
HOUSE BILL 2858

State of Washington

56th Legislature

2000 Regular Session

By Representatives D. Schmidt, Dunshee, Ruderman and Edwards; by request of Governor Locke

Read first time 01/21/2000. Referred to Committee on State Government.

1 AN ACT Relating to reports to the legislature; amending RCW
2 13.34.803, 13.40.430, 34.05.328, 43.20B.030, 43.63A.230, 70.119A.170,
3 74.09.310, 74.09.320, 74.13.031, 74.13.036, 74.14C.070, and 74.20A.035;
4 reenacting and amending RCW 26.44.030; and repealing RCW 18.20.230,
5 43.20A.870, 70.128.210, 71.36.020, 74.14C.080, 74.20A.340, 75.50.030,
6 75.08.410, and 75.08.530.

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

8 **Sec. 1.** RCW 13.34.803 and 1998 c 314 s 40 are each amended to read
9 as follows:

10 (1) The departments of health and social and health services shall
11 develop a comprehensive plan for providing services to mothers who (a)
12 have delivered a drug or alcohol exposed or affected infant, and (b)
13 meet the definition of at-risk eligible persons in RCW 74.09.790 and
14 who have a child up to three years of age. The services to be provided
15 by the plan will include those defined in RCW 74.09.790. The plan
16 shall provide for the coordination of services through community-based
17 programs and among: (i) The departments; (ii) the departments'
18 divisions; and (iii) other state agencies. The plan shall include
19 recommendations to the legislature for implementing the plan and any

1 alternative methods for addressing the needs of these mothers and their
2 children.

3 (2) In developing the plan, the department of health shall
4 inventory the community-based programs that may be accessed to provide
5 services to these mothers and their children; evaluate implementing
6 services for these mothers through extension of the maternity care
7 access system; and evaluate the fiscal impact of the plan. In
8 performing the fiscal evaluation, the department shall calculate
9 potential long-term cost savings to the state resulting from reduced
10 use of the medical, juvenile justice, public assistance, and dependency
11 systems by children and mothers receiving services under the plan.

12 ~~((3) The department shall submit a report describing the plan to
13 the appropriate committees of the house of representatives and senate
14 by November 1, 1998.))~~

15 **Sec. 2.** RCW 13.40.430 and 1993 c 373 s 2 are each amended to read
16 as follows:

17 The department shall within existing funds collect such data as may
18 be necessary to monitor any disparity in processing or disposing of
19 cases involving juvenile offenders due to economic, gender, geographic,
20 or racial factors that may result from implementation of section 1,
21 chapter 373, Laws of 1993. ~~((Beginning December 1, 1993, the
22 department shall report annually to the legislature on economic,
23 gender, geographic, or racial disproportionality in the rates of
24 arrest, detention, trial, treatment, and disposition in the state's
25 juvenile justice system. The report shall cover the preceding calendar
26 year. The annual report shall identify the causes of such
27 disproportionality and shall specifically point out any economic,
28 gender, geographic, or racial disproportionality resulting from
29 implementation of section 1, chapter 373, Laws of 1993.))~~

30 **Sec. 3.** RCW 26.44.030 and 1999 c 267 s 20 and 1999 c 176 s 30 are
31 each reenacted and amended to read as follows:

32 (1)(a) When any practitioner, county coroner or medical examiner,
33 law enforcement officer, professional school personnel, registered or
34 licensed nurse, social service counselor, psychologist, pharmacist,
35 licensed or certified child care providers or their employees, employee
36 of the department, juvenile probation officer, placement and liaison
37 specialist, responsible living skills program staff, HOPE center staff,

1 or state family and children's ombudsman or any volunteer in the
2 ombudsman's office has reasonable cause to believe that a child has
3 suffered abuse or neglect, he or she shall report such incident, or
4 cause a report to be made, to the proper law enforcement agency or to
5 the department as provided in RCW 26.44.040.

6 (b) The reporting requirement also applies to department of
7 corrections personnel who, in the course of their employment, observe
8 offenders or the children with whom the offenders are in contact. If,
9 as a result of observations or information received in the course of
10 his or her employment, any department of corrections personnel has
11 reasonable cause to believe that a child has suffered abuse or neglect,
12 he or she shall report the incident, or cause a report to be made, to
13 the proper law enforcement agency or to the department as provided in
14 RCW 26.44.040.

15 (c) The reporting requirement shall also apply to any adult who has
16 reasonable cause to believe that a child who resides with them, has
17 suffered severe abuse, and is able or capable of making a report. For
18 the purposes of this subsection, "severe abuse" means any of the
19 following: Any single act of abuse that causes physical trauma of
20 sufficient severity that, if left untreated, could cause death; any
21 single act of sexual abuse that causes significant bleeding, deep
22 bruising, or significant external or internal swelling; or more than
23 one act of physical abuse, each of which causes bleeding, deep
24 bruising, significant external or internal swelling, bone fracture, or
25 unconsciousness.

26 (d) The report must be made at the first opportunity, but in no
27 case longer than forty-eight hours after there is reasonable cause to
28 believe that the child has suffered abuse or neglect. The report must
29 include the identity of the accused if known.

