values that guide our
7 society and its law-abiding citizens, offenders will be less likely to
8 reoffend and public expectations of criminals receiving their just
9 desserts can be realized. The focus of this corrections management
10 philosophy is accountability and responsibility, both for the prison
11 inmates and also for the public servants charged with running our
12 correctional institutions. The responsibility for criminal activity
13 should fall squarely on the criminal. Society should not have to pay
14 the price for crimes twice, once for the criminal activities and again
15 by feeding them, clothing them, and housing them, often in a fashion
16 better than law-abiding, working families in the community. By
17 perpetuating the current corrections philosophy we are making offenders
18 less responsible rather than more responsible. The corrections system
19 should be the first place criminals are given the opportunity to be
20 responsible for paying for their criminal act, not just through the
21 loss of their freedom, but by contributing to the actual cost of their
22 crime and for the cost of incarceration. In a responsibility-based
23 corrections system, inmates should be expected to participate in real
24 and meaningful work experiences that teach marketable skills and
25 instill the work values and ethics that are the backbone of our
26 society, both for the benefit of society and for the offender.
27 Privileges inside the prison should not be just provided to prisoners
28 and used like free penological pacifiers. Instead, inmates must be
29 motivated to work, learn, and then earn basic privileges. It is the
30 intent of the legislature to expect all prison inmates to be made more
31 accountable and responsible by working, learning basic skills,
32 contributing to the cost of their incarceration, developing meaningful
33 work values and experiences, and gaining valuable job readiness skills
34 that will translate into work opportunities outside of prison. It is
35 also the intent of the legislature to expect the department of
36 corrections to also be made more accountable and responsible by
37 adopting a corrections management philosophy that is vested in the
38 goals of responsibility and accountability and continuing to uphold a
39 high standard of public safety, maintaining drug-free corrections

1 facilities, effectively reducing recidivism, and significantly
2 controlling the rising cost of corrections.

3 **Sec. 2.** RCW 72.09.135 and 1987 c 462 s 15 are each amended to read
4 as follows:

5 (1) The department of corrections shall, no later than July 1,
6 1987, adopt standards for the operation of state adult correctional
7 facilities. These standards shall be the minimums necessary to meet
8 federal and state constitutional requirements relating to health,
9 safety, and welfare of inmates and staff, and specific state and
10 federal statutory requirements, and to provide for the public's health,
11 safety, and welfare. The need for each standard shall be documented.

12 (2)(a) The secretary shall establish, as part of the standards for
13 correctional facilities, policies on inmate basic education and inmate
14 work. As part of these standards, the secretary shall require all
15 inmates either to work in a correctional industries job or participate
16 in an educational program, or both, to the extent that such jobs or
17 programs are available.

18 (b) The standards established under (a) of this subsection shall
19 not apply to inmates who are confined to a segregation unit, in
20 protective custody, on death row, in sex offender treatment or special
21 mental health treatment, or committed to the illegal alien offender
22 transition camp.

23 (c) The standards established under (a) of this subsection shall
24 not apply to inmates who have physical or mental impairments or
25 conditions that would prevent them from participating in work or
26 education, as determined by the department.

27 (d) Inmates in protective custody shall be provided educational
28 opportunities consistent with this section, to the extent possible.

29 (3) The standards established on inmate basic education and work
30 days under subsection (2) of this section shall include, but are not
31 limited to, the following standards:

32 (a) The department shall assess all inmates for literacy level and
33 basic academic skills within thirty days of the inmate's commitment to
34 the department.

35 (b) Inmates whose reading skills are assessed as below the eighth
36 grade level shall, subject to availability of jobs and educational
37 programs:

1 (i) Participate half-time in an academic program that emphasizes
2 language, arithmetic, and cognitive proficiency; and

3 (ii) Participate half-time in a correctional industries job.

4 (c) Offenders whose reading skills at commitment or thereafter are
5 assessed at or above the eighth grade level shall work a full work day
6 in a correctional industries job, if such jobs are available. If a
7 correctional industries job is not available, and the inmate does not
8 have a general equivalency degree or a high school diploma, the inmate
9 shall attend general equivalency degree classes, if such classes are
10 available, until the inmate attains a general equivalency degree or a
11 job becomes available, whichever comes first.

12 (d) If an inmate has a high school diploma or a general equivalency
13 degree, and if no job is available, the inmate may participate in
14 vocational training, if such training is available.

15 (e) Inmates shall pay a portion of the costs of participating in
16 community college vocational programs, including books, tuition, and
17 fees. The department shall determine the appropriate percentage that
18 inmates are to pay. The tuition of any other higher education programs
19 shall be paid entirely by the inmate.

20 (f) Inmates serving a life sentence shall not be required to comply
21 with the educational standards established under (a) through (d) of
22 this subsection. Inmates serving a life sentence shall not receive
23 more than one associate or baccalaureate degree, and they shall not
24 participate in additional associate or baccalaureate degree programs
25 after having earned such a degree. If an inmate serving a life
26 sentence requires vocational training for correctional industries
27 employment as determined by the department, he or she may participate
28 in such training.

29 (g) All vocational training must be relevant either to the
30 correctional industries jobs offered in the institution, or to job
31 skills needed to qualify for employment upon the inmate's release, or
32 both, to the extent possible.

33 (4) The standards established under subsection (2) of this section
34 shall provide that inmates who refuse to participate in available work
35 or education programs shall lose inmate privileges, including but not
36 limited to family visitation, use of individual televisions, and use of
37 recreational equipment.

38 (5)(a) By July 1, 1996, the department shall provide, subject to
39 available funding, the educational programs required by subsection

1 (3)(b) of this section to no less than twenty-five percent of the
2 inmates who meet the criteria of subsection (3)(b) of this section.

3 (b) By July 1, 1997, the department shall provide, subject to
4 available funding, the educational programs required by subsection
5 (3)(b) of this section to no less than fifty percent of the inmates who
6 meet the criteria of subsection (3)(b) of this section.

7 (c) By July 1, 1998, the department shall provide, subject to
8 available funding, the educational programs required by subsection
9 (3)(b) of this section to no less than seventy-five percent of the
10 inmates who meet the criteria of subsection (3)(b) of this section.

11 (d) By July 1, 1999, the department shall provide, subject to
12 available funding, the educational programs required by subsection
13 (3)(b) of this section to all of the inmates who meet the criteria of
14 subsection (3)(b) of this section.

