

2SHB 1733 - H AMD 324

By Representative Conway

WITHDRAWN 3/13/2007

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

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

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

6 (1) "Community facility" means a group care facility operated
7 for the care of juveniles committed to the department under RCW
8 13.40.185. A county detention facility that houses juveniles
9 committed to the department under RCW 13.40.185 pursuant to a
10 contract with the department is not a community facility.

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

12 (3) "Equitable distribution" or "distribute equitably" means
13 siting or locating community facilities in a manner that reasonably
14 reflects the proportion of juveniles sentenced to the department
15 from each county or rural multicounty geographic area designated by
16 the department, and, to the extent practicable, the proportion of
17 such juveniles residing in particular jurisdictions or communities
18 within such counties or geographic areas. Equitable distribution is
19 a policy goal, not a basis for any legal challenge to the siting,
20 construction, occupancy, or operation of any facility anywhere in
21 the state.

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

25 ~~((4))~~ (5) "Service provider" means the entity that operates
26 a community facility.

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

29 (1) The department shall prepare a projected list of counties
30 and rural multicounty geographic areas in which community

1 facilities need to be sited during the fiscal year beginning July
2 1, 2007, and every biennium thereafter starting with the biennium
3 beginning July 1, 2008, and transmit the list to the office of
4 financial management and the counties on the list. The list may be
5 updated as needed. In preparing the list, the department shall make
6 substantial efforts to provide for the equitable distribution of
7 community facilities among counties. The department shall give
8 great weight to the following factors in determining equitable distribution:

9 (a) The locations of existing community facilities owned or
10 operated by, or operated under contract with, the department in
11 each county;

12 (b) The number and proportion of juvenile offenders committed
13 to the department residing in the county or rural multicounty
14 geographic area; and

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

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

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

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

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

25 (b) Prior to finalizing the list of projected community
26 facilities required under subsection (1) of this section, the
27 department shall consult with the county legislative authorities of
28 each county identified on the list and the largest city within each
29 county on the list. The department shall also hold at least one
30 public hearing within each such county or rural multicounty
31 geographic area, including, if known, the affected part of the county.

32 (3) The department shall submit, along with the list required
33 under subsection (1) of this section, the operational requirements
34 for the facilities on the list to the office of financial
35 management and the counties on the list.

36 (4) To carry out the purposes of subsection (1) of this
37 section, the department shall, no later than July 1, 2007, develop
38 a map of the state that identifies the locations of existing
39 facilities and the counties or rural multicounty geographic areas

1 needing projected facilities identified in subsection (1) of this
2 section during the biennium. The department shall update the map at
3 least once per biennium. The department shall also maintain data on
4 the number and proportion of juvenile offenders identified in
5 subsection (1)(b) and (c) of this section and shall biennially
6 publish a report including the most recent version of the map and
7 offender data for the counties and rural multicounty geographic areas.

8 (5) A county, and any county designated by the department
9 within a rural multicounty geographic area, that is included on the
10 list required under subsection (1) of this section planning under
11 RCW 36.70A.040 shall, in cooperation with its cities, allow the
12 siting of each projected community facility on the list within the
13 county using its process for siting essential public facilities
14 under RCW 36.70A.200 and section 8 of this act. The process shall
15 allow the siting of a facility within twelve months of receiving
16 notice that the county has been included on the list.

17 (6) A county, and any county designated by the department
18 within a rural multicounty geographic area, that is included on the
19 list required under subsection (1) of this section not planning
20 under RCW 36.70A.040 shall, in cooperation with its cities, allow
21 the siting of each projected community facility on the list within
22 the county using the procedures established in section 9 of this
23 act. The process shall allow the siting of a facility within twelve
24 months of receiving notice that the county or city has been
25 included on the list.

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

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

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

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

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

9 (b) When the secretary or service provider has determined the
10 community facility's location, the secretary or the chief operating
11 officer of the service provider shall hold at least one additional
12 public hearing in the community where the community facility will
13 be sited.