30 (2) The reporting requirement of subsection (1) of this section
31 does not apply to the discovery of abuse or neglect that occurred
32 during childhood if it is discovered after the child has become an
33 adult. However, if there is reasonable cause to believe other children
34 are or may be at risk of abuse or neglect by the accused, the reporting
35 requirement of subsection (1) of this section does apply.

36 (3) Any other person who has reasonable cause to believe that a
37 child has suffered abuse or neglect may report such incident to the
38 proper law enforcement agency or to the department of social and health
39 services as provided in RCW 26.44.040.

1 (4) The department, upon receiving a report of an incident of
2 alleged abuse or neglect pursuant to this chapter, involving a child
3 who has died or has had physical injury or injuries inflicted upon him
4 or her other than by accidental means or who has been subjected to
5 alleged sexual abuse, shall report such incident to the proper law
6 enforcement agency. In emergency cases, where the child's welfare is
7 endangered, the department shall notify the proper law enforcement
8 agency within twenty-four hours after a report is received by the
9 department. In all other cases, the department shall notify the law
10 enforcement agency within seventy-two hours after a report is received
11 by the department. If the department makes an oral report, a written
12 report must also be made to the proper law enforcement agency within
13 five days thereafter.

14 (5) Any law enforcement agency receiving a report of an incident of
15 alleged abuse or neglect pursuant to this chapter, involving a child
16 who has died or has had physical injury or injuries inflicted upon him
17 or her other than by accidental means, or who has been subjected to
18 alleged sexual abuse, shall report such incident in writing as provided
19 in RCW 26.44.040 to the proper county prosecutor or city attorney for
20 appropriate action whenever the law enforcement agency's investigation
21 reveals that a crime may have been committed. The law enforcement
22 agency shall also notify the department of all reports received and the
23 law enforcement agency's disposition of them. In emergency cases,
24 where the child's welfare is endangered, the law enforcement agency
25 shall notify the department within twenty-four hours. In all other
26 cases, the law enforcement agency shall notify the department within
27 seventy-two hours after a report is received by the law enforcement
28 agency.

29 (6) Any county prosecutor or city attorney receiving a report under
30 subsection (5) of this section shall notify the victim, any persons the
31 victim requests, and the local office of the department, of the
32 decision to charge or decline to charge a crime, within five days of
33 making the decision.

34 (7) The department may conduct ongoing case planning and
35 consultation with those persons or agencies required to report under
36 this section, with consultants designated by the department, and with
37 designated representatives of Washington Indian tribes if the client
38 information exchanged is pertinent to cases currently receiving child
39 protective services. Upon request, the department shall conduct such

1 planning and consultation with those persons required to report under
2 this section if the department determines it is in the best interests
3 of the child. Information considered privileged by statute and not
4 directly related to reports required by this section must not be
5 divulged without a valid written waiver of the privilege.

6 (8) Any case referred to the department by a physician licensed
7 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
8 opinion that child abuse, neglect, or sexual assault has occurred and
9 that the child's safety will be seriously endangered if returned home,
10 the department shall file a dependency petition unless a second
11 licensed physician of the parents' choice believes that such expert
12 medical opinion is incorrect. If the parents fail to designate a
13 second physician, the department may make the selection. If a
14 physician finds that a child has suffered abuse or neglect but that
15 such abuse or neglect does not constitute imminent danger to the
16 child's health or safety, and the department agrees with the
17 physician's assessment, the child may be left in the parents' home
18 while the department proceeds with reasonable efforts to remedy
19 parenting deficiencies.

20 (9) Persons or agencies exchanging information under subsection (7)
21 of this section shall not further disseminate or release the
22 information except as authorized by state or federal statute.
23 Violation of this subsection is a misdemeanor.

24 (10) Upon receiving reports of alleged abuse or neglect, the
25 department or law enforcement agency may interview children. The
26 interviews may be conducted on school premises, at day-care facilities,
27 at the child's home, or at other suitable locations outside of the
28 presence of parents. Parental notification of the interview must occur
29 at the earliest possible point in the investigation that will not
30 jeopardize the safety or protection of the child or the course of the
31 investigation. Prior to commencing the interview the department or law
32 enforcement agency shall determine whether the child wishes a third
33 party to be present for the interview and, if so, shall make reasonable
34 efforts to accommodate the child's wishes. Unless the child objects,
35 the department or law enforcement agency shall make reasonable efforts
36 to include a third party in any interview so long as the presence of
37 the third party will not jeopardize the course of the investigation.

38 (11) Upon receiving a report of alleged child abuse and neglect,
39 the department or investigating law enforcement agency shall have

1 access to all relevant records of the child in the possession of
2 mandated reporters and their employees.

3 (12) The department shall maintain investigation records and
4 conduct timely and periodic reviews of all cases constituting abuse and
5 neglect. The department shall maintain a log of screened-out
6 nonabusive cases.

7 (13) The department shall use a risk assessment process when
8 investigating alleged child abuse and neglect referrals. The
9 department shall present the risk factors at all hearings in which the
10 placement of a dependent child is an issue. Substance abuse must be a
11 risk factor. The department shall, within funds appropriated for this
12 purpose, offer enhanced community-based services to persons who are
13 determined not to require further state intervention.