15 (6) The education administrator for the department shall review all
16 vocational training programs annually to insure to the extent possible
17 that the programs are relevant to the correctional industries jobs, or
18 to skills needed to qualify for employment after the inmate's release,
19 or both.

20 (7) The education administrator for the department shall develop an
21 education cost-efficiency plan for the department, consistent with the
22 terms of chapter . . . , Laws of 1995 (this act) that reduces the use of
23 live instructors, and includes distance learning, using interactive
24 satellite instruction, video tapes, computer-aided instruction, and
25 flexible scheduling that permits offenders to proceed at their own
26 pace. The department shall report to the appropriate committees of the
27 legislature by December 12, 1995, on the progress of this education
28 cost-efficiency plan.

29 **Sec. 3.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read
30 as follows:

31 The department shall adopt a system providing incentives for good
32 conduct and disincentives for poor conduct. The system may include
33 increases or decreases in the degree of liberty granted the inmate
34 within the programs operated by the department and recommended
35 increases or decreases in the number of earned early release days that
36 an inmate can earn for good conduct and good performance. Earned early
37 release days shall be recommended by the department as a form of
38 tangible reward for accomplishment. The system shall be fair,

1 measurable, and understandable to offenders, staff, and the public. At
2 least once in each twelve-month period, the department shall inform the
3 offender in writing as to his or her conduct and performance. This
4 written evaluation shall include reasons for awarding or not awarding
5 recommended earned early release days for good conduct and good
6 performance. The term "good performance" as used in this section means
7 successfully performing a work, work training, or educational task to
8 levels of expectation as specified in writing by the department.
9 Inmates shall not receive earned early release days for "good
10 performance" for any time during which the offender is required to
11 participate in available work or educational programs by RCW 72.09.135
12 and the offender refuses to do so. The term "good conduct" as used in
13 this section refers to compliance with department rules.

14 Within one year after July 1, 1981, the department shall adopt, and
15 provide a written description of, the system. The department shall
16 provide a copy of this description to each offender in its custody.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09 RCW
18 to read as follows:

19 (1)(a) All obscene, erotic, sexually explicit, or excessively
20 violent films, video tapes, magazines, books, or computer software
21 shall be prohibited from all department correctional facilities. These
22 materials shall be considered contraband and shall be removed from the
23 inmate's mail, possession, and cells. The department shall be
24 responsible for uniformly establishing which materials are to be
25 considered contraband and removed in accordance with legitimate and
26 justifiable penological interests. This standard shall be uniformly
27 applicable throughout all department prison facilities. The department
28 shall screen all inmate mail and disapprove inmate mail the department
29 determines to be obscene, sexually explicit, erotic, or excessively
30 violent.

31 (b) Materials forbidden by (a) of this subsection shall be
32 permitted only for their use in treatment or therapy sessions as
33 prescribed by a physician or certified therapist under the direction of
34 the department.

35 (c) As used in this subsection:

36 (i) "Excessive violence" means sexual and/or physical violence that
37 is considered by the department to exceed what is proper, normal, or

1 reasonable taking into account the penological objectives of the
2 prison.

3 (ii) "Obscene" means material that, when taken as a whole, appeals
4 to prurient interests, and contains patently offensive depictions or
5 descriptions of sexual conduct and, taken as a whole, has no serious
6 literary, artistic, political, or scientific value or that is patently
7 offensive because it affronts contemporary community standards relating
8 to the description or representation of sexual matters or
9 sadomasochistic abuse, and is utterly without redeeming social value.
10 Both offensiveness and an appeal to something other than normal healthy
11 sexual desires are essential elements of obscenity.

12 (iii) "Sexually explicit" means depiction of one of the following
13 sexual behaviors:

14 (A) Where one of the participants in the act is, or appears to be,
15 nonconsenting;

16 (B) Where one of the participants appears to be forceful,
17 threatening, or violent;

18 (C) Where one of the partners is dominating one of the other
19 participants, and one of the individuals is obviously in a submissive
20 role, or one of the participants is degraded, humiliated, or willingly
21 engages in behavior that is degrading or humiliating;

22 (D) Where any bodily excretory function is depicted;

23 (E) Where there is actual sexual penetration;

24 (F) One of the participants is a child, or appears to be a child;

25 (G) Bestiality, sadomasochistic behavior, or bondage;

26 (H) Any sexual behaviors deemed by the department to be a threat to
27 legitimate penological objectives.

28 (iv) "Erotic" means erotic as defined by the department in
29 compliance with law, taking into consideration the legitimate
30 penological objectives of the department.

31 (2)(a) No new department correctional facility or expanded portions
32 of existing department correctional facilities shall be constructed
33 with cable, closed circuit, or satellite television readiness unless
34 the department has a written basic education and technical vocational
35 training plan for the facility and the plan clearly demonstrates how
36 the television systems will be used for educational and training
37 purposes. The educational and training plan shall contain a curriculum
38 outline and goals for preparing inmates with the basic knowledge, life
39 skills, work ethic, job skills, and technical abilities to function

1 effectively in a real world work environment. The television education
2 and training plan shall correspond to the education and training that
3 is applicable to the correctional industries jobs that are expected to
4 be implemented at the new facility. All programming conducted on the
5 television system shall comply with subsection (1) of this section.

6 (b)(i) An inmate shall not receive individual television privileges
7 unless he or she is working in a correctional industries job or is
8 participating in a department-approved education program. This
9 restriction shall not apply if no job or educational program is
10 available. Inmates who are exempt from the work and education
11 requirements of RCW 72.09.135 may be allowed personal televisions as
12 determined by the department.

13 (ii) An inmate shall not receive individual television privileges
14 until two months have elapsed since the beginning of his or her current
15 commitment to the department.

16 (c) All maintenance and fees associated with cable, closed circuit,
17 or satellite television shall be paid for by inmates. This restriction
18 does not apply to educational programming under (a) of this subsection.

19 (d) This subsection does not apply to closed circuit television
20 used by the department for security purposes by correctional employees.

