
HOUSE BILL 3901

State of Washington**55th Legislature****1997 Regular Session**

By Representatives Cooke, Boldt, McDonald, Alexander, Bush, Smith, Mielke, Talcott, Cairnes, Reams, Johnson, Huff, Lambert, Sheahan, Mulliken, Parlette, Backlund, Koster, D. Sommers, D. Schmidt, Schoesl Wensman and Skinner

Read first time 03/15/97 (Introduced with Senate Sponsors). Referred to Committee on .

1 AN ACT Relating to implementing the federal personal responsibility
2 and work opportunity reconciliation act of 1996; amending RCW
3 74.08.025, 74.08.340, 74.09.510, 74.09.800, 74.08.331, 28A.630.876,
4 50.16.030, 74.04.050, 41.06.380, 74.12A.020, 74.13.0903, 74.25.040,
5 74.12.255, 74.04.0052, 13.34.160, 74.12.250, 74.12.410, 74.20A.020,
6 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181,
7 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080, 18.165.160,
8 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060,
9 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130,
10 19.158.050, 19.166.040, 21.20.110, 67.08.100, 19.02.100, 43.24.080,
11 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010,
12 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.28.010,
13 26.09.160, 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090,
14 74.20A.100, 26.23.045, 26.23.030, 74.20A.080, 26.23.120, 26.04.160,
15 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245,
16 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530,
17 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320,
18 74.20.330, 70.58.080, 26.26.040, 74.20A.055, 26.23.040, 26.23.040,
19 26.26.130, 70.58.055, 50.13.060, and 74.04.062; reenacting and amending
20 RCW 74.04.005, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056,
21 26.09.020, and 26.26.100; adding new sections to chapter 74.12 RCW;

1 adding new sections to chapter 74.04 RCW; adding a new section to
2 chapter 28A.630 RCW; adding a new section to chapter 43.30 RCW; adding
3 a new section to chapter 50.62 RCW; adding a new section to chapter
4 43.330 RCW; adding a new section to chapter 50.08 RCW; adding a new
5 section to chapter 44.28 RCW; adding new sections to chapter 74.20A
6 RCW; adding a new section to chapter 48.22 RCW; adding a new section to
7 chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a
8 new section to chapter 18.08 RCW; adding a new section to chapter 18.16
9 RCW; adding a new section to chapter 18.20 RCW; adding a new section to
10 chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a
11 new section to chapter 18.43 RCW; adding a new section to chapter 18.44
12 RCW; adding a new section to chapter 18.51 RCW; adding a new section to
13 chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a
14 new section to chapter 18.106 RCW; adding a new section to chapter
15 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new
16 section to chapter 18.145 RCW; adding a new section to chapter 18.165
17 RCW; adding a new section to chapter 18.170 RCW; adding a new section
18 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW;
19 adding a new section to chapter 28A.410 RCW; adding a new section to
20 chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a
21 new section to chapter 74.15 RCW; adding a new section to chapter 47.68
22 RCW; adding a new section to chapter 71.12 RCW; adding a new section to
23 chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a
24 new section to chapter 88.02 RCW; adding a new section to chapter 43.24
25 RCW; adding a new section to chapter 70.95B RCW; adding a new section
26 to chapter 75.25 RCW; adding a new section to chapter 77.32 RCW; adding
27 a new section to chapter 75.28 RCW; adding a new section to chapter
28 75.30 RCW; adding a new section to chapter 26.09 RCW; adding new
29 sections to chapter 74.20 RCW; adding new sections to chapter 26.23
30 RCW; adding new sections to chapter 26.21 RCW; adding a new section to
31 chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; adding a
32 new section to chapter 43.20A RCW; adding a new chapter to Title 74
33 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425,
34 74.04.660, 74.25.010, 74.25.020, 74.25.030, 74.25.900, 74.25.901,
35 74.04.770, 74.08.120, and 74.08.125; providing effective dates;
36 providing expiration dates; and declaring an emergency.

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

TABLE OF CONTENTS

1

2 Page #

3 I. GENERAL PROVISIONS 5

4 II. IMMIGRANT PROTECTION 9

5 III. WASHINGTON WORKFIRST PROGRAM 15

6 IV. CHILD CARE 41

7 V. TEEN PARENTS 44

8 A. PERMISSIBLE LIVING SITUATIONS 44

9 B. GRANDPARENT LIABILITY 47

10 VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION 49

11 VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY . . 49

12 VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT 51

13 A. LICENSE SUSPENSION 51

14 B. CHILD SUPPORT ENFORCEMENT 142

15 X. MISCELLANEOUS 211

16 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT AND FINDINGS. The

17 legislature finds that the federal personal responsibility and work

18 opportunity reconciliation act of 1996 presents both opportunities and

19 challenges for the states as they develop methods of moving families in

20 poverty from welfare to work. The legislature further finds that,

21 although many of the goals of the federal act coincide with Washington

22 state's vision for enabling families to achieve eventual economic self-

23 sufficiency through private, unsubsidized employment, the treatment of

24 legal immigrants under the federal act does not reflect Washington's

25 commitment to those legal immigrants within Washington's borders who

26 have played by the rules, and who live in our communities and

27 participate in the American way of life, providing economic and

28 cultural enrichment to Washington state's population.

1 The legislature finds that at least one-third of public assistance
2 recipients have experience in the work force and sufficient training to
3 enable them to obtain unsubsidized employment. The legislature intends
4 to put a priority on finding jobs, which may include on-the-job
5 training, for this group of public assistance recipients. The
6 legislature intends that state agencies involved in welfare reform
7 shall reorganize to accomplish this priority. The legislature intends
8 that state agencies solicit from businesses information about job
9 opportunities and make the information available to public assistance
10 recipients.

11 The legislature intends that legal immigrants who obey the laws of
12 Washington, and who were granted permission to immigrate by the federal
13 government, should be treated as equitably as possible under the
14 state's enactment and implementation of public assistance programs.

15 The legislature finds that Washington state's goals in implementing
16 the federal act include promoting the American values of work,
17 education, and responsibility, including responsible childbearing and
18 dedication by both parents to protecting, supporting, and bringing up
19 children to become responsible, productive Americans. This has been
20 the goal and the dream of generations of Americans, whether native born
21 or naturalized citizens.

22 The legislature finds that it is necessary, to enable people to
23 leave welfare, to encourage a new alliance of state and local
24 government, business, churches, nonprofit organizations, and
25 individuals to dedicate themselves, within the letter and the spirit of
26 the law, to helping families in poverty overcome barriers, obtain
27 support, direction, and encouragement, and become contributors to the
28 American way of life.

29 The legislature finds that, in pursuance of these goals, it is also
30 necessary to establish policy that recognizes our moral imperative to
31 protect children when their parents or other adults in a child's life
32 are unable or unwilling to do so, and to continue our commitment to the
33 elderly, frail, and vulnerable for whom work is not an option.

34 The legislature reaffirms its commitment to provide medical
35 services to eligible legal immigrants under the children's health
36 program established under RCW 74.04.405. The legislature affirms its
37 commitment to provide the benefits of the maternity care access program
38 under RCW 74.09.800 to documented and undocumented immigrants who
39 qualify.

1 The legislature finds that family structure and relationships are
2 critical to the long-term success and economic self-sufficiency of
3 recipients of temporary assistance for needy families and their
4 children. The department and its employees shall communicate clearly
5 to recipients of temporary assistance for needy families the importance
6 of healthy and safe marriages and family relationships.

7 NEW SECTION. **Sec. 2.** SHORT TITLE. This act may be known and
8 cited as the Washington WorkFirst temporary assistance for needy
9 families act.

10 **I. GENERAL PROVISIONS**

11 **Sec. 101.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each
12 amended to read as follows:

13 (1) Public assistance (~~(shall)~~) may be awarded to any applicant:

14 ~~((1))~~ (a) Who is in need and otherwise meets the eligibility
15 requirements of department assistance programs; and

16 ~~((2))~~ (b) Who has not made a voluntary assignment of property or
17 cash for the purpose of qualifying for an assistance grant; and

18 ~~((3))~~ (c) Who is not an inmate of a public institution except as
19 a patient in a medical institution or except as an inmate in a public
20 institution who could qualify for federal aid assistance: PROVIDED,
21 That the assistance paid by the department to recipients in nursing
22 homes, or receiving nursing home care, may cover the cost of clothing
23 and incidentals and general maintenance exclusive of medical care and
24 health services. The department may pay a grant to cover the cost of
25 clothing and personal incidentals in public or private medical
26 institutions and institutions for tuberculosis. The department shall
27 allow recipients in nursing homes to retain, in addition to the grant
28 to cover the cost of clothing and incidentals, wages received for work
29 as a part of a training or rehabilitative program designed to prepare
30 the recipient for less restrictive placement to the extent permitted
31 under Title XIX of the federal social security act.

32 (2) Any person otherwise qualified for temporary assistance for
33 needy families under this title who has resided in the state of
34 Washington for fewer than twelve consecutive months immediately
35 preceding application for assistance is limited to the benefit level in
36 the state in which the person resided immediately before Washington,

1 that was obtainable on the date of application in Washington state, if
2 the benefit level of the prior state is lower than the level provided
3 to similarly situated applicants in Washington state. The benefit
4 level under this subsection shall be in effect for the first twelve
5 months a recipient is on temporary assistance for needy families in
6 Washington state.

7 (3) Any person otherwise qualified for temporary assistance for
8 needy families who is assessed through the state alcohol and substance
9 abuse program as drug or alcohol-dependent and requiring treatment to
10 become employable shall be required by the department to participate in
11 a drug or alcohol treatment program as a condition of benefit receipt.

12 (4) In order to be eligible for temporary assistance for needy
13 families and food stamp program benefits, any applicant with a felony
14 conviction after August 21, 1996, involving drug use or possession,
15 must: (a) Have been assessed as chemically dependent by a chemical
16 dependency program approved under chapter 70.96A RCW and be
17 participating in or have completed a coordinated rehabilitation plan
18 consisting of chemical dependency treatment and vocational services;
19 and (b) have not been convicted of a felony involving drug use or
20 possession in the three years prior to the most current conviction.

21 **Sec. 102.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
22 to read as follows:

23 All assistance granted under this title shall be deemed to be
24 granted and to be held subject to the provisions of any amending or
25 repealing act that may hereafter be enacted, and no recipient shall
26 have any claim for compensation, or otherwise, by reason of his
27 assistance being affected in any way by such amending or repealing act.
28 There is no legal entitlement to public assistance.

29 NEW SECTION. Sec. 103. TIME LIMITS. (1) After a recipient has
30 received sixty monthly benefit payments under the temporary assistance
31 for needy families program, the recipient and their family shall not be
32 eligible for any additional monthly payments. Following the receipt of
33 sixty monthly benefit payments, a recipient is forever ineligible to
34 apply for or receive any further assistance under this chapter.

35 (2) For the purposes of applying the rules of this section, the
36 department shall count both consecutive and nonconsecutive months in

1 which a recipient received a monthly benefit payment or a portion of a
2 monthly benefit payment.

3 (3) The department shall refer recipients who require specialized
4 assistance to appropriate department programs, crime victims' programs
5 through the department of community, trade, and economic development,
6 or the crime victims' compensation program of the department of labor
7 and industries.

8 (4) The department may exempt a recipient and the recipient's
9 family from the application of subsection (1) of this section by reason
10 of hardship or if the recipient has been battered or subjected to
11 extreme cruelty. The number of recipients and their families exempted
12 from subsection (1) of this section for a fiscal year shall not exceed
13 twenty percent of the average monthly number of recipients and their
14 families to which assistance is provided under the temporary assistance
15 for needy families program.

16 (5) The department shall not exempt a recipient and his or her
17 family from the application of subsection (1) of this section until
18 after the recipient has received fifty-two months of assistance under
19 this chapter.

20 NEW SECTION. **Sec. 104.** ELECTRONIC BENEFIT TRANSFER. By October
21 2002, the department shall develop and implement an electronic benefit
22 transfer system to be used for the delivery of public assistance
23 benefits, including without limitation, food assistance.

24 The department shall comply with P.L. 104-193, and shall cooperate
25 with relevant federal agencies in the design and implementation of the
26 electronic benefit transfer system.

27 NEW SECTION. **Sec. 105.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 74.12.420 and 1994 c 299 s 9;

30 (2) RCW 74.12.425 and 1994 c 299 s 10; and

31 (3) RCW 74.04.660 and 1994 c 296 s 1, 1993 c 63 s 1, 1989 c 11 s
32 26, 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6.

33 NEW SECTION. **Sec. 106.** (1) The department shall allow religiously
34 affiliated organizations to provide services to families receiving
35 temporary assistance for needy families on the same basis as any other
36 nongovernmental provider, without impairing the religious character of

1 such organizations, and without diminishing the religious freedom of
2 beneficiaries of assistance funded under chapter 74.12 RCW.

3 (2) The department shall adopt rules implementing this section, and
4 the applicable sections of P.L. 104-193 related to services provided by
5 charitable, religious, or private organizations.

6 NEW SECTION. **Sec. 107.** A new section is added to chapter 74.12
7 RCW to read as follows:

8 The department shall (1) provide eligible Indian tribes ongoing,
9 meaningful opportunities to participate in the development, oversight,
10 and operation of the state temporary assistance for needy families
11 program; (2) certify annually that it is providing equitable access to
12 the state temporary assistance for needy families program to Indian
13 people whose tribe is not administering a tribal temporary assistance
14 for needy families program; (3) coordinate and cooperate with eligible
15 Indian tribes that elect to operate a tribal temporary assistance for
16 needy families program as provided for in P.L. 104-193; and (4) upon
17 approval by the secretary of the federal department of health and human
18 services of a tribal temporary assistance for needy families program,
19 transfer a fair and equitable amount of the state maintenance of effort
20 funds to the eligible Indian tribe. The legislature shall specify the
21 amount of state maintenance of effort funds to be transferred in the
22 biennial appropriations act.

23 NEW SECTION. **Sec. 108.** A new section is added to chapter 74.12
24 RCW to read as follows:

25 An eligible Indian tribe exercising its authority under P.L.
26 104-193 to operate a tribal temporary assistance for needy families
27 program shall operate the program on a state fiscal year basis. If a
28 tribe decides to cancel a tribal temporary assistance for needy
29 families program, it shall notify the department no later than ninety
30 days prior to the start of the state fiscal year.

31 NEW SECTION. **Sec. 109.** A new section is added to chapter 74.12
32 RCW to read as follows:

33 **FOOD STAMP WORK REQUIREMENTS.** Single adults without dependents
34 between eighteen and fifty years of age shall comply with federal food
35 stamp work requirements as a condition of eligibility. The department

1 shall not exempt any counties or subcounty areas from the federal food
2 stamp work requirements in P.L. 104-193.

3 **II. IMMIGRANT PROTECTION**

4 **Sec. 201.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to
5 read as follows:

6 Medical assistance may be provided in accordance with eligibility
7 requirements established by the department (~~(of social and health~~
8 ~~services)~~), as defined in the social security Title XIX state plan for
9 mandatory categorically needy persons and: (1) Individuals who would
10 be eligible for cash assistance except for their institutional status;
11 (2) individuals who are under twenty-one years of age, who would be
12 eligible for aid to families with dependent children, but do not
13 qualify as dependent children and who are in (a) foster care, (b)
14 subsidized adoption, (c) a nursing facility or an intermediate care
15 facility for the mentally retarded, or (d) inpatient psychiatric
16 facilities; (3) the aged, blind, and disabled who: (a) Receive only a
17 state supplement, or (b) would not be eligible for cash assistance if
18 they were not institutionalized; (4) categorically eligible individuals
19 who (~~would be eligible for but choose not to receive cash assistance~~)
20 meet the income and resource requirements of the cash assistance
21 programs; (5) individuals who are enrolled in managed health care
22 systems, who have otherwise lost eligibility for medical assistance,
23 but who have not completed a current six-month enrollment in a managed
24 health care system, and who are eligible for federal financial
25 participation under Title XIX of the social security act; (6) children
26 and pregnant women allowed by federal statute for whom funding is
27 appropriated; (~~and~~) (7) other individuals eligible for medical
28 services under RCW 74.09.035 and 74.09.700 for whom federal financial
29 participation is available under Title XIX of the social security act;
30 and (8) persons allowed by section 1931 of the social security act for
31 whom funding is appropriated.

32 NEW SECTION. **Sec. 202.** IMMIGRANTS--ELIGIBILITY. It is the intent
33 of the legislature that all legal immigrants who resided in the United
34 States before August 21, 1996, retain eligibility for assistance
35 programs the same as or similar to those from which they lost benefits
36 as a result of P.L. 104-193. The legislature also intends that

1 sponsors' incomes continue to be deemed for these individuals in the
2 same manner it was addressed prior to August 22, 1996.

3 Accordingly, the state shall exercise its option under P.L. 104-193
4 to continue services to legal immigrants under temporary assistance for
5 needy families, medicaid, and social services block grant programs.
6 Legal immigrants who lose benefits under the supplemental security
7 income program as a result of P.L. 104-193 are immediately eligible for
8 benefits under the state's general assistance-unemployable program.
9 The department shall redetermine income and resource eligibility at
10 least annually, in accordance with existing state policy. It is the
11 policy of the legislature to distinguish between legal immigrants
12 living in the United States prior to August 22, 1996, and those who
13 immigrated on or after the enactment of P.L. 104-193. The
14 postenactment legal immigrants are subject to a five-year benefit
15 exclusion for means-tested public assistance programs and are subject
16 to the sponsor-deeming provisions of section 206 of this act, which
17 shall be strictly construed in favor of benefit denial.

18 NEW SECTION. **Sec. 203.** INCOME AVERAGING--BENEFIT DETERMINATION.
19 In the case of applicants for temporary assistance for needy families
20 whose principle source of earned income is seasonal employment, the
21 department shall determine eligibility and benefit levels by
22 retrospectively considering the applicant's earned income for the
23 twelve-month period immediately preceding the application for
24 assistance. The earned income shall be prorated on an annual basis,
25 and the prorated amount used for eligibility and benefit determination
26 in the prospective month. Assistance shall be denied until the
27 applicant's prorated prior twelve months of income equals a monthly
28 amount at or below the eligibility level. The intent of the
29 legislature is to ensure that persons with seasonal earned income that,
30 if prorated on an annual basis, would have exceeded the level
31 qualifying them for assistance will be denied assistance until such
32 time as they qualify on a prorated basis.

33 NEW SECTION. **Sec. 204.** NATURALIZATION FACILITATION. The
34 department shall make an affirmative effort to identify and proactively
35 contact legal immigrants receiving public assistance to facilitate
36 their applications for naturalization. The department shall obtain a
37 complete list of legal immigrants in Washington who are receiving

1 correspondence regarding their eligibility from the social security
2 administration. The department shall inform immigrants regarding how
3 citizenship may be attained. In order to facilitate the citizenship
4 process, the department shall coordinate and contract, to the extent
5 necessary, with existing public and private resources and shall, within
6 available funds, ensure that those immigrants who qualify to apply for
7 naturalization are referred to or otherwise offered classes. The
8 department shall assist eligible immigrants in obtaining appropriate
9 test exemptions, and other exemptions in the naturalization process, to
10 the extent permitted under federal law. The department shall report
11 annually by December 15th to the legislature regarding the progress and
12 barriers of the immigrant naturalization facilitation effort. It is
13 the intent of the legislature that persons receiving naturalization
14 assistance be facilitated in obtaining citizenship within two years of
15 their eligibility to apply.

16 NEW SECTION. **Sec. 205.** SPONSOR DEEMING. (1) Except as provided
17 in subsection (5) of this section, qualified aliens and aliens
18 permanently residing under color of law who are recipients of public
19 assistance under this title as of August 22, 1996, shall have their
20 eligibility for assistance redetermined.

21 (2) Qualified aliens who enter the United States of America after
22 August 22, 1996, are ineligible to receive public assistance under this
23 title for a period of five years, except as provided in subsection (6)
24 of this section. Following their period of ineligibility, their
25 eligibility for public assistance shall be determined as provided for
26 in this section.

27 (3) In determining the eligibility and the amount of benefits of a
28 qualified alien or an alien permanently residing under color of law for
29 public assistance under this title, the income and resources of the
30 alien shall be deemed to include the income and resources of any person
31 and his or her spouse who executed an affidavit of support pursuant to
32 section 213A of the federal immigration and naturalization act on
33 behalf of the alien. The deeming provisions of this subsection shall
34 be waived if the sponsor dies or is permanently incapacitated during
35 the period the affidavit of support is valid.

36 (4) As used in this section, "qualified alien" has the meaning
37 provided it in P.L. 104-183.

1 (5)(a) Qualified aliens specified under sections 403, 412, and 552
2 (e) and (f), subtitle B, Title IV, of P.L. 104-193 and in P.L. 104-208,
3 are exempt from this section.

4 (b) Qualified aliens who served in the armed forces of an allied
5 country, or were employed by an agency of the federal government,
6 during a military conflict between the United States of America and a
7 military adversary are exempt from the provisions of this section.

8 (c) Qualified aliens who are victims of domestic violence and
9 petition for legal status under the federal violence against women act
10 are exempt from the provisions of this section.

11 (6) Subsection (2) of this section does not apply to the following
12 state benefits:

13 (a) Assistance described in P.L. 104-193 sections 403(c)(H) through
14 (K), 411(b)(1), 421(b), and P.L. 104-208;

15 (b) Short-term, noncash, in-kind emergency disaster relief;

16 (c) Programs comparable to assistance or benefits under the federal
17 national school lunch act;

18 (d) Programs comparable to assistance or benefits under the federal
19 child nutrition act of 1966;

20 (e) Public health assistance for immunizations with respect to
21 immunizable diseases and for testing and treatment of symptoms of
22 communicable diseases whether or not the symptoms are caused by a
23 communicable disease;

24 (f) Payments for foster care and adoption assistance;

25 (g) Programs, services, or assistance where eligibility is not
26 determined by employees of the department of social and health
27 services;

28 (h) Programs, services, or assistance such as meals from a soup
29 kitchen, crisis counseling and intervention, and short-term shelter,
30 specified by the attorney general, after consultation with appropriate
31 agencies and departments, that:

32 (i) Deliver in-kind services at the community level, including
33 through public or private nonprofit agencies;

34 (ii) Do not condition the provision of assistance, the amount of
35 assistance provided, or the cost of assistance provided on the
36 individual recipient's income or resources; and

37 (iii) Are necessary for the protection of life or safety.

38 (7) Otherwise qualified legal immigrants arriving after the
39 enactment of P.L. 104-193, and subject to the five-year federal means-

1 tested benefit exclusion, shall, after the five-year exclusion, be
2 eligible for medical assistance in cases where their sponsors have
3 died.

4 NEW SECTION. **Sec. 206.** A new section is added to chapter 74.04
5 RCW to read as follows:

6 FOOD ASSISTANCE. (1) The department may establish a food
7 assistance program for persons whose immigrant status meets the
8 eligibility requirements of the federal food stamp program as of August
9 21, 1996, but who are no longer eligible solely due to their immigrant
10 status under P.L. 104-193.

11 (2) The rules for the state food assistance program shall follow
12 exactly the rules of the federal food stamp program as they existed on
13 the effective date of this section except for the provisions pertaining
14 to immigrant status under P.L. 104-193.

15 (3) The benefit under the state food assistance program shall be
16 established by the legislature in the biennial operating budget.

17 (4) The department may enter into a contract with the United States
18 department of agriculture to use the existing federal food stamp
19 program coupon system for the purposes of administering the state food
20 assistance program.

21 (5) In the event the department is unable to enter into a contract
22 with the United States department of agriculture, the department may
23 issue vouchers to eligible households for the purchase of eligible
24 foods at participating retailers.

