

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2791

64th Legislature
2016 Regular Session

Passed by the House March 8, 2016
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 4, 2016
Yeas 44 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2791** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2791

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington **64th Legislature** **2016 Regular Session**

By House Appropriations (originally sponsored by Representatives Pettigrew, Goodman, Moscoso, Senn, Frame, Stanford, Santos, and Walkinshaw)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to the Washington statewide reentry council;
2 reenacting and amending RCW 41.06.070; adding a new chapter to Title
3 43 RCW; creating a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the cycle of
6 recidivism warrants a closer examination of our criminal justice
7 system, correctional systems, and community services in Washington.
8 Over ninety-five percent of persons in prison will return to the
9 community, and more than half of those persons will reoffend and be
10 reincarcerated in today's system. This high rate of recidivism
11 results in more crimes, more victims, more prisons, and more trauma
12 within families and communities. We can do better for the people of
13 Washington.

14 The legislature intends to establish the Washington statewide
15 reentry council to develop collaborative and cooperative
16 relationships between the criminal justice system, victims and their
17 families, impacted individuals and their families, and service
18 providers, with the purpose of improving public safety and outcomes
19 for people reentering the community from incarceration.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Council" means the Washington statewide reentry council.

5 (2) "Department" means the department of commerce.

6 NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts
7 appropriated for this specific purpose, the Washington statewide
8 reentry council is created and located within the department for the
9 purpose of promoting successful reentry of offenders after
10 incarceration.

11 (2) Through the executive director that may be appointed by the
12 council, the department shall administer the council by:

13 (a) Providing the council and its executive director use of the
14 department's facilities; and

15 (b) Managing grants and other funds received, used, and disbursed
16 by the council.

17 (3) The department may not designate additional full-time staff
18 to the administration of the council beyond the executive director.

19 NEW SECTION. **Sec. 4.** (1) The council comprises fifteen members
20 appointed by the governor.

21 (2) The governor must create a membership that includes:

22 (a)(i) Representatives of: The department of corrections; the
23 juvenile rehabilitation administration; a statewide organization
24 representing community and technical colleges; a statewide
25 organization representing law enforcement interests; a statewide
26 organization representing the interests of crime victims; a statewide
27 organization representing prosecutors; a statewide organization
28 representing public defenders; a statewide or local organization
29 representing businesses and employers; housing providers; and faith-
30 based organizations or communities;

31 (ii) At least two persons with experience reentering the
32 community after incarceration; and

33 (iii) Two other community leaders.

34 (b) At least one position of the council must be reserved for an
35 invited person with a background in tribal affairs, and such position
36 has all of the same voting and other powers of other members.

37 (3) When making appointments, the governor shall consider:

1 (a) The racial and ethnic background of applicants in order for
2 the membership to reflect the diversity of racial and ethnic
3 backgrounds of all those who are incarcerated in the state;

4 (b) The gender of applicants in order for the membership to
5 reflect the gender diversity of all those who are incarcerated in the
6 state;

7 (c) The geographic location of all applicants in order for the
8 membership to represent the different geographic regions of the
9 state; and

10 (d) The experiences and background of all applicants relating to
11 the incarcerated population.

12 NEW SECTION. **Sec. 5.** (1) The governor shall make initial
13 appointments to the council. Initial appointments are for staggered
14 terms from the date of appointment according to the following: Four
15 members have four-year terms; four members have three year terms; and
16 five members have two-year terms. The governor shall designate the
17 appointees who will serve the staggered terms.

18 (2) Except for initial appointments under subsection (1) of this
19 section, all appointments are for two years from the date of
20 appointment. Any member may be reappointed for additional terms. Any
21 member of the council may be removed by the governor for misfeasance,
22 malfeasance, or willful neglect of duty after notice and a public
23 hearing, unless such notice and hearing is expressly waived in
24 writing by the affected member. In the event of a vacancy due to
25 death, resignation, or removal, or upon the expiration of a term, the
26 governor shall appoint a successor for the remainder of the unexpired
27 term according to the procedures in subsection (3) of this section.
28 Vacancies must be filled within ninety days.