21 (3)(a)(i) An inmate shall not participate in recreational weight
22 lifting unless the inmate is in good standing with the department, as
23 determined by the department, and is either employed in a correctional
24 industries job or an educational program. This subsection (3)(a)(i)
25 does not apply to inmates who have physical or mental impairments or
26 conditions that exempt them from the work and education requirements of
27 RCW 72.09.135. This subsection (3)(a)(i) also does not apply if no
28 jobs or educational programs are available.

29 (ii) No inmate found guilty of assaulting a correctional officer or
30 other inmate may participate in weight lifting.

31 (iii) Recreational options provided by the department shall, to the
32 extent possible, minimize the inmates' ability to increase muscle mass
33 substantially. Dietary supplements made for the sole purpose of
34 increasing muscle mass shall not be available for purchase to inmates
35 unless prescribed by a physician for medical purposes.

36 (b)(i) An inmate shall not be allowed to use recreational
37 facilities or recreational equipment for recreational purposes unless
38 the inmate is employed in a correctional industries job or is
39 participating in a department-approved educational program. For

1 purposes of this subsection, "recreational purposes" includes but is
2 not limited to baseball, softball, volleyball, tennis, pickleball,
3 hockey, soccer, or other group sports activities, and hobby and crafts
4 shops. This subsection (3)(b)(i) does not apply to: Inmates for whom
5 no jobs or educational programs are available and inmates who have a
6 mental or physical impairment that exempts them from the work and
7 requirements of RCW 72.09.135, as determined by the department.

8 (ii) The department shall use inmate welfare funds to pay for all
9 recreational equipment and supplies.

10 (iii) All inmates shall be allowed access to appropriate
11 recreational yards or gymnasiums for general personal exercise as
12 directed by the department and in compliance with state and federal
13 law.

14 (4)(a) An inmate is indigent if the inmate has less than ten
15 dollars of disposable income in his or her offender's institution
16 account for a period of forty days. Provision shall be made for
17 inmates who are transferred between facilities and for the first forty
18 days of incarceration, to account for funds in the offender's
19 institution account.

20 (b) The department shall provide essential personal items to
21 indigent inmates only. Essential personal items shall include soap,
22 razors, combs, toothbrushes, toothpaste, sanitary napkins, or other
23 personal items defined by the department in compliance with federal
24 regulations. Inmates shall be required to use the personal item
25 provided by the department in a prudent fashion in accord with the
26 normal use, expected normal wear, and function of the items.

27 (c) Inmates shall not receive more than seventy-five dollars per
28 month in their offender's institution account from outside the prison.

29 (5) The department may implement a family visitation program that
30 allows visiting between eligible inmates and their eligible immediate
31 family member or members for the sole purpose of maintaining and
32 promoting functional and cohesive family relationships. The
33 requirements of this subsection apply to any program of family
34 visitation implemented by the department.

35 (a) Family visits shall occur no more often than once every thirty
36 days. The maximum time allowed for each family visit shall be forty-
37 eight hours.

38 (b) An inmate shall be ineligible for the family visitation program
39 until twelve months have elapsed since his or her arrival at the

1 department facility on a current commitment of three years or more, or
2 six months have elapsed if the current commitment is less than three
3 years.

4 (c) Inmates who fail to participate in an available correctional
5 industries work program or an available department-approved educational
6 program are ineligible for the family visitation program. This
7 requirement does not apply to inmates who have mental or physical
8 disabilities or conditions that exempt them from the work and education
9 standards set forth in RCW 72.09.135, as determined by the department.
10 This requirement does not apply if no job or educational program is
11 available to the inmate.

12 (d) The following inmates are prohibited from participating in the
13 family visitation program: Maximum custody inmates; close custody
14 inmates; death row inmates; inmates housed in disciplinary or
15 administrative segregation or prehearing confinement; inmates who have
16 been found guilty of a serious infraction, as defined by the
17 department, within the previous five years.

18 (e) The department shall establish other eligibility guidelines
19 based on inmate conduct and infractions. The department shall exclude
20 any offender who has been determined by the department to be a danger
21 to himself or herself, visitor or visitors, or the orderly operation of
22 the program; has a prior criminal history of spousal or child abuse; is
23 being treated for a condition that may be adversely affected; or has
24 mental health disorders based on a psychological assessment that
25 indicates the offender could pose a danger to others. The
26 determination to exclude an inmate from participation from the program
27 shall also be based on, but not limited to, the inmate's crime or prior
28 criminal behavior.

29 (f) An inmate with a history of any sex offense involving children
30 shall not be allowed family visitation with children.

31 (g)(i) The department shall exclude from participating in the
32 family visitation program an inmate's immediate family members who are
33 on juvenile or adult parole, probation, community supervision,
34 community placement, work release; who are the subject of a pending
35 felony criminal or drug-related action; or who are under the
36 jurisdiction of the department.

37 (ii) The department may also deny eligibility to an immediate
38 family member who is a former inmate released under the sentencing
39 reform act or who has been convicted of a drug-related crime.

1 (iii) Children under the age of eighteen are eligible only if they
2 are accompanied and supervised by an adult visitor during the entire
3 visit.

4 (h) The secretary of the department or his or her designee shall
5 have the ability to approve, deny, suspend, or terminate a family
6 visit.

7 (i) All family visitation shall be conducted within the prison
8 campus. The department shall establish the location, size, and design
9 of family visiting units and develop written regulations and procedures
10 consistent with this chapter that ensure the safety of visitors,
11 promote healthy family values, and maintain the penological objectives
12 of the prison.

13 (j) The department shall review all inmates' marriages that
14 occurred before July 1, 1995, and shall permit an inmate's spouse to
15 participate in family visits only if the department determines that the
16 spouse's behavior complies with the requirements of this subsection.

17 (k) All operational, maintenance, and new construction costs for
18 the family visitation program shall be paid by inmates.

19 (l) For purposes of this subsection:

20 (i) "Immediate family" means an inmate's parents, stepparents,
21 grandparents, legally married spouse of the opposite sex of the inmate
22 at the time of the inmate's conviction, siblings, children, and
23 stepchildren.

24 (ii) "Child" means the natural or adopted child of both the inmate
25 and his or her spouse, or of the inmate or the spouse. However, if one
26 inmate adopts another inmate, the department shall not grant family
27 visitation based upon the adoptive relationship.