25 **Sec. 207.** RCW 74.09.800 and 1993 c 407 s 10 are each amended to
26 read as follows:

27 The department shall, consistent with the state budget act, develop
28 a maternity care access program designed to ensure healthy birth
29 outcomes as follows:

30 (1) Provide maternity care services to low-income pregnant women
31 and health care services to children in poverty to the maximum extent
32 allowable under the medical assistance program, Title XIX of the
33 federal social security act;

34 (2) Provide maternity care services to low-income women who are not
35 eligible to receive such services under the medical assistance program,
36 Title XIX of the federal social security act;

1 (3) By January 1, 1990, have the following procedures in place to
2 improve access to maternity care services and eligibility
3 determinations for pregnant women applying for maternity care services
4 under the medical assistance program, Title XIX of the federal social
5 security act:

6 (a) Use of a shortened and simplified application form;

7 (b) Outstationing department staff to make eligibility
8 determinations;

9 (c) Establishing local plans at the county and regional level,
10 coordinated by the department; and

11 (d) Conducting an interview for the purpose of determining medical
12 assistance eligibility within five working days of the date of an
13 application by a pregnant woman and making an eligibility determination
14 within fifteen working days of the date of application by a pregnant
15 woman;

16 (4) Establish a maternity care case management system that shall
17 assist at-risk eligible persons with obtaining medical assistance
18 benefits and receiving maternity care services, including
19 transportation and child care services;

20 (5) Within available resources, establish appropriate reimbursement
21 levels for maternity care providers;

22 (6) Implement a broad-based public education program that stresses
23 the importance of obtaining maternity care early during pregnancy;

24 (7) Refer persons eligible for maternity care services under the
25 program established by this section to persons, agencies, or
26 organizations with maternity care service practices that primarily
27 emphasize healthy birth outcomes;

28 (8) Provide family planning services including information about
29 the synthetic progestin capsule implant form of contraception, for
30 twelve months immediately following a pregnancy to women who were
31 eligible for medical assistance under the maternity care access program
32 during that pregnancy or who were eligible only for emergency labor and
33 delivery services during that pregnancy; and

34 (9) Within available resources, provide family planning services to
35 women who meet the financial eligibility requirements for services
36 under subsections (1) and (2) of this section.

37 The legislature reaffirms its commitment to provide health care
38 services under this section to eligible immigrants, regardless of
39 documented or undocumented status.

1 assistance is placed on the temporary assistance for needy families
2 program within twelve months of receiving diversion assistance, the
3 prorated dollar value of the assistance shall be treated as a loan from
4 the state, and recovered by deduction from the recipient's cash grant.

5 **Sec. 303.** RCW 74.08.331 and 1992 c 7 s 59 are each amended to read
6 as follows:

7 Any person who by means of a willfully false statement, or
8 representation, or impersonation, or a willful failure to reveal any
9 material fact, condition or circumstance affecting eligibility ((~~of~~
10 ~~for~~)) or need for assistance, including medical care, surplus
11 commodities and food stamps, as required by law, or a willful failure
12 to promptly notify the county office in writing as required by law or
13 any change in status in respect to resources, or income, or need, or
14 family composition, money contribution and other support, from whatever
15 source derived, including unemployment insurance, or any other change
16 in circumstances affecting the person's eligibility or need for
17 assistance, or other fraudulent device, obtains, or attempts to obtain,
18 or aids or abets any person to obtain any public assistance to which
19 the person is not entitled or greater public assistance than that to
20 which he or she is justly entitled shall be guilty of grand larceny and
21 upon conviction thereof shall be punished by imprisonment in a state
22 correctional facility for not more than fifteen years.

23 Any person who by means of a willfully false statement or
24 representation or by impersonation or other fraudulent device aids or
25 abets in buying, selling, or in any other way disposing of the real
26 property of a recipient of public assistance without the consent of the
27 secretary shall be guilty of a gross misdemeanor and upon conviction
28 thereof shall be punished by imprisonment for not more than one year in
29 the county jail or a fine of not to exceed one thousand dollars or by
30 both.

31 NEW SECTION. **Sec. 304.** A new section is added to chapter 28A.630
32 RCW to read as follows:

33 SCHOOL-TO-WORK TRANSITIONS. (1) The legislature finds that
34 noncollege-bound and at-risk youth are more likely than college-bound
35 youth to become dependent on state assistance programs and that long-
36 term employment and earning outcomes for noncollege-bound and at-risk
37 youth can be significantly improved through school-to-work efforts,

1 particularly through work-based learning. The legislature intends that
2 every effort be made by school-to-work programs in the state to involve
3 school drop-outs, noncollege-bound youth, and at-risk youth.

4 (2) All school-to-work transition projects in the state, whether
5 funded with state or federal funds, shall contain an outreach component
6 directed toward school age youth not currently enrolled in school,
7 noncollege-bound youth, and at-risk youth. At the time a school-to-
8 work grant is made, the superintendent of public instruction shall
9 withhold twenty percent of the grant award and release the funds upon
10 a showing that the project has satisfactorily included drop-outs,
11 noncollege-bound youth, and at-risk youth.

12 (3) The office of the superintendent of public instruction shall
13 provide technical assistance to school-to-work transition projects to
14 help establish and operate outreach efforts under this section, and to
15 include drop-outs, noncollege-bound youth, and at-risk youth in school-
16 to-work efforts within available funds.

17 **Sec. 305.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to
18 read as follows:

19 (1) The superintendent of public instruction shall report to the
20 education committees of the legislature and committees of the
21 legislature handling economic development and social welfare issues on
22 the progress of the schools for the school-to-work transitions program
23 by December 15 of each odd-numbered year.

24 (2) Each school district selected to participate in the ((academic
25 and vocational integration development)) school-to-work transitions
26 program shall submit an annual report to the superintendent of public
27 instruction on the progress of the project as a condition of receipt of
28 continued funding.

29 NEW SECTION. **Sec. 306.** A new section is added to chapter 43.30
30 RCW to read as follows:

31 JOBS FOR THE ENVIRONMENT PROGRAMS. In any jobs for the environment
32 program designed to train and employ displaced natural resource workers
33 and operated by the department of natural resources, recipients of
34 temporary assistance for needy families from natural resource areas who
35 are engaged in work search activities are eligible for training and
36 employment on the same basis as displaced natural resource workers
37 within available funds.

1 NEW SECTION. **Sec. 307.** A new section is added to chapter 50.62
2 RCW to read as follows:

3 SELF-EMPLOYMENT ASSISTANCE. (1) The legislature finds that
4 individuals who exhaust their unemployment insurance benefits may
5 become dependent on state assistance programs. The federal government
6 has authorized states that pass enabling legislation to provide self-
7 employment assistance to those individuals profiled as likely to
8 exhaust their unemployment insurance benefits. The legislature further
9 finds that the establishment of a self-employment assistance program
10 for individuals who are likely to exhaust their unemployment insurance
11 benefits and have an interest in starting a business would create new
12 businesses and job opportunities in Washington state. The legislature
13 intends that every effort be made, within available funds, by the state
14 to support self-employment by individuals who are profiled as likely to
15 exhaust their unemployment insurance benefits.

16 (2) An unemployed individual is eligible to participate in a self-
17 employment assistance program if it has been determined that the
18 individual:

19 (a) Is otherwise eligible for regular unemployment benefits as
20 defined in RCW 50.22.010(5);

21 (b) Has been identified as likely to exhaust regular unemployment
22 benefits under a profiling system established by the commissioner as
23 defined in P.L. 103-152;

24 (c) Is enrolled in a self-employment assistance program that is
25 approved by the commissioner, and that includes entrepreneurial
26 training, business counseling, and technical assistance; and

27 (d) Is actively engaged on a full-time basis in activities relating
28 to the establishment of a business and becoming self-employed. The
29 self-employment assistance program administrators shall determine
30 whether the claimant is engaged on a full-time basis.

31 (3) Individuals participating in a self-employment assistance
32 program approved by the commissioner are eligible to receive a self-
33 employment allowance in lieu of regular benefits, payable in the same
34 weekly benefit amount, at the same interval, on the same terms, and
35 subject to the same conditions as regular unemployment benefits, except
36 that:

37 (a) The requirements of RCW 50.20.010(3) and 50.20.080 relating to
38 availability for work, active search for work, and refusal to accept
39 suitable work are not applicable to such individuals;

1 (b) Income earned from self-employment shall not be considered
2 remuneration and is not deductible from the weekly benefit amount by
3 reason of the application of RCW 50.20.130; and

4 (c) An individual who meets the requirements of this chapter is
5 considered to be unemployed under RCW 50.04.310 and 50.20.010.

6 (4) An individual who fails to participate in his or her approved
7 self-employment assistance program or who fails to actively engage on
8 a full-time basis in activities relating to establishing a business is
9 disqualified from self-employment allowances for the week the failure
10 occurs. An individual who is disqualified from self-employment
11 allowances due to a failure under this subsection may be eligible for
12 regular benefits for that week if the individual meets all eligibility
13 requirements for regular benefits.

14 (5) The commissioner shall take all steps necessary in carrying out
15 this section to assure collaborative involvement of interested parties
16 in program development and to ensure that the self-employment
17 assistance programs and self-employment allowances meet all federal
18 criteria for withdrawal from the unemployment fund. The commissioner
19 may approve, as self-employment assistance programs, existing self-
20 employment training programs available through community colleges,
21 private industry councils, or other organizations and is not obligated
22 by this section to expend any departmental funds for the operation of
23 self-employment assistance programs, unless specific funding is
24 provided to the department for that purpose through federal or state
25 appropriations. No payments to individuals may be made under this
26 section until such time as a plan for such payments is approved by the
27 United States department of labor.

28 (6) The commissioner may adopt rules as necessary to address the
29 relationship of this section to eligibility for conventional
30 unemployment insurance benefits, definitions, program eligibility,
31 program review, and compliance with applicable federal laws and
32 regulations.

33 (7) If any part of this section is found to be in conflict with
34 federal requirements that are a prescribed condition to the allocation
35 of federal funds to the state or the eligibility of employers in this
36 state for federal unemployment tax credits, the conflicting part of
37 this section is hereby declared to be inoperative solely to the extent
38 of the conflict, and such finding or determination shall not affect the
39 operation of the remainder of this section. The rules under this

1 section shall meet federal requirements that are a necessary condition
2 to the receipt of federal funds by the state or the granting of federal
3 unemployment tax credits to employers in this state.

4 **Sec. 308.** RCW 50.16.030 and 1983 1st ex.s. c 7 s 1 are each
5 amended to read as follows:

6 (1) Moneys shall be requisitioned from this state's account in the
7 unemployment trust fund solely for the payment of benefits, self-
8 employment allowances, and repayment of loans from the federal
9 government to guarantee solvency of the unemployment compensation fund
10 in accordance with regulations prescribed by the commissioner, except
11 that money credited to this state's account pursuant to section 903 of
12 the social security act, as amended, shall be used exclusively as
13 provided in RCW 50.16.030(5). The commissioner shall from time to time
14 requisition from the unemployment trust fund such amounts, not
15 exceeding the amounts standing to its account therein, as he deems
16 necessary for the payment of benefits for a reasonable future period.
17 Upon receipt thereof the treasurer shall deposit such moneys in the
18 benefit account and shall issue his warrants for the payment of
19 benefits solely from such benefits account.

20 (2) Expenditures of such moneys in the benefit account and refunds
21 from the clearing account shall not be subject to any provisions of law
22 requiring specific appropriations or other formal release by state
23 officers of money in their custody, and RCW 43.01.050, as amended,
24 shall not apply. All warrants issued by the treasurer for the payment
25 of benefits, self-employment allowances, and refunds shall bear the
26 signature of the treasurer and the countersignature of the
27 commissioner, or his duly authorized agent for that purpose.

28 (3) Any balance of moneys requisitioned from the unemployment trust
29 fund which remains unclaimed or unpaid in the benefit account after the
30 expiration of the period for which sums were requisitioned shall either
31 be deducted from estimates for, and may be utilized for the payment of,
32 benefits and self-employment allowances during succeeding periods, or
33 in the discretion of the commissioner, shall be redeposited with the
34 secretary of the treasury of the United States of America to the credit
35 of this state's account in the unemployment trust fund.

36 (4) Money credited to the account of this state in the unemployment
37 trust fund by the secretary of the treasury of the United States of
38 America pursuant to section 903 of the social security act, as amended,

1 may be requisitioned and used for the payment of expenses incurred for
2 the administration of this title pursuant to a specific appropriation
3 by the legislature, provided that the expenses are incurred and the
4 money is requisitioned after the enactment of an appropriation law
5 which:

6 (a) specifies the purposes for which such money is appropriated and
7 the amounts appropriated therefor,

8 (b) limits the period within which such money may be obligated to
9 a period ending not more than two years after the date of the enactment
10 of the appropriation law, and

11 (c) limits the amount which may be obligated during a twelve-month
12 period beginning on July 1st and ending on the next June 30th to an
13 amount which does not exceed the amount by which (i) the aggregate of
14 the amounts credited to the account of this state pursuant to section
15 903 of the social security act, as amended, during the same twelve-
16 month period and the thirty-four preceding twelve-month periods,
17 exceeds (ii) the aggregate of the amounts obligated pursuant to RCW
18 50.16.030 (4), (5) and (6) and charged against the amounts credited to
19 the account of this state during any of such thirty-five twelve-month
20 periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts
21 obligated during any such twelve-month period shall be charged against
22 equivalent amounts which were first credited and which are not already
23 so charged; except that no amount obligated for administration during
24 any such twelve-month period may be charged against any amount credited
25 during such a twelve-month period earlier than the thirty-fourth
26 twelve-month period preceding such period: PROVIDED, That any amount
27 credited to this state's account under section 903 of the social
28 security act, as amended, which has been appropriated for expenses of
29 administration, whether or not withdrawn from the trust fund shall be
30 excluded from the unemployment compensation fund balance for the
31 purpose of experience rating credit determination.

32 (5) Money credited to the account of this state pursuant to section
33 903 of the social security act, as amended, may not be withdrawn or
34 used except for the payment of benefits and self-employment allowances
35 and for the payment of expenses of administration and of public
36 employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

37 (6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and
38 (6) for the payment of expenses of administration shall be deposited in
39 the unemployment compensation fund, but until expended, shall remain a

1 part of the unemployment compensation fund. The commissioner shall
2 maintain a separate record of the deposit, obligation, expenditure and
3 return of funds so deposited. Any money so deposited which either will
4 not be obligated within the period specified by the appropriation law
5 or remains unobligated at the end of the period, and any money which
6 has been obligated within the period but will not be expended, shall be
7 returned promptly to the account of this state in the unemployment
8 trust fund.

9 NEW SECTION. **Sec. 309.** INDIVIDUAL DEVELOPMENT ACCOUNTS. The
10 department shall carry out a program to fund individual development
11 accounts established by recipients eligible for assistance under the
12 temporary assistance for needy families program.

13 (1) An individual development account may be established by or on
14 behalf of a recipient eligible for assistance provided under the
15 temporary assistance for needy families program operated under this
16 title for the purpose of enabling the recipient to accumulate funds for
17 a qualified purpose described in subsection (2) of this section.

18 (2) A qualified purpose as described in this subsection is one or
19 more of the following, as provided by the qualified entity providing
20 assistance to the individual:

21 (a) Postsecondary expenses paid from an individual development
22 account directly to an eligible educational institution;

23 (b) Qualified acquisition costs with respect to a qualified
24 principal residence for a qualified first-time home buyer, if paid from
25 an individual development account directly to the persons to whom the
26 amounts are due;

27 (c) Amounts paid from an individual development account directly to
28 a business capitalization account which is established in a federally
29 insured financial institution and is restricted to use solely for
30 qualified business capitalization expenses.

31 (3) A recipient may only contribute to an individual development
32 account such amounts as are derived from earned income, as defined in
33 section 911(d)(2) of the internal revenue code of 1986.

34 (4) The department shall establish rules to ensure funds held in an
35 individual development account are only withdrawn for a qualified
36 purpose as provided in this section.

37 (5) An individual development account established under this
38 section shall be a trust created or organized in the United States and

1 funded through periodic contributions by the establishing recipient and
2 matched by or through a qualified entity for a qualified purpose as
3 provided in this section.

4 (6) For the purpose of determining eligibility for any assistance
5 provided under this title, all funds in an individual development
6 account under this section shall be disregarded for such purpose with
7 respect to any period during which such individual maintains or makes
8 contributions into such an account.

9 (7) The department shall adopt rules authorizing the use of
10 organizations using microcredit and microenterprise approaches to
11 assisting low-income families to become financially self-sufficient.

12 (8) The department shall adopt rules implementing the use of
13 individual development accounts by recipients of temporary assistance
14 for needy families.

15 (9) For the purposes of this section, "eligible educational
16 institution," "postsecondary educational expenses," "qualified
17 acquisition costs," "qualified business," "qualified business
18 capitalization expenses," "qualified expenditures," "qualified
19 first-time home buyer," "date of acquisition," "qualified plan," and
20 "qualified principal residence" include the meanings provided for them
21 in P.L. 104-193.

22 NEW SECTION. **Sec. 310.** EMPLOYMENT INCENTIVES. In addition to
23 their monthly benefit payment, recipients of temporary assistance for
24 needy families benefits may earn and keep one hundred twenty dollars
25 and one-third of the remainder of their earnings during every month
26 they are eligible to receive assistance under this chapter. This
27 amount of earned income shall be disregarded in determining their
28 eligibility and benefit amount.

29 **Sec. 311.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
30 each reenacted and amended to read as follows:

31 For the purposes of this title, unless the context indicates
32 otherwise, the following definitions shall apply:

33 (1) "Public assistance" or "assistance"«Public aid to persons in
34 need thereof for any cause, including services, medical care,
35 assistance grants, disbursing orders, work relief, general assistance
36 and federal-aid assistance.

37 (2) "Department"«The department of social and health services.

1 (3) "County or local office"«The administrative office for one or
2 more counties or designated service areas.

3 (4) "Director" or "secretary" means the secretary of social and
4 health services.

5 (5) "Federal-aid assistance"«The specific categories of assistance
6 for which provision is made in any federal law existing or hereafter
7 passed by which payments are made from the federal government to the
8 state in aid or in respect to payment by the state for public
9 assistance rendered to any category of needy persons for which
10 provision for federal funds or aid may from time to time be made, or a
11 federally administered needs-based program.

12 (6)(a) "General assistance"«Aid to persons in need who:

13 (i) Are not eligible to receive federal-aid assistance, other than
14 food stamps and medical assistance; however, an individual who refuses
15 or fails to cooperate in obtaining federal-aid assistance, without good
16 cause, is not eligible for general assistance;

17 (ii) Meet one of the following conditions:

18 (A) Pregnant: PROVIDED, That need is based on the current income
19 and resource requirements of the federal ~~((aid to families with
20 dependent children))~~ temporary assistance for needy families program(~~(÷
21 PROVIDED FURTHER, That during any period in which an aid for dependent
22 children employable program is not in operation, only those pregnant
23 women who are categorically eligible for medicaid are eligible for
24 general assistance))~~); or

25 (B) Subject to chapter 165, Laws of 1992, incapacitated from
26 gainful employment by reason of bodily or mental infirmity that will
27 likely continue for a minimum of ninety days as determined by the
28 department.

29 (C) Persons who are unemployable due to alcohol or drug addiction
30 are not eligible for general assistance. Persons receiving general
31 assistance on July 26, 1987, or becoming eligible for such assistance
32 thereafter, due to an alcohol or drug-related incapacity, shall be
33 referred to appropriate assessment, treatment, shelter, or supplemental
34 security income referral services as authorized under chapter 74.50
35 RCW. Referrals shall be made at the time of application or at the time
36 of eligibility review. Alcoholic and drug addicted clients who are
37 receiving general assistance on July 26, 1987, may remain on general
38 assistance if they otherwise retain their eligibility until they are
39 assessed for services under chapter 74.50 RCW. Subsection

1 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
2 department from granting general assistance benefits to alcoholics and
3 drug addicts who are incapacitated due to other physical or mental
4 conditions that meet the eligibility criteria for the general
5 assistance program;

6 (iii) Are citizens or aliens lawfully admitted for permanent
7 residence or otherwise residing in the United States under color of
8 law; and

9 (iv) Have furnished the department their social security account
10 number. If the social security account number cannot be furnished
11 because it has not been issued or is not known, an application for a
12 number shall be made prior to authorization of assistance, and the
13 social security number shall be provided to the department upon
14 receipt.

15 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),
16 and (c) of this section, general assistance shall be provided to the
17 following recipients of federal-aid assistance:

18 (i) Recipients of supplemental security income whose need, as
19 defined in this section, is not met by such supplemental security
20 income grant because of separation from a spouse; or

21 (ii) To the extent authorized by the legislature in the biennial
22 appropriations act, to recipients of ~~((aid to families with dependent
23 children))~~ temporary assistance for needy families whose needs are not
24 being met because of a temporary reduction in monthly income below the
25 entitled benefit payment level caused by loss or reduction of wages or
26 unemployment compensation benefits or some other unforeseen
27 circumstances. The amount of general assistance authorized shall not
28 exceed the difference between the entitled benefit payment level and
29 the amount of income actually received.

30 (c) General assistance shall be provided only to persons who are
31 not members of assistance units receiving federal aid assistance,
32 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
33 and will accept available services which can reasonably be expected to
34 enable the person to work or reduce the need for assistance unless
35 there is good cause to refuse. Failure to accept such services shall
36 result in termination until the person agrees to cooperate in accepting
37 such services and subject to the following maximum periods of
38 ineligibility after reapplication:

39 (i) First failure: One week;

1 (ii) Second failure within six months: One month;

2 (iii) Third and subsequent failure within one year: Two months.

3 (d) Persons found eligible for general assistance based on
4 incapacity from gainful employment may, if otherwise eligible, receive
5 general assistance pending application for federal supplemental
6 security income benefits. Any general assistance that is subsequently
7 duplicated by the person's receipt of supplemental security income for
8 the same period shall be considered a debt due the state and shall by
9 operation of law be subject to recovery through all available legal
10 remedies.

11 (e) The department shall adopt by rule medical criteria for general
12 assistance eligibility to ensure that eligibility decisions are
13 consistent with statutory requirements and are based on clear,
14 objective medical information.

15 (f) The process implementing the medical criteria shall involve
16 consideration of opinions of the treating or consulting physicians or
17 health care professionals regarding incapacity, and any eligibility
18 decision which rejects uncontroverted medical opinion must set forth
19 clear and convincing reasons for doing so.

20 (g) Recipients of general assistance based upon a finding of
21 incapacity from gainful employment who remain otherwise eligible shall
22 not have their benefits terminated absent a clear showing of material
23 improvement in their medical or mental condition or specific error in
24 the prior determination that found the recipient eligible by reason of
25 incapacitation. Recipients of general assistance based upon pregnancy
26 who relinquish their child for adoption, remain otherwise eligible, and
27 are not eligible to receive benefits under the federal ((aid to
28 ~~families with dependent children~~)) temporary assistance for needy
29 families program shall not have their benefits terminated until the end
30 of the month in which the period of six weeks following the birth of
31 the recipient's child falls. Recipients of the federal ((aid to
32 ~~families with dependent children~~)) temporary assistance for needy
33 families program who lose their eligibility solely because of the birth
34 and relinquishment of the qualifying child may receive general
35 assistance through the end of the month in which the period of six
36 weeks following the birth of the child falls.

37 (7) "Applicant"«Any person who has made a request, or on behalf of
38 whom a request has been made, to any county or local office for
39 assistance.

1 (8) "Recipient"«Any person receiving assistance and in addition
2 those dependents whose needs are included in the recipient's
3 assistance.

4 (9) "Standards of assistance"«The level of income required by an
5 applicant or recipient to maintain a level of living specified by the
6 department.

7 (10) "Resource"«Any asset, tangible or intangible, owned by or
8 available to the applicant at the time of application, which can be
9 applied toward meeting the applicant's need, either directly or by
10 conversion into money or its equivalent: PROVIDED, That an applicant
11 may retain the following described resources and not be ineligible for
12 public assistance because of such resources.