14 ~~((The department shall provide annual reports to the legislature on
15 the effectiveness of the risk assessment process.))~~

16 (14) Upon receipt of a report of alleged abuse or neglect the law
17 enforcement agency may arrange to interview the person making the
18 report and any collateral sources to determine if any malice is
19 involved in the reporting.

20 (15) The department shall make reasonable efforts to learn the
21 name, address, and telephone number of each person making a report of
22 abuse or neglect under this section. The department shall provide
23 assurances of appropriate confidentiality of the identification of
24 persons reporting under this section. If the department is unable to
25 learn the information required under this subsection, the department
26 shall only investigate cases in which: (a) The department believes
27 there is a serious threat of substantial harm to the child; (b) the
28 report indicates conduct involving a criminal offense that has, or is
29 about to occur, in which the child is the victim; or (c) the department
30 has, after investigation, a report of abuse or neglect that has been
31 founded with regard to a member of the household within three years of
32 receipt of the referral.

33 **Sec. 4.** RCW 34.05.328 and 1997 c 430 s 1 are each amended to read
34 as follows:

35 (1) Before adopting a rule described in subsection (5) of this
36 section, an agency shall:

37 (a) Clearly state in detail the general goals and specific
38 objectives of the statute that the rule implements;

1 (b) Determine that the rule is needed to achieve the general goals
2 and specific objectives stated under (a) of this subsection, and
3 analyze alternatives to rule making and the consequences of not
4 adopting the rule;

5 (c) Determine that the probable benefits of the rule are greater
6 than its probable costs, taking into account both the qualitative and
7 quantitative benefits and costs and the specific directives of the
8 statute being implemented;

9 (d) Determine, after considering alternative versions of the rule
10 and the analysis required under (b) and (c) of this subsection, that
11 the rule being adopted is the least burdensome alternative for those
12 required to comply with it that will achieve the general goals and
13 specific objectives stated under (a) of this subsection;

14 (e) Determine that the rule does not require those to whom it
15 applies to take an action that violates requirements of another federal
16 or state law;

17 (f) Determine that the rule does not impose more stringent
18 performance requirements on private entities than on public entities
19 unless required to do so by federal or state law;

20 (g) Determine if the rule differs from any federal regulation or
21 statute applicable to the same activity or subject matter and, if so,
22 determine that the difference is justified by the following:

23 (i) A state statute that explicitly allows the agency to differ
24 from federal standards; or

25 (ii) Substantial evidence that the difference is necessary to
26 achieve the general goals and specific objectives stated under (a) of
27 this subsection; and

28 (h) Coordinate the rule, to the maximum extent practicable, with
29 other federal, state, and local laws applicable to the same activity or
30 subject matter.

31 (2) In making its determinations pursuant to subsection (1)(b)
32 through (g) of this section, the agency shall place in the rule-making
33 file documentation of sufficient quantity and quality so as to persuade
34 a reasonable person that the determinations are justified.

35 (3) Before adopting rules described in subsection (5) of this
36 section, an agency shall place in the rule-making file a rule
37 implementation plan for rules filed under each adopting order. The
38 plan shall describe how the agency intends to:

1 (a) Implement and enforce the rule, including a description of the
2 resources the agency intends to use;

3 (b) Inform and educate affected persons about the rule;

4 (c) Promote and assist voluntary compliance; and

5 (d) Evaluate whether the rule achieves the purpose for which it was
6 adopted, including, to the maximum extent practicable, the use of
7 interim milestones to assess progress and the use of objectively
8 measurable outcomes.

9 (4) After adopting a rule described in subsection (5) of this
10 section regulating the same activity or subject matter as another
11 provision of federal or state law, an agency shall do all of the
12 following:

13 (a) Provide to the business assistance center a list citing by
14 reference the other federal and state laws that regulate the same
15 activity or subject matter;

16 (b) Coordinate implementation and enforcement of the rule with the
17 other federal and state entities regulating the same activity or
18 subject matter by making every effort to do one or more of the
19 following:

20 (i) Deferring to the other entity;

21 (ii) Designating a lead agency; or

22 (iii) Entering into an agreement with the other entities specifying
23 how the agency and entities will coordinate implementation and
24 enforcement.

25 If the agency is unable to comply with this subsection (4)(b), the
26 agency shall report to the legislature pursuant to (c) of this
27 subsection;

28 (c) Report to the joint administrative rules review committee:

29 (i) The existence of any overlap or duplication of other federal or
30 state laws, any differences from federal law, and any known overlap,
31 duplication, or conflict with local laws; and

32 (ii) Make recommendations for any legislation that may be necessary
33 to eliminate or mitigate any adverse effects of such overlap,
34 duplication, or difference.

35 (5)(a) Except as provided in (b) of this subsection, this section
36 applies to:

37 (i) Significant legislative rules of the departments of ecology,
38 labor and industries, health, revenue, social and health services, and
39 natural resources, the employment security department, the forest

1 practices board, the office of the insurance commissioner, and to the
2 legislative rules of the department of fish and wildlife implementing
3 chapter 75.20 RCW; and

4 (ii) Any rule of any agency, if this section is voluntarily made
5 applicable to the rule by the agency, or is made applicable to the rule
6 by a majority vote of the joint administrative rules review committee
7 within forty-five days of receiving the notice of proposed rule making
8 under RCW 34.05.320.

