

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5258

54th Legislature
1996 Regular Session

Passed by the Senate March 7, 1996
YEAS 47 NAYS 0

President of the Senate

Passed by the House March 7, 1996
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5258** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5258

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

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

Read first time 01/12/96.

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, and 70.190.130; adding
4 new sections to chapter 70.190 RCW; creating new sections; providing an
5 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 1995 c 399 s 200 are each amended to
15 read as follows:

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

1 (1) "Administrative costs" means the costs associated with
2 procurement; payroll processing; personnel functions; management;
3 maintenance and operation of space and property; data processing and
4 computer services; accounting; budgeting; auditing; indirect costs; and
5 organizational planning, consultation, coordination, and training.

6 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

7 (3) "At-risk" children are children who engage in or are victims of
8 at-risk behaviors.

9 (4) "At-risk behaviors" means violent delinquent acts, teen
10 substance abuse, teen pregnancy and male parentage, teen suicide
11 attempts, dropping out of school, child abuse or neglect, and domestic
12 violence.

13 (5) "Community public health and safety networks" or "networks"
14 means the organizations authorized under RCW 70.190.060.

15 (6) "Comprehensive plan" means a two-year plan that examines
16 available resources and unmet needs for a county or multicounty area,
17 barriers that limit the effective use of resources, and a plan to
18 address these issues that is broadly supported by local residents.

19 (~~(2)~~) (7) "Participating state agencies" means the office of the
20 superintendent of public instruction, the department of social and
21 health services, the department of health, the employment security
22 department, the department of community, trade, and economic
23 development, and such other departments as may be specifically
24 designated by the governor.

25 (~~(3)~~) (8) "Family policy council" or "council" means the
26 superintendent of public instruction, the secretary of social and
27 health services, the secretary of health, the commissioner of the
28 employment security department, and the director of the department of
29 community, trade, and economic development or their designees, one
30 legislator from each caucus of the senate and house of representatives,
31 and one representative of the governor.

32 (~~(4)~~) (9) "Fiduciary interest" means (a) the right to
33 compensation from a health, educational, social service, or justice
34 system organization that receives public funds, or (b) budgetary or
35 policy-making authority for an organization listed in (a) of this
36 subsection. A person who acts solely in an advisory capacity and
37 receives no compensation from a health, educational, social service, or
38 justice system organization, and who has no budgetary or policy-making
39 authority is deemed to have no fiduciary interest in the organization.

1 (10) "Outcome" or "outcome based" means defined and measurable
2 outcomes ((and indicators that make it possible for communities)) used
3 to evaluate progress in ((meeting their goals and whether systems are
4 fulfilling their responsibilities)) reducing the rate of at-risk
5 children and youth through reducing risk factors and increasing
6 protective factors.

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

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

26 (12) "Policy development" has the same meaning as provided in RCW
27 43.70.010.

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

36 (14) "Risk factors" means those factors determined by the
37 department of health to be empirically associated with at-risk
38 behaviors that contribute to violence.

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

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

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

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

14 (4) (~~(A list of the network members shall be submitted to the~~
15 ~~council by December 1, 1994, by the network chair who shall be selected~~
16 ~~by network members at their first meeting. The list shall become final~~
17 ~~unless the council chooses other members within twenty days after the~~
18 ~~list is submitted. The council shall accept the list unless he or she~~
19 ~~believes the proposed list does not adequately represent all parties~~
20 ~~identified in subsection (3) of this section or a member has a conflict~~
21 ~~of interest between his or her membership and his or her livelihood.))~~

22 Members of the (~~(community)~~) network shall serve terms of three years.

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

31 (5) (~~(The network shall select a public entity as the lead fiscal~~
32 ~~agency for the network. The lead agency may contract with a public or~~
33 ~~private entity to perform other administrative duties required by the~~
34 ~~state. In making the selection, the network shall consider: (a)~~
35 ~~Experience in administering prevention and intervention programs; (b)~~
36 ~~the relative geographical size of the network and its members; (c)~~
37 ~~budgeting and fiscal capacity; and (d) how diverse a population each~~
38 ~~entity represents.)) Not less than sixty days before the expiration of
39 a network member's term, the chair shall submit the name of a nominee~~

1 to the network for its approval. The network shall comply with
2 subsection (3) of this section.

3 (6) Networks (~~(meetings)~~) are subject to the open public meetings
4 act under chapter 42.30 RCW and the public records provisions of RCW
5 42.17.270 through 42.17.310.

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

8 (1) Each network shall contract with a public entity as its lead
9 fiscal agent. The contract shall grant the agent authority to perform
10 fiscal, accounting, contract administration, legal, and other
11 administrative duties, including the provision of liability insurance.
12 Any contract under this subsection shall be submitted to the council by
13 the network for approval prior to its execution. The council shall
14 review the contract to determine whether the administrative costs will
15 be held to no more than ten percent.