13 (a) A home, which is defined as real property owned and used by an
14 applicant or recipient as a place of residence, together with a
15 reasonable amount of property surrounding and contiguous thereto, which
16 is used by and useful to the applicant. Whenever a recipient shall
17 cease to use such property for residential purposes, either for himself
18 or his dependents, the property shall be considered as a resource which
19 can be made available to meet need, and if the recipient or his
20 dependents absent themselves from the home for a period of ninety
21 consecutive days such absence, unless due to hospitalization or health
22 reasons or a natural disaster, shall raise a rebuttable presumption of
23 abandonment: PROVIDED, That if in the opinion of three physicians the
24 recipient will be unable to return to the home during his lifetime, and
25 the home is not occupied by a spouse or dependent children or disabled
26 sons or daughters, such property shall be considered as a resource
27 which can be made available to meet need.

28 (b) Household furnishings and personal effects and other personal
29 property having great sentimental value to the applicant or recipient,
30 as limited by the department consistent with limitations on resources
31 and exemptions for federal aid assistance.

32 (c) A motor vehicle, other than a motor home, used and useful
33 having an equity value not to exceed (~~one~~) five thousand (~~five~~
34 ~~hundred~~) dollars.

35 (d) A motor vehicle necessary to transport a physically disabled
36 household member. This exclusion is limited to one vehicle per
37 physically disabled person.

38 (e) All other resources, including any excess of values exempted,
39 not to exceed one thousand dollars or other limit as set by the

1 department, to be consistent with limitations on resources and
2 exemptions necessary for federal aid assistance. The department shall
3 also allow recipients of temporary assistance for needy families to
4 exempt savings accounts with combined balances of up to an additional
5 three thousand dollars.

6 ~~((e))~~ (f) Applicants for or recipients of general assistance
7 shall have their eligibility based on resource limitations consistent
8 with the ~~((aid to families with dependent children))~~ temporary
9 assistance for needy families program rules adopted by the department.

10 ~~((f))~~ (g) If an applicant for or recipient of public assistance
11 possesses property and belongings in excess of the ceiling value, such
12 value shall be used in determining the need of the applicant or
13 recipient, except that: (i) The department may exempt resources or
14 income when the income and resources are determined necessary to the
15 applicant's or recipient's restoration to independence, to decrease the
16 need for public assistance, or to aid in rehabilitating the applicant
17 or recipient or a dependent of the applicant or recipient; and (ii) the
18 department may provide grant assistance for a period not to exceed nine
19 months from the date the agreement is signed pursuant to this section
20 to persons who are otherwise ineligible because of excess real property
21 owned by such persons when they are making a good faith effort to
22 dispose of that property: PROVIDED, That:

23 (A) The applicant or recipient signs an agreement to repay the
24 lesser of the amount of aid received or the net proceeds of such sale;

25 (B) If the owner of the excess property ceases to make good faith
26 efforts to sell the property, the entire amount of assistance may
27 become an overpayment and a debt due the state and may be recovered
28 pursuant to RCW 43.20B.630;

29 (C) Applicants and recipients are advised of their right to a fair
30 hearing and afforded the opportunity to challenge a decision that good
31 faith efforts to sell have ceased, prior to assessment of an
32 overpayment under this section; and

33 (D) At the time assistance is authorized, the department files a
34 lien without a sum certain on the specific property.

35 (11) "Income"«(a) All appreciable gains in real or personal
36 property (cash or kind) or other assets, which are received by or
37 become available for use and enjoyment by an applicant or recipient
38 during the month of application or after applying for or receiving
39 public assistance. The department may by rule and regulation exempt

1 income received by an applicant for or recipient of public assistance
2 which can be used by him to decrease his need for public assistance or
3 to aid in rehabilitating him or his dependents, but such exemption
4 shall not, unless otherwise provided in this title, exceed the
5 exemptions of resources granted under this chapter to an applicant for
6 public assistance. In determining the amount of assistance to which an
7 applicant or recipient of (~~aid to families with dependent children~~)
8 temporary assistance for needy families is entitled, the department is
9 hereby authorized to disregard as a resource or income the earned
10 income exemptions consistent with federal requirements. The department
11 may permit the above exemption of earnings of a child to be retained by
12 such child to cover the cost of special future identifiable needs even
13 though the total exceeds the exemptions or resources granted to
14 applicants and recipients of public assistance, but consistent with
15 federal requirements. In formulating rules and regulations pursuant to
16 this chapter, the department shall define income and resources and the
17 availability thereof, consistent with federal requirements. All
18 resources and income not specifically exempted, and any income or other
19 economic benefit derived from the use of, or appreciation in value of,
20 exempt resources, shall be considered in determining the need of an
21 applicant or recipient of public assistance.

22 (b) If, under applicable federal requirements, the state has the
23 option of considering property in the form of lump sum compensatory
24 awards or related settlements received by an applicant or recipient as
25 income or as a resource, the department shall consider such property to
26 be a resource.

27 (12) "Need"«The difference between the applicant's or recipient's
28 standards of assistance for himself and the dependent members of his
29 family, as measured by the standards of the department, and value of
30 all nonexempt resources and nonexempt income received by or available
31 to the applicant or recipient and the dependent members of his family.

32 (13) For purposes of determining eligibility for public assistance
33 and participation levels in the cost of medical care, the department
34 shall exempt restitution payments made to people of Japanese and Aleut
35 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
36 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
37 including all income and resources derived therefrom.

38 (14) In the construction of words and phrases used in this title,
39 the singular number shall include the plural, the masculine gender

1 shall include both the feminine and neuter genders and the present
2 tense shall include the past and future tenses, unless the context
3 thereof shall clearly indicate to the contrary.

4 NEW SECTION. **Sec. 312.** NONCUSTODIAL PARENTS IN WORK PROGRAMS.
5 The department may provide Washington WorkFirst activities or make
6 cross-referrals to existing programs to qualifying noncustodial parents
7 of children receiving temporary assistance for needy families who are
8 unable to meet their child support obligations. Services authorized
9 under this section shall be provided within available funds.

10 NEW SECTION. **Sec. 313.** DEFINITIONS. Unless the context clearly
11 requires otherwise, as used in this chapter, "work activity" means:

- 12 (1) Unsubsidized paid employment in the private or public sector;
- 13 (2) Subsidized paid employment in the private or public sector;
- 14 (3) Work experience, including work associated with the
15 refurbishing of publicly assisted housing, if sufficient paid
16 employment is not available;
- 17 (4) On-the-job training;
- 18 (5) Job search and job readiness assistance;
- 19 (6) Community service programs;
- 20 (7) Vocational educational training, not to exceed twelve months
21 with respect to any individual;
- 22 (8) Job skills training directly related to employment;
- 23 (9) Education directly related to employment, in the case of a
24 recipient who has not received a high school diploma or a GED;
- 25 (10) Satisfactory attendance at secondary school or in a course of
26 study leading to a GED, in the case of a recipient who has not
27 completed secondary school or received such a certificate; and
- 28 (11) The provision of child care services to an individual who is
29 participating in a community service program.

30 NEW SECTION. **Sec. 314.** JOB SEARCH OR WORK ACTIVITY. (1) There is
31 established in the department the Washington WorkFirst program. The
32 department shall administer the program consistent with the temporary
33 assistance for needy families provisions of P.L. 104-193. In operating
34 the WorkFirst program the department shall meet the minimum work
35 participation rates specified in federal law, and shall require

1 recipients of assistance to engage in job search and work activities as
2 an ongoing condition of eligibility.

3 (2) Upon application to the temporary assistance for needy families
4 program, each recipient shall be placed in the job search component.
5 For recipients who have been approved for assistance before the
6 effective date of this section, the job search component shall be
7 completed no later than one hundred eighty days after the effective
8 date of this section.

9 (3) The Washington WorkFirst program shall include a job search
10 component in which each nonexempt recipient of temporary assistance for
11 needy families shall participate. The job search component may not
12 last more than four weeks for each recipient. Each recipient shall be
13 required to attend job search component activities at least thirty-six
14 hours per week. Failure to participate in the job search component
15 shall result in sanctions under section 315 of this act. The job
16 search component shall serve as the assessment tool to comply with
17 federal law. If a recipient fails to find paid employment during the
18 job search component, the department may refer the recipient to those
19 work activities that are directly related to improving the recipient's
20 employability.

21 (4) As used in this section, "job search component" means an
22 activity in which nonexempt recipients engage each weekday upon
23 entering the Washington WorkFirst program. The component shall provide
24 at least three hours per weekday of classroom instruction on how to
25 secure a job and at least three hours per weekday of individual job
26 search activities.

27 NEW SECTION. **Sec. 315.** PLACEMENT INTO WORK ACTIVITY. Recipients
28 who have not obtained paid, unsubsidized employment by the end of the
29 job search component authorized in section 314 of this act shall be
30 referred to a work activity.

31 (1) Each recipient shall be assessed immediately upon completion of
32 the job search component. Assessments shall be based upon factors that
33 are critical to obtaining employment, including but not limited to
34 education, employment strengths, and employment history. Assessments
35 may be performed by the department or by a contracted entity. The
36 assessment shall be based on a uniform, consistent, transferable format
37 that will be accepted by all agencies and organizations serving the
38 recipient. Based on the assessment, an individual responsibility plan

1 shall be prepared that: (a) Sets forth an employment goal and a plan
2 for moving the recipient immediately into private sector employment;
3 (b) contains the obligation of the recipient to become and remain
4 employed in the private sector; (c) moves the recipient into whatever
5 private sector employment the recipient is capable of handling as
6 quickly as possible; and (d) describes the services available to the
7 recipient to enable the recipient to obtain and keep employment in the
8 private sector.

9 (2) Recipients who are not engaged in work and work activities, and
10 do not qualify for a good cause exemption under section 316 of this
11 act, shall engage in self-directed service as provided in section 329
12 of this act.

13 (3) If a recipient refuses to engage in work and work activities
14 required by the department, the family's grant shall be reduced by the
15 recipient's share, and may, if the department determines it
16 appropriate, be terminated.

17 (4) The department may waive the penalties required under
18 subsection (3) of this section, subject to a finding that the recipient
19 refused to engage in work for good cause provided in section 316 of
20 this act.

21 (5) In implementing this section, the department shall assign the
22 highest priority to the most employable clients, including adults in
23 two-parent families and parents in single-parent families that include
24 older preschool or school age children to be engaged in work
25 activities.

26 (6) In consultation with the recipient, the department or
27 contractor shall place the recipient into a work activity that is
28 available in the local area where the recipient resides.

29 NEW SECTION. **Sec. 316.** GOOD CAUSE. Good cause reasons for
30 failure to participate in WorkFirst program components include: (1)
31 Situations where the recipient is a parent or other relative personally
32 providing care for a child under the age of six years, and formal or
33 informal child care, or day care for an incapacitated individual living
34 in the same home as a dependent child, is necessary for an individual
35 to participate or continue participation in the program or accept
36 employment, and such care is not available, and the department fails to
37 provide such care; or (2) until June 30, 1999, if the recipient is a
38 parent with a child under the age of one year. A parent may only

1 receive this exemption for a total of twelve months, which may be
2 consecutive or nonconsecutive; or (3) after June 30, 1999, if the
3 recipient is a parent with a child under three months of age.

4 NEW SECTION. **Sec. 317.** WORKFIRST--GOALS--CONTRACTS--SERVICE
5 AREAS--PLANS. (1) The legislature finds that moving those eligible for
6 assistance to self-sustaining employment is a goal of the WorkFirst
7 program. It is the intent of WorkFirst to aid a participant's progress
8 to self-sufficiency by allowing flexibility within the state-wide
9 program to reflect community resources, the local characteristics of
10 the labor market, and the composition of the caseload. Program success
11 will be enhanced through effective coordination at regional and local
12 levels, involving employers, labor representatives, educators,
13 community leaders, local governments, and social service providers.

14 (2) The department, through its regional offices, shall collaborate
15 with employers, recipients, frontline workers, educational
16 institutions, labor, private industry councils, the work force training
17 and education coordinating board, community rehabilitation employment
18 programs, employment and training agencies, local governments, the
19 employment security department, and community action agencies to
20 develop work programs that are effective and work in their communities.
21 For planning purposes, the department shall collect and make accessible
22 to regional offices successful work program models from around the
23 United States, including the employment partnership program,
24 apprenticeship programs, microcredit, microenterprise, self-employment,
25 and W-2 Wisconsin works. Work programs shall incorporate local
26 volunteer citizens in their planning and implementation phases to
27 ensure community relevance and success.

28 (3) To reduce administrative costs and to ensure equal state-wide
29 access to services, the department may develop contracts for state-wide
30 welfare-to-work services. These state-wide contracts shall support
31 regional flexibility and ensure that resources follow local labor
32 market opportunities and recipients' needs.

33 (4) The secretary shall establish WorkFirst service areas for
34 purposes of planning WorkFirst programs and for distributing WorkFirst
35 resources. Service areas shall reflect department regions.

36 (5) By July 31st of each odd-numbered year, a plan for the
37 WorkFirst program shall be developed for each region. The plan shall
38 be prepared in consultation with local and regional sources, adapting

1 the state-wide WorkFirst program to achieve maximum effect for the
2 participants and the communities within which they reside. Local
3 consultation shall include to the greatest extent possible input from
4 local and regional planning bodies for social services and work force
5 development. The regional and local administrator shall consult with
6 employers of various sizes, labor representatives, training and
7 education providers, program participants, economic development
8 organizations, community organizations, tribes, and local governments
9 in the preparation of the service area plan.

10 (6) The secretary has final authority in plan approval or
11 modification. Regional program implementation may deviate from the
12 state-wide program if specified in a service area plan, as approved by
13 the secretary.

14 NEW SECTION. **Sec. 318.** WORK PROGRAM CONTRACTS. (1) It is the
15 intent of the legislature that the department engage in competitive
16 contracting using performance-based contracts to provide all work
17 activities authorized in chapter . . . , Laws of 1997 (this act),
18 including the job search component authorized in section 314 of this
19 act.

20 (2) The department shall use competitive performance-based
21 contracting to select which vendors will participate in the WorkFirst
22 program. Performance-based contracts shall be awarded based on factors
23 that include but are not limited to the criteria listed in section 702
24 of this act, past performance of the contractor, demonstrated ability
25 to perform the contract effectively, financial strength of the
26 contractor, and merits of the proposal for services submitted by the
27 contractor. Contracts shall be made without regard to whether the
28 contractor is a public or private entity, however no single contractor
29 may perform over forty percent of the WorkFirst activities state-wide.

30 (3) The department shall contract for an evaluation of the
31 competitive contracting practices and outcomes to be performed by an
32 independent entity with expertise in government privatization and
33 competitive strategies. The evaluation shall include quarterly
34 progress reports to the fiscal committees of the legislature and to the
35 governor, starting at the first quarter after the effective date of
36 this section and ending two years after the effective date of this
37 section.

1 (4) The department shall seek independent assistance in developing
2 contracting strategies to implement this section. Assistance may
3 include but is not limited to development of contract language, design
4 of requests for proposal, developing full cost information on
5 government services, evaluation of bids, and providing for equal
6 competition between private and public entities.

7 NEW SECTION. Sec. 319. PLACEMENT BONUSSES. In the case of service
8 providers that are not public agencies, initial placement bonuses of no
9 greater than five hundred dollars shall be provided by the department
10 for service entities responsible for placing recipients in an
11 unsubsidized job for a minimum of twelve weeks, and the following
12 additional bonuses shall also be provided:

13 (1) A percent of the initial bonus if the job pays double the
14 minimum wage;

15 (2) A percent of the initial bonus if the job provides health care;

16 (3) A percent of the initial bonus if the job includes employer-
17 provided child care needed by the recipient; and

18 (4) A percent of the initial bonus if the recipient is continuously
19 employed for two years.

20 NEW SECTION. Sec. 320. No collective bargaining agreement may be
21 entered into, extended, or renewed after the effective date of this
22 section that prevents or restricts the authority of the department of
23 social and health services to exercise the powers granted under
24 sections 314 through 319 of this act and RCW 74.04.050.

25 **Sec. 321.** RCW 74.04.050 and 1981 1st ex.s. c 6 s 3 are each
26 amended to read as follows:

27 (1) The department shall serve as the single state agency to
28 administer public assistance. The department is hereby empowered and
29 authorized to cooperate in the administration of such federal laws,
30 consistent with the public assistance laws of this state, as may be
31 necessary to qualify for federal funds for:

32 ~~((1))~~ (a) Medical assistance;

33 ~~((2) Aid to dependent children))~~ (b) Temporary assistance for
34 needy families;

35 ~~((3))~~ (c) Child welfare services; and

1 (~~(4)~~) (d) Any other programs of public assistance for which
2 provision for federal grants or funds may from time to time be made.

3 (2) The state hereby accepts and assents to all the present
4 provisions of the federal law under which federal grants or funds,
5 goods, commodities and services are extended to the state for the
6 support of programs administered by the department, and to such
7 additional legislation as may subsequently be enacted as is not
8 inconsistent with the purposes of this title, authorizing public
9 welfare and assistance activities. The provisions of this title shall
10 be so administered as to conform with federal requirements with respect
11 to eligibility for the receipt of federal grants or funds.

12 The department shall periodically make application for federal
13 grants or funds and submit such plans, reports and data, as are
14 required by any act of congress as a condition precedent to the receipt
15 of federal funds for such assistance. The department shall make and
16 enforce such rules and regulations as shall be necessary to insure
17 compliance with the terms and conditions of such federal grants or
18 funds.

19 (3) The department may contract with public and private entities
20 for administrative services for the following programs and functions:
21 (a) Temporary assistance for needy families; (b) general assistance;
22 (c) refugee services; (d) facilitation of eligibility for federal
23 supplemental security income benefits; (e) medical assistance
24 eligibility; and (f) food stamps.

25 **Sec. 322.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
26 to read as follows:

27 (1) Nothing contained in this chapter shall prohibit any
28 department, as defined in RCW 41.06.020, from purchasing services by
29 contract with individuals or business entities if such services were
30 regularly purchased by valid contract by such department prior to April
31 23, 1979: PROVIDED, That no such contract may be executed or renewed
32 if it would have the effect of terminating classified employees or
33 classified employee positions existing at the time of the execution or
34 renewal of the contract.

35 (2) Nothing in this chapter shall be construed to prohibit the
36 department of social and health services from carrying out the
37 provisions of sections 314 through 320 of this act and RCW 74.04.050.

1 NEW SECTION. **Sec. 323.** FUNDING RESTRICTIONS. The department of
2 social and health services shall operate the Washington WorkFirst
3 program authorized under sections 301, 302, 309, 310, 312 through 320,
4 and 325 through 329 of this act and chapter 74.12 RCW within the
5 following constraints:

6 (1) The full amount of the temporary assistance for needy families
7 block grant shall be appropriated to the department each year in the
8 biennial appropriations act to carry out the provisions of the program
9 authorized in sections 301, 302, 309, 310, 312 through 320, and 325
10 through 329 of this act and chapter 74.12 RCW.

11 (2) The department may expend funds defined in subsection (1) of
12 this section in any manner that will effectively accomplish the outcome
13 measures defined in section 702 of this act. No more than fifteen
14 percent of the amount provided in subsection (1) of this section may be
15 spent for administrative purposes. For the purpose of this subsection,
16 "administrative purposes" does not include expenditures for information
17 technology and computerization needed for tracking and monitoring
18 required by P.L. 104-193. The department shall not increase grant
19 levels to recipients of the program authorized in sections 301, 302,
20 309, 310, 312 through 320, and 325 through 329 of this act and chapter
21 74.12 RCW.

22 (3) The department shall implement strategies that accomplish the
23 outcome measures identified in section 702 of this act that are within
24 the funding constraints in this section. Specifically, the department
25 shall implement strategies that will cause the number of cases in the
26 program authorized in sections 301, 302, 309, 310, 312 through 320, and
27 325 through 329 of this act and chapter 74.12 RCW to decrease by at
28 least fifteen percent during the 1997-99 biennium and by at least five
29 percent in the subsequent biennium. The department may transfer
30 appropriation authority between funding categories within the economic
31 services program in order to carry out the requirements of this
32 subsection.

33 (4) The department shall monitor expenditures against the
34 appropriation levels provided for in subsection (1) of this section.
35 The department shall quarterly make a determination as to whether
36 expenditure levels will exceed available funding. If the determination
37 indicates that expenditures will exceed funding at the end of the
38 fiscal year, the department shall take the following action as
39 appropriate:

1 (a) If expenditures will exceed funding provided in subsection (1)
2 of this section by less than ten percent of available funding, the
3 department shall identify and implement changes in process and
4 administration or through streamlining that will cause expenditures to
5 equal or be less than available funding provided in subsection (1) of
6 this section, except that the department may not make changes in the
7 child care services authorized in section 402 of this act;

8 (b) If expenditures will exceed funding provided in subsection (1)
9 of this section by equal to or more than ten percent of available
10 funding, the department shall reduce recipient grants in the program
11 authorized in sections 301, 302, 309, 310, 312 through 320, and 325
12 through 329 of this act and chapter 74.12 RCW by an amount sufficient
13 to cause expenditures to equal or be less than funding provided in
14 subsection (1) of this section.

15 NEW SECTION. **Sec. 324.** The following acts or parts of acts are
16 each repealed:

- 17 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;
18 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126
19 s 6;
20 (3) RCW 74.25.030 and 1991 c 126 s 7;
21 (4) RCW 74.25.900 and 1991 c 126 s 8; and
22 (5) RCW 74.25.901 and 1991 c 126 s 9.

23 NEW SECTION. **Sec. 325.** A new section is added to chapter 43.330
24 RCW to read as follows:

25 ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND
26 ECONOMIC DEVELOPMENT. (1) The department shall ensure that none of its
27 rules or practices act to exclude recipients of temporary assistance
28 for needy families from any small business loan opportunities or
29 entrepreneurial assistance it makes available through its community
30 development block grant program or otherwise provides using state or
31 federal resources. The department shall encourage local administrators
32 of microlending programs using public funds to conduct outreach
33 activities to encourage recipients of temporary assistance for needy
34 families to explore self-employment as an option. The department shall
35 compile information on private and public sources of entrepreneurial
36 assistance and loans for start-up businesses and provide the department

1 of social and health services with the information for dissemination to
2 recipients of temporary assistance for needy families.

3 (2) The department shall, as part of its industrial recruitment
4 efforts, work with the work force training and education coordinating
5 board to identify the skill sets needed by companies locating in the
6 state. The department shall provide the department of social and
7 health services with the information about the companies' needs in
8 order that recipients of public assistance and service providers
9 assisting such recipients through training and placement programs may
10 be informed and respond accordingly. The department shall work with
11 the state board for community and technical colleges, the job skills
12 program, the employment security department, and other employment and
13 training programs to facilitate the inclusion of recipients of
14 temporary assistance for needy families in relevant training that would
15 make them good employees for recruited firms.

16 (3) The department shall perform the duties under this section
17 within available funds.

18 NEW SECTION. **Sec. 326.** A new section is added to chapter 50.08
19 RCW to read as follows:

20 ENTREPRENEURIAL ASSISTANCE--EMPLOYMENT SECURITY DEPARTMENT. The
21 employment security department shall work with the department of social
22 and health services to integrate the employment security department's
23 entrepreneurial training and assistance programs with employment and
24 training programs targeted to recipients of temporary assistance for
25 needy families.

26 NEW SECTION. **Sec. 327.** JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND
27 HEALTH SERVICES. The department shall:

28 (1) Notify recipients of temporary assistance for needy families
29 that self-employment is one method of leaving state assistance. The
30 department shall provide its regional offices, recipients of temporary
31 assistance for needy families, and any contractors providing job
32 search, training, or placement services notification of programs
33 available in the state for entrepreneurial training, technical
34 assistance, and loans available for start-up businesses;

35 (2) Provide recipients of temporary assistance for needy families
36 and service providers assisting such recipients through training and

1 placement programs with information it receives about the skills and
2 training required by firms locating in the state;

3 (3) Encourage recipients of temporary assistance for needy families
4 that are in need of basic skills to seek out programs that integrate
5 basic skills training with occupational training and workplace
6 experience.

