

2SHB 2791 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/04/2016

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

23 NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts
24 appropriated for this specific purpose, the Washington statewide
25 reentry council is created and located within the department for the
26 purpose of promoting successful reentry of offenders after
27 incarceration.

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

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

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

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

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

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

10 (a)(i) Representatives of: The department of corrections; the
11 juvenile rehabilitation administration; a statewide organization
12 representing community and technical colleges; a statewide
13 organization representing law enforcement interests; a statewide
14 organization representing the interests of crime victims; a statewide
15 organization representing prosecutors; a statewide organization
16 representing public defenders; a statewide or local organization
17 representing businesses and employers; housing providers; and faith-
18 based organizations or communities;

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

21 (iii) Two other community leaders.

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

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

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

29 (b) The gender of applicants in order for the membership to
30 reflect the gender diversity of all those who are incarcerated in the
31 state;

32 (c) The geographic location of all applicants in order for the
33 membership to represent the different geographic regions of the
34 state; and

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

37 NEW SECTION. **Sec. 5.** (1) The governor shall make initial
38 appointments to the council. Initial appointments are for staggered

1 terms from the date of appointment according to the following: Four
2 members have four-year terms; four members have three year terms; and
3 five members have two-year terms. The governor shall designate the
4 appointees who will serve the staggered terms.

5 (2) Except for initial appointments under subsection (1) of this
6 section, all appointments are for two years from the date of
7 appointment. Any member may be reappointed for additional terms. Any
8 member of the council may be removed by the governor for misfeasance,
9 malfeasance, or willful neglect of duty after notice and a public
10 hearing, unless such notice and hearing is expressly waived in
11 writing by the affected member. In the event of a vacancy due to
12 death, resignation, or removal, or upon the expiration of a term, the
13 governor shall appoint a successor for the remainder of the unexpired
14 term according to the procedures in subsection (3) of this section.
15 Vacancies must be filled within ninety days.

16 (3) The council shall create a selection committee to recruit,
17 review, and recommend future members. Prior to thirty days before the
18 expiration of a term or within sixty days of a vacancy due to death,
19 resignation, or removal, the selection committee shall submit a
20 recommendation of possible appointees. The governor shall consider
21 the recommendations of the committee when making appointments.

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

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

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

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

31 (c) Review, study, and make policy and funding recommendations on
32 issues directly and indirectly related to reentry and reintegration
33 of offenders in Washington state, including, but not limited to:
34 Correctional programming and other issues in state and local
35 correctional facilities; housing; employment; education; treatment;
36 and other issues contributing to recidivism;

37 (d) Apply for, receive, use, and leverage public and private
38 grants as well as specifically appropriated funds to establish,

1 manage, and promote initiatives and programs related to successful
2 reentry and reintegration of offenders;

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

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

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

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

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

15 (a) The council may delegate to the executive director by
16 resolution all duties necessary to efficiently carry on the business
17 of the council. Approval by a majority vote of the council is
18 required for any decisions regarding employment of the executive
19 director.

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

22 (c) Employment of the executive director terminates after a term
23 of three years. At the end of a term, the council may consider hiring
24 the executive director for an additional three-year term or an
25 extension of a specified period less than three years. The council
26 may fix the compensation of the executive director.

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

30 (3) In conducting its business, the council shall solicit input
31 and participation from stakeholders interested in reducing
32 recidivism, promoting public safety, and improving community
33 conditions for people reentering the community from incarceration.
34 The council shall consult: The two largest caucuses in the house of
35 representatives; the two largest caucuses in the senate; the
36 governor; local governments; educators; mental health and substance
37 abuse providers; behavioral health organizations; managed care
38 organizations; city and county jails; the department of corrections;
39 specialty courts; persons with expertise in evidence-based and

1 research-based reentry practices; and persons with criminal histories
2 and their families.