29 (3) The council shall create a selection committee to recruit,
30 review, and recommend future members. Prior to thirty days before the
31 expiration of a term or within sixty days of a vacancy due to death,
32 resignation, or removal, the selection committee shall submit a
33 recommendation of possible appointees. The governor shall consider
34 the recommendations of the committee when making appointments.

35 (4) The council shall elect cochairs from among its membership.
36 Cochairs are elected for two-year terms from the date of election.
37 Any former or current cochair may be reelected for an additional
38 term.

1 NEW SECTION. **Sec. 6.** (1) In addition to other powers and duties
2 prescribed in this chapter, the council is empowered to:

3 (a) Meet at such times and places as necessary;

4 (b) Advise the legislature and the governor on issues relating to
5 reentry and reintegration of offenders;

6 (c) Review, study, and make policy and funding recommendations on
7 issues directly and indirectly related to reentry and reintegration
8 of offenders in Washington state, including, but not limited to:
9 Correctional programming and other issues in state and local
10 correctional facilities; housing; employment; education; treatment;
11 and other issues contributing to recidivism;

12 (d) Apply for, receive, use, and leverage public and private
13 grants as well as specifically appropriated funds to establish,
14 manage, and promote initiatives and programs related to successful
15 reentry and reintegration of offenders;

16 (e) Contract for services as it deems necessary in order to carry
17 out initiatives and programs;

18 (f) Adopt policies and procedures to facilitate the orderly
19 administration of initiatives and programs;

20 (g) Create committees and subcommittees of the council as is
21 necessary for the council to conduct its business; and

22 (h) Create and consult with advisory groups comprising
23 nonmembers. Advisory groups are not eligible for reimbursement under
24 section 7 of this act.

25 (2) Subject to the availability of amounts appropriated for this
26 specific purpose, the council may select an executive director to
27 administer the business of the council.

28 (a) The council may delegate to the executive director by
29 resolution all duties necessary to efficiently carry on the business
30 of the council. Approval by a majority vote of the council is
31 required for any decisions regarding employment of the executive
32 director.

33 (b) The executive director may not be a member of the council
34 while serving as executive director.

35 (c) Employment of the executive director must be confirmed by the
36 senate and terminates after a term of three years. At the end of a
37 term, the council may consider hiring the executive director for an
38 additional three-year term or an extension of a specified period less
39 than three years. The council may fix the compensation of the
40 executive director.

1 (d) Subject to the availability of amounts appropriated for this
2 specific purpose, the executive director shall reside in and be
3 funded by the department.

4 (3) In conducting its business, the council shall solicit input
5 and participation from stakeholders interested in reducing
6 recidivism, promoting public safety, and improving community
7 conditions for people reentering the community from incarceration.
8 The council shall consult: The two largest caucuses in the house of
9 representatives; the two largest caucuses in the senate; the
10 governor; local governments; educators; mental health and substance
11 abuse providers; behavioral health organizations; managed care
12 organizations; city and county jails; the department of corrections;
13 specialty courts; persons with expertise in evidence-based and
14 research-based reentry practices; and persons with criminal histories
15 and their families.

16 (4) The council shall submit to the governor and appropriate
17 committees of the legislature a preliminary report of its activities
18 and recommendations by December 1st of its first year of operation,
19 and every two years thereafter.

20 NEW SECTION. **Sec. 7.** The members of the council shall serve
21 without compensation, but are entitled to be reimbursed for travel
22 expenses as provided in RCW 43.03.050 and 43.03.060.

23 NEW SECTION. **Sec. 8.** (1) Meetings of the council must be held
24 in accordance with the open public meetings act, chapter 42.30 RCW,
25 and at the call of the cochairs or when a majority of the council
26 membership so requests. Members may participate in a meeting of the
27 council by means of a conference telephone or similar communication
28 equipment as described in RCW 23B.08.200.