28 **Sec. 5.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as
29 follows:

30 (1) Any person desiring a change of his or her name or that of his
31 or her child or ward, may apply therefor to the district court of the
32 judicial district in which he or she resides, by petition setting forth
33 the reasons for such change; thereupon such court in its discretion may
34 order a change of the name and thenceforth the new name shall be in
35 place of the former.

36 (2) No person committed to a department of corrections facility at
37 the time of application shall be granted an order under this section to
38 change his or her name if doing so will interfere with legitimate

1 penological goals. Name changes required for religious reasons or in
2 recognition of marriage shall be allowed. However, the department of
3 corrections may require the inmate, while incarcerated in a department
4 of corrections facility, to also use the name used at the time of
5 commitment.

6 (3) The district court shall collect the fees authorized by RCW
7 36.18.010 for filing and recording a name change order, and transmit
8 the fee and the order to the county auditor. The court may collect a
9 reasonable fee to cover the cost of transmitting the order to the
10 county auditor.

11 **Sec. 6.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read
12 as follows:

13 (1) The department may develop and implement a health services plan
14 for the delivery of health care services to ~~((inmates))~~ offenders in
15 the department's ~~((custody))~~ correctional facilities, at the discretion
16 of the secretary, and in conformity with state and federal law.

17 (2) To discourage the unwarranted use of health care services, all
18 offenders shall participate in the costs of health care services by
19 paying no less than three dollars per health visit. Pursuant to the
20 authority granted in chapter 34.05 RCW, the secretary may collect this
21 amount for health care services directly from an offender's institution
22 account.

23 (3) Inmates are required to make copayments under subsection (2) of
24 this section for health care services that are offender initiated.
25 Inmates are not required to pay for emergency treatment or for visits
26 initiated by health care staff or treatment of those conditions that
27 constitute a serious health care need.

28 (4) Inmates shall be required to purchase all over-the-counter
29 medications at a nominal charge. Over-the-counter medicines shall only
30 be available on an individual unit dose basis as determined by the
31 department and may be distributed through the inmate store.

32 (5) No inmate shall be denied any health care service, including
33 over-the-counter medications, because of inability to pay.

34 (6) The department shall adopt rules to implement this section.

35 **Sec. 7.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to
36 read as follows:

1 (1) The secretary shall deduct from the gross wages or gratuities
2 of each inmate working in correctional industries work programs, taxes
3 and legal financial obligations. The secretary shall develop a formula
4 for the distribution of offender wages and gratuities.

5 (a) The formula shall include the following minimum deductions from
6 class I gross wages and from all others earning at least minimum wage:

7 (i) ~~((Five))~~ Ten percent to the public safety and education account
8 for the purpose of crime victims' compensation;

9 (ii) Ten percent to a department personal inmate savings account;
10 and

11 (iii) Twenty percent to the department to contribute to the cost of
12 incarceration.

13 (b) The formula shall include the following minimum deductions from
14 class II gross gratuities:

15 (i) ~~((Five))~~ Ten percent to the public safety and education account
16 for the purpose of crime victims' compensation;

17 (ii) Ten percent to a department personal inmate savings account;
18 and

19 (iii) Fifteen percent to the department to contribute to the cost
20 of incarceration.

21 (c) The formula shall include the following minimum deduction from
22 class IV gross gratuities:

23 (i) Ten percent to the public safety and education account for the
24 purpose of crime victims' compensation; and

25 (ii) Five percent to the department to contribute to the cost of
26 incarceration.

27 (d) The formula shall include the following minimum deductions from
28 class III gratuities: ~~((Five))~~ Ten percent to the public safety and
29 education account for the purpose of crime victims' compensation.

30 Any person sentenced to life imprisonment without possibility of
31 release or parole under chapter 10.95 RCW shall be exempt from the
32 requirement under (a)(ii) or (b)(ii) of this subsection.

33 The department personal inmate savings account, together with any
34 accrued interest, shall only be available to an inmate at the time of
35 his or her release from confinement, unless the secretary determines
36 that an emergency exists for the inmate, at which time the funds can be
37 made available to the inmate in an amount determined by the secretary.
38 The management of classes I, II, and IV correctional industries may
39 establish an incentive payment for offender workers based on

1 productivity criteria. This incentive shall be paid separately from
2 the hourly wage/gratuity rate and shall not be subject to the specified
3 deduction for cost of incarceration.

4 In the event that the offender worker's wages or gratuity is
5 subject to garnishment for support enforcement, the crime victims'
6 compensation, savings, and cost of incarceration deductions shall be
7 calculated on the net wages after taxes, legal financial obligations,
8 and garnishment.

9 (2) The department shall explore other methods of recovering a
10 portion of the cost of the inmate's incarceration and for encouraging
11 participation in work programs, including development of incentive
12 programs that offer inmates benefits and amenities paid for only from
13 wages earned while working in a correctional industries work program.

14 (3) The department shall develop the necessary administrative
15 structure to recover inmates' wages and keep records of the amount
16 inmates pay for the costs of incarceration and amenities. All funds
17 deducted from inmate wages under subsection (1) of this section for the
18 purpose of contributions to the cost of incarceration shall be
19 deposited in a dedicated fund with the department and shall be used
20 only for the purpose of enhancing and maintaining correctional
21 industries work programs until December 31, 2000, and thereafter all
22 such funds shall be deposited in the general fund.

23 (4) The expansion of inmate employment in class I and class II
24 correctional industries shall be implemented according to the following
25 schedule:

26 (a) Not later than June 30, 1995, the secretary shall achieve a net
27 increase of at least two hundred in the number of inmates employed in
28 class I or class II correctional industries work programs above the
29 number so employed on June 30, 1994;

30 (b) Not later than June 30, 1996, the secretary shall achieve a net
31 increase of at least four hundred in the number of inmates employed in
32 class I or class II correctional industries work programs above the
33 number so employed on June 30, 1994;

34 (c) Not later than June 30, 1997, the secretary shall achieve a net
35 increase of at least six hundred in the number of inmates employed in
36 class I or class II correctional industries work programs above the
37 number so employed on June 30, 1994;

38 (d) Not later than June 30, 1998, the secretary shall achieve a net
39 increase of at least nine hundred in the number of inmates employed in

1 class I or class II correctional industries work programs above the
2 number so employed on June 30, 1994;

3 (e) Not later than June 30, 1999, the secretary shall achieve a net
4 increase of at least one thousand two hundred in the number of inmates
5 employed in class I or class II correctional industries work programs
6 above the number so employed on June 30, 1994;

7 (f) Not later than June 30, 2000, the secretary shall achieve a net
8 increase of at least one thousand five hundred in the number of inmates
9 employed in class I or class II correctional industries work programs
10 above the number so employed on June 30, 1994.

