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ENGROSSED SUBSTITUTE SENATE BILL 5258

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State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin and McAuliffe)

Read first time 02/20/95.

1 AN ACT Relating to clarifying, technical, and administrative  
2 revisions to community public health and safety networks; amending RCW  
3 70.190.010, 70.190.060, 70.190.080, 70.190.090, 70.190.130, and  
4 69.50.520; adding new sections to chapter 70.190 RCW; creating new  
5 sections; providing an effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** It is the intent of this act only to make  
8 minimal clarifying, technical, and administrative revisions to the laws  
9 concerning community public health and safety networks and to the  
10 related agencies responsible for implementation of the networks. This  
11 act is not intended to change the scope of the duties or  
12 responsibilities, nor to undermine the underlying policies, set forth  
13 in chapter 7, Laws of 1994 sp. sess.

14 **Sec. 2.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to read  
15 as follows:

16 Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

18 (1) "Assessment" has the same meaning as provided in RCW 43.70.010.

1 (2) "At-risk" children and youth are those who risk the significant  
2 loss of social, educational, or economic opportunities.

3 (3) "At-risk behaviors" means violent delinquent acts, teen  
4 substance abuse, teen pregnancy and male parentage, teen suicide  
5 attempts, dropping out of school, child abuse or neglect, and domestic  
6 violence. At-risk children and youth also include those who are  
7 victims of violence, abuse, neglect, and those who have been removed  
8 from the custody of their parents.

9 (4) "Community public health and safety networks" or "networks"  
10 means the organizations authorized under RCW 70.190.060.

11 (5) "Comprehensive plan" means a two-year plan that examines  
12 available resources and unmet needs for a county or multicounty area,  
13 barriers that limit the effective use of resources, and a plan to  
14 address these issues that is broadly supported.

15 ~~((+2))~~ (6) "Participating state agencies" means the office of the  
16 superintendent of public instruction, the department of social and  
17 health services, the department of health, the employment security  
18 department, the department of community, trade, and economic  
19 development, and such other departments as may be specifically  
20 designated by the governor.

21 ~~((+3))~~ (7) "Family policy council" or "council" means the  
22 superintendent of public instruction, the secretary of social and  
23 health services, the secretary of health, the commissioner of the  
24 employment security department, and the director of the department of  
25 community, trade, and economic development or their designees, one  
26 legislator from each caucus of the senate and house of representatives,  
27 and one representative of the governor.

28 ~~((+4))~~ (8) "Fiduciary interest" means (a) the right to  
29 compensation from a health, educational, social service, or justice  
30 system organization that receives public funds, or (b) budgetary or  
31 policy-making authority for an organization listed in (a) of this  
32 subsection. A person who acts solely in an advisory capacity and  
33 receives no compensation from a health, educational, social service, or  
34 justice system organization, and who has no budgetary or policy-making  
35 authority is deemed to have no fiduciary interest in the organization.

36 (9) "Outcome" or "outcome based" means defined and measurable  
37 outcomes ~~((and indicators that make it possible for communities))~~ used  
38 to evaluate progress in ~~((meeting their goals and whether systems are~~  
39 fulfilling their responsibilities)) reducing the rate of at-risk

1 children and youth through reducing risk factors and increasing  
2 protective factors.

3 ~~((5))~~ (10) "Matching funds" means an amount no less than twenty-  
4 five percent of ~~((the amount budgeted for a consortium's project. Up~~  
5 ~~to half of the consortium's))~~ funds from the violence reduction and  
6 drug enforcement account, created under RCW 69.50.520, appropriated for  
7 distribution by the council to the networks for plan implementation.  
8 The network's matching funds may be in-kind goods ((and)), services((-  
9 ~~Funding sources allowable for match include))~~, appropriate federal or  
10 local levy funds, private charitable funding, and other charitable  
11 giving. Basic education funds shall not be used as a match.

12 ~~((6) "Consortium" means a diverse group of individuals that~~  
13 ~~includes at least representatives of local service providers, service~~  
14 ~~recipients, local government administering or funding children or~~  
15 ~~family service programs, participating state agencies, school~~  
16 ~~districts, existing children's commissions, ethnic and racial minority~~  
17 ~~populations, and other interested persons organized for the purpose of~~  
18 ~~designing and providing collaborative and coordinated services under~~  
19 ~~this chapter. Consortiums shall represent a county, multicounty, or~~  
20 ~~municipal service area. In addition, consortiums may represent Indian~~  
21 ~~tribes applying either individually or collectively.))~~

22 (11) "Policy development" has the same meaning as provided in RCW  
23 43.70.010.

