

2 **EHB 2168** - S COMM AMD

3 By Committee on Human Services & Corrections

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

10 (1) "Catchment area" means the combination of a group of counties  
11 or jurisdictions used in siting community facilities when the number of  
12 qualifying offenders cannot economically support the placement of a  
13 community facility or when a single county is unable to provide the  
14 needed support.

15 (2) "Community facility" means a group care facility operated for  
16 the care of juveniles committed to the department under RCW 13.40.185.  
17 A county detention facility that houses juveniles committed to the  
18 department under RCW 13.40.185 pursuant to a contract with the  
19 department is not a community facility.

20 (~~(2)~~) (3) "Department" means the department of social and health  
21 services.

22 (~~(3)~~) (4) "Equitable distribution" or "distribute equitably"  
23 means siting or locating community facilities in a manner that will not  
24 cause a disproportionate grouping of facilities in any single  
25 geographic region, or in any community or neighborhood within a  
26 jurisdiction.

27 (5) "Juvenile" means a person under the age of twenty-one who has  
28 been sentenced to a term of confinement under the supervision of the  
29 department under RCW 13.40.185.

30 (~~(4)~~) (6) "Service provider" means the entity that operates a  
31 community facility.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.05 RCW  
33 to read as follows:

34 (1) The department shall make reasonable efforts to distribute  
35 community facilities equitably among the counties and work with the

1 counties in the normal county planning process to achieve equitable  
2 distribution within each county, among the jurisdictions within the  
3 county, and among the communities or neighborhoods within the  
4 jurisdictions of the county, taking into account at least the  
5 following:

6 (a) The locations of existing residential facilities owned,  
7 operated by, or operated under contract with the department;

8 (b) The locations of other projected residential facilities owned,  
9 operated by, or operated under contract with the department;

10 (c) The number of juvenile registered sex offenders classified as  
11 level II or III or registered as homeless per thousand persons residing  
12 in the jurisdiction;

13 (d) The number of juvenile violent offenders under parole or  
14 probation per thousand persons residing in the jurisdiction; and

15 (e) The number of juvenile offenders sentenced or adjudicated per  
16 thousand persons residing in the jurisdiction.

17 (2) To carry out the purposes of subsection (1) of this section,  
18 the department shall, no later than January 1, 2002, develop a mapping  
19 system to identify the locations of existing and projected facilities  
20 identified in subsection (1) of this section. The department shall  
21 also maintain a list of the number of offenders identified in  
22 subsection (1) of this section and shall annually publish a report  
23 including the map and offender rates for the counties and jurisdictions  
24 of the state.

25 (3)(a) The department shall give great weight to the factors  
26 identified in subsection (1) of this section in projecting and  
27 proposing siting of new community facilities.

28 (b) In considering the projected placement or actual siting of a  
29 community facility, the department shall use the information in the  
30 most recent report published at the time that the facility is projected  
31 or that the site is listed for consideration as a work release  
32 facility.

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

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

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

6 (a) If there are more than three sites initially selected as  
7 potential locations and the selection process by the secretary or a  
8 service provider reduces the number of possible sites for a community  
9 facility to no fewer than three, the secretary or the chief operating  
10 officer of the service provider shall notify the public of the possible  
11 siting and hold at least two public hearings in each community where a  
12 community facility may be sited at least forty-five days before a final  
13 selection is made.

14 (b) When the secretary or service provider has determined the  
15 community facility's location, the secretary or the chief operating  
16 officer of the service provider shall hold at least one additional  
17 public hearing in the community where the community facility will be  
18 sited.

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

22 (d) To provide adequate notice of((~~7~~)) and opportunity for  
23 interested persons to comment on((~~7~~)) a proposed location, the  
24 secretary or the chief operating officer of the service provider shall  
25 provide at least fourteen days' advance notice of the ((~~meeting to~~))  
26 public hearings to at least the following:

27 (i) The affected counties, cities, and towns;

28 (ii) Local government planning agencies in the affected  
29 communities;

30 (iii) All newspapers of general circulation in the ((~~community~~))  
31 local area and all radio stations and television stations generally  
32 available to persons in the community((~~7~~)) where the potential site is  
33 located;

34 (iv) Any school district, private school, or kindergarten in which  
35 the community facility would be sited or whose boundary is within two  
36 miles of a proposed community facility, institutions of higher  
37 education, any library district ((~~in which the community facility would~~  
38 be sited, local business or fraternal organizations that request  
39 notification from the secretary or agency, and any person or property

1 owner within a one-half mile radius of the proposed community  
2 facility)); and all other local government offices within a one-half  
3 mile radius of the proposed site or sites;

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

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

9 (3) The notice required under subsection (2) of this section must  
10 also inform the public that any interested person or entity, including  
11 a local government entity, is invited to submit written comments  
12 regarding a proposed location, including comments regarding whether the  
13 site meets the equitable distribution and other statutory requirements  
14 for the facility. Written comments must be submitted not later than  
15 thirty days following the date notice is issued pursuant to subsection  
16 (2) of this section.

