
SUBSTITUTE HOUSE BILL 1733

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Conway, Kirby, Darneille and Chase)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to essential state community justice facilities;
2 amending RCW 72.05.020, 72.05.400, 72.65.010, 72.65.220, and
3 36.70A.200; adding a new section to chapter 72.05 RCW; adding a new
4 section to chapter 72.65 RCW; adding new sections to chapter 36.70A
5 RCW; adding a new section to chapter 36.70 RCW; and declaring an
6 emergency.

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

8 **Sec. 1.** RCW 72.05.020 and 1998 c 269 s 2 are each amended to read
9 as follows:

10 As used in this chapter, unless the context requires otherwise:

11 (1) "Community facility" means a group care facility operated for
12 the care of juveniles committed to the department under RCW 13.40.185.
13 A county detention facility that houses juveniles committed to the
14 department under RCW 13.40.185 pursuant to a contract with the
15 department is not a community facility.

16 (2) "Department" means the department of social and health
17 services.

18 (3) "Equitable distribution" or "distribute equitably" means siting
19 or locating community facilities in a manner that reasonably reflects

1 the proportion of juveniles sentenced to the department from each
2 county or rural multicounty geographic area designated by the
3 department, and, to the extent practicable, the proportion of such
4 juveniles residing in particular jurisdictions or communities within
5 such counties or geographic areas. Equitable distribution is a policy
6 goal, not a basis for any legal challenge to the siting, construction,
7 occupancy, or operation of any facility anywhere in the state.

8 (4) "Juvenile" means a person under the age of twenty-one who has
9 been sentenced to a term of confinement under the supervision of the
10 department under RCW 13.40.185.

11 ((+4)) (5) "Service provider" means the entity that operates a
12 community facility.

13 NEW SECTION. Sec. 2. A new section is added to chapter 72.05 RCW
14 to read as follows:

15 (1) The department shall prepare a projected list of counties and
16 rural multicounty geographic areas in which community facilities need
17 to be sited during the fiscal year beginning July 1, 2007, and every
18 biennium thereafter starting with the biennium beginning July 1, 2008,
19 and transmit the list to the office of financial management and the
20 counties on the list. The list may be updated as needed. In preparing
21 the list, the department shall make substantial efforts to provide for
22 the equitable distribution of community facilities among counties. The
23 department shall give great weight to the following factors in
24 determining equitable distribution:

25 (a) The locations of existing community facilities owned or
26 operated by, or operated under contract with, the department in each
27 county;

28 (b) The number and proportion of juvenile offenders committed to
29 the department residing in the county or rural multicounty geographic
30 area; and

31 (c) The number of juvenile registered sex offenders classified as
32 level II or III and juvenile sex offenders registered as homeless per
33 thousand persons residing in the county.

34 (2)(a) In preparing the list required under subsection (1) of this
35 section, the department shall:

36 (i) Give great weight to the factors identified in subsection (1)
37 of this section;

1 (ii) Use the information contained in the most recent edition of
2 the report required under subsection (4) of this section; and

3 (iii) Use the criteria adopted under subsection (7) of this
4 section.

5 (b) Prior to finalizing the list of projected community facilities
6 required under subsection (1) of this section, the department shall
7 consult with the county legislative authorities of each county
8 identified on the list and the largest city within each county on the
9 list. The department shall also hold at least one public hearing
10 within each such county or rural multicounty geographic area,
11 including, if known, the affected part of the county.

12 (3) The department shall submit, along with the list required under
13 subsection (1) of this section, the operational requirements for the
14 facilities on the list to the office of financial management and the
15 counties on the list.

16 (4) To carry out the purposes of subsection (1) of this section,
17 the department shall, no later than July 1, 2007, develop a map of the
18 state that identifies the locations of existing facilities and the
19 counties or rural multicounty geographic areas needing projected
20 facilities identified in subsection (1) of this section during the
21 biennium. The department shall update the map at least once per
22 biennium. The department shall also maintain data on the number and
23 proportion of juvenile offenders identified in subsection (1)(b) and
24 (c) of this section and shall biennially publish a report including the
25 most recent version of the map and offender data for the counties and
26 rural multicounty geographic areas.

27 (5) A county, and any county designated by the department within a
28 rural multicounty geographic area, that is included on the list
29 required under subsection (1) of this section planning under RCW
30 36.70A.040 shall, in cooperation with its cities, allow the siting of
31 each projected community facility on the list within the county using
32 its process for siting essential public facilities under RCW 36.70A.200
33 and section 8 of this act. The process shall allow the siting of a
34 facility within twelve months of receiving notice that the county has
35 been included on the list.