24 (12) "Protective factors" means those factors determined by the  
25 department of health to be empirically associated with behaviors that  
26 contribute to socially acceptable and healthy nonviolent behaviors.  
27 Protective factors include promulgation, identification, and acceptance  
28 of community norms regarding appropriate behaviors in the area of  
29 delinquency, early sexual activity, alcohol and substance abuse,  
30 educational opportunities, employment opportunities, and absence of  
31 crime.

32 (13) "Risk factors" means those factors determined by the  
33 department of health to be empirically associated with at-risk  
34 behaviors that contribute to violence. Risk factors include  
35 availability of drugs or alcohol, economic, educational, and social  
36 deprivation, rejection of identification with the community, academic  
37 failure, a family history of high substance abuse, crime, a lack of  
38 acceptance of societal norms and substance, child, and sexual abuse.

1       **Sec. 3.** RCW 70.190.060 and 1994 sp.s. c 7 s 303 are each amended  
2 to read as follows:

3       (1) The legislature (~~((intends to create))~~) authorizes community  
4 public health and safety networks to reconnect parents and other  
5 citizens with children, youth, families, and community institutions  
6 which support health and safety. The networks have those powers and  
7 duties as authorized under this chapter or by other specific grants of  
8 authority. The networks should empower parents and other citizens by  
9 being a means of expressing their attitudes, spirit, and perspectives  
10 regarding safe and healthy family and community life. The legislature  
11 intends that parent and other citizen perspectives exercise a  
12 controlling influence over policy and program operations of  
13 professional organizations concerned with children and family issues  
14 within networks in a manner consistent with the Constitution and state  
15 law. It is not the intent of the legislature that health, social  
16 service, or educational professionals dominate community public health  
17 and safety network processes or programs, but rather that these  
18 professionals use their skills to lend support to parents and other  
19 citizens in expressing their values as parents and other citizens  
20 identify community needs and establish community priorities. To this  
21 end, the legislature intends full participation of parents and other  
22 citizens in community public health and safety networks. The intent is  
23 that local community values are reflected in the operations of the  
24 network.

25       (2) A group of persons described in subsection (3) of this section  
26 may apply (~~((by December 1, 1994,))~~) to be a community public health and  
27 safety network.

28       (3) Each community public health and safety network shall be  
29 composed of twenty-three people, thirteen of whom shall be citizens who  
30 live within the network boundary with no (~~((direct))~~) fiduciary interest  
31 (~~((in health, education, social service, or justice system organizations~~  
32 ~~operating within the network area))~~). In selecting these members, first  
33 priority shall be given to members of community mobilization advisory  
34 boards, city or county children's services commissions, human services  
35 advisory boards, or other such organizations (~~((which may exist within~~  
36 ~~the network))~~). The thirteen persons shall be selected as follows:  
37 Three by (~~((the))~~) chambers of commerce (~~((located in the network))~~), three  
38 by school board members (~~((of the school districts within the network~~  
39 ~~boundary))~~), three by (~~((the))~~) county legislative authorities (~~((of the~~

1 ~~counties within the network boundary~~), three by ~~((the))~~ city  
2 legislative authorities ~~((of the cities within the network boundary))~~,  
3 and one high school student, selected by student organizations ~~((within~~  
4 ~~the network boundary))~~. The remaining ten members shall live or work  
5 within the network boundary and shall include local representation  
6 ~~((from))~~ selected by the following groups and entities: Cities~~(( ))~~i  
7 counties~~(( ))~~i federally recognized Indian tribes~~(( ))~~i parks and  
8 recreation programs~~(( ))~~i law enforcement agencies~~(( ))~~i superior court  
9 judges~~(( ))~~i state children's service workers ~~((from within the network~~  
10 ~~area))~~i employment assistance workers ~~((from within the network~~  
11 ~~area))~~i private social~~(( educational))~~ service providers, broad-based  
12 nonsecular organizations, or health service providers ~~((from within the~~  
13 ~~network area and broad-based nonsecular organizations))~~i and public  
14 education.

15 (4) A list of the network members shall be submitted to the council  
16 ~~((by December 1, 1994))~~ by the network chair who shall be selected by  
17 network members ~~((at their first meeting))~~. The list shall become  
18 final upon council approval, no later than sixty days following its  
19 submission, unless the ~~((council chooses other members within twenty~~  
20 ~~days after the list is submitted. The council shall accept the list~~  
21 ~~unless he or she believes the proposed))~~ list does not adequately  
22 represent all parties identified in subsection (3) of this section or  
23 a member has a ~~((conflict of))~~ prohibited fiduciary interest ~~((between~~  
24 ~~his or her membership and his or her livelihood))~~. The council shall  
25 notify the network chair of its disapproval of a proposed member or  
26 members and provide a deadline for submission of other nominees.  
27 Members of the ~~((community))~~ network shall serve terms of three years.