9 (b) This section does not apply to:

10 (i) Emergency rules adopted under RCW 34.05.350;

11 (ii) Rules relating only to internal governmental operations that
12 are not subject to violation by a nongovernment party;

13 (iii) Rules adopting or incorporating by reference without material
14 change federal statutes or regulations, Washington state statutes,
15 rules of other Washington state agencies, shoreline master programs
16 other than those programs governing shorelines of state-wide
17 significance, or, as referenced by Washington state law, national
18 consensus codes that generally establish industry standards, if the
19 material adopted or incorporated regulates the same subject matter and
20 conduct as the adopting or incorporating rule;

21 (iv) Rules that only correct typographical errors, make address or
22 name changes, or clarify language of a rule without changing its
23 effect;

24 (v) Rules the content of which is explicitly and specifically
25 dictated by statute;

26 (vi) Rules that set or adjust fees or rates pursuant to legislative
27 standards; or

28 (vii) Rules of the department of social and health services
29 relating only to client medical or financial eligibility and rules
30 concerning liability for care of dependents.

31 (c) For purposes of this subsection:

32 (i) A "procedural rule" is a rule that adopts, amends, or repeals
33 (A) any procedure, practice, or requirement relating to any agency
34 hearings; (B) any filing or related process requirement for making
35 application to an agency for a license or permit; or (C) any policy
36 statement pertaining to the consistent internal operations of an
37 agency.

1 (ii) An "interpretive rule" is a rule, the violation of which does
2 not subject a person to a penalty or sanction, that sets forth the
3 agency's interpretation of statutory provisions it administers.

4 (iii) A "significant legislative rule" is a rule other than a
5 procedural or interpretive rule that (A) adopts substantive provisions
6 of law pursuant to delegated legislative authority, the violation of
7 which subjects a violator of such rule to a penalty or sanction; (B)
8 establishes, alters, or revokes any qualification or standard for the
9 issuance, suspension, or revocation of a license or permit; or (C)
10 adopts a new, or makes significant amendments to, a policy or
11 regulatory program.

12 (d) In the notice of proposed rule making under RCW 34.05.320, an
13 agency shall state whether this section applies to the proposed rule
14 pursuant to (a)(i) of this subsection, or if the agency will apply this
15 section voluntarily.

16 ~~((6) By January 31, 1996, and by January 31st of each even-~~
17 ~~numbered year thereafter, the office of financial management, after~~
18 ~~consulting with state agencies, counties, and cities, and business,~~
19 ~~labor, and environmental organizations, shall report to the governor~~
20 ~~and the legislature regarding the effects of this section on the~~
21 ~~regulatory system in this state. The report shall document:~~

22 ~~(a) The rules proposed to which this section applied and to the~~
23 ~~extent possible, how compliance with this section affected the~~
24 ~~substance of the rule, if any, that the agency ultimately adopted;~~

25 ~~(b) The costs incurred by state agencies in complying with this~~
26 ~~section;~~

27 ~~(c) Any legal action maintained based upon the alleged failure of~~
28 ~~any agency to comply with this section, the costs to the state of such~~
29 ~~action, and the result;~~

30 ~~(d) The extent to which this section has adversely affected the~~
31 ~~capacity of agencies to fulfill their legislatively prescribed mission;~~

32 ~~(e) The extent to which this section has improved the acceptability~~
33 ~~of state rules to those regulated; and~~

34 ~~(f) Any other information considered by the office of financial~~
35 ~~management to be useful in evaluating the effect of this section.))~~

36 **Sec. 5.** RCW 43.20B.030 and 1997 c 130 s 5 are each amended to read
37 as follows:

1 (1) Except as otherwise provided by law, there will be no
2 collection of overpayments and other debts due the department after the
3 expiration of six years from the date of notice of such overpayment or
4 other debt unless the department has commenced recovery action in a
5 court of law or unless an administrative remedy authorized by statute
6 is in place. However, any amount due in a case thus extended shall
7 cease to be a debt due the department at the expiration of ten years
8 from the date of the notice of the overpayment or other debt unless a
9 court-ordered remedy would be in effect for a longer period.

10 (2)((a)) The department, at any time, may accept offers of
11 compromise of disputed claims or may grant partial or total write-off
12 of any debt due the department if it is no longer cost-effective to
13 pursue. The department shall adopt rules establishing the
14 considerations to be made in the granting or denial of a partial or
15 total write-off of debts.