36 (6) A county, and any county designated by the department within a
37 rural multicounty geographic area, that is included on the list
38 required under subsection (1) of this section not planning under RCW

1 36.70A.040 shall, in cooperation with its cities, allow the siting of
2 each projected community facility on the list within the county using
3 the procedures established in section 9 of this act. The process shall
4 allow the siting of a facility within twelve months of receiving notice
5 that the county or city has been included on the list.

6 (7) The department shall, by rule, adopt facility criteria and
7 shall consult with local governments in such rule making.

8 **Sec. 3.** RCW 72.05.400 and 1998 c 269 s 5 are each amended to read
9 as follows:

10 (1) Whenever the department operates, or the secretary enters a
11 contract to operate, a community facility, the community facility may
12 be operated only after the public notification and opportunities for
13 review and comment as required by this section.

14 (2) The secretary shall establish a process for early and
15 continuous public participation in establishing or relocating community
16 facilities. The process shall include, at a minimum, public meetings
17 in the local communities affected, as well as opportunities for written
18 and oral comments, in the following manner:

19 (a) If there are more than three sites initially selected as
20 potential locations and the selection process by the secretary or a
21 service provider reduces the number of possible sites for a community
22 facility to no fewer than three, the secretary or the chief operating
23 officer of the service provider shall notify the public of the possible
24 siting and hold at least two public hearings in each community where a
25 community facility may be sited at least forty-five days before a final
26 selection is made.

27 (b) When the secretary or service provider has determined the
28 community facility's location, the secretary or the chief operating
29 officer of the service provider shall hold at least one additional
30 public hearing in the community where the community facility will be
31 sited.

32 (c) When the secretary has entered negotiations with a service
33 provider and only one site is under consideration, then at least two
34 public hearings shall be held.

35 (d) To provide adequate notice of((τ)) and opportunity for
36 interested persons to comment on((τ)) a proposed location, the

1 secretary or the chief operating officer of the service provider shall
2 make a good faith effort to provide at least fourteen days' advance
3 notice of the ((meeting to)) public hearings to at least the following:

4 (i) The appropriate legislative authorities of the affected
5 counties, cities, and towns;

6 (ii) Local government planning agencies in the affected
7 communities;

8 (iii) All newspapers of general circulation in the ((community,))
9 local area and all radio stations and television stations generally
10 available to persons in the community((,)) where the potential site is
11 located;

12 (iv) Any school district, private school, or kindergarten in which
13 the community facility would be sited or whose boundary is within two
14 miles of a proposed community facility, any institution of higher
15 education, any library district ((in which the community facility would
16 be sited, local business or fraternal organizations that request
17 notification from the secretary or agency, and any person or property
18 owner within a one-half mile radius of the proposed community
19 facility)), and all other local government offices within a one-half
20 mile radius of the proposed site or sites;

21 (v) The local chamber of commerce, local economic development
22 agencies, and any other local organizations that request such
23 notification from the department; and

24 (vi) Written notification to all residents and property owners
25 within a one-half mile radius of the proposed site or sites.

26 (3) The notice required under subsection (2) of this section must
27 also inform the public that any interested person or entity, including
28 a local government entity, is invited to submit written comments
29 regarding a proposed location, including comments regarding whether the
30 site meets the equitable distribution and other statutory requirements
31 for the facility. Written comments must be submitted not later than
32 thirty days following the date notice is issued pursuant to subsection
33 (2) of this section.

34 (4) The department must consider the testimony received at the
35 public hearings and any written comments submitted before making a
36 final selection of the site for the location or relocation of a
37 community facility. The department shall issue a written analysis of

1 the final selection, including how the selection was consistent with
2 the requirements of section 2 of this act.

3 (5) Before initiating ((this)) the process in subsection (2) of
4 this section, the department shall contact local government planning
5 agencies in the communities containing the proposed community facility.
6 The department shall coordinate with local government agencies to
7 ensure that opportunities are provided for effective citizen input and
8 to reduce the duplication of notice and meetings.

9 ((+3)) (6) The secretary shall not issue a license to any service
10 provider until the service provider submits proof that the requirements
11 of this section have been met.