11 (5) It shall be in the discretion of the secretary to apportion the
12 inmates between class I and class II depending on available contracts
13 and resources.

14 (6) The department shall develop job performance standards for each
15 correctional industries job and remove offenders from the job if his or
16 her job performance does not meet performance standards. Offender
17 employees shall be provided job performance standards prior to being
18 placed in a correctional industries job.

19 **Sec. 8.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read
20 as follows:

21 (1)(a) An offender is eligible to be sentenced to a work ethic camp
22 if the offender:

23 ~~((a))~~ (i) Is sentenced to a term of total confinement of not less
24 than ~~((twenty-two))~~ twenty months or more than thirty-six months;

25 ~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-~~
26 ~~eight))~~ years of age or older; and

27 ~~((c))~~ (iii) Has no current or prior convictions for any sex
28 offenses or for violent offenses.

29 (b) The sentencing court may consider an offender eligible to be
30 sentenced to a work ethic camp if the offender meets the conditions set
31 forth in (a) of this subsection and is or has been convicted of
32 manufacturing, delivering, or possessing with intent to manufacture or
33 deliver a controlled substance under RCW 69.50.401 and after a complete
34 review of his or her criminal history has been conducted and approved
35 by the sentencing judge and upon further approval by the department in
36 accordance with all other terms and conditions of this section.

37 (c) The length of the work ethic camp program shall be at least one
38 hundred twenty days and not more than one hundred eighty days. Because

1 of the conversion ratio, earned early release time shall not accrue to
2 offenders who successfully complete the program.

3 (2) If the sentencing judge determines that the offender is
4 eligible for the work ethic camp and is likely to qualify under
5 subsection (3) of this section, the judge shall impose a sentence
6 within the standard range and may recommend that the offender serve the
7 sentence at a work ethic camp. The sentence shall provide that if the
8 offender successfully completes the program, the department shall
9 convert the period of work ethic camp confinement at the rate of one
10 day of work ethic camp confinement to three days of total standard
11 confinement. The court shall also provide that upon completion of the
12 work ethic camp program, the offender shall be released on community
13 custody for any remaining time of total confinement. The department
14 may identify offenders who are eligible for the work ethic camp and,
15 with concurrence from the sentencing judge, may refer the offender to
16 the work ethic camp and adjust time served and community custody
17 requirements as prescribed in this section.

18 (3) The department shall place the offender in the work ethic camp
19 program, subject to capacity, unless (a) the department determines that
20 the offender has physical or mental impairments that would prevent
21 participation and completion of the program, (b) the department
22 determines that the offender's custody level prevents placement in the
23 program, or (c) the offender refuses to agree to the terms and
24 conditions of the program.

25 (4) An inmate who fails to complete the work ethic camp program,
26 who is administratively terminated from the program, or who otherwise
27 violates any conditions of supervision, as defined by the department,
28 shall be reclassified to serve the unexpired term of his or her
29 sentence as ordered by the sentencing judge and shall be subject to all
30 rules relating to earned early release time.

31 ~~(5) ((The length of the work ethic camp program shall be at least~~
32 ~~one hundred twenty days and not more than one hundred eighty days.~~
33 ~~Because of the conversion ratio, earned early release time shall not~~
34 ~~accrue to offenders who successfully complete the program.~~

35 ~~(6))~~ During the last two weeks prior to release from the work
36 ethic camp program the department shall provide the offender with
37 comprehensive transition training.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.09 RCW
2 to read as follows:

3 (1) The department shall establish an illegal alien offender
4 transition camp. The secretary shall locate the illegal alien offender
5 transition camp within an already existing department compound or
6 facility. The facility selected for the camp shall appropriately
7 accommodate the logistical and cost-effective objectives contained in
8 RCW 72.09.400 through 72.09.420 and 9.94A.137. The department shall be
9 ready to assign inmates to the camp no later than July 1, 1996.

10 (2) The department shall develop all aspects of the illegal alien
11 offender transition camp program including, but not limited to, program
12 standards, conduct standards, individual and team work goals, and
13 measures to hold the offender accountable for his or her behavior. The
14 secretary shall define successful completion of the program, based on
15 successful attendance, participation, and performance. The illegal
16 alien offender transition camp shall be designed and implemented so
17 that offenders are engaged in meaningful work activities and
18 unstructured time is kept to a minimum. The standards for work
19 performance, physical work activities, and treatment of offenders'
20 rights and responsibilities shall be equivalent to those of the work
21 ethic camp for general inmates.

22 (3) The department shall, to the extent possible, staff the illegal
23 alien offender transition camp with personnel that speak and understand
24 the native language of the majority of the illegal offenders sentenced
25 to the illegal alien offender transition camp.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 9.94A RCW
27 to read as follows:

28 (1)(a) An offender is eligible to be sentenced to an illegal alien
29 offender transition camp if the offender:

30 (i) Is an illegal alien who can be released to the United States
31 immigration and naturalization service for deportation at the time of
32 the offender's release from the camp;

33 (ii) Is sentenced to a term of total confinement of not less than
34 twelve months and a day or more than thirty-six months;

35 (iii) Is eighteen years of age or older; and

36 (iv) Has no current or prior convictions for any sex offenses or
37 violent offenses.

1 (b) If the offender meets the criteria set forth in (a) of this
2 subsection, the sentencing court shall consider an offender eligible to
3 be sentenced to an illegal alien offender transition camp if the
4 offender is or has been convicted of manufacturing, delivering, or
5 possessing with intent to manufacture or deliver a controlled substance
6 under RCW 69.50.401 and after a complete review of his or her criminal
7 history has been conducted and approved by the sentencing judge and
8 upon further approval by the department in accordance with all other
9 terms and conditions of this section.

10 (c) If the alien offender meets all of the eligibility requirements
11 for the illegal alien offender transition camp and agrees in writing as
12 required by subsection (5) of this section to the terms and conditions
13 for participation, the sentencing judge shall consider this sentencing
14 option first.