7 NEW SECTION. **Sec. 328.** WAGE SUBSIDY PROGRAM. The department
8 shall establish a wage subsidy program for recipients of temporary
9 assistance for needy families who have received such assistance or
10 other public assistance for two years and have not found paid
11 employment. The department shall give preference in job placements to
12 private sector employers that have agreed to participate in the wage
13 subsidy program. The department shall identify characteristics of
14 employers who can meet the employment goals stated in section 702 of
15 this act. The department shall use these characteristics in
16 identifying which employers may participate in the program. The
17 department shall adopt rules for the participation of recipients of
18 temporary assistance for needy families in the wage subsidy program.
19 Participants in the program established under this section may not be
20 employed if the employer has terminated the employment of any current
21 employee or otherwise caused an involuntary reduction of its work force
22 solely to fill the vacancy so created with the participant. The
23 department shall establish such local and state-wide advisory boards,
24 including business and labor representatives, as it deems appropriate
25 to assist in the implementation of the wage subsidy program.

26 NEW SECTION. **Sec. 329.** COMMUNITY SERVICE PROGRAM. The department
27 shall establish the community jobs program to provide the experience of
28 work for recipients of public assistance. The program is intended to
29 promote a strong work ethic for participating public assistance
30 recipients. Under this program, public assistance recipients are
31 required to volunteer to work for charitable nonprofit organizations
32 and public agencies. The cost of premiums under Title 51 RCW shall be
33 paid for by the department.

34 **Sec. 330.** RCW 74.12A.020 and 1993 c 312 s 8 are each amended to
35 read as follows:

1 **Sec. 403.** RCW 74.13.0903 and 1993 c 453 s 2 are each amended to
2 read as follows:

3 The office of child care policy is established to operate under the
4 authority of the department of social and health services. The duties
5 and responsibilities of the office include, but are not limited to, the
6 following, within appropriated funds:

7 (1) Staff and assist the child care coordinating committee in the
8 implementation of its duties under RCW 74.13.090;

9 (2) Work in conjunction with the state-wide child care resource and
10 referral network as well as local governments, nonprofit organizations,
11 businesses, and community child care advocates to create local child
12 care resource and referral organizations. These organizations may
13 carry out needs assessments, resource development, provider training,
14 technical assistance, and parent information and training;

15 (3) Actively seek public and private money for distribution as
16 grants to the state-wide child care resource and referral network and
17 to existing or potential local child care resource and referral
18 organizations;

19 (4) Adopt rules regarding the application for and distribution of
20 grants to local child care resource and referral organizations. The
21 rules shall, at a minimum, require an applicant to submit a plan for
22 achieving the following objectives:

23 (a) Provide parents with information about child care resources,
24 including location of services and subsidies;

25 (b) Carry out child care provider recruitment and training
26 programs, including training under RCW 74.25.040;

27 (c) Offer support services, such as parent and provider seminars,
28 toy-lending libraries, and substitute banks;

29 (d) Provide information for businesses regarding child care supply
30 and demand;

31 (e) Advocate for increased public and private sector resources
32 devoted to child care; ~~((and))~~

33 (f) Provide technical assistance to employers regarding employee
34 child care services; and

35 (g) Serve recipients of temporary assistance for needy families and
36 working parents with incomes at or below household incomes of one
37 hundred seventy-five percent of the federal poverty line;

1 (5) Provide staff support and technical assistance to the state-
2 wide child care resource and referral network and local child care
3 resource and referral organizations;

4 (6) Maintain a state-wide child care licensing data bank and work
5 with department of social and health services licensors to provide
6 information to local child care resource and referral organizations
7 about licensed child care providers in the state;

8 (7) Through the state-wide child care resource and referral network
9 and local resource and referral organizations, compile data about local
10 child care needs and availability for future planning and development;

11 (8) Coordinate with the state-wide child care resource and referral
12 network and local child care resource and referral organizations for
13 the provision of training and technical assistance to child care
14 providers; and

15 (9) Collect and assemble information regarding the availability of
16 insurance and of federal and other child care funding to assist state
17 and local agencies, businesses, and other child care providers in
18 offering child care services.

19 **Sec. 404.** RCW 74.25.040 and 1994 c 299 s 8 are each amended to
20 read as follows:

21 (1) Recipients of ((aid to families with dependent children))
22 temporary assistance for needy families who are ((not)) employed or
23 participating in ((an education or work training program)) a work
24 activity under section 314 of this act may volunteer ((to)) or work in
25 a licensed child care facility((, or other willing volunteer work
26 site)). Licensed child care facilities participating in this effort
27 shall provide care for the recipient's children and provide for the
28 development of positive child care skills.

29 (2) The department shall train two hundred fifty recipients of
30 temporary assistance for needy families to become family child care
31 providers or child care center teachers. The department shall offer
32 the training in rural and urban communities. The department shall
33 adopt rules to implement the child care training program in this
34 section.

35 (3) Recipients trained under this section shall provide child care
36 services to clients of the department for two years following the
37 completion of their child care training.

1 V. TEEN PARENTS

2 A. PERMISSIBLE LIVING SITUATIONS

3 Sec. 501. RCW 74.12.255 and 1994 c 299 s 33 are each amended to
4 read as follows:

5 (1) The department shall determine, after consideration of all
6 relevant factors and in consultation with the applicant, the most
7 appropriate living situation for applicants under eighteen years of
8 age, unmarried, and either pregnant or having a dependent child or
9 children in the applicant's care. An appropriate living situation~~((s))~~
10 shall include a place of residence that is maintained by the
11 applicant's parents, parent, legal guardian, or other adult relative as
12 their or his or her own home~~((, or other))~~ and that the department
13 finds would provide an appropriate supportive living arrangement
14 ~~((supervised by an adult where feasible and consistent with federal~~
15 ~~regulations under 45 C.F.R. chapter II, section 233.107))~~. It also
16 includes a living situation maintained by an agency that is licensed
17 under chapter 74.15 RCW that the department finds would provide an
18 appropriate supportive living arrangement. Grant assistance shall not
19 be provided under this chapter if the applicant does not reside in the
20 most appropriate living situation, as determined by the department.

21 (2) ~~((An applicant under eighteen years of age who is either~~
22 ~~pregnant or has a dependent child and is not living in a situation~~
23 ~~described in subsection (1) of this section shall be))~~ An unmarried
24 minor parent or pregnant minor applicant residing in the most
25 appropriate living situation, as provided under subsection (1) of this
26 section, is presumed to be unable to manage adequately the funds paid
27 to the minor or on behalf of the dependent child or children and,
28 unless the ~~((teenage custodial parent demonstrates otherwise))~~ minor
29 provides sufficient evidence to rebut the presumption, shall be subject
30 to the protective payee requirements provided for under RCW 74.12.250
31 and 74.08.280.

32 (3) The department shall consider any statements or opinions by
33 either parent of the ~~((teen recipient))~~ unmarried minor parent or
34 pregnant minor applicant as to an appropriate living situation for the
35 ~~((teen))~~ minor and his or her children, whether in the parental home or
36 other situation. If the parents or a parent of the ~~((teen head of~~
37 ~~household applicant for assistance))~~ minor request, they or he or she
38 shall be entitled to a hearing in juvenile court regarding ~~((the~~

1 ~~fitness and suitability of their home as the top priority choice))~~
2 designation of the parental home or other relative placement as the
3 most appropriate living situation for the pregnant or parenting ((teen
4 applicant for assistance)) minor.

5 The department shall provide the parents ((shall have)) or parent
6 with the opportunity to make a showing((, based on the preponderance of
7 the evidence,)) that the parental home, or home of the other relative
8 placement, is the most appropriate living situation. It shall be
9 presumed in any administrative or judicial proceeding conducted under
10 this subsection that the parental home or other relative placement
11 requested by the parents or parent is the most appropriate living
12 situation. This presumption is rebuttable.

13 (4) In cases in which the ~~((head of household is under eighteen~~
14 ~~years of age,)) minor is unmarried((,)) and unemployed, ((and requests
15 ~~information on adoption,))~~ the department shall, as part of the
16 determination of the appropriate living situation, make an affirmative
17 effort to provide current and positive information about adoption
18 including referral to community-based organizations for counseling and
19 provide information about the manner in which adoption works, its
20 benefits for unmarried, unemployed minor parents and their children,
21 and the meaning and availability of open adoption.~~

22 **Sec. 502.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to
23 read as follows:

24 (1) The department shall determine, after consideration of all
25 relevant factors and in consultation with the applicant, the most
26 appropriate living situation for applicants under eighteen years of
27 age, unmarried, and pregnant who are eligible for general assistance as
28 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living
29 situation((s)) shall include a place of residence that is maintained by
30 the applicant's parents, parent, legal guardian, or other adult
31 relative as their or his or her own home((, or other)) and that the
32 department finds would provide an appropriate supportive living
33 arrangement ((supervised by an adult where feasible and consistent with
34 federal regulations under 45 C.F.R. chapter II, section 233.107)). It
35 also includes a living situation maintained by an agency that is
36 licensed under chapter 74.15 RCW that the department finds would
37 provide an appropriate supportive living arrangement. Grant assistance
38 shall not be provided under this chapter if the applicant does not

1 reside in the most appropriate living situation, as determined by the
2 department.

3 ~~((An applicant under eighteen years of age who is pregnant and~~
4 ~~is not living in a situation described in subsection (1) of this~~
5 ~~section shall be))~~ A pregnant minor residing in the most appropriate
6 living situation, as provided under subsection (1) of this section, is
7 presumed to be unable to manage adequately the funds paid to the minor
8 or on behalf of the dependent child or children and, unless the
9 ~~((teenage custodial parent demonstrates otherwise))~~ minor provides
10 sufficient evidence to rebut the presumption, shall be subject to the
11 protective payee requirements provided for under RCW 74.12.250 and
12 74.08.280.

13 (3) The department shall consider any statements or opinions by
14 either parent of the ~~((teen recipient))~~ unmarried minor parent or
15 pregnant minor applicant as to an appropriate living situation for the
16 ~~((teen))~~ minor, whether in the parental home or other situation. If
17 the parents or a parent of the ~~((teen head of household applicant for~~
18 ~~assistance))~~ minor request, they or he or she shall be entitled to a
19 hearing in juvenile court regarding ~~((the fitness and suitability of~~
20 ~~their home as the top priority choice))~~ designation of the parental
21 home or other relative placement as the most appropriate living
22 situation for the pregnant or parenting ~~((teen applicant for~~
23 ~~assistance))~~ minor.

24 The department shall provide the parents ~~((shall have))~~ or parent
25 with the opportunity to make a showing ~~((, based on the preponderance of~~
26 ~~the evidence,))~~ that the parental home, or home of the other relative
27 placement, is the most appropriate living situation. It shall be
28 presumed in any administrative or judicial proceeding conducted under
29 this subsection that the parental home or other relative placement
30 requested by the parents or parent is the most appropriate living
31 situation. This presumption is rebuttable.

32 (4) In cases in which the ~~((head of household is under eighteen~~
33 ~~years of age,))~~ minor is unmarried ~~((,))~~ and unemployed, ((and requests
34 information on adoption,)) the department shall, as part of the
35 determination of the appropriate living situation, provide information
36 about adoption including referral to community-based organizations
37 ~~((for))~~ providing counseling.

1 **Sec. 506.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to
2 read as follows:

3 If the department, after investigation, finds that any applicant
4 for assistance under this chapter or any recipient of funds under ((an
5 aid to families with dependent children grant)) this chapter would not
6 use, or is not utilizing, the grant adequately for the needs of ((the))
7 his or her child or children or would dissipate the grant or is
8 ((otherwise)) dissipating such grant, or would be or is unable to
9 manage adequately the funds paid on behalf of said child and that to
10 provide or continue ((said)) payments to ((him)) the applicant or
11 recipient would be contrary to the welfare of the child, the department
12 may make such payments to another individual who is interested in or
13 concerned with the welfare of such child and relative: PROVIDED, That
14 the department shall provide such counseling and other services as are
15 available and necessary to develop greater ability on the part of the
16 relative to manage funds in such manner as to protect the welfare of
17 the family. Periodic review of each case shall be made by the
18 department to determine if said relative is able to resume management
19 of the assistance grant. If after a reasonable period of time the
20 payments to the relative cannot be resumed, the department may request
21 the attorney general to file a petition in the superior court for the
22 appointment of a guardian for the child or children. Such petition
23 shall set forth the facts warranting such appointment. Notice of the
24 hearing on such petition shall be served upon the recipient and the
25 department not less than ten days before the date set for such hearing.
26 Such petition may be filed with the clerk of superior court and all
27 process issued and served without payment of costs. If upon the
28 hearing of such petition the court is satisfied that it is for the best
29 interest of the child or children, and all parties concerned, that a
30 guardian be appointed, he shall order the appointment, and may require
31 the guardian to render to the court a detailed itemized account of
32 expenditures of such assistance payments at such time as the court may
33 deem advisable.

34 It is the intention of this section that the guardianship herein
35 provided for shall be a special and limited guardianship solely for the
36 purpose of safeguarding the assistance grants made to dependent
37 children. Such guardianship shall terminate upon the termination of
38 such assistance grant, or sooner on order of the court, upon good cause
39 shown.

1 **VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION**

2 **Sec. 601.** RCW 74.12.410 and 1994 c 299 s 3 are each amended to
3 read as follows:

4 (1) At time of application or reassessment under this chapter the
5 department shall offer or contract for family planning information and
6 assistance, including alternatives to abortion, and any other available
7 locally based teen pregnancy prevention programs, to prospective and
8 current recipients of aid to families with dependent children.

9 (2) The department shall work in cooperation with the
10 superintendent of public instruction to reduce the rate of illegitimate
11 births and abortions in Washington state.

12 (3) The department of health shall maximize federal funding by
13 timely application for federal funds available under P.L. 104-193 and
14 Title V of the federal social security act, 42 U.S.C. 701 et seq., as
15 amended, for the establishment of qualifying abstinence education and
16 motivation programs. The department of health shall contract, by
17 competitive bid, with entities qualified to provide abstinence
18 education and motivation programs in the state.

19 (4) The department of health shall seek and accept local matching
20 funds to the maximum extent allowable from qualified abstinence
21 education and motivation programs.

22 (5)(a) For purposes of this section, "qualifying abstinence
23 education and motivation programs" are those bidders with experience in
24 the conduct of the types of abstinence education and motivation
25 programs set forth in Title V of the federal social security act, 42
26 U.S.C. Sec. 701 et seq., as amended.

27 (b) The application for federal funds, contracting for abstinence
28 education and motivation programs and performance of contracts under
29 this section are subject to review and oversight by a joint committee
30 of the legislature, composed of four legislative members, appointed by
31 each of the two caucuses in each house.

32 **VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY**

33 **NEW SECTION. Sec. 701.** It is the intent of the legislature that
34 the Washington WorkFirst program focus on work and on personal
35 responsibility for recipients. The program shall be evaluated among
36 other evaluations, through a limited number of outcome measures

1 designed to hold each community service office and economic services
2 region accountable for program success.

3 NEW SECTION. **Sec. 702.** OUTCOME MEASURES. (1) The WorkFirst
4 program shall develop outcome measures for use in evaluating the
5 WorkFirst program authorized in chapter . . . , Laws of 1997 (this act),
6 which may include but are not limited to:

7 (a) Caseload reduction;

8 (b) Recidivism to caseload after two years;

9 (c) Job retention;

10 (d) Earnings;

11 (e) Reduction in average grant through increased recipient
12 earnings; and

13 (f) Placement of recipients into private sector, unsubsidized jobs.

14 (2) The department shall require that contractors for WorkFirst
15 services collect outcome measure information and report outcome
16 measures to the department regularly. The department shall develop
17 benchmarks that compare outcome measure information from all
18 contractors to provide a clear indication of the most effective
19 contractors. Benchmark information shall be published quarterly and
20 provided to the legislature, the governor, and all contractors for
21 WorkFirst services.

22 NEW SECTION. **Sec. 703.** EVALUATION. Every WorkFirst office,
23 region, contract, employee, and contractor shall be evaluated using the
24 criteria in section 702 of this act. The department shall award
25 contracts to the highest performing entities according to the criteria
26 in section 702 of this act. The department may provide for bonuses to
27 offices, regions, and employees with the best outcomes according to
28 measures in section 702 of this act.

29 NEW SECTION. **Sec. 704.** OUTCOME MEASURES--REPORT. The department
30 shall provide a report to the appropriate committees of the legislature
31 on achievement of the outcome measures by region and contract on an
32 annual basis, no later than January 15th of each year, beginning in
33 1999. The report shall include how the department is using the outcome
34 measure information obtained under section 702 of this act to manage
35 the WorkFirst program.

1 NEW SECTION. **Sec. 705.** A new section is added to chapter 44.28
2 RCW to read as follows:

3 WORKFIRST PROGRAM STUDY. (1) The joint legislative audit and
4 review committee shall conduct an evaluation of the effectiveness of
5 the WorkFirst program described in chapter . . . , Laws of 1997 (this
6 act), including the job opportunities and basic skills training program
7 and any approved private, county, or local government WorkFirst
8 program. The evaluation shall assess the success of the program in
9 assisting clients to become employed and to reduce their use of
10 temporary assistance for needy families. The study shall include but
11 not be limited to the following:

12 (a) An assessment of employment outcomes, including hourly wages,
13 hours worked, and total earnings, for clients;

14 (b) A comparison of temporary assistance for needy families
15 outcomes, including grant amounts and program exits, for clients; and

16 (c) An audit of the performance-based contract for each private
17 nonprofit contractor for job opportunities and basic skills training
18 program services. The joint legislative audit and review committee may
19 contract with the Washington institute for public policy for
20 appropriate portions of the evaluation required by this section.

21 (2) Administrative data shall be provided by the department of
22 social and health services, the employment security department, the
23 state board for community and technical colleges, local governments,
24 and private contractors. The department of social and health services
25 shall require contractors to provide administrative and outcome data
26 needed for this study as a condition of contract compliance.

27 NEW SECTION. **Sec. 706.** PATERNITY ESTABLISHMENT. In order to be
28 eligible for temporary assistance for needy families, applicants shall,
29 at the time of application for assistance, provide the names of both
30 parents of their child or children, whether born or unborn.

31 NEW SECTION. **Sec. 707.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38
32 & 1981 2nd ex.s. c 10 s 4 are each repealed.

33 **VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT**

34 **A. LICENSE SUSPENSION**

1 NEW SECTION. **Sec. 801.** It is the intent of the legislature to
2 provide a strong incentive for persons owing child support to make
3 timely payments, and to cooperate with the department of social and
4 health services to establish an appropriate schedule for the payment of
5 any arrears. To further ensure that child support obligations are met,
6 sections 801 through 890 of this act establish a program by which
7 certain licenses may be suspended or not renewed if a person is one
8 hundred eighty days or more in arrears on child support payments.

9 In the implementation and management of this program, it is the
10 legislature's intent that the objective of the department of social and
11 health services be to obtain payment in full of arrears, or where that
12 is not possible, to enter into agreements with delinquent obligors to
13 make timely support payments and make reasonable payments towards the
14 arrears. The legislature intends that if the obligor refuses to
15 cooperate in establishing a fair and reasonable payment schedule for
16 arrears or refuses to make timely support payments, the department
17 shall proceed with certification to a licensing entity or the
18 department of licensing that the person is not in compliance with a
19 child support order.

20 NEW SECTION. **Sec. 802.** A new section is added to chapter 74.20A
21 RCW to read as follows:

22 (1) The department may serve upon a responsible parent a notice
23 informing the responsible parent of the department's intent to submit
24 the parent's name to the department of licensing and any appropriate
25 licensing entity as a licensee who is not in compliance with a child
26 support order. The department shall attach a copy of the responsible
27 parent's child support order to the notice. Service of the notice must
28 be by certified mail, return receipt requested. If service by
29 certified mail is not successful, service shall be by personal service.

30 (2) The notice of noncompliance must include the address and
31 telephone number of the department's division of child support office
32 that issues the notice and must inform the responsible parent that:

33 (a) The parent may request an adjudicative proceeding to contest
34 the issue of compliance with the child support order. The only issues
35 that may be considered at the adjudicative proceeding are whether the
36 parent is required to pay child support under a child support order and
37 whether the parent is in compliance with that order;

1 (b) A request for an adjudicative proceeding shall be in writing
2 and must be received by the department within twenty days of the date
3 of service of the notice;

4 (c) If the parent requests an adjudicative proceeding within twenty
5 days of service, the department will stay action to certify the parent
6 to the department of licensing and any licensing entity for
7 noncompliance with a child support order pending entry of a written
8 decision after the adjudicative proceeding;

9 (d) If the parent does not request an adjudicative proceeding
10 within twenty days of service and remains in noncompliance with a child
11 support order, the department will certify the parent's name to the
12 department of licensing and any appropriate licensing entity for
13 noncompliance with a child support order;

14 (e) The department will stay action to certify the parent to the
15 department of licensing and any licensing entity for noncompliance if
16 the parent agrees to make timely payments of current support and agrees
17 to a reasonable payment schedule for payment of the arrears. It is the
18 parent's responsibility to contact in person or by mail the
19 department's division of child support office indicated on the notice
20 within twenty days of service of the notice to arrange for a payment
21 schedule. The department may stay certification for up to thirty days
22 after contact from a parent to arrange for a payment schedule;

23 (f) If the department certifies the responsible parent to the
24 department of licensing and a licensing entity for noncompliance with
25 a child support order, the licensing entity will suspend or not renew
26 the parent's license and the department of licensing will suspend or
27 not renew any driver's license that the parent holds until the parent
28 provides the department of licensing and the licensing entity with a
29 release from the department stating that the responsible parent is in
30 compliance with the child support order;

31 (g) If the department certifies the responsible parent as a person
32 who is in noncompliance with a child support order, the department of
33 fish and wildlife will suspend the fishing license, hunting license,
34 commercial fishing license, or any other license issued under chapters
35 77.32, 77.28, and 75.25 RCW that the responsible parent may possess.
36 Notice from the department of licensing that a responsible parent's
37 driver's license has been suspended shall serve as notice of the
38 suspension of a license issued under chapters 77.32 and 75.25 RCW;

1 (h) Suspension of a license will affect insurability if the
2 responsible parent's insurance policy excludes coverage for acts
3 occurring after the suspension of a license;

4 (i) If after receiving the notice of noncompliance with a child
5 support order, the responsible parent files a motion to modify support
6 with the court or requests the department to amend a support obligation
7 established by an administrative decision, or if a motion for
8 modification of a court or administrative order for child support is
9 pending, the department or the court may stay action to certify the
10 parent to the department of licensing and any licensing entity for
11 noncompliance with a child support order. A stay shall not exceed six
12 months unless the department finds good cause. The responsible parent
13 has the obligation to notify the department that a modification
14 proceeding is pending and provide a copy of the motion or request for
15 modification; and

16 (j) If the responsible parent subsequently becomes in compliance
17 with the child support order, the department will promptly provide the
18 parent with a release stating that the parent is in compliance with the
19 order, and the parent may request that the licensing entity or the
20 department of licensing reinstate the suspended license.

21 (3) A responsible parent may request an adjudicative proceeding
22 upon service of the notice described in subsection (1) of this section.
23 The request for an adjudicative proceeding must be received by the
24 department within twenty days of service. The request must be in
25 writing and indicate the current mailing address and daytime phone
26 number, if available, of the responsible parent. The proceedings under
27 this subsection shall be conducted in accordance with the requirements
28 of chapter 34.05 RCW. The issues that may be considered at the
29 adjudicative proceeding are limited to whether:

30 (a) The person named as the responsible parent is the responsible
31 parent;

32 (b) The responsible parent is required to pay child support under
33 a child support order; and

34 (c) The responsible parent is in compliance with the order.

35 (4) The decision resulting from the adjudicative proceeding must be
36 in writing and inform the responsible parent of his or her rights to
37 review. The parent's copy of the decision may be sent by regular mail
38 to the parent's most recent address of record.