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

17 (d) To provide adequate notice of ~~((7))~~ and opportunity for
18 interested persons to comment on ~~((7))~~ a proposed location, the
19 secretary or the chief operating officer of the service provider
20 shall make a good faith effort to provide at least fourteen days'
21 advance notice of the ~~((meeting to))~~ public hearings to at least
22 the following:

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

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

26 (iii) All newspapers of general circulation in the
27 ~~((community,))~~ local area and all radio stations and television
28 stations generally available to persons in the community ~~((7))~~ where
29 the potential site is located;

30 (iv) Any school district, private school, or kindergarten in
31 which the community facility would be sited or whose boundary is
32 within two miles of a proposed community facility, any institution
33 of higher education, any library district ~~((in which the community~~
34 facility would be sited, local business or fraternal organizations
35 that request notification from the secretary or agency, and any
36 person or property owner within a one-half mile radius of the
37 proposed community facility)), and all other local government
38 offices within a one-half mile radius of the proposed site or sites;

39 (v) The local chamber of commerce, local economic development

1 agencies, and any other local organizations that request such
2 notification from the department; and

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

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

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

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

26 (~~(+3)~~) (6) The secretary shall not issue a license to any
27 service provider until the service provider submits proof that the
28 requirements of this section have been met.

29 (~~(+4)~~) (7) If local government land use regulations require
30 that a special use or conditional use permit be submitted and
31 approved before a community facility can be sited, and the process
32 for obtaining the permit includes public notice and hearing
33 requirements similar to those required under this section, the
34 requirements of this section shall not apply to the extent they
35 would duplicate requirements under the local land use regulations.

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

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

3 As used in this chapter, the following terms shall have the
4 following meanings:

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

6 (2) "Equitable distribution" or "distribute equitably" means
7 siting or locating work release facilities in a manner that
8 reasonably reflects the proportion of offenders sentenced to the
9 custody or supervision of the department by the courts of each
10 county or rural multicounty geographic area designated by the
11 department, and, to the extent practicable, the proportion of such
12 offenders residing in particular jurisdictions or communities
13 within such counties or rural multicounty geographic areas.
14 Equitable distribution is a policy goal, not a basis for any legal
15 challenge to the siting, construction, occupancy, or operation of
16 any facility anywhere in the state.

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

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

22 (~~((+3))~~) (5) "State correctional institutions" shall mean and
23 include all state adult correctional facilities established
24 pursuant to law under the jurisdiction of the department for the
25 treatment of convicted felons sentenced to a term of confinement.

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

30 (~~((+5))~~) (6) "Superintendent" (~~((shall))~~) means the superintendent of
31 a state correctional institution, camp or other facility now or
32 hereafter established under the jurisdiction of the department
33 pursuant to law.

34
35 NEW SECTION. **Sec. 5** A new section is added to chapter 72.65
36 RCW to read as follows:

37 (1) The department shall prepare a projected list of counties
38 and rural multicounty geographic areas in which work release
39 facilities need to be sited during the fiscal year beginning July

1 1, 2007, and every biennium thereafter starting with the biennium
2 beginning July 1, 2008, and transmit the list to the office of
3 financial management and the counties on the list. The list may be
4 updated as needed. In preparing the list, the department shall make
5 substantial efforts to provide for the equitable distribution of
6 work release facilities among counties. The department shall give
7 great weight to the following factors in determining equitable distribution:

8 (a) The locations of existing residential facilities owned or
9 operated by, or operated under contract with, the department in
10 each county;

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

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

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

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

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

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

24 (b) Prior to finalizing the list of projected work release
25 facilities required under subsection (1) of this section, the
26 department shall consult with the county legislative authorities of
27 each county identified on the list and the largest city within each
28 county identified on the list. The department also shall hold at
29 least one public hearing within each such county or rural
30 multicounty geographic area, including, if known, the affected part
31 of the county or rural multicounty geographic area.

32 (3) The department shall submit, along with the list required
33 under subsection (1) of this section, the operational requirements
34 for the facilities on the list to the office of financial
35 management and the counties on the list.

36 (4) To carry out the purposes of subsection (1) of this
37 section, the department shall, no later than July 1, 2007, develop
38 a map of the state that identifies the locations of existing
39 facilities and the counties or rural multicounty geographic areas

1 needing projected facilities identified in subsection (1) of this
2 section during the biennium. The department shall update the map at
3 least once per biennium. The department shall also maintain data on
4 the number and proportion of offenders identified in subsection
5 (1)(b) and (c) of this section and shall biennially publish a
6 report including the most recent version of the map and offender
7 data for the counties and rural multicounty geographic areas.