12 ((+4)) (7) If local government land use regulations require that
13 a special use or conditional use permit be submitted and approved
14 before a community facility can be sited, and the process for obtaining
15 the permit includes public notice and hearing requirements similar to
16 those required under this section, the requirements of this section
17 shall not apply to the extent they would duplicate requirements under
18 the local land use regulations.

19 (8) This section shall apply only to community facilities sited
20 after September 1, 1998.

21 **Sec. 4.** RCW 72.65.010 and 1992 c 7 s 56 are each amended to read
22 as follows:

23 As used in this chapter, the following terms shall have the
24 following meanings:

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

26 (2) "Equitable distribution" or "distribute equitably" means siting
27 or locating work release facilities in a manner that reasonably
28 reflects the proportion of offenders sentenced to the custody or
29 supervision of the department by the courts of each county or rural
30 multicounty geographic area designated by the department, and, to the
31 extent practicable, the proportion of such offenders residing in
32 particular jurisdictions or communities within such counties or rural
33 multicounty geographic areas. Equitable distribution is a policy goal,
34 not a basis for any legal challenge to the siting, construction,
35 occupancy, or operation of any facility anywhere in the state.

36 (3) "Prisoner" means a person either male or female, convicted of

1 a felony and sentenced by the superior court to a term of confinement
2 and treatment in a state correctional institution under the
3 jurisdiction of the department.

4 (4) "Secretary" (~~((shall))~~) means the secretary of corrections.

5 ~~((+3))~~ (5) "State correctional institutions" shall mean and
6 include all state adult correctional facilities established pursuant to
7 law under the jurisdiction of the department for the treatment of
8 convicted felons sentenced to a term of confinement.

9 ~~((4) "Prisoner" shall mean a person either male or female,~~
10 ~~convicted of a felony and sentenced by the superior court to a term of~~
11 ~~confinement and treatment in a state correctional institution under the~~
12 ~~jurisdiction of the department.~~

13 ~~(+5))~~ (6) "Superintendent" (~~((shall))~~) means the superintendent of a
14 state correctional institution, camp or other facility now or hereafter
15 established under the jurisdiction of the department pursuant to law.

16 NEW SECTION. Sec. 5. A new section is added to chapter 72.65 RCW
17 to read as follows:

18 (1) The department shall prepare a projected list of counties and
19 rural multicounty geographic areas in which work release facilities
20 need to be sited during the fiscal year beginning July 1, 2007, and
21 every biennium thereafter starting with the biennium beginning July 1,
22 2008, and transmit the list to the office of financial management and
23 the counties on the list. The list may be updated as needed. In
24 preparing the list, the department shall make substantial efforts to
25 provide for the equitable distribution of work release facilities among
26 counties. The department shall give great weight to the following
27 factors in determining equitable distribution:

28 (a) The locations of existing residential facilities owned or
29 operated by, or operated under contract with, the department in each
30 county;

31 (b) The number and proportion of adult offenders sentenced to the
32 custody or supervision of the department by the courts of the county or
33 rural multicounty geographic area; and

34 (c) The number of adult registered sex offenders classified as
35 level II or III and adult sex offenders registered as homeless per
36 thousand persons residing in the county.

1 (2)(a) In preparing the list required under subsection (1) of this
2 section, the department shall:

3 (i) Give great weight to the factors identified in subsection (1)
4 of this section;

5 (ii) Use the information contained in the most recent edition of
6 the report required under subsection (4) of this section; and

7 (iii) Use the criteria adopted under subsection (7) of this
8 section.

9 (b) Prior to finalizing the list of projected work release
10 facilities required under subsection (1) of this section, the
11 department shall consult with the county legislative authorities of
12 each county identified on the list and the largest city within each
13 county identified on the list. The department also shall hold at least
14 one public hearing within each such county or rural multicounty
15 geographic area, including, if known, the affected part of the county
16 or rural multicounty geographic area.

17 (3) The department shall submit, along with the list required under
18 subsection (1) of this section, the operational requirements for the
19 facilities on the list to the office of financial management and the
20 counties on the list.

21 (4) To carry out the purposes of subsection (1) of this section,
22 the department shall, no later than July 1, 2007, develop a map of the
23 state that identifies the locations of existing facilities and the
24 counties or rural multicounty geographic areas needing projected
25 facilities identified in subsection (1) of this section during the
26 biennium. The department shall update the map at least once per
27 biennium. The department shall also maintain data on the number and
28 proportion of offenders identified in subsection (1)(b) and (c) of this
29 section and shall biennially publish a report including the most recent
30 version of the map and offender data for the counties and rural
31 multicounty geographic areas.