1 (5) If a responsible parent contacts the department's division of
2 child support office indicated on the notice of noncompliance within
3 twenty days of service of the notice and requests arrangement of a
4 payment schedule, the department shall stay the certification of
5 noncompliance during negotiation of the schedule for payment of
6 arrears. In no event shall the stay continue for more than thirty days
7 from the date of contact by the parent. The department shall establish
8 a schedule for payment of arrears that is fair and reasonable, and that
9 considers the financial situation of the responsible parent and the
10 needs of all children who rely on the responsible parent for support.
11 At the end of the thirty days, if no payment schedule has been agreed
12 to in writing and the department has acted in good faith, the
13 department shall proceed with certification of noncompliance.

14 (6) If a responsible parent timely requests an adjudicative
15 proceeding pursuant to subsection (4) of this section, the department
16 may not certify the name of the parent to the department of licensing
17 or a licensing entity for noncompliance with a child support order
18 unless the adjudicative proceeding results in a finding that the
19 responsible parent is not in compliance with the order.

20 (7) The department may certify to the department of licensing and
21 any appropriate licensing entity the name of a responsible parent who
22 is not in compliance with a child support order or a residential or
23 visitation order if:

24 (a) The responsible parent does not timely request an adjudicative
25 proceeding upon service of a notice issued under subsection (1) of this
26 section and is not in compliance with a child support order twenty-one
27 days after service of the notice;

28 (b) An adjudicative proceeding results in a decision that the
29 responsible parent is not in compliance with a child support order;

30 (c) The court enters a judgment on a petition for judicial review
31 that finds the responsible parent is not in compliance with a child
32 support order;

33 (d) The department and the responsible parent have been unable to
34 agree on a fair and reasonable schedule of payment of the arrears;

35 (e) The responsible parent fails to comply with a payment schedule
36 established pursuant to subsection (5) of this section; or

37 (f) The department is ordered to certify the responsible parent by
38 a court order under section 887 of this act.

1 The department shall send by regular mail a copy of any
2 certification of noncompliance filed with the department of licensing
3 or a licensing entity to the responsible parent at the responsible
4 parent's most recent address of record.

5 (8) The department of licensing and a licensing entity shall,
6 without undue delay, notify a responsible parent certified by the
7 department under subsection (7) of this section that the parent's
8 driver's license or other license has been suspended because the
9 parent's name has been certified by the department as a responsible
10 parent who is not in compliance with a child support order or a
11 residential or visitation order.

12 (9) When a responsible parent who is served notice under subsection
13 (1) of this section subsequently complies with the child support order,
14 or when the department receives a court order under section 886 of this
15 act stating that the parent is in compliance with a residential or
16 visitation order, the department shall promptly provide the parent with
17 a release stating that the responsible parent is in compliance with the
18 order. A copy of the release shall be transmitted by the department to
19 the appropriate licensing entities.

20 (10) The department may adopt rules to implement and enforce the
21 requirements of this section. The department shall deliver a copy of
22 rules adopted to implement and enforce this section to the legislature
23 by June 30, 1998.

24 (11) Nothing in this section prohibits a responsible parent from
25 filing a motion to modify support with the court or from requesting the
26 department to amend a support obligation established by an
27 administrative decision. If there is a reasonable likelihood that a
28 pending motion or request will significantly change the amount of the
29 child support obligation, the department or the court may stay action
30 to certify the responsible parent to the department of licensing and
31 any licensing entity for noncompliance with a child support order. A
32 stay shall not exceed six months unless the department finds good cause
33 to extend the stay. The responsible parent has the obligation to
34 notify the department that a modification proceeding is pending and
35 provide a copy of the motion or request for modification.

36 (12) The department of licensing and a licensing entity may renew,
37 reinstate, or otherwise extend a license in accordance with the
38 licensing entity's or the department of licensing's rules after the
39 licensing entity or the department of licensing receives a copy of the

1 release specified in subsection (9) of this section. The department of
2 licensing and a licensing entity may waive any applicable requirement
3 for reissuance, renewal, or other extension if it determines that the
4 imposition of that requirement places an undue burden on the person and
5 that waiver of the requirement is consistent with the public interest.

6 (13) The procedures in chapter . . . , Laws of 1997 (this act),
7 constitute the exclusive administrative remedy for contesting the
8 establishment of noncompliance with a child support order and
9 suspension of a license under this section, and satisfy the
10 requirements of RCW 34.05.422.

11 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.20A
12 RCW to read as follows:

13 (1) The department and all of the various licensing entities
14 subject to section 802 of this act shall enter into such agreements as
15 are necessary to carry out the requirements of the license suspension
16 program established in section 802 of this act.

17 (2) The department and all licensing entities subject to section
18 802 of this act shall compare data to identify responsible parents who
19 may be subject to the provisions of chapter . . . , Laws of 1997 (this
20 act). The comparison may be conducted electronically, or by any other
21 means that is jointly agreeable between the department and the
22 particular licensing entity. The data shared shall be limited to those
23 items necessary to implementation of chapter . . . , Laws of 1997 (this
24 act). The purpose of the comparison shall be to identify current
25 licensees who are not in compliance with a child support order, and to
26 provide to the department the following information regarding those
27 licensees:

- 28 (a) Name;
- 29 (b) Date of birth;
- 30 (c) Address of record;
- 31 (d) Federal employer identification number and social security
32 number;
- 33 (e) Type of license;
- 34 (f) Effective date of license or renewal;
- 35 (g) Expiration date of license; and
- 36 (h) Active or inactive status.

1 NEW SECTION. **Sec. 804.** A new section is added to chapter 74.20A
2 RCW to read as follows:

3 (1) In furtherance of the public policy of increasing collection of
4 child support and to assist in evaluation of the program established in
5 section 802 of this act, the department shall report the following to
6 the legislature and the governor on December 1, 1998, and annually
7 thereafter:

8 (a) The number of responsible parents identified as licensees
9 subject to section 802 of this act;

10 (b) The number of responsible parents identified by the department
11 as not in compliance with a child support order;

12 (c) The number of notices of noncompliance served upon responsible
13 parents by the department;

14 (d) The number of responsible parents served a notice of
15 noncompliance who request an adjudicative proceeding;

16 (e) The number of adjudicative proceedings held, and the results of
17 the adjudicative proceedings;

18 (f) The number of responsible parents certified to the department
19 of licensing or licensing entities for noncompliance with a child
20 support order, and the number of each type of licenses that were
21 suspended;

22 (g) The costs incurred in the implementation and enforcement of
23 section 802 of this act and an estimate of the amount of child support
24 collected due to the department under section 802 of this act;

25 (h) Any other information regarding this program that the
26 department feels will assist in evaluation of the program;

27 (i) Recommendations for the addition of specific licenses in the
28 program or exclusion of specific licenses from the program, and reasons
29 for such recommendations; and

30 (j) Any recommendations for statutory changes necessary for the
31 cost-effective management of the program.

32 (2) To assist in evaluation of the program established in section
33 802 of this act, the office of the administrator for the courts shall
34 report the following to the legislature and the governor on December 1,
35 1998, and annually thereafter:

36 (a) The number of motions for contempt for violation of a
37 visitation or residential order filed under RCW 26.09.160(3);

38 (b) The number of parents found in contempt under RCW 26.09.160(3);
39 and

1 (c) The number of parents whose licenses were suspended under RCW
2 26.09.160(3).

3 (3) This section expires December 2, 2002.

4 **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
5 amended to read as follows:

6 Unless a different meaning is plainly required by the context, the
7 following words and phrases as hereinafter used in this chapter and
8 chapter 74.20 RCW shall have the following meanings:

9 (1) "Department" means the state department of social and health
10 services.

11 (2) "Secretary" means the secretary of the department of social and
12 health services, (~~his~~) the secretary's designee or authorized
13 representative.

14 (3) "Dependent child" means any person:

15 (a) Under the age of eighteen who is not self-supporting, married,
16 or a member of the armed forces of the United States; or

17 (b) Over the age of eighteen for whom a court order for support
18 exists.

19 (4) "Support obligation" means the obligation to provide for the
20 necessary care, support, and maintenance, including medical expenses,
21 of a dependent child or other person as required by statutes and the
22 common law of this or another state.

23 (5) "Superior court order" means any judgment, decree, or order of
24 the superior court of the state of Washington, or a court of comparable
25 jurisdiction of another state, establishing the existence of a support
26 obligation and ordering payment of a set or determinable amount of
27 support moneys to satisfy the support obligation. For purposes of RCW
28 74.20A.055, orders for support which were entered under the uniform
29 reciprocal enforcement of support act by a state where the responsible
30 parent no longer resides shall not preclude the department from
31 establishing an amount to be paid as current and future support.

32 (6) "Administrative order" means any determination, finding,
33 decree, or order for support pursuant to RCW 74.20A.055, or by an
34 agency of another state pursuant to a substantially similar
35 administrative process, establishing the existence of a support
36 obligation and ordering the payment of a set or determinable amount of
37 support moneys to satisfy the support obligation.

1 (7) "Responsible parent" means a natural parent, adoptive parent,
2 or stepparent of a dependent child or a person who has signed an
3 affidavit acknowledging paternity which has been filed with the state
4 office of vital statistics.

5 (8) "Stepparent" means the present spouse of the person who is
6 either the mother, father, or adoptive parent of a dependent child, and
7 such status shall exist until terminated as provided for in RCW
8 26.16.205.

9 (9) "Support moneys" means any moneys or in-kind providings paid to
10 satisfy a support obligation whether denominated as child support,
11 spouse support, alimony, maintenance, or any other such moneys intended
12 to satisfy an obligation for support of any person or satisfaction in
13 whole or in part of arrears or delinquency on such an obligation.

14 (10) "Support debt" means any delinquent amount of support moneys
15 which is due, owing, and unpaid under a superior court order or an
16 administrative order, a debt for the payment of expenses for the
17 reasonable or necessary care, support, and maintenance, including
18 medical expenses, of a dependent child or other person for whom a
19 support obligation is owed; or a debt under RCW 74.20A.100 or
20 74.20A.270. Support debt also includes any accrued interest, fees, or
21 penalties charged on a support debt, and attorneys fees and other costs
22 of litigation awarded in an action to establish and enforce a support
23 obligation or debt.

24 (11) "State" means any state or political subdivision, territory,
25 or possession of the United States, the District of Columbia, and the
26 Commonwealth of Puerto Rico.

27 (12) "Account" means a demand deposit account, checking or
28 negotiable withdrawal order account, savings account, time deposit
29 account, or money-market mutual fund account.

30 (13) "Child support order" means a superior court order or an
31 administrative order.

32 (14) "Financial institution" means:

33 (a) A depository institution, as defined in section 3(c) of the
34 federal deposit insurance act;

35 (b) An institution-affiliated party, as defined in section 3(u) of
36 the federal deposit insurance act;

37 (c) Any federal or state credit union, as defined in section 101 of
38 the federal credit union act, including an institution-affiliated party

1 of such credit union, as defined in section 206(r) of the federal
2 deposit insurance act; or

3 (d) Any benefit association, insurance company, safe deposit
4 company, money-market mutual fund, or similar entity.

5 (15) "License" means a license, certificate, registration, permit,
6 approval, or other similar document issued by a licensing entity to a
7 licensee evidencing admission to or granting authority to engage in a
8 profession, occupation, business, industry, recreational pursuit, or
9 the operation of a motor vehicle. "License" does not mean the tax
10 registration or certification issued under Title 82 RCW by the
11 department of revenue.

12 (16) "Licensee" means any individual holding a license,
13 certificate, registration, permit, approval, or other similar document
14 issued by a licensing entity evidencing admission to or granting
15 authority to engage in a profession, occupation, business, industry,
16 recreational pursuit, or the operation of a motor vehicle.

17 (17) "Licensing entity" includes any department, board, commission,
18 or other organization authorized to issue, renew, suspend, or revoke a
19 license authorizing an individual to engage in a business, occupation,
20 profession, industry, recreational pursuit, or the operation of a motor
21 vehicle, and includes the Washington state supreme court, to the extent
22 that a rule has been adopted by the court to implement suspension of
23 licenses related to the practice of law.

24 (18) "Noncompliance with a child support order" for the purposes of
25 the license suspension program authorized under section 802 of this act
26 means a responsible parent has:

27 (a) Accumulated arrears totaling more than six months of child
28 support payments;

29 (b) Failed to make payments pursuant to a written agreement with
30 the department towards a support arrearage in an amount that exceeds
31 six months of payments; or

32 (c) Failed to make payments required by a superior court order or
33 administrative order towards a support arrearage in an amount that
34 exceeds six months of payments.

35 (19) "Noncompliance with a residential or visitation order" means
36 that a court has found the parent in contempt of court under RCW
37 26.09.160 for failure to comply with a residential provision of a
38 court-ordered parenting plan.

1 **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
2 read as follows:

3 The department is authorized to suspend the license of a driver
4 upon a showing by its records or other sufficient evidence that the
5 licensee:

6 (1) Has committed an offense for which mandatory revocation or
7 suspension of license is provided by law;

8 (2) Has, by reckless or unlawful operation of a motor vehicle,
9 caused or contributed to an accident resulting in death or injury to
10 any person or serious property damage;

11 (3) Has been convicted of offenses against traffic regulations
12 governing the movement of vehicles, or found to have committed traffic
13 infractions, with such frequency as to indicate a disrespect for
14 traffic laws or a disregard for the safety of other persons on the
15 highways;

16 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
17 (~~(or)~~)

18 (5) Has failed to respond to a notice of traffic infraction, failed
19 to appear at a requested hearing, violated a written promise to appear
20 in court, or has failed to comply with the terms of a notice of traffic
21 infraction or citation, as provided in RCW 46.20.289; (~~(or)~~)

22 (6) Has committed one of the prohibited practices relating to
23 drivers' licenses defined in RCW 46.20.336; or

24 (7) Has been certified by the department of social and health
25 services as a person who is not in compliance with a child support
26 order or a residential or visitation order as provided in section 802
27 of this act.

28 **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
29 read as follows:

30 (1) The department shall not suspend a driver's license or
31 privilege to drive a motor vehicle on the public highways for a fixed
32 period of more than one year, except as specifically permitted under
33 RCW 46.20.342 or other provision of law. Except for a suspension under
34 RCW 46.20.289 (~~(and)~~), 46.20.291(5), or section 802 of this act,
35 whenever the license or driving privilege of any person is suspended by
36 reason of a conviction, a finding that a traffic infraction has been
37 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
38 or 46.20.308, the suspension shall remain in effect until the person

1 gives and thereafter maintains proof of financial responsibility for
2 the future as provided in chapter 46.29 RCW. If the suspension is the
3 result of a violation of RCW 46.61.502 or 46.61.504, the department
4 shall determine the person's eligibility for licensing based upon the
5 reports provided by the alcoholism agency or probation department
6 designated under RCW 46.61.5056 and shall deny reinstatement until
7 enrollment and participation in an approved program has been
8 established and the person is otherwise qualified. Whenever the
9 license or driving privilege of any person is suspended as a result of
10 certification of noncompliance with a child support order under chapter
11 74.20A RCW or a residential or visitation order, the suspension shall
12 remain in effect until the person provides a release issued by the
13 department of social and health services stating that the person is in
14 compliance with the order. The department shall not issue to the
15 person a new, duplicate, or renewal license until the person pays a
16 reissue fee of twenty dollars. If the suspension is the result of a
17 violation of RCW 46.61.502 or 46.61.504, or is the result of
18 administrative action under RCW 46.20.308, the reissue fee shall be
19 fifty dollars.

20 (2) Any person whose license or privilege to drive a motor vehicle
21 on the public highways has been revoked, unless the revocation was for
22 a cause which has been removed, is not entitled to have the license or
23 privilege renewed or restored until: (a) After the expiration of one
24 year from the date the license or privilege to drive was revoked; (b)
25 after the expiration of the applicable revocation period provided by
26 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
27 persons convicted of vehicular homicide; or (d) after the expiration of
28 the applicable revocation period provided by RCW 46.20.265. After the
29 expiration of the appropriate period, the person may make application
30 for a new license as provided by law together with a reissue fee in the
31 amount of twenty dollars, but if the revocation is the result of a
32 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
33 shall be fifty dollars. If the revocation is the result of a violation
34 of RCW 46.61.502 or 46.61.504, the department shall determine the
35 person's eligibility for licensing based upon the reports provided by
36 the alcoholism agency or probation department designated under RCW
37 46.61.5056 and shall deny reissuance of a license, permit, or privilege
38 to drive until enrollment and participation in an approved program has
39 been established and the person is otherwise qualified. Except for a

1 revocation under RCW 46.20.265, the department shall not then issue a
2 new license unless it is satisfied after investigation of the driving
3 ability of the person that it will be safe to grant the privilege of
4 driving a motor vehicle on the public highways, and until the person
5 gives and thereafter maintains proof of financial responsibility for
6 the future as provided in chapter 46.29 RCW. For a revocation under
7 RCW 46.20.265, the department shall not issue a new license unless it
8 is satisfied after investigation of the driving ability of the person
9 that it will be safe to grant that person the privilege of driving a
10 motor vehicle on the public highways.

11 (3) Whenever the driver's license of any person is suspended
12 pursuant to Article IV of the nonresident violators compact or RCW
13 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
14 to the person any new or renewal license until the person pays a
15 reissue fee of twenty dollars. If the suspension is the result of a
16 violation of the laws of this or any other state, province, or other
17 jurisdiction involving (a) the operation or physical control of a motor
18 vehicle upon the public highways while under the influence of
19 intoxicating liquor or drugs, or (b) the refusal to submit to a
20 chemical test of the driver's blood alcohol content, the reissue fee
21 shall be fifty dollars.

22 NEW SECTION. **Sec. 808.** A new section is added to chapter 48.22
23 RCW to read as follows:

24 In the event that the department of licensing suspends a driver's
25 license solely for the nonpayment of child support as provided in
26 chapter 74.20A RCW or for noncompliance with a residential or
27 visitation order as provided in chapter 26.09 RCW, any provision in the
28 driver's motor vehicle liability insurance policy excluding insurance
29 coverage for an unlicensed driver shall not apply to the driver for
30 ninety days from the date of suspension. When a driver's license is
31 suspended under chapter 74.20A RCW, the driving record for the
32 suspended driver shall include a notation that explains the reason for
33 the suspension.

34 NEW SECTION. **Sec. 809.** The legislature intends that the license
35 suspension program established in chapter 74.20A RCW be implemented
36 fairly to ensure that child support obligations are met and that
37 parents comply with residential and visitation orders. However, being

1 mindful of the separations of powers and responsibilities among the
2 branches of government, the legislature strongly encourages the state
3 supreme court to adopt rules providing for suspension and denial of
4 licenses related to the practice of law to those individuals who are in
5 noncompliance with a support order or a residential or visitation
6 order.

7 NEW SECTION. **Sec. 810.** A new section is added to chapter 2.48 RCW
8 to read as follows:

9 The Washington state supreme court may provide by rule that no
10 person who has been certified by the department of social and health
11 services as a person who is in noncompliance with a support order or a
12 residential or visitation order as provided in section 802 of this act
13 may be admitted to the practice of law in this state, and that any
14 member of the Washington state bar association who has been certified
15 by the department of social and health services as a person who is in
16 noncompliance with a support order or a residential or visitation order
17 as provided in section 802 of this act shall be immediately suspended
18 from membership. The court's rules may provide for review of an
19 application for admission or reinstatement of membership after the
20 department of social and health services has issued a release stating
21 that the person is in compliance with the order.

22 NEW SECTION. **Sec. 811.** A new section is added to chapter 18.04
23 RCW to read as follows:

24 The board shall immediately suspend the certificate or license of
25 a person who has been certified pursuant to section 802 of this act by
26 the department of social and health services as a person who is not in
27 compliance with a support order or a residential or visitation order.
28 If the person has continued to meet all other requirements for
29 reinstatement during the suspension, reissuance of the license or
30 certificate shall be automatic upon the board's receipt of a release
31 issued by the department of social and health services stating that the
32 licensee is in compliance with the order.

33 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
34 read as follows:

35 (1) Upon application in writing and after hearing pursuant to
36 notice, the board may:

1 (~~(1)~~) (a) Modify the suspension of, or reissue a certificate or
2 license to, an individual whose certificate has been revoked or
3 suspended; or

4 (~~(2)~~) (b) Modify the suspension of, or reissue a license to a
5 firm whose license has been revoked, suspended, or which the board has
6 refused to renew.

7 (2) In the case of suspension for failure to comply with a support
8 order under chapter 74.20A RCW or a residential or visitation order
9 under chapter 26.09 RCW, if the person has continued to meet all other
10 requirements for reinstatement during the suspension, reissuance of a
11 certificate or license shall be automatic upon the board's receipt of
12 a release issued by the department of social and health services
13 stating that the individual is in compliance with the order.

14 NEW SECTION. Sec. 813. A new section is added to chapter 18.08
15 RCW to read as follows:

16 The board shall immediately suspend the certificate of registration
17 or certificate of authorization to practice architecture of a person
18 who has been certified pursuant to section 802 of this act by the
19 department of social and health services as a person who is not in
20 compliance with a support order or a residential or visitation order.
21 If the person has continued to meet other requirements for
22 reinstatement during the suspension, reissuance of the certificate
23 shall be automatic upon the board's receipt of a release issued by the
24 department of social and health services stating that the individual is
25 in compliance with the order.

26 Sec. 814. RCW 18.11.160 and 1986 c 324 s 12 are each amended to
27 read as follows:

28 (1) No license shall be issued by the department to any person who
29 has been convicted of forgery, embezzlement, obtaining money under
30 false pretenses, extortion, criminal conspiracy, fraud, theft,
31 receiving stolen goods, unlawful issuance of checks or drafts, or other
32 similar offense, or to any partnership of which the person is a member,
33 or to any association or corporation of which the person is an officer
34 or in which as a stockholder the person has or exercises a controlling
35 interest either directly or indirectly.

1 (2) The following shall be grounds for denial, suspension, or
2 revocation of a license, or imposition of an administrative fine by the
3 department:

4 (a) Misrepresentation or concealment of material facts in obtaining
5 a license;

6 (b) Underreporting to the department of sales figures so that the
7 auctioneer or auction company surety bond is in a lower amount than
8 required by law;

9 (c) Revocation of a license by another state;

10 (d) Misleading or false advertising;

11 (e) A pattern of substantial misrepresentations related to
12 auctioneering or auction company business;

13 (f) Failure to cooperate with the department in any investigation
14 or disciplinary action;

15 (g) Nonpayment of an administrative fine prior to renewal of a
16 license;

17 (h) Aiding an unlicensed person to practice as an auctioneer or as
18 an auction company; and

19 (i) Any other violations of this chapter.

20 (3) The department shall immediately suspend the license of a
21 person who has been certified pursuant to section 802 of this act by
22 the department of social and health services as a person who is not in
23 compliance with a support order or a residential or visitation order.
24 If the person has continued to meet all other requirements for
25 reinstatement during the suspension, reissuance of the license shall be
26 automatic upon the department's receipt of a release issued by the
27 department of social and health services stating that the licensee is
28 in compliance with the order.

29 NEW SECTION. Sec. 815. A new section is added to chapter 18.16
30 RCW to read as follows:

31 The department shall immediately suspend the license of a person
32 who has been certified pursuant to section 802 of this act by the
33 department of social and health services as a person who is not in
34 compliance with a support order or a residential or visitation order.
35 If the person has continued to meet all other requirements for
36 reinstatement during the suspension, reissuance of the license shall be
37 automatic upon the department's receipt of a release issued by the

1 department of social and health services stating that the licensee is
2 in compliance with the order.

3 NEW SECTION. **Sec. 816.** A new section is added to chapter 18.20
4 RCW to read as follows:

5 The department shall immediately suspend the license of a person
6 who has been certified pursuant to section 802 of this act by the
7 department of social and health services as a person who is not in
8 compliance with a support order or a residential or visitation order.
9 If the person has continued to meet all other requirements for
10 reinstatement during the suspension, reissuance of the license shall be
11 automatic upon the department's receipt of a release issued by the
12 department of social and health services stating that the licensee is
13 in compliance with the order.

