

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2640

66th Legislature
2020 Regular Session

Passed by the House March 9, 2020
Yeas 88 Nays 8

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2020
Yeas 31 Nays 15

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2640** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2640

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson, and Ryu

Read first time 01/16/20. Referred to Committee on Environment & Energy.

1 AN ACT Relating to clarifying that facilities that are operated
2 by a private entity in which persons are detained in custody under
3 process of law pending the outcome of legal proceedings are not
4 essential public facilities under the growth management act; amending
5 RCW 36.70A.200; creating a new section; and declaring an emergency.

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

7 **Sec. 1.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to
8 read as follows:

9 (1) (a) The comprehensive plan of each county and city that is
10 planning under RCW 36.70A.040 shall include a process for identifying
11 and siting essential public facilities. Essential public facilities
12 include those facilities that are typically difficult to site, such
13 as airports, state education facilities and state or regional
14 transportation facilities as defined in RCW 47.06.140, regional
15 transit authority facilities as defined in RCW 81.112.020, state and
16 local correctional facilities, solid waste handling facilities, and
17 inpatient facilities including substance abuse facilities, mental
18 health facilities, group homes, and secure community transition
19 facilities as defined in RCW 71.09.020.

20 (b) Unless a facility is expressly listed in (a) of this
21 subsection, essential public facilities do not include facilities

1 that are operated by a private entity in which persons are detained
2 in custody under process of law pending the outcome of legal
3 proceedings but are not used for punishment, correction, counseling,
4 or rehabilitation following the conviction of a criminal offense.
5 Facilities included under this subsection (1)(b) shall not include
6 facilities detaining persons under RCW 71.09.020 (6) or (15) or
7 chapter 10.77 or 71.05 RCW.

8 (2) Each county and city planning under RCW 36.70A.040 shall, not
9 later than September 1, 2002, establish a process, or amend its
10 existing process, for identifying and siting essential public
11 facilities and adopt or amend its development regulations as
12 necessary to provide for the siting of secure community transition
13 facilities consistent with statutory requirements applicable to these
14 facilities.

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

21 (4) The office of financial management shall maintain a list of
22 those essential state public facilities that are required or likely
23 to be built within the next six years. The office of financial
24 management may at any time add facilities to the list.

25 (5) No local comprehensive plan or development regulation may
26 preclude the siting of essential public facilities.

27 (6) No person may bring a cause of action for civil damages based
28 on the good faith actions of any county or city to provide for the
29 siting of secure community transition facilities in accordance with
30 this section and with the requirements of chapter 12, Laws of 2001
31 2nd sp. sess. For purposes of this subsection, "person" includes, but
32 is not limited to, any individual, agency as defined in RCW
33 42.17A.005, corporation, partnership, association, and limited
34 liability entity.

35 (7) Counties or cities siting facilities pursuant to subsection
36 (2) or (3) of this section shall comply with RCW 71.09.341.

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

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

1 (b) A consideration for grants or loans provided under RCW
2 43.17.250(3); or

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

5 NEW SECTION. **Sec. 2.** This act applies retroactively to land use
6 actions imposed prior to January 1, 2018, as well as prospectively.

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of
9 the state government and its existing public institutions, and takes
10 effect immediately.

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