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

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

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

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

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

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

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

23 (a) A determination of the extent to which funds expended by the
24 council or provided in biennial budget acts expressly for
25 implementing the duties of the council have contributed toward
26 reducing recidivism in Washington;

27 (b) A determination of the efficiency and effectiveness of the
28 council, based upon the achievement of the objectives and benchmarks
29 established by this chapter and any applicable biennial budget acts;
30 and

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

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

35 NEW SECTION. **Sec. 10.** (1) Subject to the availability of
36 amounts appropriated for this specific purpose, the Washington state

1 institute for public policy shall conduct a meta-analysis on the
2 effectiveness of programs aimed at assisting offenders with
3 reentering the community after incarceration. The study must include
4 a review and update of the literature on reentry programs in
5 Washington and across the country. The institute shall report on the
6 types of programs demonstrated to be effective in reducing recidivism
7 among the general offender population. The institute shall report
8 results to the governor, appropriate committees of the legislature,
9 and the Washington statewide reentry council no later than June 1,
10 2017.

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

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

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

16 (a) The members of the legislature or to any employee of, or
17 position in, the legislative branch of the state government including
18 members, officers, and employees of the legislative council, joint
19 legislative audit and review committee, statute law committee, and
20 any interim committee of the legislature;

21 (b) The justices of the supreme court, judges of the court of
22 appeals, judges of the superior courts or of the inferior courts, or
23 to any employee of, or position in the judicial branch of state
24 government;

25 (c) Officers, academic personnel, and employees of technical
26 colleges;

27 (d) The officers of the Washington state patrol;

28 (e) Elective officers of the state;

29 (f) The chief executive officer of each agency;

30 (g) In the departments of employment security and social and
31 health services, the director and the director's confidential
32 secretary; in all other departments, the executive head of which is
33 an individual appointed by the governor, the director, his or her
34 confidential secretary, and his or her statutory assistant directors;

35 (h) In the case of a multimember board, commission, or committee,
36 whether the members thereof are elected, appointed by the governor or
37 other authority, serve ex officio, or are otherwise chosen:

38 (i) All members of such boards, commissions, or committees;

1 (ii) If the members of the board, commission, or committee serve
2 on a part-time basis and there is a statutory executive officer: The
3 secretary of the board, commission, or committee; the chief executive
4 officer of the board, commission, or committee; and the confidential
5 secretary of the chief executive officer of the board, commission, or
6 committee;

7 (iii) If the members of the board, commission, or committee serve
8 on a full-time basis: The chief executive officer or administrative
9 officer as designated by the board, commission, or committee; and a
10 confidential secretary to the chair of the board, commission, or
11 committee;

12 (iv) If all members of the board, commission, or committee serve
13 ex officio: The chief executive officer; and the confidential
14 secretary of such chief executive officer;

15 (i) The confidential secretaries and administrative assistants in
16 the immediate offices of the elective officers of the state;

17 (j) Assistant attorneys general;

18 (k) Commissioned and enlisted personnel in the military service
19 of the state;

20 (l) Inmate, student, part-time, or temporary employees, and part-
21 time professional consultants, as defined by the Washington personnel
22 resources board;

23 (m) Officers and employees of the Washington state fruit
24 commission;

25 (n) Officers and employees of the Washington apple commission;

26 (o) Officers and employees of the Washington state dairy products
27 commission;

28 (p) Officers and employees of the Washington tree fruit research
29 commission;

30 (q) Officers and employees of the Washington state beef
31 commission;

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

33 (s) Officers and employees of any commission formed under chapter
34 15.66 RCW;

35 (t) Officers and employees of agricultural commissions formed
36 under chapter 15.65 RCW;

37 (u) Executive assistants for personnel administration and labor
38 relations in all state agencies employing such executive assistants
39 including but not limited to all departments, offices, commissions,
40 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law
2 inconsistent herewith unless specific exception is made in such law;

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

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

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

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

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

16 (aa) Officers and employees of the consolidated technology
17 services agency created in RCW 43.105.006 that perform the following
18 functions or duties: Systems integration; data center engineering and
19 management; network systems engineering and management; information
20 technology contracting; information technology customer relations
21 management; and network and systems security;

22 (bb) The executive director of the Washington statewide reentry
23 council.