14 **Sec. 817.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
15 amended to read as follows:

16 (1) A certificate of registration shall be valid for one year and
17 shall be renewed on or before the expiration date. The department
18 shall issue to the applicant a certificate of registration upon
19 compliance with the registration requirements of this chapter.

20 (2) If the department approves an application, it shall issue a
21 certificate of registration to the applicant. The certificate shall be
22 valid for:

23 (a) One year;

24 (b) Until the bond expires; or

25 (c) Until the insurance expires, whichever comes first. The
26 department shall place the expiration date on the certificate.

27 (3) A contractor may supply a short-term bond or insurance policy
28 to bring its registration period to the full one year.

29 (4) If a contractor's surety bond or other security has an
30 unsatisfied judgment against it or is canceled, or if the contractor's
31 insurance policy is canceled, the contractor's registration shall be
32 automatically suspended on the effective date of the impairment or
33 cancellation. The department shall give notice of the suspension to
34 the contractor.

35 (5) The department shall immediately suspend the certificate of
36 registration of a contractor who has been certified by the department
37 of social and health services as a person who is not in compliance with

1 a support order or a residential or visitation order as provided in
2 section 802 of this act. The certificate of registration shall not be
3 reissued or renewed unless the person provides to the department a
4 release from the department of social and health services stating that
5 he or she is in compliance with the order and the person has continued
6 to meet all other requirements for certification during the suspension.

7 NEW SECTION. Sec. 818. A new section is added to chapter 18.28
8 RCW to read as follows:

9 The department shall immediately suspend the license of a person
10 who has been certified pursuant to section 802 of this act by the
11 department of social and health services as a person who is not in
12 compliance with a support order or a residential or visitation order.
13 If the person has continued to meet all other requirements for
14 reinstatement during the suspension, reissuance of the license shall be
15 automatic upon the department's receipt of a release issued by the
16 department of social and health services stating that the licensee is
17 in compliance with the order.

18 **Sec. 819.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
19 read as follows:

20 The director shall have the following powers and duties:

21 (1) To issue all licenses provided for under this chapter;

22 (2) To renew licenses under this chapter;

23 (3) To collect all fees prescribed and required under this chapter;

24 ((and))

25 (4) To immediately suspend the license of a person who has been
26 certified pursuant to section 802 of this act by the department of
27 social and health services as a person who is not in compliance with a
28 support order or a residential or visitation order; and

29 (5) To keep general books of record of all official acts,
30 proceedings, and transactions of the department of licensing while
31 acting under this chapter.

32 NEW SECTION. Sec. 820. A new section is added to chapter 18.39
33 RCW to read as follows:

34 In the case of suspension for failure to comply with a support
35 order under chapter 74.20A RCW or a residential or visitation order
36 under chapter 26.09 RCW, if the person has continued to meet all other

1 requirements for reinstatement during the suspension, reissuance of a
2 license shall be automatic upon the director's receipt of a release
3 issued by the department of social and health services stating that the
4 individual is in compliance with the order.

5 NEW SECTION. **Sec. 821.** A new section is added to chapter 18.43
6 RCW to read as follows:

7 The board shall immediately suspend the registration of a person
8 who has been certified pursuant to section 802 of this act by the
9 department of social and health services as a person who is not in
10 compliance with a support order or a residential or visitation order.
11 If the person has continued to meet all other requirements for
12 membership during the suspension, reissuance of the certificate of
13 registration shall be automatic upon the board's receipt of a release
14 issued by the department of social and health services stating that the
15 person is in compliance with the order.

16 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.44
17 RCW to read as follows:

18 The department shall immediately suspend the certificate of
19 registration of a person who has been certified pursuant to section 802
20 of this act by the department of social and health services as a person
21 who is not in compliance with a support order or a residential or
22 visitation order. If the person has continued to meet all other
23 requirements for certification during the suspension, reissuance of the
24 certificate shall be automatic upon the department's receipt of a
25 release issued by the department of social and health services stating
26 that the person is in compliance with the order.

27 **Sec. 823.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
28 read as follows:

29 (1) The department may deny, suspend, or revoke a license in any
30 case in which it finds that there has been failure or refusal to comply
31 with the requirements established under this chapter or the rules
32 adopted under it.

33 (2) The department shall immediately suspend the license of a
34 person who has been certified pursuant to section 802 of this act by
35 the department of social and health services as a person who is not in
36 compliance with a support order or a residential or visitation order.

1 If the person has continued to meet all other requirements for
2 reinstatement during the suspension, reissuance of the license shall be
3 automatic upon the department's receipt of a release issued by the
4 department of social and health services stating that the person is in
5 compliance with the order.

6 RCW 43.70.115 governs notice of a license denial, revocation,
7 suspension, or modification and provides the right to an adjudicative
8 proceeding but shall not apply to actions taken under subsection (2) of
9 this section.

10 NEW SECTION. Sec. 824. A new section is added to chapter 18.51
11 RCW to read as follows:

12 The department shall immediately suspend the license of a person
13 who has been certified pursuant to section 802 of this act by the
14 department of social and health services, division of support, as a
15 person who is not in compliance with a child support order or a
16 residential or visitation order. If the person has continued to meet
17 all other requirements for reinstatement during the suspension,
18 reissuance of the license shall be automatic upon the department's
19 receipt of a release issued by the division of child support stating
20 that the person is in compliance with the order.

21 NEW SECTION. Sec. 825. A new section is added to chapter 18.76
22 RCW to read as follows:

23 The department shall immediately suspend the certification of a
24 poison center medical director or a poison information specialist who
25 has been certified pursuant to section 802 of this act by the
26 department of social and health services as a person who is not in
27 compliance with a support order or a residential or visitation order.
28 If the person has continued to meet all other requirements for
29 certification during the suspension, reissuance of the certification
30 shall be automatic upon the department's receipt of a release issued by
31 the department of social and health services stating that the person is
32 in compliance with the order.

33 NEW SECTION. Sec. 826. A new section is added to chapter 18.85
34 RCW to read as follows:

35 The director shall immediately suspend the license of a broker or
36 salesperson who has been certified pursuant to section 802 of this act

1 by the department of social and health services as a person who is not
2 in compliance with a support order or a residential or visitation
3 order. If the person has continued to meet all other requirements for
4 reinstatement during the suspension, reissuance of the license shall be
5 automatic upon the director's receipt of a release issued by the
6 department of social and health services stating that the person is in
7 compliance with the order.

8 **Sec. 827.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
9 to read as follows:

10 (1) The director may refuse to renew, or may suspend or revoke, a
11 certificate of registration to use the titles landscape architect,
12 landscape architecture, or landscape architectural in this state upon
13 the following grounds:

14 ~~((1))~~ (a) The holder of the certificate of registration is
15 impersonating a practitioner or former practitioner.

16 ~~((2))~~ (b) The holder of the certificate of registration is guilty
17 of fraud, deceit, gross negligence, gross incompetency or gross
18 misconduct in the practice of landscape architecture.

19 ~~((3))~~ (c) The holder of the certificate of registration permits
20 his seal to be affixed to any plans, specifications or drawings that
21 were not prepared by him or under his personal supervision by employees
22 subject to his direction and control.

23 ~~((4))~~ (d) The holder of the certificate has committed fraud in
24 applying for or obtaining a certificate.

25 (2) The director shall immediately suspend the certificate of
26 registration of a landscape architect who has been certified pursuant
27 to section 802 of this act by the department of social and health
28 services as a person who is not in compliance with a support order or
29 a residential or visitation order. If the person has continued to meet
30 all other requirements for certification during the suspension,
31 reissuance of the certificate of registration shall be automatic upon
32 the director's receipt of a release issued by the department of social
33 and health services stating that the person is in compliance with the
34 order.

35 **Sec. 828.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
36 read as follows:

1 (1) In cases other than those relating to the failure of a licensee
2 to renew a license, the director may suspend or revoke a license issued
3 pursuant to this chapter for any of the following reasons:

4 ~~((1))~~ (a) For fraud or deception in obtaining the license;

5 ~~((2))~~ (b) For fraud or deception in reporting under RCW
6 18.104.050;

7 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
8 lawful rule or regulation of the department or the department of
9 health.

10 (2) The director shall immediately suspend any license issued under
11 this chapter if the holder of the license has been certified pursuant
12 to section 802 of this act by the department of social and health
13 services as a person who is not in compliance with a support order or
14 a residential or visitation order. If the person has continued to meet
15 all other requirements for reinstatement during the suspension,
16 reissuance of the license shall be automatic upon the director's
17 receipt of a release issued by the department of social and health
18 services stating that the person is in compliance with the order.

19 (3) No license shall be suspended for more than six months, except
20 that a suspension under section 802 of this act shall continue until
21 the department receives a release issued by the department of social
22 and health services stating that the person is in compliance with the
23 order.

24 (4) No person whose license is revoked shall be eligible to apply
25 for a license for one year from the effective date of the final order
26 of revocation.

27 **NEW SECTION. Sec. 829.** A new section is added to chapter 18.106
28 RCW to read as follows:

29 The department shall immediately suspend any certificate of
30 competency issued under this chapter if the holder of the certificate
31 has been certified pursuant to section 802 of this act by the
32 department of social and health services as a person who is not in
33 compliance with a support order or a residential or visitation order.
34 If the person has continued to meet all other requirements for
35 certification during the suspension, reissuance of the certificate of
36 competency shall be automatic upon the department's receipt of a
37 release issued by the department of social and health services stating
38 that the person is in compliance with the order.

1 NEW SECTION. **Sec. 830.** A new section is added to chapter 18.130
2 RCW to read as follows:

3 The secretary shall immediately suspend the license of any person
4 subject to this chapter who has been certified by the department of
5 social and health services as a person who is not in compliance with a
6 support order or a residential or visitation order as provided in
7 section 802 of this act.

8 **Sec. 831.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
9 read as follows:

10 A person whose license has been suspended or revoked under this
11 chapter may petition the disciplining authority for reinstatement after
12 an interval as determined by the disciplining authority in the order.
13 The disciplining authority shall hold hearings on the petition and may
14 deny the petition or may order reinstatement and impose terms and
15 conditions as provided in RCW 18.130.160 and issue an order of
16 reinstatement. The disciplining authority may require successful
17 completion of an examination as a condition of reinstatement.

18 A person whose license has been suspended for noncompliance with a
19 support order or a residential or visitation order under section 802 of
20 this act may petition for reinstatement at any time by providing the
21 secretary a release issued by the department of social and health
22 services stating that the person is in compliance with the order. If
23 the person has continued to meet all other requirements for
24 reinstatement during the suspension, the secretary shall automatically
25 reissue the person's license upon receipt of the release, and payment
26 of a reinstatement fee, if any.

27 NEW SECTION. **Sec. 832.** A new section is added to chapter 18.140
28 RCW to read as follows:

29 The director shall immediately suspend any license or certificate
30 issued under this chapter if the holder has been certified pursuant to
31 section 802 of this act by the department of social and health services
32 as a person who is not in compliance with a support order or a
33 residential or visitation order. If the person has continued to meet
34 all other requirements for reinstatement during the suspension,
35 reissuance of the license or certificate shall be automatic upon the
36 director's receipt of a release issued by the department of social and

1 health services stating that the person is in compliance with the
2 order.

3 NEW SECTION. **Sec. 833.** A new section is added to chapter 18.145
4 RCW to read as follows:

5 The director shall immediately suspend any certificate issued under
6 this chapter if the holder has been certified pursuant to section 802
7 of this act by the department of social and health services as a person
8 who is not in compliance with a support order or a residential or
9 visitation order. If the person has continued to meet all other
10 requirements for certification during the suspension, reissuance of the
11 certificate shall be automatic upon the director's receipt of a release
12 issued by the department of social and health services stating that the
13 person is in compliance with the order.

14 **Sec. 834.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
15 read as follows:

16 (1) The state director of fire protection may refuse to issue or
17 renew or may suspend or revoke the privilege of a licensed fire
18 protection sprinkler system contractor or the certificate of a
19 certificate of competency holder to engage in the fire protection
20 sprinkler system business or in lieu thereof, establish penalties as
21 prescribed by Washington state law, for any of the following reasons:

22 (a) Gross incompetency or gross negligence in the preparation of
23 technical drawings, installation, repair, alteration, maintenance,
24 inspection, service, or addition to fire protection sprinkler systems;

25 (b) Conviction of a felony;

26 (c) Fraudulent or dishonest practices while engaging in the fire
27 protection sprinkler systems business;

28 (d) Use of false evidence or misrepresentation in an application
29 for a license or certificate of competency;

30 (e) Permitting his or her license to be used in connection with the
31 preparation of any technical drawings which have not been prepared by
32 him or her personally or under his or her immediate supervision, or in
33 violation of this chapter; or

34 (f) Knowingly violating any provisions of this chapter or the
35 regulations issued thereunder.

36 (2) The state director of fire protection shall revoke the license
37 of a licensed fire protection sprinkler system contractor or the

1 certificate of a certificate of competency holder who engages in the
2 fire protection sprinkler system business while the license or
3 certificate of competency is suspended.

4 (3) The state director of fire protection shall immediately suspend
5 any license or certificate issued under this chapter if the holder has
6 been certified pursuant to section 802 of this act by the department of
7 social and health services as a person who is not in compliance with a
8 support order or a residential or visitation order. If the person has
9 continued to meet all other requirements for issuance or reinstatement
10 during the suspension, issuance or reissuance of the license or
11 certificate shall be automatic upon the director's receipt of a release
12 issued by the department of social and health services stating that the
13 person is in compliance with the order.

14 (4) Any licensee or certificate of competency holder who is
15 aggrieved by an order of the state director of fire protection
16 suspending or revoking a license may, within thirty days after notice
17 of such suspension or revocation, appeal under chapter 34.05 RCW. This
18 subsection does not apply to actions taken under subsection (3) of this
19 section.

20 **Sec. 835.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
21 read as follows:

22 The following acts are prohibited and constitute grounds for
23 disciplinary action, assessing administrative penalties, or denial,
24 suspension, or revocation of any license under this chapter, as deemed
25 appropriate by the director:

26 (1) Knowingly violating any of the provisions of this chapter or
27 the rules adopted under this chapter;

28 (2) Knowingly making a material misstatement or omission in the
29 application for or renewal of a license or firearms certificate,
30 including falsifying requested identification information;

31 (3) Not meeting the qualifications set forth in RCW 18.165.030,
32 18.165.040, or 18.165.050;

33 (4) Failing to return immediately on demand a firearm issued by an
34 employer;

35 (5) Carrying a firearm in the performance of his or her duties if
36 not the holder of a valid armed private investigator license, or
37 carrying a firearm not meeting the provisions of this chapter while in
38 the performance of his or her duties;

- 1 (6) Failing to return immediately on demand company identification,
2 badges, or other items issued to the private investigator by an
3 employer;
- 4 (7) Making any statement that would reasonably cause another person
5 to believe that the private investigator is a sworn peace officer;
- 6 (8) Divulging confidential information obtained in the course of
7 any investigation to which he or she was assigned;
- 8 (9) Acceptance of employment that is adverse to a client or former
9 client and relates to a matter about which a licensee has obtained
10 confidential information by reason of or in the course of the
11 licensee's employment by the client;
- 12 (10) Conviction of a gross misdemeanor or felony or the commission
13 of any act involving moral turpitude, dishonesty, or corruption whether
14 the act constitutes a crime or not. If the act constitutes a crime,
15 conviction in a criminal proceeding is not a condition precedent to
16 disciplinary action. Upon such a conviction, however, the judgment and
17 sentence is conclusive evidence at the ensuing disciplinary hearing of
18 the guilt of the license holder or applicant of the crime described in
19 the indictment or information, and of the person's violation of the
20 statute on which it is based. For the purposes of this section,
21 conviction includes all instances in which a plea of guilty or nolo
22 contendere is the basis for the conviction and all proceedings in which
23 the sentence has been deferred or suspended;
- 24 (11) Advertising that is false, fraudulent, or misleading;
- 25 (12) Incompetence or negligence that results in injury to a person
26 or that creates an unreasonable risk that a person may be harmed;
- 27 (13) Suspension, revocation, or restriction of the individual's
28 license to practice the profession by competent authority in any state,
29 federal, or foreign jurisdiction, a certified copy of the order,
30 stipulation, or agreement being conclusive evidence of the revocation,
31 suspension, or restriction;
- 32 (14) Failure to cooperate with the director by:
- 33 (a) Not furnishing any necessary papers or documents requested by
34 the director for purposes of conducting an investigation for
35 disciplinary action, denial, suspension, or revocation of a license
36 under this chapter;
- 37 (b) Not furnishing in writing a full and complete explanation
38 covering the matter contained in a complaint filed with the department;
39 or

- 1 (c) Not responding to subpoenas issued by the director, whether or
2 not the recipient of the subpoena is the accused in the proceeding;
- 3 (15) Failure to comply with an order issued by the director or an
4 assurance of discontinuance entered into with the director;
- 5 (16) Aiding or abetting an unlicensed person to practice if a
6 license is required;
- 7 (17) Misrepresentation or fraud in any aspect of the conduct of the
8 business or profession;
- 9 (18) Failure to adequately supervise employees to the extent that
10 the public health or safety is at risk;
- 11 (19) Interference with an investigation or disciplinary proceeding
12 by willful misrepresentation of facts before the director or the
13 director's authorized representative, or by the use of threats or
14 harassment against any client or witness to prevent them from providing
15 evidence in a disciplinary proceeding or any other legal action;
- 16 (20) Assigning or transferring any license issued pursuant to the
17 provisions of this chapter, except as provided in RCW 18.165.050;
- 18 (21) Assisting a client to locate, trace, or contact a person when
19 the investigator knows that the client is prohibited by any court order
20 from harassing or contacting the person whom the investigator is being
21 asked to locate, trace, or contact, as it pertains to domestic
22 violence, stalking, or minor children;
- 23 (22) Failure to maintain bond or insurance; ~~((or))~~
- 24 (23) Failure to have a qualifying principal in place; or
- 25 (24) Being certified as not in compliance with a support order or
26 a residential or visitation order as provided in section 802 of this
27 act.

28 NEW SECTION. Sec. 836. A new section is added to chapter 18.165
29 RCW to read as follows:

30 The director shall immediately suspend a license issued under this
31 chapter if the holder has been certified pursuant to section 802 of
32 this act by the department of social and health services as a person
33 who is not in compliance with a support order or a residential or
34 visitation order. If the person has continued to meet all other
35 requirements for reinstatement during the suspension, reissuance of the
36 license shall be automatic upon the director's receipt of a release
37 issued by the department of social and health services stating that the
38 person is in compliance with the order.

1 **Sec. 837.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
2 read as follows:

3 In addition to the provisions of section 838 of this act, the
4 following acts are prohibited and constitute grounds for disciplinary
5 action, assessing administrative penalties, or denial, suspension, or
6 revocation of any license under this chapter, as deemed appropriate by
7 the director:

8 (1) Knowingly violating any of the provisions of this chapter or
9 the rules adopted under this chapter;

10 (2) Practicing fraud, deceit, or misrepresentation in any of the
11 private security activities covered by this chapter;

12 (3) Knowingly making a material misstatement or omission in the
13 application for a license or firearms certificate;

14 (4) Not meeting the qualifications set forth in RCW 18.170.030,
15 18.170.040, or 18.170.060;

16 (5) Failing to return immediately on demand a firearm issued by an
17 employer;

18 (6) Carrying a firearm in the performance of his or her duties if
19 not the holder of a valid armed private security guard license, or
20 carrying a firearm not meeting the provisions of this chapter while in
21 the performance of his or her duties;

22 (7) Failing to return immediately on demand any uniform, badge, or
23 other item of equipment issued to the private security guard by an
24 employer;

25 (8) Making any statement that would reasonably cause another person
26 to believe that the private security guard is a sworn peace officer;

27 (9) Divulging confidential information that may compromise the
28 security of any premises, or valuables shipment, or any activity of a
29 client to which he or she was assigned;

30 (10) Conviction of a gross misdemeanor or felony or the commission
31 of any act involving moral turpitude, dishonesty, or corruption whether
32 the act constitutes a crime or not. If the act constitutes a crime,
33 conviction in a criminal proceeding is not a condition precedent to
34 disciplinary action. Upon such a conviction, however, the judgment and
35 sentence is conclusive evidence at the ensuing disciplinary hearing of
36 the guilt of the license holder or applicant of the crime described in
37 the indictment or information, and of the person's violation of the
38 statute on which it is based. For the purposes of this section,
39 conviction includes all instances in which a plea of guilty or nolo

1 contendere is the basis for the conviction and all proceedings in which
2 the sentence has been deferred or suspended;

3 (11) Misrepresentation or concealment of a material fact in
4 obtaining a license or in reinstatement thereof;

5 (12) Advertising that is false, fraudulent, or misleading;

6 (13) Incompetence or negligence that results in injury to a person
7 or that creates an unreasonable risk that a person may be harmed;

8 (14) Suspension, revocation, or restriction of the individual's
9 license to practice the profession by competent authority in any state,
10 federal, or foreign jurisdiction, a certified copy of the order,
11 stipulation, or agreement being conclusive evidence of the revocation,
12 suspension, or restriction;

13 (15) Failure to cooperate with the director by:

14 (a) Not furnishing any necessary papers or documents requested by
15 the director for purposes of conducting an investigation for
16 disciplinary action, denial, suspension, or revocation of a license
17 under this chapter;

18 (b) Not furnishing in writing a full and complete explanation
19 covering the matter contained in a complaint filed with the department;
20 or

21 (c) Not responding to subpoenas issued by the director, whether or
22 not the recipient of the subpoena is the accused in the proceeding;

23 (16) Failure to comply with an order issued by the director or an
24 assurance of discontinuance entered into with the disciplining
25 authority;

26 (17) Aiding or abetting an unlicensed person to practice if a
27 license is required;

28 (18) Misrepresentation or fraud in any aspect of the conduct of the
29 business or profession;

30 (19) Failure to adequately supervise employees to the extent that
31 the public health or safety is at risk;

32 (20) Interference with an investigation or disciplinary proceeding
33 by willful misrepresentation of facts before the director or the
34 director's authorized representative, or by the use of threats or
35 harassment against a client or witness to prevent them from providing
36 evidence in a disciplinary proceeding or any other legal action;

37 (21) Assigning or transferring any license issued pursuant to the
38 provisions of this chapter, except as provided in RCW 18.170.060;

39 (22) Failure to maintain insurance; and

1 (23) Failure to have a qualifying principal in place.

2 NEW SECTION. **Sec. 838.** A new section is added to chapter 18.170
3 RCW to read as follows:

4 The director shall immediately suspend any license issued under
5 this chapter if the holder has been certified pursuant to section 802
6 of this act by the department of social and health services as a person
7 who is not in compliance with a support order or a residential or
8 visitation order. If the person has continued to meet all other
9 requirements for reinstatement during the suspension, reissuance of the
10 license shall be automatic upon the director's receipt of a release
11 issued by the department of social and health services stating that the
12 person is in compliance with the order.

13 NEW SECTION. **Sec. 839.** A new section is added to chapter 18.175
14 RCW to read as follows:

15 The director shall immediately suspend a certificate of
16 registration issued under this chapter if the holder has been certified
17 pursuant to section 802 of this act by the department of social and
18 health services as a person who is not in compliance with a support
19 order or a residential or visitation order. If the person has
20 continued to meet all other requirements for certification during the
21 suspension, reissuance of the certificate shall be automatic upon the
22 director's receipt of a release issued by the department of social and
23 health services stating that the person is in compliance with the
24 order.

25 NEW SECTION. **Sec. 840.** A new section is added to chapter 18.185
26 RCW to read as follows:

27 The director shall immediately suspend any license issued under
28 this chapter if the holder has been certified pursuant to section 802
29 of this act by the department of social and health services as a person
30 who is not in compliance with a support order or a residential or
31 visitation order. If the person has continued to meet all other
32 requirements for reinstatement during the suspension, reissuance of the
33 license shall be automatic upon the director's receipt of a release
34 issued by the department of social and health services stating that the
35 person is in compliance with the order.