16 (~~(b) Beginning December 1, 1997, the department shall report by~~
17 ~~December 1 each year to the commerce and labor committees of the senate~~
18 ~~and house of representatives, the senate ways and means committee, and~~
19 ~~the house appropriations committee, or successor committees, the~~
20 ~~following information:~~

- 21 ~~(i) The cumulative amount of debt due the department;~~
22 ~~(ii) The cumulative amount of debt that has been written off by the~~
23 ~~department as no longer cost-effective to pursue;~~
24 ~~(iii) The amount of debt due the department that has accrued in~~
25 ~~each of the previous five fiscal years; and~~
26 ~~(iv) The amount of debt that has been written off in each of the~~
27 ~~previous five fiscal years as no longer cost-effective to pursue.)~~

28 **Sec. 6.** RCW 43.63A.230 and 1993 c 280 s 63 are each amended to
29 read as follows:

30 (1) The department of community, trade, and economic development
31 shall integrate an employee ownership program within its existing
32 technical assistance programs. The employee ownership program shall
33 provide technical assistance to cooperatives authorized under chapter
34 23.78 RCW and conduct educational programs on employee ownership and
35 self-management. The department shall include information on the
36 option of employee ownership wherever appropriate in its various
37 programs.

1 (2) The department shall maintain a list of firms and individuals
2 with expertise in the field of employee ownership and utilize such
3 firms and individuals, as appropriate, in delivering and coordinating
4 the delivery of technical, managerial, and educational services. In
5 addition, the department shall work with and rely on the services of
6 the employment security department and state institutions of higher
7 education to promote employee ownership.

8 (3) ~~((The department shall report to the governor, the appropriate
9 economic development committees of the senate and the house of
10 representatives, and the ways and means committees of each house by
11 December 1 of 1988, and each year thereafter, on the accomplishments of
12 the employee ownership program. Such reports shall include the number
13 and types of firms assisted, the number of jobs created by such firms,
14 the types of services, the number of workshops presented, the number of
15 employees trained, and the results of client satisfaction surveys
16 distributed to those using the services of the program.~~

17 (4)) For purposes of this section, an employee stock ownership
18 plan qualifies as a cooperative if at least fifty percent, plus one
19 share, of its voting shares of stock are voted on a one-person-one-vote
20 basis.

21 **Sec. 7.** RCW 70.119A.170 and 1997 c 218 s 4 are each amended to
22 read as follows:

23 (1) A drinking water assistance account is created in the state
24 treasury. Such subaccounts as are necessary to carry out the purposes
25 of this chapter are permitted to be established within the account.
26 The purpose of the account is to allow the state to use any federal
27 funds that become available to states from congress to fund a state
28 revolving loan fund program as part of the reauthorization of the
29 federal safe drinking water act. Expenditures from the account may
30 only be made by the secretary, the public works board, or the
31 department of community, trade, and economic development, after
32 appropriation. Moneys in the account may only be used, consistent with
33 federal law, to assist water systems to provide safe drinking water
34 through a program administered through the department of health, the
35 public works board, and the department of community, trade, and
36 economic development and for other activities authorized under federal
37 law. Money may be placed in the account from the proceeds of bonds
38 when authorized by the legislature, transfers from other state funds or

1 accounts, federal capitalization grants or other financial assistance,
2 all repayments of moneys borrowed from the account, all interest
3 payments made by borrowers from the account or otherwise earned on the
4 account, or any other lawful source. All interest earned on moneys
5 deposited in the account, including repayments, shall remain in the
6 account and may be used for any eligible purpose. Moneys in the
7 account may only be used to assist local governments and water systems
8 to provide safe and reliable drinking water, for other services and
9 assistance authorized by federal law to be funded from these federal
10 funds, and to administer the program.

11 (2) The department and the public works board shall establish and
12 maintain a program to use the moneys in the drinking water assistance
13 account as provided by the federal government under the safe drinking
14 water act. The department and the public works board, in consultation
15 with purveyors, local governments, local health jurisdictions,
16 financial institutions, commercial construction interests, other state
17 agencies, and other affected and interested parties, shall by January
18 1, 1999, adopt final joint rules and requirements for the provision of
19 financial assistance to public water systems as authorized under
20 federal law. Prior to the effective date of the final rules, the
21 department and the public works board may establish and utilize
22 guidelines for the sole purpose of ensuring the timely procurement of
23 financial assistance from the federal government under the safe
24 drinking water act, but such guidelines shall be converted to rules by
25 January 1, 1999. The department and the public works board shall make
26 every reasonable effort to ensure the state's receipt and disbursement
27 of federal funds to eligible public water systems as quickly as
28 possible after the federal government has made them available. ((By
29 December 15, 1997, the department and the public works board shall
30 provide a report to the appropriate committees of the legislature
31 reflecting the input from the affected interests and parties on the
32 status of the program. The report shall include significant issues and
33 concerns, the status of rule making and guidelines, and a plan for the
34 adoption of final rules.))

35 (3) If the department, public works board, or any other department,
36 agency, board, or commission of state government participates in
37 providing service under this section, the administering entity shall
38 endeavor to provide cost-effective and timely services. Mechanisms to
39 provide cost-effective and timely services include: (a) Adopting

1 federal guidelines by reference into administrative rules; (b) using
2 existing management mechanisms rather than creating new administrative
3 structures; (c) investigating the use of service contracts, either with
4 other governmental entities or with nongovernmental service providers;
5 (d) the use of joint or combined financial assistance applications; and
6 (e) any other method or practice designed to streamline and expedite
7 the delivery of services and financial assistance.