15 (2) The length of the illegal alien offender transition camp
16 program shall be at least sixty days and not more than one hundred
17 eighty days. Because of the conversion ratio, earned early release
18 time shall not accrue to offenders who successfully complete the
19 program.

20 (3) The department may identify offenders who are eligible for the
21 illegal alien offender transition camp and, with concurrence from the
22 sentencing judge, may refer the offender to the illegal alien offender
23 transition camp and adjust time served and community custody
24 requirements as prescribed in this section.

25 (4) Offenders who successfully complete the illegal alien offender
26 transition camp shall be immediately turned over to the custody of the
27 immigration and naturalization services to be deported to his or her
28 native country. If this transfer cannot immediately occur, the alien
29 offender released from the illegal alien offender transition camp shall
30 be held by the department until immigration and naturalization services
31 can take custody of the alien offender or for a period of up to ten
32 days after the expected release date, whichever is shorter. The
33 department shall notify immigration and naturalization services of all
34 illegal alien offenders and request that they begin any deportation
35 proceedings as expeditiously as possible after the date the offender
36 was convicted and secure a hard detainer and a deportation order. The
37 department shall work to obtain the cooperation of the immigration and
38 naturalization judges to hold accelerated hearings for incarcerated
39 criminal aliens as soon as they enter the prison to ensure their

1 immediate removal from the country upon their release by the
2 department.

3 (5) All illegal alien offenders eligible for the illegal alien
4 offender transition camp sentencing option shall be informed by the
5 sentencing court or the department of their possible sentencing
6 options. The illegal alien offender must agree in writing to the terms
7 and conditions of the illegal alien offender transition camp at the
8 time of sentencing or at the time of transfer to the camp. The terms
9 and conditions of the illegal alien offender transition camp shall be
10 provided to the illegal alien offender, both verbally and in writing,
11 in his or her native language.

12 NEW SECTION. **Sec. 11.** The department of corrections shall provide
13 quarterly reports during the 1995-97 biennium to the appropriate
14 committees of the house of representatives and senate of the
15 department's progress in receiving federal reimbursement for the
16 incarceration costs of undocumented alien felons. The department shall
17 provide the first quarterly report to the legislature on or before July
18 31, 1995. The department of corrections shall seek federal funding for
19 the incarceration of undocumented felons and shall pursue amendments to
20 the federal transfer treaty program to facilitate deportation of
21 undocumented alien offenders to their home countries and specifically
22 seek amendment of treaties which now require voluntary participation of
23 the offender and loss of jurisdiction by the sending agency. The
24 department shall ask the federal government to enforce the federal
25 sanctions for alien reentry that allow alien offenders to have at least
26 two prior felony convictions and at least two prior deportations before
27 indictment for reentry is considered.

28 NEW SECTION. **Sec. 12.** (1) The department of corrections shall
29 review the staffing patterns of all corrections operations, excluding
30 correctional industries, and implement cost-efficiencies by eliminating
31 no less than twenty percent of management staff positions, including,
32 but not limited to, assistant secretaries, assistants to the secretary,
33 superintendents, associate superintendents, corrections managers, and
34 unit supervisors.

35 (2) All recreational leader positions 2s, 3s, and 4s shall be
36 reduced by fifty percent and the eliminated recreational leader
37 positions shall not be replaced by department of corrections staff or

1 intermittent employees. The supervision of recreational activities
2 shall be conducted by the remaining recreational leaders with the
3 assistance of inmates working in class III correctional industries
4 positions.

5 (3) The secretary of corrections shall implement a system for
6 reducing overtime by fifty percent of what was reported in the 1994
7 calendar year. The secretary of corrections shall report to the
8 appropriate committees of the legislature quarterly beginning December
9 15, 1995, and ending January 8, 1997, on the implementation of
10 reduction of overtime cost-efficiencies.

11 (4)(a) The legislative budget committee shall conduct a staffing
12 ratio study of the department of corrections to assess the
13 implementation of staff reductions mandated in this act. The report
14 shall be submitted to appropriate committees of the house of
15 representatives and the senate by December 12, 1995. If specific
16 funding for the purpose of this subsection (4)(a) is not provided in
17 the omnibus appropriations act, this section is null and void.

18 (b) The office of state auditor shall also conduct a program audit
19 review of the department of corrections budget process and the
20 department of corrections operating budget request to the governor for
21 the 1995-1997 biennium. The audit shall investigate specific budget
22 requests for items and identify if these items could be purchased at a
23 lower cost than what was reported by the department and identify if
24 inmate labor could have reasonably, safely, and effectively been used
25 in the place of the requested item that was to be purchased. The
26 report shall be submitted to appropriate committees of the house of
27 representatives and the senate by December 12, 1995.

28 **Sec. 13.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended
29 to read as follows:

30 (1) There is created a correctional industries board of directors
31 which shall have the composition provided in RCW 72.09.080.

32 (2) Consistent with general department of corrections policies and
33 procedures pertaining to the general administration of correctional
34 facilities, the board shall establish and implement policy for
35 correctional industries programs designed to:

36 (a) Offer inmates meaningful employment, work experience, and
37 training in vocations that are specifically designed to reduce

1 recidivism and thereby enhance public safety by providing opportunities
2 for legitimate means of livelihood upon their release from custody;

3 (b) Provide industries which will reduce the tax burden of
4 corrections and save taxpayers money through production of goods and
5 services for sale and use;

6 (c) Operate correctional work programs in an effective and
7 efficient manner which are as similar as possible to those provided by
8 the private sector;

9 (d) Encourage the development of and provide for selection of,
10 contracting for, and supervision of work programs with participating
11 private enterprise firms;

12 (e) Develop and design correctional industries work programs;

13 (f) Invest available funds in correctional industries enterprises
14 and meaningful work programs that minimize the impact on in-state jobs
15 and businesses.

16 (3) The board of directors shall at least annually review the work
17 performance of the director of correctional industries division with
18 the secretary.

19 (4) The director of correctional industries division shall review
20 and evaluate the productivity, funding, and appropriateness of all
21 correctional work programs and report on their effectiveness to the
22 board and to the secretary.

23 (5) The board of directors shall have the authority to identify and
24 establish trade advisory or apprenticeship committees to advise them on
25 correctional industries work programs. The secretary shall appoint the
26 members of the committees.