32 (5) A county, and any county designated by the department within a
33 rural multicounty geographic area, that is included on the list
34 required under subsection (1) of this section planning under RCW
35 36.70A.040 shall, in cooperation with its cities, allow the siting of
36 each projected work release facility on the list within the county
37 using its process for siting essential public facilities under RCW
38 36.70A.200 and section 8 of this act.

1 (6) A county, and any county designated by the department within a
2 rural multicounty geographic area, that is included on the list
3 required under subsection (1) of this section not planning under RCW
4 36.70A.040 shall, in cooperation with its cities, allow the siting of
5 each projected work release facility on the list within the county
6 using the procedures established in section 9 of this act.

7 (7) The department shall, by rule, adopt facility criteria and
8 shall consult with local governments in such rule making.

9 **Sec. 6.** RCW 72.65.220 and 1997 c 348 s 1 are each amended to read
10 as follows:

11 (1) The department or a private or public entity under contract
12 with the department may establish or relocate for the operation of a
13 work release or other community-based facility only after (~~public~~
14 ~~notifications and local public meetings have been completed consistent~~
15 ~~with~~) meeting the requirements of this section.

16 (2) The department and other state agencies responsible for siting
17 department-owned, operated, or contracted facilities shall establish a
18 process for early and continuous public participation in establishing
19 or relocating work release or other community-based facilities. This
20 process shall include public meetings in the local communities
21 affected, opportunities for written and oral comments, and wide
22 dissemination of proposals and alternatives, including at least the
23 following:

24 (a) When the department or a private or public entity under
25 contract with the department has selected three or fewer sites for
26 final consideration of a department-owned, operated, or contracted work
27 release or other community-based facility, the department or
28 contracting organization shall make public notification and conduct at
29 least two public hearings in each of the local communities (~~of the~~
30 ~~final three or fewer proposed sites~~) where such a facility may be
31 sited at least forty-five days before a final selection is made. An
32 additional public hearing after public notification shall also be
33 conducted in the local community selected as the final proposed site.

34 (b) (~~Notifications required under this section shall be provided~~
35 ~~to~~) To provide adequate notice of and opportunity for interested
36 persons to comment on a proposed location, the department or

1 contracting entity shall make a good faith effort to provide at least
2 fourteen days' advance notice of the public hearings to at least the
3 following:

4 (i) The appropriate legislative authorities of the affected
5 counties, cities, and towns;

6 (ii) Local government planning agencies in the affected
7 communities;

8 (iii) All newspapers of general circulation in the local area and
9 all (~~local~~) radio stations(~~(,)~~) and television stations(~~(, and cable~~
10 networks)) generally available to persons in the community where the
11 potential site is located;

12 (~~(iii)~~) (iv) Appropriate school districts, private schools,
13 kindergartens, institutions of higher education, city and county
14 libraries, and all other local government offices within a one-half
15 mile radius of the proposed site or sites;

16 (~~(iii)~~) (v) The local chamber of commerce, local economic
17 development agencies, and any other local organizations that request
18 such notification from the department; and

19 (~~(iv) In writing~~) (vi) Written notification to all residents
20 (~~and/or~~) and property owners within a one-half mile radius of the
21 proposed site or sites.

22 (3) The notice required under subsection (2) of this section must
23 also inform the public that any interested person or entity, including
24 a local government entity, is invited to submit written comments
25 regarding a proposed location, including comments regarding whether the
26 site meets the equitable distribution and other statutory requirements
27 for the facility. Written comments must be submitted not later than
28 thirty days following the date notice is issued pursuant to subsection
29 (2) of this section.

30 (4) The department must consider the testimony received at the
31 public hearings and any written comments submitted before making a
32 final selection of the site for the location or relocation of a work
33 release facility. The department shall issue a written analysis of the
34 final selection, including how the selection was consistent with the
35 requirements of section 5 of this act.

36 (5) When the department contracts for the operation of a work
37 release or other community-based facility that is not owned or operated
38 by the department, the department shall require as part of its contract

1 that the contracting entity comply with all the public notification and
2 public hearing requirements as provided in this section for each
3 located and relocated work release or other community-based facility.

4 (6) If local government regulations require that a special use or
5 conditional use permit be submitted and approved before a work release
6 facility can be sited, and the process for obtaining the permit
7 includes public notice and hearing requirements similar to those
8 required under this section, the requirements of this section shall not
9 apply to the extent they would duplicate requirements under the local
10 land use regulations.