17 (4) The department must consider the testimony received at the  
18 public hearings and any written comments submitted before making a  
19 final selection of the site for the location or relocation of a  
20 community facility. The department shall issue a written analysis of  
21 the final selection, including how the selection was consistent with  
22 the requirements of section 2 of this act.

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

29 ((+3)) (6) The secretary shall not issue a license to any service  
30 provider until the service provider submits proof that the requirements  
31 of this section have been met.

32 ((+4)) (7) This section shall apply only to community facilities  
33 sited after September 1, 1998.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.05 RCW  
35 to read as follows:

36 The department may use catchment areas in lieu of specific counties  
37 when the number of qualifying offenders cannot economically support the

1 placement of a community facility or when a single county is unable to  
2 provide the needed support.

3 **Sec. 5.** RCW 72.65.010 and 1992 c 7 s 56 are each amended to read  
4 as follows:

5 As used in this chapter, the following terms shall have the  
6 following meanings:

7 (1) "Catchment area" means the combination of a group of counties  
8 or jurisdictions used in siting community facilities when the number of  
9 qualifying offenders cannot economically support the placement of a  
10 community facility or when a single county is unable to provide the  
11 needed support.

12 (2) "Department" (~~shall~~) means the department of corrections.

13 (~~(2)~~) (3) "Equitable distribution" or "distribute equitably"  
14 means siting or locating community facilities in a manner that will not  
15 cause a disproportionate grouping of facilities in any single  
16 geographic region, or in any community or neighborhood within a  
17 jurisdiction.

18 (4) "Prisoner" means a person either male or female, convicted of  
19 a felony and sentenced by the superior court to a term of confinement  
20 and treatment in a state correctional institution under the  
21 jurisdiction of the department.

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

23 (~~(3)~~) (6) "State correctional institutions" shall mean and  
24 include all state adult correctional facilities established pursuant to  
25 law under the jurisdiction of the department for the treatment of  
26 convicted felons sentenced to a term of confinement.

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

31 (~~(5)~~) (7) "Superintendent" (~~shall~~) means the superintendent of a  
32 state correctional institution, camp or other facility now or hereafter  
33 established under the jurisdiction of the department pursuant to law.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.65 RCW  
35 to read as follows:

36 (1) The department shall make reasonable efforts to distribute work  
37 release facilities equitably among the counties and work with the

1 counties in the normal county planning process to achieve equitable  
2 distribution within each county, among the jurisdictions within the  
3 county, and among the communities or neighborhoods within the  
4 jurisdictions of the county, taking into account at least the  
5 following:

6 (a) The locations of existing residential facilities owned,  
7 operated by, or operated under contract with the department;

8 (b) The locations of other projected residential facilities owned,  
9 operated by, or operated under contract with the department;

10 (c) The number of adult registered sex offenders classified as  
11 level II or level III or registered as homeless per thousand persons  
12 residing in the jurisdiction;

13 (d) The number of adult violent offenders under community custody,  
14 community placement, community supervision, or parole per thousand  
15 persons residing in the jurisdiction; and

16 (e) The number of adult offenders sentenced per thousand persons  
17 residing in the jurisdiction.

18 (2) To carry out the purposes of subsection (1) of this section,  
19 the department shall, no later than January 1, 2002, develop a mapping  
20 system to identify the locations of existing and projected facilities  
21 identified in subsection (1) of this section. The department shall  
22 also maintain a list of the number of offenders identified in  
23 subsection (1) of this section and shall annually publish a report  
24 including the map and offender rates for the counties and jurisdictions  
25 of the state.

26 (3)(a) The department shall give great weight to the factors  
27 identified in subsection (1) of this section in projecting and  
28 proposing siting of new work release facilities.

29 (b) In considering the projected placement or actual siting of a  
30 work release facility, the department shall use the information in the  
31 most recent report published at the time that the facility is projected  
32 or that the site is listed for consideration as a work release  
33 facility.

34 **Sec. 7.** RCW 72.65.220 and 1997 c 348 s 1 are each amended to read  
35 as follows:

36 (1) The department or a private or public entity under contract  
37 with the department may establish or relocate for the operation of a  
38 work release or other community-based facility only after ((public

1 ~~notifications and local public meetings have been completed consistent~~  
2 ~~with)) meeting the requirements of this section.~~

3 (2) The department and other state agencies responsible for siting  
4 department-owned, operated, or contracted facilities shall establish a  
5 process for early and continuous public participation in establishing  
6 or relocating work release or other community-based facilities. This  
7 process shall include public meetings in the local communities  
8 affected, opportunities for written and oral comments, and wide  
9 dissemination of proposals and alternatives, including at least the  
10 following:

11 (a) When the department or a private or public entity under  
12 contract with the department has selected three or fewer sites for  
13 final consideration of a department-owned, operated, or contracted work  
14 release or other community-based facility, the department or  
15 contracting organization shall make public notification and conduct at  
16 least two public hearings in each of the local communities (~~of the~~  
17 ~~final three or fewer proposed sites)) where such a facility may be  
18 sited at least forty-five days before a final selection is made. An  
19 additional public hearing after public notification shall also be  
20 conducted in the local community selected as the final proposed site.~~