8 (4) The department shall have the authority to establish assistance
9 priorities and carry out oversight and related activities, other than
10 financial administration, with respect to assistance provided with
11 federal funds. The department, the public works board, and the
12 department of community, trade, and economic development shall jointly
13 develop, with the assistance of water purveyors and other affected and
14 interested parties, a memorandum of understanding setting forth
15 responsibilities and duties for each of the parties. The memorandum of
16 understanding at a minimum, shall include:

17 (a) Responsibility for developing guidelines for providing
18 assistance to public water systems and related oversight prioritization
19 and oversight responsibilities including requirements for
20 prioritization of loans or other financial assistance to public water
21 systems;

22 (b) Department submittal of preapplication information to the
23 public works board for review and comment;

24 (c) Department submittal of a prioritized list of projects to the
25 public works board for determination of:

26 (i) Financial capability of the applicant; and

27 (ii) Readiness to proceed, or the ability of the applicant to
28 promptly commence the project;

29 (d) A process for determining consistency with existing water
30 resource planning and management, including coordinated water supply
31 plans, regional water resource plans, and comprehensive plans under the
32 growth management act, chapter 36.70A RCW;

33 (e) A determination of:

34 (i) Least-cost solutions, including consolidation and restructuring
35 of small systems, where appropriate, into more economical units;

36 (ii) The provision of regional facilities;

37 (iii) Projects and activities that facilitate compliance with the
38 federal safe drinking water act; and

1 (iv) Projects and activities that are intended to achieve the
2 public health objectives of federal and state drinking water laws;

3 (f) Implementation of water conservation and other demand
4 management measures consistent with state guidelines for water
5 utilities;

6 (g) Assistance for the necessary planning and engineering to assure
7 that consistency, coordination, and proper professional review are
8 incorporated into projects or activities proposed for funding;

9 (h) Minimum standards for water system capacity, financial
10 viability, and water system planning;

11 (i) Testing and evaluation of the water quality of the state's
12 public water system to assure that priority for financial assistance is
13 provided to systems and areas with threats to public health from
14 contaminated supplies and reduce in appropriate cases the substantial
15 increases in costs and rates that customers of small systems would
16 otherwise incur under the monitoring and testing requirements of the
17 federal safe drinking water act;

18 (j) Coordination, to the maximum extent possible, with other state
19 programs that provide financial assistance to public water systems and
20 state programs that address existing or potential water quality or
21 drinking contamination problems;

22 (k) Definitions of "affordability" and "disadvantaged community"
23 that are consistent with these and similar terms in use by other state
24 or federal assistance programs;

25 (l) Criteria for the financial assistance program for public water
26 systems, which shall include, but are not limited to:

27 (i) Determining projects addressing the most serious risk to human
28 health;

29 (ii) Determining the capacity of the system to effectively manage
30 its resources, including meeting state financial viability criteria;
31 and

32 (iii) Determining the relative benefit to the community served; and

33 (m) Ensure that each agency fulfills the audit, accounting, and
34 reporting requirements under federal law for its portion of the
35 administration of this program.

36 (5) The department and the public works board shall begin the
37 process to disburse funds no later than October 1, 1997, and shall
38 adopt such rules as are necessary under chapter 34.05 RCW to administer
39 the program by January 1, 1999.

1 **Sec. 8.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to read
2 as follows:

3 The department may make available, or cause to be made available,
4 pharmaceutical birth control services, information, and counseling to
5 any person who enters chemical dependency treatment under section 20 or
6 21 of this act. Within available funds, the department may pay for any
7 tubal ligations requested under section 19 of this act if the mother's
8 income is less than two hundred percent of the federal poverty level.
9 ~~((The department shall report by December 1st of each year to the~~
10 ~~governor and legislature:—(1) The number of tubal ligations performed~~
11 ~~as a result of chapter 314, Laws of 1998; (2) the number of women who~~
12 ~~decline to undergo the surgery; (3) the number of women who obtain~~
13 ~~pharmaceutical birth control, by type of birth control; and (4) the~~
14 ~~number of women who are reported to the department.))~~

15 **Sec. 9.** RCW 74.09.320 and 1998 c 314 s 35 are each amended to read
16 as follows:

17 The department may make available, or cause to be made available,
18 pharmaceutical birth control services, information, and counseling to
19 any person who enters chemical dependency treatment under section 27 of
20 this act. Within available funds, the department may pay for any tubal
21 ligations requested under section 26 of this act if the mother's income
22 is less than two hundred percent of the federal poverty level. ~~((The~~
23 ~~department shall report by December 1st of each year to the governor~~
24 ~~and legislature:—(1) The number of tubal ligations performed as a~~
25 ~~result of chapter 314, Laws of 1998; (2) the number of women who~~
26 ~~decline to undergo the surgery; (3) the number of women who obtain~~
27 ~~pharmaceutical birth control, by type of birth control; and (4) the~~
28 ~~number of women who are reported to the department.))~~

29 **Sec. 10.** RCW 74.13.031 and 1999 c 267 s 8 are each amended to read
30 as follows:

31 The department shall have the duty to provide child welfare
32 services and shall:

33 (1) Develop, administer, supervise, and monitor a coordinated and
34 comprehensive plan that establishes, aids, and strengthens services for
35 the protection and care of runaway, dependent, or neglected children.