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

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

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

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

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

31 (2) The department and other state agencies responsible for
32 siting department-owned, operated, or contracted facilities shall
33 establish a process for early and continuous public participation
34 in establishing or relocating work release or other community-based
35 facilities. This process shall include public meetings in the local
36 communities affected, opportunities for written and oral comments,
37 and wide dissemination of proposals and alternatives, including at
38 least the following:

1 (a) When the department or a private or public entity under
2 contract with the department has selected three or fewer sites for
3 final consideration of a department-owned, operated, or contracted
4 work release or other community-based facility, the department or
5 contracting organization shall make public notification and conduct
6 at least two public hearings in each of the local communities (~~of~~
7 ~~the final three or fewer proposed sites~~) where such a facility may
8 be sited at least forty-five days before a final selection is made.
9 An additional public hearing after public notification shall also
10 be conducted in the local community selected as the final proposed
11 site.

12 (b) (~~Notifications required under this section shall~~
13 ~~be provided to~~) To provide adequate notice of and opportunity for
14 interested persons to comment on a proposed location, the
15 department or contracting entity shall make a good faith effort to
16 provide at least fourteen days' advance notice of the public
17 hearings to at least the following:

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

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

21 (iii) All newspapers of general circulation in the local area
22 and all (~~local~~) radio stations(~~(7)~~) and television stations(~~(7~~
23 and cable networks) generally available to persons in the
24 community where the potential site is located;

25 (~~(ii)~~) (iv) Appropriate school districts, private schools,
26 kindergartens, institutions of higher education, city and county
27 libraries, and all other local government offices within a one-half
28 mile radius of the proposed site or sites;

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

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

35 (3) The notice required under subsection (2) of this section
36 must also inform the public that any interested person or entity,
37 including a local government entity, is invited to submit written
38 comments regarding a proposed location, including comments
39 regarding whether the site meets the equitable distribution and

1 other statutory requirements for the facility. Written comments
2 must be submitted not later than thirty days following the date
3 notice is issued pursuant to subsection (2) of this section.

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

10 (5) When the department contracts for the operation of a work
11 release or other community-based facility that is not owned or
12 operated by the department, the department shall require as part of
13 its contract that the contracting entity comply with all the public
14 notification and public hearing requirements as provided in this
15 section for each located and relocated work release or other
16 community-based facility.

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

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

26 (1) The comprehensive plan of each county and city that is
27 planning under RCW 36.70A.040 shall include a process for
28 identifying and siting essential public facilities. Essential
29 public facilities include those facilities that are typically
30 difficult to site, such as airports, state education facilities and
31 state or regional transportation facilities as defined in RCW
32 47.06.140, state and local correctional facilities, solid waste
33 handling facilities, and in-patient facilities including substance
34 abuse facilities, mental health facilities, group homes, and secure
35 community transition facilities as defined in RCW 71.09.020.

36 (2) Each county and city planning under RCW 36.70A.040 shall,
37 not later than September 1, 2002, establish a process, or amend its
38 existing process, for identifying and siting essential public

1 facilities and adopt or amend its development regulations as
2 necessary to provide for the siting of secure community transition
3 facilities consistent with statutory requirements applicable to
4 these facilities.

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

11 (4) Within twelve months of receiving notice that the county
12 has been included on the list of projected potential sites for a
13 work release facility or community facility for juvenile offenders,
14 each county, in cooperation with the cities located in whole or in
15 part within the county, and each city planning under RCW 36.70A.040
16 shall, when it next amends its comprehensive plan, but in no case
17 later than the deadline specified in RCW 36.70A.130, establish a
18 process, or amend its existing process, for identifying and siting
19 essential public facilities, and adopt or amend its development
20 regulations as necessary to provide for the siting of community
21 facilities as defined in RCW 72.05.020 and work release and other
22 facilities operated by or under contract with the department of
23 corrections. When siting a community facility under chapter 72.05
24 RCW or a work release facility under chapter 72.65 RCW, a county or
25 city shall follow, in addition to requirements of the process for
26 siting essential public facilities established under this section,
27 the requirements established in section 8 of this act.

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

34 ((+5)) (6) No local comprehensive plan or development
35 regulation may preclude the siting of essential public facilities.

36 ((+6)) (7) No person may bring a cause of action for civil
37 damages based on the good faith actions of any county or city to
38 provide for the siting of secure community transition facilities in
39 accordance with this section and with the requirements of chapter

1 12, Laws of 2001 2nd sp. sess. For purposes of this subsection,
2 "person" includes, but is not limited to, any individual, agency as
3 defined in RCW 42.17.020, corporation, partnership, association,
4 and limited liability entity.