11 **Sec. 7.** RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read
12 as follows:

13 (1) The comprehensive plan of each county and city that is planning
14 under RCW 36.70A.040 shall include a process for identifying and siting
15 essential public facilities. Essential public facilities include those
16 facilities that are typically difficult to site, such as airports,
17 state education facilities and state or regional transportation
18 facilities as defined in RCW 47.06.140, state and local correctional
19 facilities, solid waste handling facilities, and in-patient facilities
20 including substance abuse facilities, mental health facilities, group
21 homes, and secure community transition facilities as defined in RCW
22 71.09.020.

23 (2) Each county and city planning under RCW 36.70A.040 shall, not
24 later than September 1, 2002, establish a process, or amend its
25 existing process, for identifying and siting essential public
26 facilities and adopt or amend its development regulations as necessary
27 to provide for the siting of secure community transition facilities
28 consistent with statutory requirements applicable to these facilities.

29 (3) Any city or county not planning under RCW 36.70A.040 shall, not
30 later than September 1, 2002, establish a process for siting secure
31 community transition facilities and adopt or amend its development
32 regulations as necessary to provide for the siting of such facilities
33 consistent with statutory requirements applicable to these facilities.

34 (4) Within twelve months of receiving notice that the county has
35 been included on the list of projected potential sites for a work
36 release facility or community facility for juvenile offenders, each
37 county, in cooperation with the cities located in whole or in part

1 within the county, and each city planning under RCW 36.70A.040 shall,
2 when it next amends its comprehensive plan, but in no case later than
3 the deadline specified in RCW 36.70A.130, establish a process, or amend
4 its existing process, for identifying and siting essential public
5 facilities, and adopt or amend its development regulations as necessary
6 to provide for the siting of community facilities as defined in RCW
7 72.05.020 and work release and other facilities operated by or under
8 contract with the department of corrections. When siting a community
9 facility under chapter 72.05 RCW or a work release facility under
10 chapter 72.65 RCW, a county or city shall follow, in addition to
11 requirements of the process for siting essential public facilities
12 established under this section, the requirements established in section
13 8 of this act.

14 (5) The office of financial management shall maintain and by the
15 first of each year, provide to counties and cities needing to site
16 them, a list of those essential state public facilities that are
17 required or likely to be built within the next six years. The office
18 of financial management may at any time add facilities to the list.

19 ~~((+5))~~ (6) No local comprehensive plan or development regulation
20 may preclude the siting of essential public facilities.

21 ~~((+6))~~ (7) No person may bring a cause of action for civil damages
22 based on the good faith actions of any county or city to provide for
23 the siting of secure community transition facilities in accordance with
24 this section and with the requirements of chapter 12, Laws of 2001 2nd
25 sp. sess. For purposes of this subsection, "person" includes, but is
26 not limited to, any individual, agency as defined in RCW 42.17.020,
27 corporation, partnership, association, and limited liability entity.

28 ~~((+7))~~ (8) Counties or cities siting facilities pursuant to
29 subsection (2) or (3) of this section shall comply with RCW 71.09.341.

30 ~~((+8))~~ (9) The failure of a county or city to act by the deadlines
31 established in subsections (2) and (3) of this section is not:

32 (a) A condition that would disqualify the county or city for
33 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

34 (b) A consideration for grants or loans provided under RCW
35 43.17.250(2); or

36 (c) A basis for any petition under RCW 36.70A.280 or for any
37 private cause of action.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A RCW
2 to read as follows:

3 (1) When providing for the siting of an essential public facility
4 that is a community facility under chapter 72.05 RCW, a county or city
5 planning under this chapter shall:

6 (a) Involve the department of social and health services in the
7 siting process;

8 (b) Make a substantial effort to provide for the equitable
9 distribution of community facilities by giving great weight to the
10 factors in section 2(1) (a) through (c) of this act; and

11 (c) Ensure that any location identified is consistent with the
12 operational requirements established by the department of social and
13 health services under section 2(3) of this act.

14 (2) When providing for the siting of an essential public facility
15 that is a work release facility under chapter 72.65 RCW, a county or
16 city planning under this chapter shall:

17 (a) Involve the department of corrections in the siting process;

18 (b) Make a substantial effort to provide for the equitable
19 distribution of work release facilities by giving great weight to the
20 factors in section 5(1) (a) through (c) of this act; and

21 (c) Ensure that any location identified is consistent with the
22 operational requirements established by the department of corrections
23 under section 5(3) of this act.