36 (2) Within available resources, recruit an adequate number of
37 prospective adoptive and foster homes, both regular and specialized,

1 i.e. homes for children of ethnic minority, including Indian homes for
2 Indian children, sibling groups, handicapped and emotionally disturbed,
3 teens, and pregnant and parenting teens(~~(, and annually report to the~~
4 ~~governor and the legislature concerning the department's success in:~~
5 ~~(a) Meeting the need for adoptive and foster home placements;~~ (b)
6 ~~reducing the foster parent turnover rate;~~ (c) ~~completing home studies~~
7 ~~for legally free children;~~ and (d) ~~implementing and operating the~~
8 ~~passport program required by RCW 74.13.285. The report shall include~~
9 ~~a section entitled "Foster Home Turn Over, Causes and~~
10 ~~Recommendations."~~)).

11 (3) Investigate complaints of any recent act or failure to act on
12 the part of a parent or caretaker that results in death, serious
13 physical or emotional harm, or sexual abuse or exploitation, or that
14 presents an imminent risk of serious harm, and on the basis of the
15 findings of such investigation, offer child welfare services in
16 relation to the problem to such parents, legal custodians, or persons
17 serving in loco parentis, and/or bring the situation to the attention
18 of an appropriate court, or another community agency: PROVIDED, That
19 an investigation is not required of nonaccidental injuries which are
20 clearly not the result of a lack of care or supervision by the child's
21 parents, legal custodians, or persons serving in loco parentis. If the
22 investigation reveals that a crime against a child may have been
23 committed, the department shall notify the appropriate law enforcement
24 agency.

25 (4) Offer, on a voluntary basis, family reconciliation services to
26 families who are in conflict.

27 (5) Monitor out-of-home placements, on a timely and routine basis,
28 to assure the safety, well-being, and quality of care being provided is
29 within the scope of the intent of the legislature as defined in RCW
30 74.13.010 and 74.15.010, and annually submit a report measuring the
31 extent to which the department achieved the specified goals to the
32 governor and the legislature.

33 (6) Have authority to accept custody of children from parents and
34 to accept custody of children from juvenile courts, where authorized to
35 do so under law, to provide child welfare services including placement
36 for adoption, and to provide for the physical care of such children and
37 make payment of maintenance costs if needed. Except where required by
38 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
39 which receives children for adoption from the department shall

1 discriminate on the basis of race, creed, or color when considering
2 applications in their placement for adoption.

3 (7) Have authority to provide temporary shelter to children who
4 have run away from home and who are admitted to crisis residential
5 centers.

6 (8) Have authority to purchase care for children; and shall follow
7 in general the policy of using properly approved private agency
8 services for the actual care and supervision of such children insofar
9 as they are available, paying for care of such children as are accepted
10 by the department as eligible for support at reasonable rates
11 established by the department.

12 (9) Establish a children's services advisory committee which shall
13 assist the secretary in the development of a partnership plan for
14 utilizing resources of the public and private sectors, and advise on
15 all matters pertaining to child welfare, licensing of child care
16 agencies, adoption, and services related thereto. At least one member
17 shall represent the adoption community.

18 (10) Have authority to provide continued foster care or group care
19 for individuals from eighteen through twenty years of age to enable
20 them to complete their high school or vocational school program.

21 (11) Have authority within funds appropriated for foster care
22 services to purchase care for Indian children who are in the custody of
23 a federally recognized Indian tribe or tribally licensed child-placing
24 agency pursuant to parental consent, tribal court order, or state
25 juvenile court order; and the purchase of such care shall be subject to
26 the same eligibility standards and rates of support applicable to other
27 children for whom the department purchases care.

28 Notwithstanding any other provision of RCW 13.32A.170 through
29 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
30 services to be provided by the department of social and health services
31 under subsections (4), (6), and (7) of this section, subject to the
32 limitations of these subsections, may be provided by any program
33 offering such services funded pursuant to Titles II and III of the
34 federal juvenile justice and delinquency prevention act of 1974.

35 (12) Within amounts appropriated for this specific purpose, provide
36 preventive services to families with children that prevent or shorten
37 the duration of an out-of-home placement.

1 **Sec. 11.** RCW 74.13.036 and 1996 c 133 s 37 are each amended to
2 read as follows:

3 (1) The department of social and health services shall oversee
4 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
5 oversight shall be comprised of working with affected parts of the
6 criminal justice and child care systems as well as with local
7 government, legislative, and executive authorities to effectively carry
8 out these chapters. The department shall work with all such entities
9 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
10 uniform manner throughout the state.

11 (2) The department shall develop a plan and procedures, in
12 cooperation with the state-wide advisory committee, to (~~insure~~)
13 ensure the full implementation of the provisions of chapter 13.32A RCW.
14 Such plan and procedures shall include but are not limited to:

15 (a) Procedures defining and delineating the role of the department
16 and juvenile court with regard to the execution of the child in need of
17 services placement process;

18 (b) Procedures for designating department staff responsible for
19 family reconciliation services;

20 (c) Procedures assuring enforcement of contempt proceedings in
21 accordance with RCW 13.32A.170 and 13.32A.250; and

22 (d) Procedures for the continued education of all individuals in
23 the criminal juvenile justice and child care systems who are affected
24 by chapter 13.32A RCW, as well as members of the legislative and
25 executive branches of government.