28 The terms of the initial members of each network shall be as  
29 follows: (a) One-third shall serve for one year; (b) one-third shall  
30 serve for two years; and (c) one-third shall serve for three years.  
31 Initial members may agree which shall serve fewer than three years or  
32 the decision may be made by lot. ~~((The same process shall be used in~~  
33 ~~the selection of the chair and members for subsequent terms.))~~ Any  
34 vacancy occurring during the term may be filled by the chair for the  
35 balance of the unexpired term.

36 (5) ~~((The network shall select a public entity as the lead fiscal~~  
37 ~~agency for the network. The lead agency may contract with a public or~~  
38 ~~private entity to perform other administrative duties required by the~~  
39 ~~state. In making the selection, the network shall consider: (a)~~

1 ~~Experience in administering prevention and intervention programs; (b)~~  
2 ~~the relative geographical size of the network and its members; (c)~~  
3 ~~budgeting and fiscal capacity; and (d) how diverse a population each~~  
4 ~~entity represents.)~~) Not less than sixty days before the expiration of  
5 a network member's term, the chair shall submit the name of a nominee  
6 to the council for its approval. The council shall ensure the network  
7 remains in compliance with subsection (3) of this section.

8 (6) Network members shall serve without compensation but may  
9 receive reimbursement, at the rates established under chapter 43.03  
10 RCW, for necessary subsistence, lodging, and mileage expenses incurred  
11 in connection with official network duties.

12 (7) Networks ((meetings)) are subject to the open public meetings  
13 act under chapter 42.30 RCW and the public records provisions of RCW  
14 42.17.270 through 42.17.310.

15 NEW SECTION. Sec. 4. A new section is added to chapter 70.190 RCW  
16 to read as follows:

17 (1) Each network shall contract with a public entity as its lead  
18 fiscal agent. The contract shall grant the agent authority to perform  
19 fiscal, accounting, contract administration, legal, and other  
20 administrative duties, including the provision of liability insurance.  
21 Any contract under this subsection shall be submitted to the council by  
22 the network for approval prior to its execution. The council shall  
23 review the contract to determine whether the administrative costs will  
24 be held to a reasonable minimum.

25 (2) The lead agent shall maintain a system of accounting for  
26 network funds consistent with the budgeting, accounting, and reporting  
27 systems and standards adopted or approved by the state auditor.

28 (3) The lead agent may contract with another public or private  
29 entity to perform duties other than fiscal or accounting duties.

30 NEW SECTION. Sec. 5. A new section is added to chapter 70.190 RCW  
31 to read as follows:

32 No network member may vote to authorize, or attempt to influence  
33 the authorization of, any expenditure in which the member's immediate  
34 family has a fiduciary interest. For the purpose of this section  
35 "immediate family" means a spouse, parent, grandparent, adult child,  
36 brother, or sister.

1       **Sec. 6.** RCW 70.190.080 and 1994 sp.s. c 7 s 305 are each amended  
2 to read as follows:

3       (1) The community network's plan may include a program to provide  
4 postsecondary scholarships to at-risk students who: (a) Are community  
5 role models under criteria established by the community network; (b)  
6 successfully complete high school; and (c) maintain at least a 2.5  
7 grade point average throughout high school. Funding for the  
8 scholarships may include public and private sources.

9       (2) The community network's plan may also include funding of  
10 community-based home visitor programs which are designed to reduce the  
11 incidence of child abuse and neglect (~~(with [within])~~) within the  
12 network. Parents shall sign a voluntary authorization for services,  
13 which may be withdrawn at any time. The program may provide parents  
14 with education and support either in parents' homes or in other  
15 locations comfortable for parents, beginning with the birth of their  
16 first baby. The program may make the following services available to  
17 the families:

18       (a) Visits for all expectant or new parents, either at the parent's  
19 home or another location with which the parent is comfortable;

20       (b) Screening before or soon after the birth of a child to assess  
21 the family's strengths and goals and define areas of concern in  
22 consultation with the family;

23       (c) Parenting education and skills development;

24       (d) Parenting and family support information and referral;

25       (e) Parent support groups; and

26       (f) Service coordination for individual families, and assistance  
27 with accessing services, provided in a manner that ensures that  
28 individual families have only one individual or agency to which they  
29 look for service coordination. Where appropriate for a family, service  
30 coordination may be conducted through interdisciplinary or interagency  
31 teams.