29 (2) Seven members of the council constitute a quorum.

30 (3) Once operational, the council must convene on a regular
31 schedule at least four times during each year.

32 NEW SECTION. **Sec. 9.** (1) The joint legislative audit and review
33 committee shall conduct a performance audit of the council every six
34 years.

35 (2) Each audit must include but not be limited to:

36 (a) A determination of the extent to which funds expended by the
37 council or provided in biennial budget acts expressly for

1 implementing the duties of the council have contributed toward
2 reducing recidivism in Washington;

3 (b) A determination of the efficiency and effectiveness of the
4 council, based upon the achievement of the objectives and benchmarks
5 established by this chapter and any applicable biennial budget acts;
6 and

7 (c) Any recommendations for changes to the council's performance
8 and structure necessary to ensure or improve accountability.

9 (3) The council may use the audits as the basis for developing
10 changes to its policies and programs.

11 NEW SECTION. **Sec. 10.** (1) Subject to the availability of
12 amounts appropriated for this specific purpose, the Washington state
13 institute for public policy shall conduct a meta-analysis on the
14 effectiveness of programs aimed at assisting offenders with
15 reentering the community after incarceration. The study must include
16 a review and update of the literature on reentry programs in
17 Washington and across the country. The institute shall report on the
18 types of programs demonstrated to be effective in reducing recidivism
19 among the general offender population. The institute shall report
20 results to the governor, appropriate committees of the legislature,
21 and the Washington statewide reentry council no later than June 1,
22 2017.

23 (2) This section expires August 1, 2017.

24 **Sec. 11.** RCW 41.06.070 and 2011 1st sp.s. c 43 s 1010, 2011 1st
25 sp.s. c 39 s 4, and 2011 1st sp.s. c 16 s 22 are each reenacted and
26 amended to read as follows:

27 (1) The provisions of this chapter do not apply to:

28 (a) The members of the legislature or to any employee of, or
29 position in, the legislative branch of the state government including
30 members, officers, and employees of the legislative council, joint
31 legislative audit and review committee, statute law committee, and
32 any interim committee of the legislature;

33 (b) The justices of the supreme court, judges of the court of
34 appeals, judges of the superior courts or of the inferior courts, or
35 to any employee of, or position in the judicial branch of state
36 government;

37 (c) Officers, academic personnel, and employees of technical
38 colleges;

1 (d) The officers of the Washington state patrol;
2 (e) Elective officers of the state;
3 (f) The chief executive officer of each agency;
4 (g) In the departments of employment security and social and
5 health services, the director and the director's confidential
6 secretary; in all other departments, the executive head of which is
7 an individual appointed by the governor, the director, his or her
8 confidential secretary, and his or her statutory assistant directors;
9 (h) In the case of a multimember board, commission, or committee,
10 whether the members thereof are elected, appointed by the governor or
11 other authority, serve ex officio, or are otherwise chosen:
12 (i) All members of such boards, commissions, or committees;
13 (ii) If the members of the board, commission, or committee serve
14 on a part-time basis and there is a statutory executive officer: The
15 secretary of the board, commission, or committee; the chief executive
16 officer of the board, commission, or committee; and the confidential
17 secretary of the chief executive officer of the board, commission, or
18 committee;
19 (iii) If the members of the board, commission, or committee serve
20 on a full-time basis: The chief executive officer or administrative
21 officer as designated by the board, commission, or committee; and a
22 confidential secretary to the chair of the board, commission, or
23 committee;
24 (iv) If all members of the board, commission, or committee serve
25 ex officio: The chief executive officer; and the confidential
26 secretary of such chief executive officer;
27 (i) The confidential secretaries and administrative assistants in
28 the immediate offices of the elective officers of the state;
29 (j) Assistant attorneys general;
30 (k) Commissioned and enlisted personnel in the military service
31 of the state;
32 (l) Inmate, student, part-time, or temporary employees, and part-
33 time professional consultants, as defined by the Washington personnel
34 resources board;
35 (m) Officers and employees of the Washington state fruit
36 commission;
37 (n) Officers and employees of the Washington apple commission;
38 (o) Officers and employees of the Washington state dairy products
39 commission;

