
HOUSE BILL 2791

State of Washington 64th Legislature 2016 Regular Session

By Representatives Pettigrew, Goodman, Moscoso, Senn, Frame,
Stanford, Santos, and Walkinshaw

Read first time 01/20/16. Referred to Committee on Public Safety.

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) The department shall administer the council by:

10 (a) Providing administrative staff support;

11 (b) Providing the council and its staff use of the department's
12 facilities; and

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

15 NEW SECTION. **Sec. 4.** (1) The council comprises thirteen members
16 appointed by the governor.

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

18 (a)(i) Representatives of: The department of corrections; a
19 statewide organization representing law enforcement interests; a
20 statewide organization representing the interests of crime victims; a
21 statewide organization representing prosecutors; a statewide
22 organization representing public defenders; a statewide or local
23 organization representing businesses and employers; housing
24 providers; and faith-based organizations or communities;

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

27 (iii) Two other community leaders.

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

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

32 (a) The racial and ethnic background of applicants in order for
33 the appointed membership to reflect the disproportionate impact of
34 incarceration on minority groups in the state;

35 (b) The gender of applicants in order for the membership to
36 reflect the gender diversity of the state;

1 (c) The geographic location of applicants in order for the
2 membership to represent different geographic regions of the state;
3 and

4 (d) The experiences and background of applicants relating to the
5 incarcerated population.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (2) The council shall select an executive director to administer
23 the business of the council.

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

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

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

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

38 (3) In conducting its business, the council shall solicit input
39 and participation from stakeholders interested in reducing
40 recidivism, promoting public safety, and improving community

1 conditions for people reentering the community from incarceration.
2 The council shall consult: The two largest caucuses in the house of
3 representatives; the two largest caucuses in the senate; the
4 governor; local governments; educators; mental health and substance
5 abuse providers; behavioral health organizations; managed care
6 organizations; city and county jails; the department of corrections;
7 specialty courts; persons with expertise in evidence-based and
8 research-based reentry practices; and persons with criminal histories
9 and their families.

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

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

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

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

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

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

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

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

35 (b) A determination of the efficiency and effectiveness of the
36 council, based upon the achievement of the objectives and benchmarks

1 established by this chapter and any applicable biennial budget acts;
2 and

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

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

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

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

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

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

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

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

31 (c) Officers, academic personnel, and employees of technical
32 colleges;

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

34 (e) Elective officers of the state;

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

36 (g) In the departments of employment security and social and
37 health services, the director and the director's confidential
38 secretary; in all other departments, the executive head of which is

1 an individual appointed by the governor, the director, his or her
2 confidential secretary, and his or her statutory assistant directors;

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

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

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

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

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

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

23 (j) Assistant attorneys general;

24 (k) Commissioned and enlisted personnel in the military service
25 of the state;

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

29 (m) Officers and employees of the Washington state fruit
30 commission;

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

32 (o) Officers and employees of the Washington state dairy products
33 commission;

34 (p) Officers and employees of the Washington tree fruit research
35 commission;

36 (q) Officers and employees of the Washington state beef
37 commission;

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

39 (s) Officers and employees of any commission formed under chapter
40 15.66 RCW;

1 (t) Officers and employees of agricultural commissions formed
2 under chapter 15.65 RCW;

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

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

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

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

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

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

22 (aa) Officers and employees of the consolidated technology
23 services agency created in RCW 43.105.006 that perform the following
24 functions or duties: Systems integration; data center engineering and
25 management; network systems engineering and management; information
26 technology contracting; information technology customer relations
27 management; and network and systems security;

28 (bb) The executive director of the Washington statewide reentry
29 council.

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

33 (a) Members of the governing board of each institution of higher
34 education and related boards, all presidents, vice presidents, and
35 their confidential secretaries, administrative, and personal
36 assistants; deans, directors, and chairs; academic personnel; and
37 executive heads of major administrative or academic divisions
38 employed by institutions of higher education; principal assistants to
39 executive heads of major administrative or academic divisions; other
40 managerial or professional employees in an institution or related

1 board having substantial responsibility for directing or controlling
2 program operations and accountable for allocation of resources and
3 program results, or for the formulation of institutional policy, or
4 for carrying out personnel administration or labor relations
5 functions, legislative relations, public information, development,
6 senior computer systems and network programming, or internal audits
7 and investigations; and any employee of a community college district
8 whose place of work is one which is physically located outside the
9 state of Washington and who is employed pursuant to RCW 28B.50.092
10 and assigned to an educational program operating outside of the state
11 of Washington;

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

20 (c) Printing craft employees in the department of printing at the
21 University of Washington.

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

1 twenty-five for all agencies under the authority of elected public
2 officials other than the governor.

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

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

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

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

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

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

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

36 Any agency granting a salary increase from July 1, 2011, through
37 June 30, 2013, to a position exempt from classification under this
38 chapter shall submit a report to the fiscal committees of the
39 legislature by July 31, 2012, and July 31, 2013, detailing the
40 positions for which salary increases were granted during the

1 preceding fiscal year, the size of the increases, and the reasons for
2 giving the increases.

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

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

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

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

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

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

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