1 **Sec. 841.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
2 read as follows:

3 This section governs the denial of an application for a license or
4 the suspension, revocation, or modification of a license by the
5 department.

6 (1) The department shall give written notice of the denial of an
7 application for a license to the applicant or his or her agent. The
8 department shall give written notice of revocation, suspension, or
9 modification of a license to the licensee or his or her agent. The
10 notice shall state the reasons for the action. The notice shall be
11 personally served in the manner of service of a summons in a civil
12 action or shall be given in ((an other)) another manner that shows
13 proof of receipt.

14 (2) Except as otherwise provided in this subsection and in
15 subsection (4) of this section, revocation, suspension, or modification
16 is effective twenty-eight days after the licensee or the agent receives
17 the notice.

18 (a) The department may make the date the action is effective later
19 than twenty-eight days after receipt. If the department does so, it
20 shall state the effective date in the written notice given the licensee
21 or agent.

22 (b) The department may make the date the action is effective sooner
23 than twenty-eight days after receipt when necessary to protect the
24 public health, safety, or welfare. When the department does so, it
25 shall state the effective date and the reasons supporting the effective
26 date in the written notice given to the licensee or agent.

27 (c) When the department has received certification pursuant to
28 chapter 74.20A RCW from the division of child support that the licensee
29 is a person who is not in compliance with a support order or an order
30 from court stating that the licensee is in noncompliance with a
31 residential or visitation order under chapter 26.09 RCW, the department
32 shall provide that the suspension is effective immediately upon receipt
33 of the suspension notice by the licensee.

34 (3) Except for licensees suspended for noncompliance with a support
35 order under chapter 74.20A RCW or a residential or visitation order
36 under chapter 26.09 RCW, a license applicant or licensee who is
37 aggrieved by a department denial, revocation, suspension, or
38 modification has the right to an adjudicative proceeding. The
39 proceeding is governed by the Administrative Procedure Act, chapter

1 34.05 RCW. The application must be in writing, state the basis for
2 contesting the adverse action, include a copy of the adverse notice, be
3 served on and received by the department within twenty-eight days of
4 the license applicant's or licensee's receiving the adverse notice, and
5 be served in a manner that shows proof of receipt.

6 (4)(a) If the department gives a licensee twenty-eight or more days
7 notice of revocation, suspension, or modification and the licensee
8 files an appeal before its effective date, the department shall not
9 implement the adverse action until the final order has been entered.
10 The presiding or reviewing officer may permit the department to
11 implement part or all of the adverse action while the proceedings are
12 pending if the appellant causes an unreasonable delay in the
13 proceeding, if the circumstances change so that implementation is in
14 the public interest, or for other good cause.

15 (b) If the department gives a licensee less than twenty-eight days
16 notice of revocation, suspension, or modification and the licensee
17 timely files a sufficient appeal, the department may implement the
18 adverse action on the effective date stated in the notice. The
19 presiding or reviewing officer may order the department to stay
20 implementation of part or all of the adverse action while the
21 proceedings are pending if staying implementation is in the public
22 interest or for other good cause.

23 NEW SECTION. **Sec. 842.** A new section is added to chapter 28A.410
24 RCW to read as follows:

25 Any certificate or permit authorized under this chapter or chapter
26 28A.405 RCW shall be suspended by the authority authorized to grant the
27 certificate or permit if the department of social and health services
28 certifies that the person is not in compliance with a support order or
29 a residential or visitation order as provided in section 802 of this
30 act. If the person continues to meet other requirements for
31 reinstatement during the suspension, reissuance of the certificate or
32 permit shall be automatic after the person provides the authority a
33 release issued by the department of social and health services stating
34 that the person is in compliance with the order.

35 **Sec. 843.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
36 read as follows:

1 This section governs the denial of an application for a license or
2 the suspension, revocation, or modification of a license by the
3 department. This section does not govern actions taken under chapter
4 18.130 RCW.

5 (1) The department shall give written notice of the denial of an
6 application for a license to the applicant or his or her agent. The
7 department shall give written notice of revocation, suspension, or
8 modification of a license to the licensee or his or her agent. The
9 notice shall state the reasons for the action. The notice shall be
10 personally served in the manner of service of a summons in a civil
11 action or shall be given in (~~(an other [another])~~) another manner that
12 shows proof of receipt.

13 (2) Except as otherwise provided in this subsection and in
14 subsection (4) of this section, revocation, suspension, or modification
15 is effective twenty-eight days after the licensee or the agent receives
16 the notice.

17 (a) The department may make the date the action is effective later
18 than twenty-eight days after receipt. If the department does so, it
19 shall state the effective date in the written notice given the licensee
20 or agent.

21 (b) The department may make the date the action is effective sooner
22 than twenty-eight days after receipt when necessary to protect the
23 public health, safety, or welfare. When the department does so, it
24 shall state the effective date and the reasons supporting the effective
25 date in the written notice given to the licensee or agent.

26 (c) When the department has received certification pursuant to
27 chapter 74.20A RCW from the department of social and health services
28 that the licensee is a person who is not in compliance with a child
29 support order or an order from a court stating that the licensee is in
30 noncompliance with a residential or visitation order under chapter
31 26.09 RCW, the department shall provide that the suspension is
32 effective immediately upon receipt of the suspension notice by the
33 licensee.

34 (3) Except for licensees suspended for noncompliance with a child
35 support order under chapter 74.20A RCW or noncompliance with a
36 residential or visitation order under chapter 26.09 RCW, a license
37 applicant or licensee who is aggrieved by a department denial,
38 revocation, suspension, or modification has the right to an
39 adjudicative proceeding. The proceeding is governed by the

1 Administrative Procedure Act, chapter 34.05 RCW. The application must
2 be in writing, state the basis for contesting the adverse action,
3 include a copy of the adverse notice, be served on and received by the
4 department within twenty-eight days of the license applicant's or
5 licensee's receiving the adverse notice, and be served in a manner that
6 shows proof of receipt.

7 (4)(a) If the department gives a licensee twenty-eight or more days
8 notice of revocation, suspension, or modification and the licensee
9 files an appeal before its effective date, the department shall not
10 implement the adverse action until the final order has been entered.
11 The presiding or reviewing officer may permit the department to
12 implement part or all of the adverse action while the proceedings are
13 pending if the appellant causes an unreasonable delay in the
14 proceeding, if the circumstances change so that implementation is in
15 the public interest, or for other good cause.

16 (b) If the department gives a licensee less than twenty-eight days
17 notice of revocation, suspension, or modification and the licensee
18 timely files a sufficient appeal, the department may implement the
19 adverse action on the effective date stated in the notice. The
20 presiding or reviewing officer may order the department to stay
21 implementation of part or all of the adverse action while the
22 proceedings are pending if staying implementation is in the public
23 interest or for other good cause.

24 **Sec. 844.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
25 read as follows:

26 (1) The department has the power, in case of serious noncompliance
27 with the provisions of this chapter, to revoke or suspend for such a
28 period as it determines, any electrical contractor license or
29 electrical contractor administrator certificate issued under this
30 chapter. The department shall notify the holder of the license or
31 certificate of the revocation or suspension by certified mail. A
32 revocation or suspension is effective twenty days after the holder
33 receives the notice. Any revocation or suspension is subject to review
34 by an appeal to the board. The filing of an appeal stays the effect of
35 a revocation or suspension until the board makes its decision. The
36 appeal shall be filed within twenty days after notice of the revocation
37 or suspension is given by certified mail sent to the address of the
38 holder of the license or certificate as shown on the application for

1 the license or certificate, and shall be effected by filing a written
2 notice of appeal with the department, accompanied by a certified check
3 for two hundred dollars, which shall be returned to the holder of the
4 license or certificate if the decision of the department is not
5 sustained by the board. The hearing shall be conducted in accordance
6 with chapter 34.05 RCW. If the board sustains the decision of the
7 department, the two hundred dollars shall be applied by the department
8 to the payment of the per diem and expenses of the members of the board
9 incurred in the matter, and any balance remaining after payment of per
10 diem and expenses shall be paid into the electrical license fund.

11 (2) The department shall immediately suspend the license or
12 certificate of a person who has been certified pursuant to section 802
13 of this act by the department of social and health services as a person
14 who is not in compliance with a support order or a residential or
15 visitation order. If the person has continued to meet all other
16 requirements for reinstatement during the suspension, reissuance of the
17 license or certificate shall be automatic upon the department's receipt
18 of a release issued by the department of social and health services
19 stating that the licensee is in compliance with the order.

20 **Sec. 845.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
21 read as follows:

22 (1) The department may revoke any certificate of competency upon
23 the following grounds:

24 (a) The certificate was obtained through error or fraud;

25 (b) The holder thereof is judged to be incompetent to work in the
26 electrical construction trade as a journeyman electrician or specialty
27 electrician;

28 (c) The holder thereof has violated any of the provisions of RCW
29 19.28.510 through 19.28.620 or any rule adopted under this chapter.

30 (2) Before any certificate of competency shall be revoked, the
31 holder shall be given written notice of the department's intention to
32 do so, mailed by registered mail, return receipt requested, to the
33 holder's last known address. The notice shall enumerate the
34 allegations against the holder, and shall give the holder the
35 opportunity to request a hearing before the board. At the hearing, the
36 department and the holder may produce witnesses and give testimony.
37 The hearing shall be conducted in accordance with chapter 34.05 RCW.
38 The board shall render its decision based upon the testimony and

1 evidence presented, and shall notify the parties immediately upon
2 reaching its decision. A majority of the board shall be necessary to
3 render a decision.

4 (3) The department shall immediately suspend the license or
5 certificate of a person who has been certified pursuant to section 802
6 of this act by the department of social and health services as a person
7 who is not in compliance with a support order or a residential or
8 visitation order. If the person has continued to meet all other
9 requirements for reinstatement during the suspension, reissuance of the
10 license or certificate shall be automatic upon the department's receipt
11 of a release issued by the department of social and health services
12 stating that the licensee is in compliance with the order.

13 **Sec. 846.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
14 read as follows:

15 Any person may protest the grant or renewal of a license under this
16 section. The director may revoke, suspend, or refuse to issue or renew
17 any license when it is shown that:

18 (1) The farm labor contractor or any agent of the contractor has
19 violated or failed to comply with any of the provisions of this
20 chapter;

21 (2) The farm labor contractor has made any misrepresentations or
22 false statements in his or her application for a license;

23 (3) The conditions under which the license was issued have changed
24 or no longer exist;

25 (4) The farm labor contractor, or any agent of the contractor, has
26 violated or wilfully aided or abetted any person in the violation of,
27 or failed to comply with, any law of the state of Washington regulating
28 employment in agriculture, the payment of wages to farm employees, or
29 the conditions, terms, or places of employment affecting the health and
30 safety of farm employees, which is applicable to the business
31 activities, or operations of the contractor in his or her capacity as
32 a farm labor contractor;

33 (5) The farm labor contractor or any agent of the contractor has in
34 recruiting farm labor solicited or induced the violation of any then
35 existing contract of employment of such laborers; or

36 (6) The farm labor contractor or any agent of the contractor has an
37 unsatisfied judgment against him or her in any state or federal court,
38 arising out of his or her farm labor contracting activities.

1 The director shall immediately suspend the license or certificate
2 of a person who has been certified pursuant to section 802 of this act
3 by the department of social and health services as a person who is not
4 in compliance with a support order or a residential or visitation
5 order. If the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of the license or
7 certificate shall be automatic upon the director's receipt of a release
8 issued by the department of social and health services stating that the
9 licensee is in compliance with the order.

10 **Sec. 847.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
11 read as follows:

12 In addition to other provisions of this chapter, any license issued
13 pursuant to this chapter or any application therefor may be denied, not
14 renewed, revoked, or suspended, or in lieu of or in addition to
15 suspension a licensee may be assessed a civil, monetary penalty in an
16 amount not to exceed one thousand dollars:

17 (1) If an individual applicant or licensee is less than eighteen
18 years of age or is not a resident of this state.

19 (2) If an applicant or licensee is not authorized to do business in
20 this state.

21 (3) If the application or renewal forms required by this chapter
22 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
23 applicable, have not been paid, and the surety bond or cash deposit or
24 other negotiable security acceptable to the director required by RCW
25 19.16.190, if applicable, has not been filed or renewed or is canceled.

26 (4) If any individual applicant, owner, officer, director, or
27 managing employee of a nonindividual applicant or licensee:

28 (a) Shall have knowingly made a false statement of a material fact
29 in any application for a collection agency license or an out-of-state
30 collection agency license or renewal thereof, or in any data attached
31 thereto and two years have not elapsed since the date of such
32 statement;

33 (b) Shall have had a license to engage in the business of a
34 collection agency or out-of-state collection agency denied, not
35 renewed, suspended, or revoked by this state, any other state, or
36 foreign country, for any reason other than the nonpayment of licensing
37 fees or failure to meet bonding requirements: PROVIDED, That the terms
38 of this subsection shall not apply if:

1 (i) Two years have elapsed since the time of any such denial,
2 nonrenewal, or revocation; or

3 (ii) The terms of any such suspension have been fulfilled;

4 (c) Has been convicted in any court of any felony involving
5 forgery, embezzlement, obtaining money under false pretenses, larceny,
6 extortion, or conspiracy to defraud and is incarcerated for that
7 offense or five years have not elapsed since the date of such
8 conviction;

9 (d) Has had any judgment entered against him in any civil action
10 involving forgery, embezzlement, obtaining money under false pretenses,
11 larceny, extortion, or conspiracy to defraud and five years have not
12 elapsed since the date of the entry of the final judgment in said
13 action: PROVIDED, That in no event shall a license be issued unless
14 the judgment debt has been discharged;

15 (e) Has had his license to practice law suspended or revoked and
16 two years have not elapsed since the date of such suspension or
17 revocation, unless he has been relicensed to practice law in this
18 state;

19 (f) Has had any judgment entered against him or it under the
20 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
21 violations of RCW 19.86.020 and two years have not elapsed since the
22 entry of the final judgment: PROVIDED, That in no event shall a
23 license be issued unless the terms of such judgment, if any, have been
24 fully complied with: PROVIDED FURTHER, That said judgment shall not be
25 grounds for denial, suspension, nonrenewal, or revocation of a license
26 unless the judgment arises out of and is based on acts of the
27 applicant, owner, officer, director, managing employee, or licensee
28 while acting for or as a collection agency or an out-of-state
29 collection agency;

30 (g) Has petitioned for bankruptcy, and two years have not elapsed
31 since the filing of said petition;

32 (h) Shall be insolvent in the sense that his or its liabilities
33 exceed his or its assets or in the sense that he or it cannot meet his
34 or its obligations as they mature;

35 (i) Has failed to pay any civil, monetary penalty assessed in
36 accordance with RCW 19.16.351 or 19.16.360 within ten days after the
37 assessment becomes final;

38 (j) Has knowingly failed to comply with, or violated any provisions
39 of this chapter or any rule or regulation issued pursuant to this

1 chapter, and two years have not elapsed since the occurrence of said
2 noncompliance or violation; or

3 (k) Has been found by a court of competent jurisdiction to have
4 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
5 1692 et seq., or the Washington state consumer protection act, chapter
6 19.86 RCW, and two years have not elapsed since that finding.

7 Except as otherwise provided in this section, any person who is
8 engaged in the collection agency business as of January 1, 1972 shall,
9 upon filing the application, paying the fees, and filing the surety
10 bond or cash deposit or other negotiable security in lieu of bond
11 required by this chapter, be issued a license ((hereunder)) under this
12 chapter.

13 The director shall immediately suspend the license or certificate
14 of a person who has been certified pursuant to section 802 of this act
15 by the department of social and health services as a person who is not
16 in compliance with a support order or a residential or visitation
17 order. If the person has continued to meet all other requirements for
18 reinstatement during the suspension, reissuance of the license or
19 certificate shall be automatic upon the director's receipt of a release
20 issued by the department of social and health services stating that the
21 licensee is in compliance with the order.

22 **Sec. 848.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
23 to read as follows:

24 (1) In accordance with the provisions of chapter 34.05 RCW as now
25 or as hereafter amended, the director may by order deny, suspend or
26 revoke the license of any employment agency if he finds that the
27 applicant or licensee:

28 ((+1)) (a) Was previously the holder of a license issued under
29 this chapter, which was revoked for cause and never reissued by the
30 director, or which license was suspended for cause and the terms of the
31 suspension have not been fulfilled;

32 ((+2)) (b) Has been found guilty of any felony within the past
33 five years involving moral turpitude, or for any misdemeanor concerning
34 fraud or conversion, or suffering any judgment in any civil action
35 involving wilful fraud, misrepresentation or conversion;

36 ((+3)) (c) Has made a false statement of a material fact in his
37 application or in any data attached thereto;

1 (~~(4)~~) (d) Has violated any provisions of this chapter, or failed
2 to comply with any rule or regulation issued by the director pursuant
3 to this chapter.

4 (2) The director shall immediately suspend the license or
5 certificate of a person who has been certified pursuant to section 802
6 of this act by the department of social and health services as a person
7 who is not in compliance with a support order or a residential or
8 visitation order. If the person has continued to meet all other
9 requirements for reinstatement during the suspension, reissuance of the
10 license or certificate shall be automatic upon the director's receipt
11 of a release issued by the department of social and health services
12 stating that the licensee is in compliance with the order.

13 **Sec. 849.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
14 read as follows:

15 (1) The director of agriculture may cancel or suspend any such
16 license if he finds after proper investigation that (a) the licensee
17 has violated any provision of this chapter or of any other law of this
18 state relating to the operation of refrigerated lockers or of the sale
19 of any human food in connection therewith, or any regulation effective
20 under any act the administration of which is in the charge of the
21 department of agriculture, or (b) the licensed refrigerated locker
22 premises or any equipment used therein or in connection therewith is in
23 an unsanitary condition and the licensee has failed or refused to
24 remedy the same within ten days after receipt from the director of
25 agriculture of written notice to do so.

26 (2) No license shall be revoked or suspended by the director
27 without delivery to the licensee of a written statement of the charge
28 involved and an opportunity to answer such charge within ten days from
29 the date of such notice.

30 (3) Any order made by the director suspending or revoking any
31 license may be reviewed by certiorari in the superior court of the
32 county in which the licensed premises are located, within ten days from
33 the date notice in writing of the director's order revoking or
34 suspending such license has been served upon him.

35 (4) The director shall immediately suspend the license or
36 certificate of a person who has been certified pursuant to section 802
37 of this act by the department of social and health services as a person
38 who is not in compliance with a support order or a residential or

1 visitation order. If the person has continued to meet all other
2 requirements for reinstatement during the suspension, reissuance of the
3 license or certificate shall be automatic upon the director's receipt
4 of a release issued by the department of social and health services
5 stating that the licensee is in compliance with the order.

6 **Sec. 850.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
7 read as follows:

8 (1) A registration or an application for registration of camping
9 resort contracts or renewals thereof may by order be denied, suspended,
10 or revoked if the director finds that:

11 (a) The advertising, sales techniques, or trade practices of the
12 applicant, registrant, or its affiliate or agent have been or are
13 deceptive, false, or misleading;

14 (b) The applicant or registrant has failed to file copies of the
15 camping resort contract form under RCW 19.105.360;

16 (c) The applicant, registrant, or affiliate has failed to comply
17 with any provision of this chapter, the rules adopted or the conditions
18 of a permit granted under this chapter, or a stipulation or final order
19 previously entered into by the operator or issued by the department
20 under this chapter;

21 (d) The applicant's, registrant's, or affiliate's offering of
22 camping resort contracts has worked or would work a fraud upon
23 purchasers or owners of camping resort contracts;

24 (e) The camping resort operator or any officer, director, or
25 affiliate of the camping resort operator has been within the last five
26 years convicted of or pleaded nolo contendere to any misdemeanor or
27 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
28 has been enjoined from or had any civil penalty assessed for a finding
29 of dishonest dealing or fraud in a civil suit, or been found to have
30 engaged in any violation of any act designed to protect consumers, or
31 has been engaged in dishonest practices in any industry involving sales
32 to consumers;

33 (f) The applicant or registrant has represented or is representing
34 to purchasers in connection with the offer or sale of a camping resort
35 contract that a camping resort property, facility, amenity camp site,
36 or other development is planned, promised, or required, and the
37 applicant or registrant has not provided the director with a security
38 or assurance of performance as required by this chapter;

1 (g) The applicant or registrant has not provided or is no longer
2 providing the director with the necessary security arrangements to
3 assure future availability of titles or properties as required by this
4 chapter or agreed to in the permit to market;

5 (h) The applicant or registrant is or has been employing
6 unregistered salespersons or offering or proposing a membership
7 referral program not in compliance with this chapter;

8 (i) The applicant or registrant has breached any escrow, impound,
9 reserve account, or trust arrangement or the conditions of an order or
10 permit to market required by this chapter;

11 (j) The applicant or registrant has breached any stipulation or
12 order entered into in settlement of the department's filing of a
13 previous administrative action;

14 (k) The applicant or registrant has filed or caused to be filed
15 with the director any document or affidavit, or made any statement
16 during the course of a registration or exemption procedure with the
17 director, that is materially untrue or misleading;

18 (l) The applicant or registrant has engaged in a practice of
19 failing to provide the written disclosures to purchasers or prospective
20 purchasers as required under this chapter;

21 (m) The applicant, registrant, or any of its officers, directors,
22 or employees, if the operator is other than a natural person, have
23 wilfully done, or permitted any of their salespersons or agents to do,
24 any of the following:

25 (i) Engage in a pattern or practice of making untrue or misleading
26 statements of a material fact, or omitting to state a material fact;

27 (ii) Employ any device, scheme, or artifice to defraud purchasers
28 or members;

29 (iii) Engage in a pattern or practice of failing to provide the
30 written disclosures to purchasers or prospective purchasers as required
31 under this chapter;

32 (n) The applicant or registrant has failed to provide a bond,
33 letter of credit, or other arrangement to assure delivery of promised
34 gifts, prizes, awards, or other items of consideration, as required
35 under this chapter, breached such a security arrangement, or failed to
36 maintain such a security arrangement in effect because of a resignation
37 or loss of a trustee, impound, or escrow agent;

38 (o) The applicant or registrant has engaged in a practice of
39 selling contracts using material amendments or codicils that have not

1 been filed or are the consequences of breaches or alterations in
2 previously filed contracts;

3 (p) The applicant or registrant has engaged in a practice of
4 selling or proposing to sell contracts in a ratio of contracts to sites
5 available in excess of that filed in the affidavit required by this
6 chapter;

7 (q) The camping resort operator has withdrawn, has the right to
8 withdraw, or is proposing to withdraw from use all or any portion of
9 any camping resort property devoted to the camping resort program,
10 unless:

11 (i) Adequate provision has been made to provide within a reasonable
12 time thereafter a substitute property in the same general area that is
13 at least as desirable for the purpose of camping and outdoor
14 recreation;

15 (ii) The property is withdrawn because, despite good faith efforts
16 by the camping resort operator, a nonaffiliate of the camping resort
17 has exercised a right of withdrawal from use by the camping resort
18 (such as withdrawal following expiration of a lease of the property to
19 the camping resort) and the terms of the withdrawal right have been
20 disclosed in writing to all purchasers at or prior to the time of any
21 sales of camping resort contracts after the camping resort has
22 represented to purchasers that the property is or will be available for
23 camping or recreation purposes;

24 (iii) The specific date upon which the withdrawal becomes effective
25 has been disclosed in writing to all purchasers and members prior to
26 the time of any sales of camping resort contracts after the camping
27 resort has represented to purchasers that the property is or will be
28 available for camping or recreation purposes;

29 (iv) The rights of members and owners of the camping resort
30 contracts under the express terms of the camping resort contract have
31 expired, or have been specifically limited, upon the lapse of a stated
32 or determinable period of time, and the director by order has found
33 that the withdrawal is not otherwise inconsistent with the protection
34 of purchasers or the desire of the majority of the owners of camping
35 resort contracts, as expressed in their previously obtained vote of
36 approval;

37 (r) The format, form, or content of the written disclosures
38 provided therein is not complete, full, or materially accurate, or
39 statements made therein are materially false, misleading, or deceptive;

1 (s) The applicant or registrant has failed or declined to respond
2 to any subpoena lawfully issued and served by the department under this
3 chapter;

4 (t) The applicant or registrant has failed to file an amendment for
5 a material change in the manner or at the time required under this
6 chapter or its implementing rules;

7 (u) The applicant or registrant has filed voluntarily or been
8 placed involuntarily into a federal bankruptcy or is proposing to do
9 so; or

10 (v) A camping resort operator's rights or interest in a campground
11 has been terminated by foreclosure or the operations in a camping
12 resort have been terminated in a manner contrary to contract
13 provisions.