1 (p) Officers and employees of the Washington tree fruit research
2 commission;

3 (q) Officers and employees of the Washington state beef
4 commission;

5 (r) Officers and employees of the Washington grain commission;

6 (s) Officers and employees of any commission formed under chapter
7 15.66 RCW;

8 (t) Officers and employees of agricultural commissions formed
9 under chapter 15.65 RCW;

10 (u) Executive assistants for personnel administration and labor
11 relations in all state agencies employing such executive assistants
12 including but not limited to all departments, offices, commissions,
13 committees, boards, or other bodies subject to the provisions of this
14 chapter and this subsection shall prevail over any provision of law
15 inconsistent herewith unless specific exception is made in such law;

16 (v) In each agency with fifty or more employees: Deputy agency
17 heads, assistant directors or division directors, and not more than
18 three principal policy assistants who report directly to the agency
19 head or deputy agency heads;

20 (w) Staff employed by the department of commerce to administer
21 energy policy functions;

22 (x) The manager of the energy facility site evaluation council;

23 (y) A maximum of ten staff employed by the department of commerce
24 to administer innovation and policy functions, including the three
25 principal policy assistants exempted under (v) of this subsection;

26 (z) Staff employed by Washington State University to administer
27 energy education, applied research, and technology transfer programs
28 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

29 (aa) Officers and employees of the consolidated technology
30 services agency created in RCW 43.105.006 that perform the following
31 functions or duties: Systems integration; data center engineering and
32 management; network systems engineering and management; information
33 technology contracting; information technology customer relations
34 management; and network and systems security;

35 (bb) The executive director of the Washington statewide reentry
36 council.

37 (2) The following classifications, positions, and employees of
38 institutions of higher education and related boards are hereby
39 exempted from coverage of this chapter:

1 (a) Members of the governing board of each institution of higher
2 education and related boards, all presidents, vice presidents, and
3 their confidential secretaries, administrative, and personal
4 assistants; deans, directors, and chairs; academic personnel; and
5 executive heads of major administrative or academic divisions
6 employed by institutions of higher education; principal assistants to
7 executive heads of major administrative or academic divisions; other
8 managerial or professional employees in an institution or related
9 board having substantial responsibility for directing or controlling
10 program operations and accountable for allocation of resources and
11 program results, or for the formulation of institutional policy, or
12 for carrying out personnel administration or labor relations
13 functions, legislative relations, public information, development,
14 senior computer systems and network programming, or internal audits
15 and investigations; and any employee of a community college district
16 whose place of work is one which is physically located outside the
17 state of Washington and who is employed pursuant to RCW 28B.50.092
18 and assigned to an educational program operating outside of the state
19 of Washington;

20 (b) The governing board of each institution, and related boards,
21 may also exempt from this chapter classifications involving research
22 activities, counseling of students, extension or continuing education
23 activities, graphic arts or publications activities requiring
24 prescribed academic preparation or special training as determined by
25 the board: PROVIDED, That no nonacademic employee engaged in office,
26 clerical, maintenance, or food and trade services may be exempted by
27 the board under this provision;

28 (c) Printing craft employees in the department of printing at the
29 University of Washington.

