
SENATE BILL 5258

State of Washington

54th Legislature

1995 Regular Session

By Senators Hargrove, Long, Franklin and McAuliffe

Read first time 01/17/95. Referred to Committee on Human Services & Corrections.

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, 70.190.090, and 70.190.130; adding new sections
4 to chapter 70.190 RCW; creating new sections; providing an effective
5 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 authorities 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) a person's right to
29 compensation from a health, educational, social service, or justice
30 system organization that receives public funds, or (b) a trustee who
31 has budgetary or policy-making authority for an organization listed in
32 this 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 community public health and
4 safety networks to reconnect parents and other citizens with children,
5 youth, families, and community institutions which support health and
6 safety. The networks should empower parents and other citizens by
7 being a means of expressing their attitudes, spirit, and perspectives
8 regarding safe and healthy family and community life. The legislature
9 intends that parent and other citizen perspectives exercise a
10 controlling influence over policy and program operations of
11 professional organizations concerned with children and family issues
12 within networks in a manner consistent with the Constitution and state
13 law. It is not the intent of the legislature that health, social
14 service, or educational professionals dominate community public health
15 and safety network processes or programs, but rather that these
16 professionals use their skills to lend support to parents and other
17 citizens in expressing their values as parents and other citizens
18 identify community needs and establish community priorities. To this
19 end, the legislature intends full participation of parents and other
20 citizens in community public health and safety networks. The intent is
21 that local community values are reflected in the operations of the
22 network.

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

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

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

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

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

40 (5) Not less than sixty days before the expiration of a network
41 member's term, the chair shall submit the name of a nominee to the
42 council for its approval. The council shall ensure the network remains
43 in compliance with subsection (3) of this section.

44 (6) The network shall select a public entity as the lead fiscal
45 agency for the network. The lead agency may contract with a public or

1 private entity to perform other administrative duties required by the
2 state. In making the selection, the network shall consider: (a)
3 Experience in administering prevention and intervention programs; (b)
4 the relative geographical size of the network and its members; (c)
5 budgeting and fiscal capacity; and (d) how diverse a population each
6 entity represents. The fiscal agent shall maintain a system of
7 accounting for network funds consistent with the budgeting, accounting,
8 and reporting systems promulgated by the state auditor's office, or any
9 other system approved by the state auditor's office.

10 ~~((6))~~ (7) Network meetings are subject to the open public
11 meetings act under chapter 42.30 RCW.

12 **Sec. 4.** RCW 70.190.090 and 1994 sp.s. c 7 s 306 are each amended
13 to read as follows:

14 (1) A community network that has its membership finalized under RCW
15 70.190.060(4) shall, upon application to the council, be eligible to
16 receive planning grants and technical assistance from the council.
17 Planning grants may be funded through available federal funds for
18 family preservation services. After receiving the planning grant the
19 ~~((region will be given))~~ network has up to one year to submit the long-
20 term comprehensive plan. ~~((Upon application the community networks are~~
21 ~~eligible to receive funds appropriated under RCW 70.190.140.))~~ The
22 council may, upon request of a network, approve an extension for
23 planning for a period of not more than one year. No network may be
24 granted more than one extension.

25 (2) The council shall enter into biennial contracts with community
26 networks as part of the grant process. The contracts shall be
27 consistent with available resources, and shall be distributed in
28 accordance with the distribution formula developed pursuant to RCW
29 43.41.195, subject to the applicable matching fund requirement.

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

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

37 (5) The networks shall distribute funds (a) appropriated for plan
38 implementation by the legislature, (b) appropriated to state agencies

1 that can be distributed to the networks through the agency's legal
2 authority, and (c) obtained from nonstate resources.

3 **Sec. 5.** RCW 70.190.130 and 1994 sp.s. c 7 s 310 are each amended
4 to read as follows:

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

9 (1) Promoted input from the widest practical range of agencies and
10 affected parties;

11 (2) Reviewed the indicators of violence data compiled by the local
12 public health departments and incorporated a response to those
13 indicators in the plan;

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

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

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

24 (6) Committed to make measurable reductions in the rate of at-risk
25 children and youth by reducing the rate of state-funded out-of-home
26 placements and make reductions in at least three of the following rates
27 of youth: Violent criminal acts, substance abuse, pregnancy and male
28 parentage, suicide attempts, (~~or~~) dropping out of school, child abuse
29 or neglect, and domestic violence.

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

32 The participating state agencies shall review each network's plan
33 to determine the plan's impact on the agency. The agencies shall
34 complete the review within ninety days of the receipt of the plan. The
35 report shall identify any necessary actions on the part of the agency
36 that are necessary to fulfill the requirements of this chapter. The

1 agencies shall immediately undertake implementation of the necessary
2 actions.

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

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

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

12 NEW SECTION. **Sec. 8.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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

21 NEW SECTION. **Sec. 10.** (1) Section 4 of this act is necessary for
22 the immediate preservation of the public peace, health, or safety, or
23 support of the state government and its existing public institutions,
24 and shall take effect July 1, 1995.

25 (2) Sections 5 and 7 of this act are necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and shall take
28 effect immediately.

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