27 Where a labor management trade advisory and apprenticeship
28 committee has already been established by the department pursuant to
29 RCW 72.62.050 the existing committee shall also advise the board of
30 directors.

31 (6) The board shall develop a strategic yearly marketing plan that
32 shall be consistent with and work towards achieving the goals
33 established in the six-year phased expansion of class I and class II
34 correctional industries established in RCW 72.09.111. This marketing
35 plan shall be presented to the appropriate committees of the
36 legislature by January 17 of each calendar year until the goals set
37 forth in RCW 72.09.111 are achieved.

38 (7) The board shall review the feasibility of implementing the
39 following correctional industries and report to the appropriate

1 committees of the legislature by December 12, 1995, if these industries
2 are, appropriate, feasible, and cost-effective to implement as required
3 under this chapter:

4 (a) Use Airway Heights prison kitchen for an industrial cooks
5 training program for offenders; and

6 (b) Use Airway Heights prison kitchen to prepare kosher meals for
7 corrections facilities inside and outside the state of Washington;

8 (c) Use inmate work crews on any maintenance, construction, or
9 repair of existing adult or juvenile corrections facilities;

10 (d) Establish a refuse recycle program that employs appropriate
11 offenders outside the prison;

12 (e) In coordination with Washington State University implement a
13 juvenile and adult corrections self-sufficiency agriculture program
14 using adult inmate labor and department of corrections land. The board
15 shall instruct the department to officially request an environmental
16 impact waiver from the federal government to make modifications to farm
17 land currently in use at McNeil Island to increase the yield; and

18 (f) Seek housing trust funds under chapter 43.185 RCW and other
19 federal funds, to construct portable migrant farmworker housing using
20 inmate work crews.

21 (8) The board shall review all current and newly recommended
22 vocational education programs to insure that the curriculum corresponds
23 to correctional jobs within the prisons.

24 (9) The board shall review the class I correctional industries
25 program and suggest any incentives to attract additional industries.

26 NEW SECTION. Sec. 14. A new section is added to chapter 72.09 RCW
27 to read as follows:

28 The correctional industries board shall implement a plan that uses
29 inmate work crews when feasible and practical on construction projects
30 within the department and within the juvenile rehabilitation
31 administration of the department of social and health services. The
32 board shall report by January 1, 1996, to the appropriate committees of
33 the legislature on the use of inmate work crews under this section.

34 The department shall be responsible for monitoring all inmates used
35 for inmate work crew construction projects. Serious violent offenders
36 or sex offenders shall not be allowed to work on any construction
37 projects outside the confines of an existing prison facility. The
38 department shall ensure that no adult offender is allowed to commingle

1 with a juvenile offender during a construction job using inmate work
2 crews in a juvenile facility. The department shall comply with all
3 laws pertaining to adult offenders conducting legitimate work in
4 juvenile correctional facilities.

5 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.09 RCW
6 to read as follows:

7 The department shall consider perimeter security options, taking
8 into consideration all available technologies, that do not include
9 perimeter guard towers requiring personnel for all medium and maximum
10 security correctional facilities designed and scheduled for
11 construction by the department after December 12, 1996.

12 **Sec. 16.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
13 as follows:

14 (1) Notwithstanding any other provisions of law, the secretary may
15 enter into contracts with health care practitioners, health care
16 facilities, and other entities or agents as may be necessary to provide
17 basic medical care to inmates. The contracts shall not cause the
18 termination of classified employees of the department rendering the
19 services at the time the contract is executed.

20 (2) In contracting for services, the secretary is authorized to
21 provide for indemnification of health care practitioners who cannot
22 obtain professional liability insurance through reasonable effort, from
23 liability on any action, claim, or proceeding instituted against them
24 arising out of the good faith performance or failure of performance of
25 services on behalf of the department. The contracts may provide that
26 for the purposes of chapter 4.92 RCW only, those health care
27 practitioners with whom the department has contracted shall be
28 considered state employees. The Washington state health care authority
29 shall contract with a private research company to conduct a review of
30 the corrections medical system and assess the potential cost savings
31 that could be realized by contracting all corrections medical services
32 through a procurement process. The review shall be submitted to
33 appropriate committees of the legislature by December 12, 1995. If the
34 review indicates that the state can realize a savings through
35 contracting for corrections medical services, the department may
36 initiate a competitive bidding process for all corrections medical
37 services. The review shall require that any contract for correctional

1 medical services shall include contracted services using employees'
2 wages set at no less than the existing department of corrections salary
3 schedule.

4 NEW SECTION. **Sec. 17.** The department of transportation shall
5 review the department of corrections marine transportation operation
6 and fleet and conduct a cost-efficiency analysis. The analysis shall
7 include a cost analysis of privatizing the operation of the marine
8 fleet or privatizing both the marine fleet and the operation, and a
9 comparison of corrections state employee salaries with equivalent
10 private marine positions salaries. The department of transportation
11 shall report its findings to appropriate committees of the legislature
12 by December 12, 1995.

13 NEW SECTION. **Sec. 18.** The office of financial management in
14 coordination with the department of corrections and the department of
15 general administration shall conduct a cost-efficiency study using the
16 food planning model developed by the department of corrections. The
17 study shall investigate the potential cost savings that could be
18 achieved by developing and implementing a state-wide food purchasing
19 and distribution network for all state institutions, including but not
20 limited to prisons, juvenile corrections facilities, and state
21 hospitals. The purpose of the study is to identify possible cost-
22 efficiencies that could be realized through uniform meal planning,
23 coordination of bulk purchasing of food and food products, and
24 systematic state-wide distribution of food and food products for all
25 state institutions.

26 NEW SECTION. **Sec. 19.** A new section is added to chapter 72.09 RCW
27 to read as follows:

28 The department shall establish a corrections cost-efficiency and
29 public safety focus group. The focus group shall be composed of one
30 management representative from each correctional facility and one
31 nonmanagement line staff member from each correctional facility to be
32 chosen by a vote taken by the nonmanagement staff, and five members of
33 the community including a prosecutor, a law enforcement officer, a
34 public defender, a prison inmates family member chosen by the public
35 defenders association, and a representative from a victims rights group
36 chosen by the governor. The focus group shall meet quarterly and

1 submit a report to the legislature by December 12 of each year. The
2 report shall contain recommendations on methods for improving the
3 operation of the corrections facilities, design suggestions on
4 efficiencies for new prison construction, identifying specific cost-
5 efficiencies in individual facilities and the corrections system in
6 general, methods for impacting offender recidivism, and making the
7 corrections system safer for employees and the public. The secretary
8 shall provide such staff services, facilities, and equipment, as the
9 focus group shall require to carry out its duties. Members of the
10 cost-efficiency and public safety focus group shall serve on a
11 voluntary basis and shall be reimbursed only for travel expenses and
12 per diem under RCW 43.03.050 and 43.03.060. The focus group shall
13 determine if further restrictions shall be imposed on weight lifting in
14 department facilities in addition to those set forth in section 4(3) of
15 this act.