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

27 (a) Members of the governing board of each institution of higher
28 education and related boards, all presidents, vice presidents, and
29 their confidential secretaries, administrative, and personal
30 assistants; deans, directors, and chairs; academic personnel; and
31 executive heads of major administrative or academic divisions
32 employed by institutions of higher education; principal assistants to
33 executive heads of major administrative or academic divisions; other
34 managerial or professional employees in an institution or related
35 board having substantial responsibility for directing or controlling
36 program operations and accountable for allocation of resources and
37 program results, or for the formulation of institutional policy, or
38 for carrying out personnel administration or labor relations
39 functions, legislative relations, public information, development,
40 senior computer systems and network programming, or internal audits

1 and investigations; and any employee of a community college district
2 whose place of work is one which is physically located outside the
3 state of Washington and who is employed pursuant to RCW 28B.50.092
4 and assigned to an educational program operating outside of the state
5 of Washington;

6 (b) The governing board of each institution, and related boards,
7 may also exempt from this chapter classifications involving research
8 activities, counseling of students, extension or continuing education
9 activities, graphic arts or publications activities requiring
10 prescribed academic preparation or special training as determined by
11 the board: PROVIDED, That no nonacademic employee engaged in office,
12 clerical, maintenance, or food and trade services may be exempted by
13 the board under this provision;

14 (c) Printing craft employees in the department of printing at the
15 University of Washington.

16 (3) In addition to the exemptions specifically provided by this
17 chapter, the director may provide for further exemptions pursuant to
18 the following procedures. The governor or other appropriate elected
19 official may submit requests for exemption to the office of financial
20 management stating the reasons for requesting such exemptions. The
21 director shall hold a public hearing, after proper notice, on
22 requests submitted pursuant to this subsection. If the director
23 determines that the position for which exemption is requested is one
24 involving substantial responsibility for the formulation of basic
25 agency or executive policy or one involving directing and controlling
26 program operations of an agency or a major administrative division
27 thereof, or is a senior expert in enterprise information technology
28 infrastructure, engineering, or systems, the director shall grant the
29 request. The total number of additional exemptions permitted under
30 this subsection shall not exceed one percent of the number of
31 employees in the classified service not including employees of
32 institutions of higher education and related boards for those
33 agencies not directly under the authority of any elected public
34 official other than the governor, and shall not exceed a total of
35 twenty-five for all agencies under the authority of elected public
36 officials other than the governor.

37 The salary and fringe benefits of all positions presently or
38 hereafter exempted except for the chief executive officer of each
39 agency, full-time members of boards and commissions, administrative
40 assistants and confidential secretaries in the immediate office of an

1 elected state official, and the personnel listed in subsections
2 (1)(j) through (t) and (2) of this section, shall be determined by
3 the director. Changes to the classification plan affecting exempt
4 salaries must meet the same provisions for classified salary
5 increases resulting from adjustments to the classification plan as
6 outlined in RCW 41.06.152.

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

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

18 (a) The salary increase can be paid within existing resources;

19 (b) The salary increase will not adversely impact the provision
20 of client services; and

21 (c) For any state agency of the executive branch, not including
22 institutions of higher education, the salary increase is approved by
23 the director of the office of financial management.

24 Any agency granting a salary increase from February 15, 2010,
25 through June 30, 2011, to a position exempt from classification under
26 this chapter shall submit a report to the fiscal committees of the
27 legislature no later than July 31, 2011, detailing the positions for
28 which salary increases were granted, the size of the increases, and
29 the reasons for giving the increases.

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

37 Any person holding a classified position subject to the
38 provisions of this chapter shall, when and if such position is
39 subsequently exempted from the application of this chapter, be
40 afforded the following rights: If such person previously held

1 permanent status in another classified position, such person shall
2 have a right of reversion to the highest class of position previously
3 held, or to a position of similar nature and salary.

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

8 A person occupying an exempt position who is terminated from the
9 position for gross misconduct or malfeasance does not have the right
10 of reversion to a classified position as provided for in this
11 section.

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

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

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

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23 On page 1, line 1 of the title, after "council;" strike the
24 remainder of the title and insert "reenacting and amending RCW
25 41.06.070; adding a new chapter to Title 43 RCW; creating a new
26 section; and providing an expiration date."

EFFECT: Creation of council, employment of executive director,
and Washington institute for public policy study subject to
appropriation. Specific dates for council activities removed.

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