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

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

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

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

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

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

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

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

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

15 (c) Parenting education and skills development;

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

17 (e) Parent support groups; and

18 (f) Service coordination for individual families, and assistance
19 with accessing services, provided in a manner that ensures that
20 individual families have only one individual or agency to which they
21 look for service coordination. Where appropriate for a family, service
22 coordination may be conducted through interdisciplinary or interagency
23 teams.

24 These programs are intended to be voluntary for the parents
25 involved.

26 (3) (~~((The community network may include funding of))~~) In developing
27 long-term comprehensive plans to reduce the rate of at-risk children
28 and youth, the community networks shall consider increasing employment
29 and job training opportunities in recognition that they constitute an
30 effective network strategy and strong protective factor. The networks
31 shall consider and may include funding of:

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

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

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

36 (iii) Provide career and occupational counseling to each youth
37 recruited;

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

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

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

5 (vii) Include, to the extent possible, collaboration of business,
6 labor, education and training, community organizations, and local
7 government;

8 (b) Employment assistance, including job development, school-to-
9 work placement, employment readiness training, basic skills,
10 apprenticeships, job mentoring, and private sector and community
11 service employment;

12 (c) Education assistance, including tutoring, mentoring,
13 interactions with role models, entrepreneurial education and projects,
14 violence prevention training, safe school strategies, and employment
15 reentry assistance services;

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

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

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

22 ~~((f))~~ (c) Technical assistance to applicants to increase their
23 organizational capacity and to improve the likelihood of a successful
24 application; and

25 ~~((g))~~ (d) Technical assistance and training resources to
26 successful applicants.

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

29 (1) A ~~((community))~~ network that has its membership finalized under
30 RCW 70.190.060(4) shall, upon application to the council, be eligible
31 to receive planning grants and technical assistance from the council.
32 Planning grants may be funded through available federal funds for
33 family preservation services. After receiving the planning grant the
34 ~~((region will be given))~~ network has up to one year to submit the long-
35 term comprehensive plan. ((Upon application the community networks are
36 eligible to receive funds appropriated under RCW 70.190.140.))

37 (2) The council shall enter into biennial contracts with
38 ~~((community))~~ networks as part of the grant process. The contracts

1 shall be consistent with available resources, and shall be distributed
2 in accordance with the distribution formula developed pursuant to RCW
3 43.41.195, subject to the applicable matching fund requirement.

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

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

11 (5) The networks shall, by contract, distribute funds (a)
12 appropriated for plan implementation by the legislature, and (b)
13 obtained from nonstate or federal sources. In distributing funds, the
14 networks shall ensure that administrative costs are held to a maximum
15 of ten percent.

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

17 (7) A network shall file a report with the council by May 1 of each
18 year that includes but is not limited to the following information:
19 Detailed expenditures, programs under way, progress on contracted
20 services and programs, and successes and problems in achieving the
21 outcomes required by RCW 70.190.130(1)(h) related to reducing the rate
22 of state-funded out-of-home placements and the other three at-risk
23 behaviors covered by the comprehensive plan and approved by the
24 council.

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

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

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

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

36 ~~((+3))~~ (c) Obtained a declaration by the largest health department
37 within the ~~((network's boundaries, ensuring that))~~ network boundary,
38 indicating whether the plan ~~((met))~~ meets minimum standards for

1 assessment and policy development relating to social development
2 according to RCW 43.70.555;

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

5 ~~((5))~~ (e) Considered all relevant causes of violence in its
6 community and did not isolate only one or a few of the elements to the
7 exclusion of others and demonstrated evidence of building community
8 capacity through effective neighborhood and community development;
9 (and

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

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

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

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

24 (2) The council may establish a maximum amount to be expended by a
25 network for purposes of planning and administrative duties, that shall
26 not, in total, exceed ten percent of funds available to a network.

27 (3) The council may determine that a network is not in compliance
28 with this chapter if it fails to comply with statutory requirements.
29 Upon a determination of noncompliance, the council may suspend or
30 revoke a network's status or contract and specify a process and
31 deadline for the network's compliance.

32 NEW SECTION. Sec. 9. A new section is added to chapter 70.190 RCW
33 to read as follows:

34 (1) The network members are immune from all civil liability arising
35 from their actions done in their decision-making capacity as a network
36 member, except for their intentional tortious acts or acts of official
37 misconduct.

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

5 NEW SECTION. **Sec. 10.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 11.** The amendments to RCW 70.190.060 in 1996 c
10 . . . s 3 (section 3 of this act) shall apply prospectively only and
11 are not intended to affect the composition of any community public
12 health and safety network's membership that has been approved by the
13 family policy council prior to the effective date of this section.

14 NEW SECTION. **Sec. 12.** (1) Section 7 of this act shall take effect
15 July 1, 1996.

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

--- END ---