5 ~~((7))~~ (8) Counties or cities siting facilities pursuant to
6 subsection (2) or (3) of this section shall comply with RCW 71.09.341.

7 ~~((8))~~ (9) The failure of a county or city to act by the
8 deadlines established in subsections (2) and (3) of this section is
9 not:

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

12 (b) A consideration for grants or loans provided under RCW
13 43.17.250(2); or

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

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

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

21 (a) Involve the department of social and health services in
22 the siting process;

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

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

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

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

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

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

1 (3)(a) As part of the permitting process for a community
2 facility under chapter 72.05 RCW, a county or city may not impose
3 upon the department of social and health services any requirements
4 beyond the operational requirements established under section 2(3)
5 of this act and the facility criteria established under section
6 2(7) of this act.

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

12 (4) If the department of social and health services adheres to
13 all responsibilities in section 2 of this act and RCW 72.05.400,
14 and the department of corrections adheres to all responsibilities
15 in RCW 72.65.010 and section 5 of this act, any conditional use
16 permit, special use permit, or any other development application
17 process necessary to site a community facility or work release
18 facility may not exceed one hundred twenty days after submittal of
19 a full and complete application, and must include an appeal
20 process.

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

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

26 (a) Involve the department of social and health services in
27 the siting process;

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

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

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

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

38 (b) Make a substantial effort to provide for the equitable

1 distribution of work release facilities by giving great weight to
2 the factors in section 5(1) (a) through (c) of this act; and

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

6 (3)(a) As part of the permitting process for a community
7 facility under chapter 72.05 RCW, a county or city may not impose
8 upon the department of social and health services any requirements
9 beyond the operational requirements established under section 2(3)
10 of this act and the facility criteria established under section
11 2(7) of this act.

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

17 (4) If the department of social and health services adheres to
18 all responsibilities in section 2 of this act and RCW 72.05.400,
19 and the department of corrections adheres to all responsibilities
20 in RCW 72.65.010 and section 5 of this act, any conditional use
21 permit, special use permit, or any other development application
22 process necessary to site a community facility or work release
23 facility may not exceed one hundred twenty days after submittal of
24 a full and complete application, and must include an appeal
25 process.

26 NEW SECTION. **Sec. 10** A new section is added to chapter
27 36.70A RCW to read as follows:

28 (1) After twelve months have passed since the city or county
29 receives notice that the county has been included on the list of
30 projected potential sites for a work release facility or community
31 facility for juvenile offenders, and the county and cities within
32 have failed to establish a process for siting a work release
33 facility or community facility for juvenile offenders,
34 notwithstanding RCW 36.70A.103 or any other law, this section
35 preempts and supersedes local plans, development regulations,
36 permitting requirements, inspection requirements, and all other
37 laws as necessary to enable the department of corrections to site,
38 construct, renovate, occupy, and operate a work release facility or

1 to enable the department of social and health services to operate
2 a community facility for juvenile offenders within the county.

3 (2) The department of corrections or department of social and
4 health services determinations under subsection (1) of this section
5 are final and are not subject to appeal under chapter 34.05 RCW or
6 this chapter.

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

9 (a) Siting a work release or community facility for juvenile
10 offenders in a city or county that has complied with the
11 requirements of RCW 36.70A.200 with respect to these facilities,
12 including a city that is located within a county that has been
13 preempted. If the department sites a work release facility or
14 community facility for juvenile offenders in such a city or county,
15 the department shall use the process established by the city or
16 county for siting such facilities; or

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

20 NEW SECTION. **Sec. 11** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 12** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and
27 takes effect immediately."

28 Correct the title.

EFFECT:

Removes all changes in the second substitute bill and replaces it
with the language in the substitute bill that was reported out of
the Human Services Committee.

Requires the development of biennial lists of counties and rural
multi-county geographic areas in which juvenile facilities or adult

work release facilities may be sited.

Requires the Department of Social and Health Services and the Department of Corrections to make substantial efforts to provide for the equitable distribution of juvenile facilities or adult work release facilities when developing the lists.

Establishes public notice and hearing requirements for siting juvenile facilities or adult work release facilities.

Requires local governments to develop processes and development regulations necessary to provide for the siting of juvenile facilities and adult work release facilities, and imposes requirements on local governments relating to the siting process.

Allows the state to preempt local government if they fail to create a process to site the juvenile facilities or work release facilities.