
SECOND SUBSTITUTE HOUSE BILL 2791

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) The Washington statewide reentry
7 council is created and located within the department for the purpose
8 of promoting successful reentry of offenders after incarceration.

9 (2) Through the executive director appointed by the council, the
10 department shall administer the council by:

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

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

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

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

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

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

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

31 (iii) Two other community leaders.

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

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

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

1 (b) The gender of applicants in order for the membership to
2 reflect the gender diversity of all those who are incarcerated in the
3 state;

4 (c) The geographic location of all applicants in order for the
5 membership to represent the different geographic regions of the
6 state; and

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

9 NEW SECTION. **Sec. 5.** (1) The governor shall make initial
10 appointments to the council no later than June 30, 2016. Initial
11 appointments are for staggered terms from the date of appointment
12 according to the following: Four members have four-year terms; four
13 members have three year terms; and five members have two-year terms.
14 The governor shall designate the appointees who will serve the
15 staggered terms.

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

27 (3) By December 1, 2016, the council shall create a selection
28 committee to recruit, review, and recommend future members. Prior to
29 thirty days before the expiration of a term or within sixty days of a
30 vacancy due to death, resignation, or removal, the selection
31 committee shall submit a recommendation of possible appointees. The
32 governor shall consider the recommendations of the committee when
33 making appointments.

34 (4) The council shall elect cochairs from among its membership.
35 Cochairs are elected for two-year terms from the date of election.
36 Any former or current cochair may be reelected for an additional
37 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) The council shall select an executive director to administer
26 the business of the council.

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

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

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

39 (d) The executive director shall reside in and be funded by the
40 department.

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

13 (4) The council shall submit to the governor and appropriate
14 committees of the legislature a preliminary report no later than
15 December 1, 2016, and a full report by December 1st every two years
16 thereafter.

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

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

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

27 (3) The council must convene its first meeting no later than
28 August 1, 2016. The council must meet at least twice during the 2016
29 calendar year and at least four times during each subsequent year.

30 NEW SECTION. **Sec. 9.** (1) The joint legislative audit and review
31 committee shall conduct a performance audit of the council every six
32 years, with the first audit to be completed by November 1, 2022.

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

34 (a) A determination of the extent to which funds expended by the
35 council or provided in biennial budget acts expressly for
36 implementing the duties of the council have contributed toward
37 reducing recidivism in Washington;

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

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

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

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

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

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

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

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

29 (b) The justices of the supreme court, judges of the court of
30 appeals, judges of the superior courts or of the inferior courts, or
31 to any employee of, or position in the judicial branch of state
32 government;

33 (c) Officers, academic personnel, and employees of technical
34 colleges;

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

36 (e) Elective officers of the state;

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

1 (g) In the departments of employment security and social and
2 health services, the director and the director's confidential
3 secretary; in all other departments, the executive head of which is
4 an individual appointed by the governor, the director, his or her
5 confidential secretary, and his or her statutory assistant directors;

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

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

10 (ii) If the members of the board, commission, or committee serve
11 on a part-time basis and there is a statutory executive officer: The
12 secretary of the board, commission, or committee; the chief executive
13 officer of the board, commission, or committee; and the confidential
14 secretary of the chief executive officer of the board, commission, or
15 committee;

16 (iii) If the members of the board, commission, or committee serve
17 on a full-time basis: The chief executive officer or administrative
18 officer as designated by the board, commission, or committee; and a
19 confidential secretary to the chair of the board, commission, or
20 committee;

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

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

26 (j) Assistant attorneys general;

27 (k) Commissioned and enlisted personnel in the military service
28 of the state;

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

32 (m) Officers and employees of the Washington state fruit
33 commission;

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

35 (o) Officers and employees of the Washington state dairy products
36 commission;

37 (p) Officers and employees of the Washington tree fruit research
38 commission;

39 (q) Officers and employees of the Washington state beef
40 commission;

1 (r) Officers and employees of the Washington grain commission;
2 (s) Officers and employees of any commission formed under chapter
3 15.66 RCW;
4 (t) Officers and employees of agricultural commissions formed
5 under chapter 15.65 RCW;
6 (u) Executive assistants for personnel administration and labor
7 relations in all state agencies employing such executive assistants
8 including but not limited to all departments, offices, commissions,
9 committees, boards, or other bodies subject to the provisions of this
10 chapter and this subsection shall prevail over any provision of law
11 inconsistent herewith unless specific exception is made in such law;
12 (v) In each agency with fifty or more employees: Deputy agency
13 heads, assistant directors or division directors, and not more than
14 three principal policy assistants who report directly to the agency
15 head or deputy agency heads;
16 (w) Staff employed by the department of commerce to administer
17 energy policy functions;
18 (x) The manager of the energy facility site evaluation council;
19 (y) A maximum of ten staff employed by the department of commerce
20 to administer innovation and policy functions, including the three
21 principal policy assistants exempted under (v) of this subsection;
22 (z) Staff employed by Washington State University to administer
23 energy education, applied research, and technology transfer programs
24 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);
25 (aa) Officers and employees of the consolidated technology
26 services agency created in RCW 43.105.006 that perform the following
27 functions or duties: Systems integration; data center engineering and
28 management; network systems engineering and management; information
29 technology contracting; information technology customer relations
30 management; and network and systems security;
31 (bb) The executive director of the Washington statewide reentry
32 council.

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

36 (a) Members of the governing board of each institution of higher
37 education and related boards, all presidents, vice presidents, and
38 their confidential secretaries, administrative, and personal
39 assistants; deans, directors, and chairs; academic personnel; and
40 executive heads of major administrative or academic divisions

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

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

23 (c) Printing craft employees in the department of printing at the
24 University of Washington.

25 (3) In addition to the exemptions specifically provided by this
26 chapter, the director may provide for further exemptions pursuant to
27 the following procedures. The governor or other appropriate elected
28 official may submit requests for exemption to the office of financial
29 management stating the reasons for requesting such exemptions. The
30 director shall hold a public hearing, after proper notice, on
31 requests submitted pursuant to this subsection. If the director
32 determines that the position for which exemption is requested is one
33 involving substantial responsibility for the formulation of basic
34 agency or executive policy or one involving directing and controlling
35 program operations of an agency or a major administrative division
36 thereof, or is a senior expert in enterprise information technology
37 infrastructure, engineering, or systems, the director shall grant the
38 request. The total number of additional exemptions permitted under
39 this subsection shall not exceed one percent of the number of
40 employees in the classified service not including employees of

1 institutions of higher education and related boards for those
2 agencies not directly under the authority of any elected public
3 official other than the governor, and shall not exceed a total of
4 twenty-five for all agencies under the authority of elected public
5 officials other than the governor.

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

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

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

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

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

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

33 Any agency granting a salary increase from February 15, 2010,
34 through June 30, 2011, to a position exempt from classification under
35 this chapter shall submit a report to the fiscal committees of the
36 legislature no later than July 31, 2011, detailing the positions for
37 which salary increases were granted, the size of the increases, and
38 the reasons for giving the increases.

39 Any agency granting a salary increase from July 1, 2011, through
40 June 30, 2013, to a position exempt from classification under this

1 chapter shall submit a report to the fiscal committees of the
2 legislature by July 31, 2012, and July 31, 2013, detailing the
3 positions for which salary increases were granted during the
4 preceding fiscal year, the size of the increases, and the reasons for
5 giving the increases.

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

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

17 A person occupying an exempt position who is terminated from the
18 position for gross misconduct or malfeasance does not have the right
19 of reversion to a classified position as provided for in this
20 section.

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

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

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

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