21 (b) (~~Notifications required under this section shall be provided~~  
22 ~~to)) To provide adequate notice of and opportunity for interested  
23 persons to comment on a proposed location, the department or  
24 contracting entity shall provide at least fourteen days' advance notice  
25 of the public hearings to at least the following:~~

26 (i) The affected counties, cities, and towns;

27 (ii) Local government planning agencies in the affected  
28 communities;

29 (iii) All newspapers of general circulation in the local area and  
30 all (~~local~~) radio stations(~~(-)~~) and television stations(~~(- and cable~~  
31 networks)) generally available to persons in the community where the  
32 potential site is located;

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

37 (~~(-iii-))~~ (v) The local chamber of commerce, local economic  
38 development agencies, and any other local organizations that request  
39 such notification from the department; and

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

4       (3) The notice required under subsection (2) of this section must  
5 also inform the public that any interested person or entity, including  
6 a local government entity, is invited to submit written comments  
7 regarding a proposed location, including comments regarding whether the  
8 site meets the equitable distribution and other statutory requirements  
9 for the facility. Written comments must be submitted not later than  
10 thirty days following the date notice is issued pursuant to subsection  
11 (2) of this section.

12       (4) The department must consider the testimony received at the  
13 public hearings and any written comments submitted before making a  
14 final selection of the site for the location or relocation of a work  
15 release facility. The department shall issue a written analysis of the  
16 final selection, including how the selection was consistent with the  
17 requirements of section 6 of this act.

18       (5) When the department contracts for the operation of a work  
19 release or other community-based facility that is not owned or operated  
20 by the department, the department shall require as part of its contract  
21 that the contracting entity comply with all the public notification and  
22 public hearing requirements as provided in this section for each  
23 located and relocated work release or other community-based facility.

24       NEW SECTION. Sec. 8. A new section is added to chapter 72.65 RCW  
25 to read as follows:

26       The department may use catchment areas in lieu of specific counties  
27 when the number of qualifying offenders cannot economically support the  
28 placement of a work release facility or when a single county is unable  
29 to provide the needed support.

30       **Sec. 9.** RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read  
31 as follows:

32       (1) The comprehensive plan of each county and city that is planning  
33 under this chapter shall include a process for identifying and siting  
34 essential public facilities. Essential public facilities include those  
35 facilities that are typically difficult to site, such as airports,  
36 state education facilities and state or regional transportation  
37 facilities as defined in RCW 47.06.140, state and local correctional



1 facilities, solid waste handling facilities, and in-patient facilities  
2 including substance abuse facilities, mental health facilities, and  
3 group homes.

4 (2) The office of financial management shall maintain a list of  
5 those essential state public facilities that are required or likely to  
6 be built within the next six years. The office of financial management  
7 may at any time add facilities to the list.

8 (3) No local comprehensive plan or development regulation may  
9 preclude the siting of essential public facilities.

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

12 (1) On or before the date by which counties planning under this  
13 chapter must review and, if needed, revise their comprehensive plans  
14 pursuant to RCW 36.70A.130, the counties shall notify the department of  
15 social and health services and the department of corrections of their  
16 intent to begin the review and shall work with the departments to  
17 achieve equitable distribution of community facilities as defined in  
18 RCW 72.05.020 and department of corrections work release facilities  
19 within the county and within the jurisdictions, communities, and  
20 neighborhoods located within the county, or within the catchment area  
21 if appropriate. In planning with the departments for distributing  
22 facilities, the counties must consider not only the reports required  
23 under sections 2 and 6 of this act but the statutory requirements  
24 presented by the departments for the placement and operation of these  
25 facilities.

26 (2) Community facilities and work release facilities are  
27 correctional facilities and, as such, are essential public facilities  
28 subject to the provisions of RCW 36.70A.200.

29 (3) Within twelve months of the completion of any revisions to the  
30 county comprehensive plan under subsection (1) of this section, or if  
31 no county revision was necessary within twelve months of the date  
32 established in RCW 36.70A.130, the county and each affected city within  
33 the county shall adopt or revise development regulations, including but  
34 not limited to zoning regulations and design standards, as necessary to  
35 implement the requirements of this act.

36 (4) Nothing in this section precludes a local government from  
37 requiring the department to obtain a special use or conditional use

1 permit before siting a community facility that does not conform to the  
2 plan or development regulations established pursuant to this section.

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

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

11 NEW SECTION. **Sec. 13.** If specific funding for the purposes of  
12 this act, referencing this act by bill or chapter number, is not  
13 provided by June 30, 2001, in the omnibus appropriations act, this act  
14 is null and void."

15 **EHB 2168** - S COMM AMD  
16 By Committee on Human Services & Corrections

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18 On page 1, line 1 of the title, after "facilities;" strike the  
19 remainder of the title and insert "amending RCW 72.05.020, 72.05.400,  
20 72.65.010, 72.65.220, and 36.70A.200; adding new sections to chapter  
21 72.05 RCW; adding new sections to chapter 72.65 RCW; adding a new  
22 section to chapter 36.70A RCW; creating a new section; and declaring an  
23 emergency."

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