32       These programs are intended to be voluntary for the parents  
33 involved.

34       (3) (~~The community network may include funding of~~) In developing  
35 long-term comprehensive plans to reduce the rate of at-risk children  
36 and youth, the community networks shall consider increasing employment  
37 and job training opportunities in recognition that they constitute an

1 effective network strategy and strong protective factor. The networks  
2 shall consider and may include funding of:

3 (a) At-risk youth job placement and training programs. The  
4 programs shall:

5 (i) Identify and recruit at-risk youth for local job opportunities;

6 (ii) Provide skills and needs assessments for each youth recruited;

7 (iii) Provide career and occupational counseling to each youth  
8 recruited;

9 (iv) Identify businesses willing to provide employment and training  
10 opportunities for at-risk youth;

11 (v) Match each youth recruited with a business that meets his or  
12 her skills and training needs;

13 (vi) Provide employment and training opportunities that prepare the  
14 individual for demand occupations; and

15 (vii) Include, to the extent possible, collaboration of business,  
16 labor, education and training, community organizations, and local  
17 government;

18 (b) Employment assistance, including job development, school-to-  
19 work placement, employment readiness training, basic skills,  
20 apprenticeships, job mentoring, and private sector and community  
21 service employment;

22 (c) Education assistance, including tutoring, mentoring,  
23 interactions with role models, entrepreneurial education and projects,  
24 violence prevention training, safe school strategies, and employment  
25 reentry assistance services;

26 ~~((d))~~ (4) The community network may include funding of:

27 (a) Peer-to-peer, group, and individual counseling, including  
28 crisis intervention, for at-risk youth and their parents;

29 ~~((e))~~ (b) Youth coalitions that provide opportunities to develop  
30 leadership skills and gain appropriate respect, recognition, and  
31 rewards for their positive contribution to their community;

32 ~~((f))~~ (c) Technical assistance to applicants to increase their  
33 organizational capacity and to improve the likelihood of a successful  
34 application; and

35 ~~((g))~~ (d) Technical assistance and training resources to  
36 successful applicants.

37 **Sec. 7.** RCW 70.190.090 and 1994 sp.s. c 7 s 306 are each amended  
38 to read as follows:

1 (1) A ~~((community))~~ network that has its membership finalized under  
2 RCW 70.190.060(4) shall, upon application to the council, be eligible  
3 to receive planning grants and technical assistance from the council.  
4 Planning grants may be funded through available federal funds for  
5 family preservation services. After receiving the planning grant the  
6 ~~((region will be given))~~ network has up to one year to submit the long-  
7 term comprehensive plan. ~~((Upon application the community networks are~~  
8 eligible to receive funds appropriated under RCW 70.190.140.)) The  
9 council may, upon request of a network, approve one or more extensions  
10 for submission of its plan, not exceeding a total period of one year.

11 (2) The council shall enter into biennial contracts with  
12 ~~((community))~~ networks as part of the grant process. The contracts  
13 shall be consistent with available resources, and shall be distributed  
14 in accordance with the distribution formula developed pursuant to RCW  
15 43.41.195, subject to the applicable matching fund requirement.

16 (3) No later than February 1 of each odd-numbered year following  
17 the initial contract between the council and a network, the council  
18 shall request from the network its plan for the upcoming biennial  
19 contract period.

20 (4) The council shall notify the ~~((community))~~ networks of their  
21 allocation of available resources at least sixty days prior to the  
22 start of a new biennial contract period.

23 (5) The networks shall, by contract, distribute funds (a)  
24 appropriated for plan implementation by the legislature, (b)  
25 appropriated to state agencies that can be distributed to the networks  
26 through the agency's legal authority, and (c) obtained from nonstate  
27 resources. In distributing funds, the networks shall ensure that  
28 administrative costs are held to a minimum, so the most dollars flow to  
29 direct services.

30 (6) A network shall not provide services or operate programs.

31 (7) A network shall file a report with the council by May 1 of each  
32 year that includes but is not limited to the following information:  
33 Detailed expenditures, programs under way, progress on contracted  
34 services and programs, and successes and problems in coordinating  
35 services within the network's boundary. The report shall also include  
36 information on existing local programs that provide services to  
37 children, youth, and families, including information on outcomes  
38 achieved.