26 There shall be uniform application of the procedures developed by
27 the department and juvenile court personnel, to the extent practicable.
28 Local and regional differences shall be taken into consideration in the
29 development of procedures required under this subsection.

30 (3) In addition to its other oversight duties, the department
31 shall:

32 (a) Identify and evaluate resource needs in each region of the
33 state;

34 (b) Disseminate information collected as part of the oversight
35 process to affected groups and the general public;

36 (c) Educate affected entities within the juvenile justice and child
37 care systems, local government, and the legislative branch regarding
38 the implementation of chapters 13.32A and 13.34 RCW;

1 (d) Review complaints concerning the services, policies, and
2 procedures of those entities charged with implementing chapters 13.32A
3 and 13.34 RCW; and

4 (e) Report any violations and misunderstandings regarding the
5 implementation of chapters 13.32A and 13.34 RCW.

6 (4) The secretary shall submit a quarterly report to the
7 appropriate local government entities.

8 ~~((5) The department shall provide an annual report to the
9 legislature not later than December 1, indicating the number of times
10 it has declined to accept custody of a child from a law enforcement
11 agency under chapter 13.32A RCW and the number of times it has received
12 a report of a child being released without placement under RCW
13 13.32A.060(1)(c). The report shall include the dates, places, and
14 reasons the department declined to accept custody and the dates and
15 places children are released without placement.))~~

16 **Sec. 12.** RCW 74.14C.070 and 1995 c 311 s 11 are each amended to
17 read as follows:

18 The secretary of social and health services, or the secretary's
19 regional designee, may transfer funds appropriated for foster care
20 services to purchase preservation services and other preventive
21 services for children at imminent risk of out-of-home placement or who
22 face a substantial likelihood of out-of-home placement. This transfer
23 may be made in those regions that lower foster care expenditures
24 through efficient use of preservation services and permanency planning
25 efforts. The transfer shall be equivalent to the amount of reduced
26 foster care expenditures and shall be made in accordance with the
27 provisions of this chapter and with the approval of the office of
28 financial management. ~~((The secretary shall present an annual report
29 to the legislature regarding any transfers under this section. The
30 secretary shall include caseload, expenditure, cost avoidance,
31 identified improvements to the out-of-home care system, and outcome
32 data related to the transfer in the report. The secretary shall also
33 include in the report information regarding: (1) The percent of cases
34 where a child is placed in out-of-home care after the provision of
35 intensive family preservation services or family preservation services;
36 (2) the average length of time before such child is placed out-of-home;
37 (3) the average length of time such child is placed out-of-home; and~~

1 ~~(4) the number of families that refused the offer of either family~~
2 ~~preservation services or intensive family preservation services.))~~

3 **Sec. 13.** RCW 74.20A.035 and 1987 c 441 s 3 are each amended to
4 read as follows:

5 The department of social and health services shall augment its
6 present paternity establishment services through the hiring of
7 additional assistant attorneys general, or contracting with prosecutors
8 or private attorneys licensed in the state of Washington in those
9 judicial districts experiencing delay or an accumulation of unserved
10 paternity cases. The employment of private attorneys shall be limited
11 in scope to renewable six-month periods in judicial districts where the
12 prosecutor or the attorney general cannot provide adequate, cost-
13 effective service. ~~((The department of social and health services~~
14 ~~shall provide a written report of the circumstances requiring~~
15 ~~employment of private attorneys to the judiciary committees of the~~
16 ~~senate and house of representatives and provide copies of such reports~~
17 ~~to the office of the attorney general and to the Washington association~~
18 ~~of prosecuting attorneys.))~~

19 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 18.20.230 (Training standards review--Proposed
22 enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2;

23 (2) RCW 43.20A.870 (Children's services--Annual quality assurance
24 report) and 1999 c 372 s 7 & 1997 c 386 s 47;

25 (3) RCW 70.128.210 (Training standards review--Delivery system--
26 Issues reviewed--Report to the legislature) and 1998 c 272 s 3;

27 (4) RCW 71.36.020 (Inventory of mental health programs for
28 children--Plan for early periodic screening, diagnosis, and treatment
29 services) and 1991 c 326 s 13;

30 (5) RCW 74.14C.080 (Data collection--Reports to the legislature)
31 and 1995 c 311 s 5;

32 (6) RCW 74.20A.340 (License suspension program--Annual report) and
33 1997 c 58 s 804;

34 (7) RCW 75.50.030 (Salmon enhancement plan--Enhancement projects)
35 and 1995 1st sp.s. c 2 s 35 & 1985 c 458 s 3;

36 (8) RCW 75.08.410 (Director's determination of salmon production
37 costs) and 1989 c 336 s 2; and

1 (9) RCW 75.08.530 (Annual report--Salmon and steelhead harvest) and
2 1997 c 414 s 1.

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