16 NEW SECTION. **Sec. 20.** A new section is added to chapter 72.09 RCW
17 to read as follows:

18 (1) There is hereby created a joint committee on corrections cost-
19 efficiencies oversight. The committee shall consist of: (a) Two
20 members of the senate appointed by the president of the senate, one of
21 whom shall be a member of the majority party and one of whom shall be
22 a member of the minority party; and (b) two members of the house of
23 representatives appointed by the speaker of the house of
24 representatives, one of whom shall be a member of the majority party
25 and one of whom shall be a member of the minority party. Members of
26 the committee shall be appointed before the close of each regular
27 session during an odd-numbered year.

28 (2) Each member's term of office shall run from the close of the
29 session in which the member was appointed until the close of the next
30 regular session held in an odd-numbered year. If a successor is not
31 appointed during a session, the member's term shall continue until the
32 member is reappointed or a successor is appointed. The term of office
33 for a committee member who does not continue as a member of the senate
34 or house of representatives shall cease upon the convening of the next
35 session of the legislature during an odd-numbered year after the
36 member's appointment, or upon the member's resignation, whichever is
37 earlier. Vacancies on the committee shall be filled by appointment in
38 the same manner as described in subsection (1) of this section. All

1 such vacancies shall be filled from the same political party and from
2 the same house as the member whose seat was vacated.

3 (3) The committee shall elect a chair and a vice-chair. The chair
4 shall be a member of the senate in even-numbered years and a member of
5 the house of representatives in odd-numbered years.

6 (4) The committee shall have the following powers and duties:

7 (a) Oversee the implementation of chapter . . . , Laws of 1995 (this
8 act) and related chapters of the Revised Code of Washington;

9 (b) Periodically make recommendations to the appropriate committees
10 of the legislature and the governor regarding corrections cost-
11 efficiencies;

12 (c) Oversee the compliance with other specified provisions of
13 chapter . . . , Laws of 1995 (this act);

14 (d) Provide directions to appropriate committee staff to conduct or
15 cause to be conducted appropriate studies and review; and make
16 necessary recommendations to the legislature;

17 (e) Review rules prepared by the department of corrections and
18 department of social and health services where appropriate to ensure
19 consistency with the policies of chapter . . . , Laws of 1995 (this
20 act);

21 (f) Review efficiency proposals for facilities for correctional
22 industries to ensure that they emphasize employing a maximum number of
23 inmates in correctional industries rather than using higher technology;

24 (g) Oversee all reports required under chapter . . . , Laws of 1995
25 (this act); and

26 (h) Oversee the corrections cost-efficiency and public safety
27 oversight group.

28 (5) By December 12, 1996, the committee shall report to the
29 appropriate committees of the legislature on the amount of cost savings
30 realized in the department and report its further recommendation to
31 address expenditure growth in the department of corrections.

32 (6) The joint committee on department of corrections cost-
33 efficiencies oversight shall terminate on January 1, 1998.

34 NEW SECTION. **Sec. 21.** A new section is added to chapter 72.09 RCW
35 to read as follows:

36 Each of the industries operated under the correctional industries
37 program shall be operated in conformity with all of the state and
38 federal laws and rules that apply to a comparable industry in the

1 private sector except with regard to: Taxation; matters related to
2 labor organization or compensation for labor, including but not limited
3 to unemployment compensation, industrial insurance, leave, and
4 collective bargaining; and matters related to security and confinement.

5 In addition, the program's milk production facilities and milk
6 processing facilities shall be operated as separate and distinct
7 operations. The milk produced shall be marketed under the provisions
8 applicable to producers under the federal milk marketing order of the
9 United States department of agriculture, or a successor marketing
10 arrangement, and a milk processing operation shall be regulated as a
11 fully regulated handler under that order, or a successor marketing
12 arrangement. The milk and milk products shall be consumed or used, to
13 the greatest extent possible, within the state correctional system and
14 milk surplus to such consumption or use may be sold to local
15 correctional facilities. The milk or milk products may not be used in
16 any other manner except that raw, bulk milk may be disposed of as
17 prescribed in RCW 72.09.100 for surplus products.

18 **Sec. 22.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read
19 as follows:

20 (1) Except as provided in subsection (2) of this section, all state
21 agencies including all state departments, boards, councils,
22 commissions, and quasi public corporations shall allocate, as a
23 nondeductible item, out of any moneys appropriated for the original
24 construction of any public building, an amount of one-half of one
25 percent of the appropriation to be expended by the Washington state
26 arts commission for the acquisition of works of art created by
27 Washington state artists. The works of art may be placed on public
28 lands, integral to or attached to a public building or structure,
29 detached within or outside a public building or structure, part of a
30 portable exhibition or collection, part of a temporary exhibition, or
31 loaned or exhibited in other public facilities. In addition to the
32 cost of the works of art the one-half of one percent of the
33 appropriation as provided herein shall be used to provide for the
34 administration of the visual arts program by the Washington state arts
35 commission and all costs for installation of the works of art. For the
36 purpose of this section building shall not include highway construction
37 sheds, warehouses, or other buildings of a temporary nature.

1 (2) Subsection (1) of this section shall not apply to the
2 construction of any facility under the control of the department of
3 corrections and used for the incarceration, treatment, or
4 rehabilitation of convicted persons, or any facility under the control
5 of the department of social and health services and used for juvenile
6 rehabilitation.

7 NEW SECTION. **Sec. 23.** This act shall be known as the department
8 of corrections cost-efficiency and inmate responsibility and
9 accountability omnibus act.

10 NEW SECTION. **Sec. 24.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 25.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and shall take
17 effect immediately.

--- END ---