30 (3) In addition to the exemptions specifically provided by this
31 chapter, the director may provide for further exemptions pursuant to
32 the following procedures. The governor or other appropriate elected
33 official may submit requests for exemption to the office of financial
34 management stating the reasons for requesting such exemptions. The
35 director shall hold a public hearing, after proper notice, on
36 requests submitted pursuant to this subsection. If the director
37 determines that the position for which exemption is requested is one
38 involving substantial responsibility for the formulation of basic
39 agency or executive policy or one involving directing and controlling
40 program operations of an agency or a major administrative division

1 thereof, or is a senior expert in enterprise information technology
2 infrastructure, engineering, or systems, the director shall grant the
3 request. The total number of additional exemptions permitted under
4 this subsection shall not exceed one percent of the number of
5 employees in the classified service not including employees of
6 institutions of higher education and related boards for those
7 agencies not directly under the authority of any elected public
8 official other than the governor, and shall not exceed a total of
9 twenty-five for all agencies under the authority of elected public
10 officials other than the governor.

11 The salary and fringe benefits of all positions presently or
12 hereafter exempted except for the chief executive officer of each
13 agency, full-time members of boards and commissions, administrative
14 assistants and confidential secretaries in the immediate office of an
15 elected state official, and the personnel listed in subsections
16 (1)(j) through (t) and (2) of this section, shall be determined by
17 the director. Changes to the classification plan affecting exempt
18 salaries must meet the same provisions for classified salary
19 increases resulting from adjustments to the classification plan as
20 outlined in RCW 41.06.152.

21 From July 1, 2011, through June 29, 2013, salaries for all
22 positions exempt from classification under this chapter are subject
23 to RCW 41.04.820.

24 From February 18, 2009, through June 30, 2013, a salary or wage
25 increase shall not be granted to any position exempt from
26 classification under this chapter, except that a salary or wage
27 increase may be granted to employees pursuant to collective
28 bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64,
29 or 41.76 RCW, and except that increases may be granted for positions
30 for which the employer has demonstrated difficulty retaining
31 qualified employees if the following conditions are met:

- 32 (a) The salary increase can be paid within existing resources;
33 (b) The salary increase will not adversely impact the provision
34 of client services; and
35 (c) For any state agency of the executive branch, not including
36 institutions of higher education, the salary increase is approved by
37 the director of the office of financial management.

38 Any agency granting a salary increase from February 15, 2010,
39 through June 30, 2011, to a position exempt from classification under
40 this chapter shall submit a report to the fiscal committees of the

1 legislature no later than July 31, 2011, detailing the positions for
2 which salary increases were granted, the size of the increases, and
3 the reasons for giving the increases.

4 Any agency granting a salary increase from July 1, 2011, through
5 June 30, 2013, to a position exempt from classification under this
6 chapter shall submit a report to the fiscal committees of the
7 legislature by July 31, 2012, and July 31, 2013, detailing the
8 positions for which salary increases were granted during the
9 preceding fiscal year, the size of the increases, and the reasons for
10 giving the increases.

11 Any person holding a classified position subject to the
12 provisions of this chapter shall, when and if such position is
13 subsequently exempted from the application of this chapter, be
14 afforded the following rights: If such person previously held
15 permanent status in another classified position, such person shall
16 have a right of reversion to the highest class of position previously
17 held, or to a position of similar nature and salary.

18 Any classified employee having civil service status in a
19 classified position who accepts an appointment in an exempt position
20 shall have the right of reversion to the highest class of position
21 previously held, or to a position of similar nature and salary.

22 A person occupying an exempt position who is terminated from the
23 position for gross misconduct or malfeasance does not have the right
24 of reversion to a classified position as provided for in this
25 section.

26 From February 15, 2010, until June 30, 2013, no monetary
27 performance-based awards or incentives may be granted by the director
28 or employers to employees covered by rules adopted under this
29 section. This subsection does not prohibit the payment of awards
30 provided for in chapter 41.60 RCW.

31 From July 1, 2011, until June 30, 2013, no performance-based
32 awards or incentives may be granted by the director or employers to
33 employees pursuant to a performance management confirmation granted
34 by the department of personnel under WAC 357-37-055.

35 NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act
36 constitute a new chapter in Title 43 RCW.

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