1       **Sec. 8.** RCW 70.190.130 and 1994 sp.s. c 7 s 310 are each amended  
2 to read as follows:

3       (1) The council shall only disburse funds to a ~~((community))~~  
4 network after a comprehensive plan has been prepared by the network and  
5 approved by the council ~~((or as provided in RCW 70.190.140))~~. In  
6 approving the plan the council shall consider whether the network:

7       ~~((+1))~~ (a) Promoted input from the widest practical range of  
8 agencies and affected parties, including public hearings;

9       ~~((+2))~~ (b) Reviewed the indicators of violence data compiled by  
10 the local public health departments and incorporated a response to  
11 those indicators in the plan;

12       ~~((+3))~~ (c) Obtained a declaration by the largest health department  
13 within the ~~((network's boundaries, ensuring that))~~ network boundary,  
14 indicating whether the plan ~~((met))~~ meets minimum standards for  
15 assessment and policy development relating to social development  
16 according to RCW 43.70.555;

17       ~~((+4))~~ (d) Included a specific mechanism of data collection and  
18 transmission based on the rules established under RCW 43.70.555;

19       ~~((+5))~~ (e) Considered all relevant causes of violence in its  
20 community and did not isolate only one or a few of the elements to the  
21 exclusion of others and demonstrated evidence of building community  
22 capacity through effective neighborhood and community development;  
23 ~~((and~~

24       ~~+6))~~ (f) Considered youth employment and job training programs  
25 outlined in this chapter as a strategy to reduce the rate of at-risk  
26 children and youth;

27       (g) Integrated local programs that met the network's priorities and  
28 were deemed successful by the network;

29       (h) Committed to make measurable reductions in the rate of at-risk  
30 children and youth by reducing the rate of state-funded out-of-home  
31 placements and make reductions in at least three of the following rates  
32 of youth: Violent criminal acts, substance abuse, pregnancy and male  
33 parentage, suicide attempts, ~~((or))~~ dropping out of school, child abuse  
34 or neglect, and domestic violence; and

35       (i) Held a public hearing on its proposed comprehensive plan and  
36 submitted to the council all of the written comments received at the  
37 hearing and a copy of the minutes taken at the hearing.

38       (2) The council may establish a maximum amount to be expended by a  
39 network for purposes of planning and administrative duties.

1       (3) The council may determine that a network is not in compliance  
2 with this chapter. Upon a determination of noncompliance, the council  
3 may suspend or revoke a network's status or contract and specify a  
4 process and deadline for the network's compliance.

5       **NEW SECTION. Sec. 9.** A new section is added to chapter 70.190 RCW  
6 to read as follows:

7       Each participating state agency shall review each network's plan to  
8 determine the plan's impact on the agency. The agency shall complete  
9 the review and respond to the network within ninety days of receipt of  
10 the plan. The response shall identify any necessary actions on the  
11 part of the agency, acting within the scope of its authority, that are  
12 necessary to fulfill the requirements of this chapter. The agencies  
13 shall immediately undertake implementation of the necessary actions.

14       **NEW SECTION. Sec. 10.** A new section is added to chapter 70.190  
15 RCW to read as follows:

16       (1) The network members are immune from all civil liability arising  
17 from their conduct as a network member, except for their intentional  
18 tortious acts or acts of official misconduct.

19       (2) The assets of a network are not subject to attachment or  
20 execution in satisfaction of a judgment for the tortious acts or  
21 official misconduct of any network member or for the acts of any agency  
22 or program to which it provides funds.

23       **Sec. 11.** RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended  
24 to read as follows:

25       The violence reduction and drug enforcement account is created in  
26 the state treasury. All designated receipts from RCW 9.41.110(~~(+5)~~)  
27 (8), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5),  
28 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989  
29 shall be deposited into the account. Expenditures from the account may  
30 be used only for funding services and programs under chapter 271, Laws  
31 of 1989 and chapter 7, Laws of 1994 sp. sess., including state  
32 incarceration costs. At least seven and one-half percent of  
33 (~~expenditures from~~) all designated receipts from RCW 9.41.110(8),  
34 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5),  
35 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989  
36 deposited into the account shall be used for providing grants to

1 community public health and safety networks under chapter 70.190 RCW by  
2 the family policy council.

3 NEW SECTION. **Sec. 12.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 13.** The amendments to RCW 70.190.060 in 1995 c  
8 . . . s 3 (section 3 of this act) shall apply prospectively only and  
9 are not intended to affect the composition of any community public  
10 health and safety network's membership that has been approved by the  
11 family policy council prior to the effective date of this section.

12 NEW SECTION. **Sec. 14.** (1) Section 7 of this act is necessary for  
13 the immediate preservation of the public peace, health, or safety, or  
14 support of the state government and its existing public institutions,  
15 and shall take effect July 1, 1995.

16 (2) Sections 8, 10, and 11 of this act are necessary for the  
17 immediate preservation of the public peace, health, or safety, or  
18 support of the state government and its existing public institutions,  
19 and shall take effect immediately.

--- END ---