24 (3)(a) As part of the permitting process for a community facility
25 under chapter 72.05 RCW, a county or city may not impose upon the
26 department of social and health services any requirements beyond the
27 operational requirements established under section 2(3) of this act and
28 the facility criteria established under section 2(7) of this act.

29 (b) As part of the permitting process for a work release facility
30 under chapter 72.65 RCW, a county or city may not impose upon the
31 department of corrections any requirements beyond the operational
32 requirements established under section 5(3) of this act and the
33 facility criteria established under section 5(7) of this act.

34 (4) If the department of social and health services adheres to all
35 responsibilities in section 2 of this act and RCW 72.05.400, and the
36 department of corrections adheres to all responsibilities in RCW
37 72.65.010 and section 5 of this act, any conditional use permit,
38 special use permit, or any other development application process

1 necessary to site a community facility or work release facility may not
2 exceed one hundred twenty days after submittal of a full and complete
3 application, and must include an appeal process.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70 RCW
5 to read as follows:

6 (1) When providing for the siting of a community facility under
7 chapter 72.05 RCW, a county or city planning under this chapter shall:

8 (a) Involve the department of social and health services in the
9 siting process;

10 (b) Make a substantial effort to provide for the equitable
11 distribution of community facilities by giving great weight to the
12 factors in section 2(1) (a) through (c) of this act; and

13 (c) Ensure that any location identified is consistent with the
14 operational requirements established by the department of social and
15 health services under section 2(3) of this act.

16 (2) When providing for the siting of a work release facility under
17 chapter 72.65 RCW, a county and city planning under this chapter shall:

18 (a) Involve the department of corrections in the siting process;

19 (b) Make a substantial effort to provide for the equitable
20 distribution of work release facilities by giving great weight to the
21 factors in section 5(1) (a) through (c) of this act; and

22 (c) Ensure that any location identified is consistent with the
23 operational requirements established by the department of corrections
24 under section 5(3) of this act.

25 (3)(a) As part of the permitting process for a community facility
26 under chapter 72.05 RCW, a county or city may not impose upon the
27 department of social and health services any requirements beyond the
28 operational requirements established under section 2(3) of this act and
29 the facility criteria established under section 2(7) of this act.

30 (b) As part of the permitting process for a work release facility
31 under chapter 72.65 RCW, a county or city may not impose upon the
32 department of corrections any requirements beyond the operational
33 requirements established under section 5(3) of this act and the
34 facility criteria established under section 5(7) of this act.

35 (4) If the department of social and health services adheres to all
36 responsibilities in section 2 of this act and RCW 72.05.400, and the
37 department of corrections adheres to all responsibilities in RCW

1 72.65.010 and section 5 of this act, any conditional use permit,
2 special use permit, or any other development application process
3 necessary to site a community facility or work release facility may not
4 exceed one hundred twenty days after submittal of a full and complete
5 application, and must include an appeal process.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A
7 RCW to read as follows:

8 (1) After twelve months have passed since the city or county
9 receives notice that the county has been included on the list of
10 projected potential sites for a work release facility or community
11 facility for juvenile offenders, and the county and cities within have
12 failed to establish a process for siting a work release facility or
13 community facility for juvenile offenders, notwithstanding RCW
14 36.70A.103 or any other law, this section preempts and supersedes local
15 plans, development regulations, permitting requirements, inspection
16 requirements, and all other laws as necessary to enable the department
17 of corrections to site, construct, renovate, occupy, and operate a work
18 release facility or to enable the department of social and health
19 services to operate a community facility for juvenile offenders within
20 the county.

21 (2) The department of corrections or department of social and
22 health services determinations under subsection (1) of this section are
23 final and are not subject to appeal under chapter 34.05 RCW or this
24 chapter.

25 (3) Nothing in this section prohibits the department of corrections
26 or department of social and health services from:

27 (a) Siting a work release or community facility for juvenile
28 offenders in a city or county that has complied with the requirements
29 of RCW 36.70A.200 with respect to these facilities, including a city
30 that is located within a county that has been preempted. If the
31 department sites a work release facility or community facility for
32 juvenile offenders in such a city or county, the department shall use
33 the process established by the city or county for siting such
34 facilities; or

35 (b) Consulting with a city or county that has been preempted under
36 this section regarding the siting of a secure community transition
37 facility.

1 NEW SECTION. **Sec. 11.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

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