

# SENATE BILL REPORT

## HB 1388

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As Reported By Senate Committee On:  
Human Services & Corrections, April 2, 1997

**Title:** An act relating to siting of work release programs.

**Brief Description:** Requiring that private organizations that contract with the department to operate work release facilities go through the siting process.

**Sponsors:** Representatives Conway, Ballasiotes, Sullivan, Dickerson, Cairnes, Quall, Robertson, Wood, Blalock, O'Brien, Scott, Wensman, Cooper, Costa and Ogden.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 3/26/97, 4/2/97 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

**Staff:** Andrea McNamara (786-7483)

**Background:** The Department of Corrections (DOC) operates work release facilities at various locations around the state. Several of these facilities are operated under contract with private sector businesses.

In 1994, the Legislature enacted procedures that DOC and other state agencies must follow when attempting to establish or relocate a work release facility. The siting process includes the following mandatory public notifications and local public hearings about the proposed sites under consideration:

- public meetings in the community where the facility will be located in order to receive public comments on the proposed site;
- copies of site proposals and any alternatives;
- notifications to local media, schools, libraries, and government offices near the proposed sites;
- upon request, notices to local chambers of commerce, economic development agencies, and any other local organizations;
- written notification to all residents and property owners located within a half mile of the proposed site;

- public hearings in the communities where the final three sites are being considered; and
- additional notification and public hearings in the community where the final site is being proposed.

Concerns have been raised about ambiguities in the current law that allow private sector businesses to avoid the requirements of this facility siting process. It has been suggested that the same siting process should be followed whether it is DOC or a private contractor that is attempting to site a work release facility.

**Summary of Amended Bill:** Department of Corrections (DOC) contractors are required to comply with the same public notification and public hearing requirements that DOC must follow when establishing and relocating work release facilities.

**Amended Bill Compared to Original Bill:** The amendment applies to any "contracting entity" instead of just "private organizations" that contract with DOC. The amendment identifies the various circumstances under which work release facilities are owned and operated by DOC and its vendors, clarifying that the statutory siting process applies regardless of whether the facility is owned by DOC or the vendor, and regardless of whether the facility is operated by DOC or the vendor.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The same siting process should be followed regardless of whether a work release facility is operated under contract or operated by DOC. DOC and its contractors should not be able to avoid the important public notification and public hearing requirements in current law just because the facility is operated by a private contractor.

**Testimony Against:** None.

**Testified:** Representative Steve Conway, prime sponsor (pro); Marianne McNabb, Assistant Director, Division of Community Corrections, DOC (pro); Kathy Gerke, Association of Cities, (pro); Mike Shaw, Association of Counties (pro); Mike McClintick, Lucks Food Decorations (pro); Jan Benjarano, South Tacoma Neighborhood Council (pro).