14 (2) Any applicant or registrant who has violated subsection (1)(a),
15 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be
16 fined by the director in an amount not to exceed one thousand dollars
17 for each such violation. Proceedings seeking such fines shall be held
18 in accordance with chapter 34.05 RCW and may be filed either separately
19 or in conjunction with other administrative proceedings to deny,
20 suspend, or revoke registrations authorized under this chapter. Fines
21 collected from such proceedings shall be deposited in the state general
22 fund.

23 (3) An operator, registrant, or applicant against whom
24 administrative or legal proceedings have been filed shall be
25 responsible for and shall reimburse the state, by payment into the
26 general fund, for all administrative and legal costs actually incurred
27 by the department in issuing, processing, and conducting any such
28 administrative or legal proceeding authorized under this chapter that
29 results in a final legal or administrative determination of any type or
30 degree in favor of the department.

31 (4) No order may be entered under this section without appropriate
32 prior notice to the applicant or registrant of opportunity for a
33 hearing and written findings of fact and conclusions of law, except
34 that the director may by order summarily deny an application for
35 registration or renewal under any of the above subsections and may
36 summarily suspend or revoke a registration under subsection (1)(d),
37 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine
38 may be imposed by summary order.

1 (5) The proceedings to deny an application or renewal, suspend or
2 revoke a registration or permit, whether summarily or otherwise, or
3 impose a fine shall be held in accordance with chapter 34.05 RCW.

4 (6) The director may enter into assurances of discontinuance in
5 lieu of issuing a statement of charges or a cease and desist order or
6 conducting a hearing under this chapter. The assurances shall consist
7 of a statement of the law in question and an agreement not to violate
8 the stated provision. The applicant or registrant shall not be
9 required to admit to any violation of the law, nor shall the assurance
10 be construed as such an admission. Violating or breaching an assurance
11 under this subsection is grounds for suspension or revocation of
12 registration or imposition of a fine.

13 (7) The director shall immediately suspend the license or
14 certificate of a person who has been certified pursuant to section 802
15 of this act by the department of social and health services as a person
16 who is not in compliance with a support order or a residential or
17 visitation order. If the person has continued to meet all other
18 requirements for reinstatement during the suspension, reissuance of the
19 license or certificate shall be automatic upon the director's receipt
20 of a release issued by the department of social and health services
21 stating that the licensee is in compliance with the order.

22 **Sec. 851.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
23 read as follows:

24 (1) A salesperson may apply for registration by filing in a
25 complete and readable form with the director an application form
26 provided by the director which includes the following:

27 (a) A statement whether or not the applicant within the past five
28 years has been convicted of, pleaded nolo contendere to, or been ordered
29 to serve probation for a period of a year or more for any misdemeanor
30 or felony involving conversion, embezzlement, theft, fraud, or
31 dishonesty or the applicant has been enjoined from, had any civil
32 penalty assessed for, or been found to have engaged in any violation of
33 any act designed to protect consumers;

34 (b) A statement fully describing the applicant's employment history
35 for the past five years and whether or not any termination of
36 employment during the last five years was the result of any theft,
37 fraud, or act of dishonesty;

1 (c) A consent to service comparable to that required of operators
2 under this chapter; and

3 (d) Required filing fees.

4 (2) The director may by order deny, suspend, or revoke a camping
5 resort salesperson's registration or application for registration under
6 this chapter or the person's license or application under chapter 18.85
7 RCW, or impose a fine on such persons not exceeding two hundred dollars
8 per violation, if the director finds that the order is necessary for
9 the protection of purchasers or owners of camping resort contracts and
10 the applicant or registrant is guilty of:

11 (a) Obtaining registration by means of fraud, misrepresentation, or
12 concealment, or through the mistake or inadvertence of the director;

13 (b) Violating any of the provisions of this chapter or any lawful
14 rules adopted by the director pursuant thereto;

15 (c) Being convicted in a court of competent jurisdiction of this or
16 any other state, or federal court, of forgery, embezzlement, obtaining
17 money under false pretenses, bribery, larceny, extortion, conspiracy to
18 defraud, or any similar offense or offenses. For the purposes of this
19 section, "being convicted" includes all instances in which a plea of
20 guilty or nolo contendere is the basis for the conviction, and all
21 proceedings in which the sentence has been deferred or suspended;

22 (d) Making, printing, publishing, distributing, or causing,
23 authorizing, or knowingly permitting the making, printing, publication,
24 or distribution of false statements, descriptions, or promises of such
25 character as to reasonably induce any person to act thereon, if the
26 statements, descriptions, or promises purport to be made or to be
27 performed by either the applicant or registrant and the applicant or
28 registrant then knew or, by the exercise of reasonable care and
29 inquiry, could have known, of the falsity of the statements,
30 descriptions, or promises;

31 (e) Knowingly committing, or being a party to, any material fraud,
32 misrepresentation, concealment, conspiracy, collusion, trick, scheme,
33 or device whereby any other person lawfully relies upon the work,
34 representation, or conduct of the applicant or registrant;

35 (f) Failing, upon demand, to disclose to the director or the
36 director's authorized representatives acting by authority of law any
37 information within his or her knowledge or to produce for inspection
38 any document, book or record in his or her possession, which is

1 material to the salesperson's registration or application for
2 registration;

3 (g) Continuing to sell camping resort contracts in a manner whereby
4 the interests of the public are endangered, if the director has, by
5 order in writing, stated objections thereto;

6 (h) Committing any act of fraudulent or dishonest dealing or a
7 crime involving moral turpitude, and a certified copy of the final
8 holding of any court of competent jurisdiction in such matter shall be
9 conclusive evidence in any hearing under this chapter;

10 (i) Misrepresentation of membership in any state or national
11 association; or

12 (j) Discrimination against any person in hiring or in sales
13 activity on the basis of race, color, creed, or national origin, or
14 violating any state or federal antidiscrimination law.

15 (3) No order may be entered under this section without appropriate
16 prior notice to the applicant or registrant of opportunity for a
17 hearing and written findings of fact and conclusions of law, except
18 that the director may by order summarily deny an application for
19 registration under this section.

20 (4) The proceedings to deny an application or renewal, suspend or
21 revoke a registration or permit, whether summarily or otherwise, or
22 impose a fine shall be held in accordance with chapter 34.05 RCW.

23 (5) The director, subsequent to any complaint filed against a
24 salesperson or pursuant to an investigation to determine violations,
25 may enter into stipulated assurances of discontinuances in lieu of
26 issuing a statement of charges or a cease and desist order or
27 conducting a hearing. The assurance shall consist of a statement of
28 the law in question and an agreement not to violate the stated
29 provision. The salesperson shall not be required to admit to any
30 violation of the law, nor shall the assurance be construed as such an
31 admission. Violation of an assurance under this subsection is grounds
32 for a disciplinary action, a suspension of registration, or a fine not
33 to exceed one thousand dollars.

34 (6) The director may by rule require such further information or
35 conditions for registration as a camping resort salesperson, including
36 qualifying examinations and fingerprint cards prepared by authorized
37 law enforcement agencies, as the director deems necessary to protect
38 the interests of purchasers.

1 (7) Registration as a camping resort salesperson shall be effective
2 for a period of one year unless the director specifies otherwise or the
3 salesperson transfers employment to a different registrant.
4 Registration as a camping resort salesperson shall be renewed annually,
5 or at the time of transferring employment, whichever occurs first, by
6 the filing of a form prescribed by the director for that purpose.

7 (8) It is unlawful for a registrant of camping resort contracts to
8 employ or a person to act as a camping resort salesperson covered under
9 this section unless the salesperson has in effect with the department
10 and displays a valid registration in a conspicuous location at each of
11 the sales offices at which the salesperson is employed. It is the
12 responsibility of both the operator and the salesperson to notify the
13 department when and where a salesperson is employed, his or her
14 responsibilities and duties, and when the salesperson's employment or
15 reported duties are changed or terminated.

16 (9) The director shall immediately suspend the license or
17 certificate of a person who has been certified pursuant to section 802
18 of this act by the department of social and health services as a person
19 who is not in compliance with a support order or a residential or
20 visitation order. If the person has continued to meet all other
21 requirements for reinstatement during the suspension, reissuance of the
22 license or certificate shall be automatic upon the director's receipt
23 of a release issued by the department of social and health services
24 stating that the licensee is in compliance with the order.

25 **Sec. 852.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
26 read as follows:

27 (1) The director may deny, suspend, or revoke the registration of
28 a seller of travel if the director finds that the applicant:

29 (a) Was previously the holder of a registration issued under this
30 chapter, and the registration was revoked for cause and never reissued
31 by the director, or the registration was suspended for cause and the
32 terms of the suspension have not been fulfilled;

33 (b) Has been found guilty of a felony within the past five years
34 involving moral turpitude, or of a misdemeanor concerning fraud or
35 conversion, or suffers a judgment in a civil action involving willful
36 fraud, misrepresentation, or conversion;

37 (c) Has made a false statement of a material fact in an application
38 under this chapter or in data attached to it;

1 (d) Has violated this chapter or failed to comply with a rule
2 adopted by the director under this chapter;

3 (e) Has failed to display the registration as provided in this
4 chapter;

5 (f) Has published or circulated a statement with the intent to
6 deceive, misrepresent, or mislead the public; or

7 (g) Has committed a fraud or fraudulent practice in the operation
8 and conduct of a travel agency business, including, but not limited to,
9 intentionally misleading advertising.

10 (2) If the seller of travel is found in violation of this chapter
11 or in violation of the consumer protection act, chapter 19.86 RCW, by
12 the entry of a judgment or by settlement of a claim, the director may
13 revoke the registration of the seller of travel, and the director may
14 reinstate the registration at the director's discretion.

15 (3) The director shall immediately suspend the license or
16 certificate of a person who has been certified pursuant to section 802
17 of this act by the department of social and health services as a person
18 who is not in compliance with a support order or a residential or
19 visitation order. If the person has continued to meet all other
20 requirements for reinstatement during the suspension, reissuance of the
21 license or certificate shall be automatic upon the director's receipt
22 of a release issued by the department of social and health services
23 stating that the licensee is in compliance with the order.

24 **Sec. 853.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
25 read as follows:

26 (1) In order to maintain or defend a lawsuit or do any business in
27 this state, a commercial telephone solicitor must be registered with
28 the department of licensing. Prior to doing business in this state, a
29 commercial telephone solicitor shall register with the department of
30 licensing. Doing business in this state includes both commercial
31 telephone solicitation from a location in Washington and solicitation
32 of purchasers located in Washington.

33 (2) The department of licensing, in registering commercial
34 telephone solicitors, shall have the authority to require the
35 submission of information necessary to assist in identifying and
36 locating a commercial telephone solicitor, including past business
37 history, prior judgments, and such other information as may be useful
38 to purchasers.

1 (3) The department of licensing shall issue a registration number
2 to the commercial telephone solicitor.

3 (4) It is a violation of this chapter for a commercial telephone
4 solicitor to:

5 (a) Fail to maintain a valid registration;

6 (b) Advertise that one is registered as a commercial telephone
7 solicitor or to represent that such registration constitutes approval
8 or endorsement by any government or governmental office or agency;

9 (c) Provide inaccurate or incomplete information to the department
10 of licensing when making a registration application; or

11 (d) Represent that a person is registered or that such person has
12 a valid registration number when such person does not.

13 (5) An annual registration fee shall be assessed by the department
14 of licensing, the amount of which shall be determined at the discretion
15 of the director of the department of licensing, and which shall be
16 reasonably related to the cost of administering the provisions of this
17 chapter.

18 (6) The department shall immediately suspend the license or
19 certificate of a person who has been certified pursuant to section 802
20 of this act by the department of social and health services as a person
21 who is not in compliance with a support order or a residential or
22 visitation order. If the person has continued to meet all other
23 requirements for reinstatement during the suspension, reissuance of the
24 license or certificate shall be automatic upon the department's receipt
25 of a release issued by the department of social and health services
26 stating that the licensee is in compliance with the order.

27 **Sec. 854.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
28 read as follows:

29 (1) An application for registration as an international student
30 exchange visitor placement organization shall be submitted in the form
31 prescribed by the secretary of state. The application shall include:

32 (a) Evidence that the organization meets the standards established
33 by the secretary of state under RCW 19.166.050;

34 (b) The name, address, and telephone number of the organization,
35 its chief executive officer, and the person within the organization who
36 has primary responsibility for supervising placements within the state;

37 (c) The organization's unified business identification number, if
38 any;

1 (d) The organization's United States Information Agency number, if
2 any;

3 (e) Evidence of council on standards for international educational
4 travel listing, if any;

5 (f) Whether the organization is exempt from federal income tax; and

6 (g) A list of the organization's placements in Washington for the
7 previous academic year including the number of students placed, their
8 home countries, the school districts in which they were placed, and the
9 length of their placements.

10 (2) The application shall be signed by the chief executive officer
11 of the organization and the person within the organization who has
12 primary responsibility for supervising placements within Washington.
13 If the secretary of state determines that the application is complete,
14 the secretary of state shall file the application and the applicant is
15 registered.

16 (3) International student exchange visitor placement organizations
17 that have registered shall inform the secretary of state of any changes
18 in the information required under subsection (1) of this section within
19 thirty days of the change.

20 (4) Registration shall be renewed annually as established by rule
21 by the office of the secretary of state.

22 (5) The office of the secretary of state shall immediately suspend
23 the license or certificate of a person who has been certified pursuant
24 to section 802 of this act by the department of social and health
25 services as a person who is not in compliance with a support order or
26 a residential or visitation order. If the person has continued to meet
27 all other requirements for reinstatement during the suspension,
28 reissuance of the license or certificate shall be automatic upon the
29 office of the secretary of state's receipt of a release issued by the
30 department of social and health services stating that the licensee is
31 in compliance with the order.

32 NEW SECTION. Sec. 855. A new section is added to chapter 20.01
33 RCW to read as follows:

34 The director shall immediately suspend the license or certificate
35 of a person who has been certified pursuant to section 802 of this act
36 by the department of social and health services as a person who is not
37 in compliance with a support order or a residential or visitation
38 order. If the person has continued to meet all other requirements for

1 reinstatement during the suspension, reissuance of the license or
2 certificate shall be automatic upon the director's receipt of a release
3 issued by the department of social and health services stating that the
4 licensee is in compliance with the order.

5 **Sec. 856.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
6 read as follows:

7 The director may by order deny, suspend, or revoke registration of
8 any broker-dealer, salesperson, investment adviser representative, or
9 investment adviser; censure or fine the registrant or an officer,
10 director, partner, or person occupying similar functions for a
11 registrant; or restrict or limit a registrant's function or activity of
12 business for which registration is required in this state; if the
13 director finds that the order is in the public interest and that the
14 applicant or registrant or, in the case of a broker-dealer or
15 investment adviser, any partner, officer, or director:

16 (1) Has filed an application for registration under this section
17 which, as of its effective date, or as of any date after filing in the
18 case of an order denying effectiveness, was incomplete in any material
19 respect or contained any statement which was, in the light of the
20 circumstances under which it was made, false, or misleading with
21 respect to any material fact;

22 (2) Has willfully violated or willfully failed to comply with any
23 provision of this chapter or a predecessor act or any rule or order
24 under this chapter or a predecessor act, or any provision of chapter
25 21.30 RCW or any rule or order thereunder;

26 (3) Has been convicted, within the past five years, of any
27 misdemeanor involving a security, or a commodity contract or commodity
28 option as defined in RCW 21.30.010, or any aspect of the securities or
29 investment commodities business, or any felony involving moral
30 turpitude;

31 (4) Is permanently or temporarily enjoined by any court of
32 competent jurisdiction from engaging in or continuing any conduct or
33 practice involving any aspect of the securities or investment
34 commodities business;

35 (5) Is the subject of an order of the director denying, suspending,
36 or revoking registration as a broker-dealer, salesperson, investment
37 adviser, or investment adviser representative;

1 (6) Is the subject of an order entered within the past five years
2 by the securities administrator of any other state or by the federal
3 securities and exchange commission denying or revoking registration as
4 a broker-dealer or salesperson, or a commodity broker-dealer or sales
5 representative, or the substantial equivalent of those terms as defined
6 in this chapter or by the commodity futures trading commission denying
7 or revoking registration as a commodity merchant as defined in RCW
8 21.30.010, or is the subject of an order of suspension or expulsion
9 from membership in or association with a self-regulatory organization
10 registered under the securities exchange act of 1934 or the federal
11 commodity exchange act, or is the subject of a United States post
12 office fraud order; but (a) the director may not institute a revocation
13 or suspension proceeding under this clause more than one year from the
14 date of the order relied on, and (b) the director may not enter any
15 order under this clause on the basis of an order unless that order was
16 based on facts which would currently constitute a ground for an order
17 under this section;

18 (7) Has engaged in dishonest or unethical practices in the
19 securities or investment commodities business;

20 (8) Is insolvent, either in the sense that his or her liabilities
21 exceed his or her assets or in the sense that he or she cannot meet his
22 or her obligations as they mature; but the director may not enter an
23 order against a broker-dealer or investment adviser under this clause
24 without a finding of insolvency as to the broker-dealer or investment
25 adviser;

26 (9) Has not complied with a condition imposed by the director under
27 RCW 21.20.100, or is not qualified on the basis of such factors as
28 training, experience, or knowledge of the securities business; or

29 (10)(a) Has failed to supervise reasonably a salesperson or an
30 investment adviser representative. For the purposes of this
31 subsection, no person fails to supervise reasonably another person, if:

32 (i) There are established procedures, and a system for applying
33 those procedures, that would reasonably be expected to prevent and
34 detect, insofar as practicable, any violation by another person of this
35 chapter, or a rule or order under this chapter; and

36 (ii) The supervising person has reasonably discharged the duties
37 and obligations required by these procedures and system without
38 reasonable cause to believe that another person was violating this
39 chapter or rules or orders under this chapter.

1 (b) The director may issue a summary order pending final
2 determination of a proceeding under this section upon a finding that it
3 is in the public interest and necessary or appropriate for the
4 protection of investors. The director may not impose a fine under this
5 section except after notice and opportunity for hearing. The fine
6 imposed under this section may not exceed five thousand dollars for
7 each act or omission that constitutes the basis for issuing the order.

8 The director shall immediately suspend the license or certificate
9 of a person who has been certified pursuant to section 802 of this act
10 by the department of social and health services as a person who is not
11 in compliance with a support order or a residential or visitation
12 order. If the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license or
14 certificate shall be automatic upon the director's receipt of a release
15 issued by the department of social and health services stating that the
16 licensee is in compliance with the order.

17 NEW SECTION. Sec. 857. A new section is added to chapter 48.17
18 RCW to read as follows:

19 The commissioner shall immediately suspend the license or
20 certificate of a person who has been certified pursuant to section 802
21 of this act by the department of social and health services as a person
22 who is not in compliance with a support order or a residential or
23 visitation order. If the person has continued to meet all other
24 requirements for reinstatement during the suspension, reissuance of the
25 license or certificate shall be automatic upon the commissioner's
26 receipt of a release issued by the department of social and health
27 services stating that the licensee is in compliance with the order.

28 NEW SECTION. Sec. 858. A new section is added to chapter 74.15
29 RCW to read as follows:

30 The secretary shall immediately suspend the license or certificate
31 of a person who has been certified pursuant to section 802 of this act
32 by the department of social and health services as a person who is not
33 in compliance with a support order or a residential or visitation
34 order. If the person has continued to meet all other requirements for
35 reinstatement during the suspension, reissuance of the license or
36 certificate shall be automatic upon the secretary's receipt of a

1 release issued by the department of social and health services stating
2 that the licensee is in compliance with the order.

3 NEW SECTION. **Sec. 859.** A new section is added to chapter 47.68
4 RCW to read as follows:

5 The department shall immediately suspend the license or certificate
6 of a person who has been certified pursuant to section 802 of this act
7 by the department of social and health services as a person who is not
8 in compliance with a support order or a residential or visitation
9 order. If the person has continued to meet all other requirements for
10 reinstatement during the suspension, reissuance of the license or
11 certificate shall be automatic upon the department's receipt of a
12 release issued by the department of social and health services stating
13 that the licensee is in compliance with the order.

14 NEW SECTION. **Sec. 860.** A new section is added to chapter 71.12
15 RCW to read as follows:

16 The department of health shall immediately suspend the license or
17 certificate of a person who has been certified pursuant to section 802
18 of this act by the department of social and health services as a person
19 who is not in compliance with a support order or a residential or
20 visitation order. If the person has continued to meet all other
21 requirements for reinstatement during the suspension, reissuance of the
22 license or certificate shall be automatic upon the department of
23 health's receipt of a release issued by the department of social and
24 health services stating that the licensee is in compliance with the
25 order.

26 NEW SECTION. **Sec. 861.** A new section is added to chapter 66.20
27 RCW to read as follows:

28 The board shall immediately suspend the license of a person who has
29 been certified pursuant to section 802 of this act by the department of
30 social and health services as a person who is not in compliance with a
31 support order or a residential or visitation order. If the person has
32 continued to meet all other requirements for reinstatement during the
33 suspension, reissuance of the license shall be automatic upon the
34 board's receipt of a release issued by the department of social and
35 health services stating that the licensee is in compliance with the
36 order.

1 NEW SECTION. **Sec. 862.** A new section is added to chapter 66.24
2 RCW to read as follows:

3 The board shall immediately suspend the license of a person who has
4 been certified pursuant to section 802 of this act by the department of
5 social and health services as a person who is not in compliance with a
6 support order or a residential or visitation order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license shall be automatic upon the
9 board's receipt of a release issued by the department of social and
10 health services stating that the licensee is in compliance with the
11 order.

12 NEW SECTION. **Sec. 863.** A new section is added to chapter 88.02
13 RCW to read as follows:

14 The department shall immediately suspend the vessel registration or
15 vessel dealer's registration of a person who has been certified
16 pursuant to section 802 of this act by the department of social and
17 health services as a person who is not in compliance with a support
18 order or a residential or visitation order. If the person has
19 continued to meet all other requirements for reinstatement during the
20 suspension, reissuance of the registration shall be automatic upon the
21 department's receipt of a release issued by the department of social
22 and health services stating that the licensee is in compliance with the
23 order.

24 **Sec. 864.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
25 read as follows:

26 (1) The department may grant annual licenses upon application in
27 compliance with the rules and regulations prescribed by the director,
28 and the payment of the fees, the amount of which is to be set by the
29 director in accordance with RCW 43.24.086, prescribed to promoters,
30 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
31 provisions of this section shall not apply to contestants or
32 participants in strictly amateur contests and/or fraternal
33 organizations and/or veterans' organizations chartered by congress or
34 the defense department or any bona fide athletic club which is a member
35 of the Pacific northwest association of the amateur athletic union of
36 the United States, holding and promoting athletic contests and where
37 all funds are used primarily for the benefit of their members.

1 (2) Any such license may be revoked by the department for any cause
2 which it shall deem sufficient.

3 (3) No person shall participate or serve in any of the above
4 capacities unless licensed as provided in this chapter.

5 (4) The referee for any boxing contest shall be designated by the
6 department from among such licensed referees.

7 (5) The referee for any wrestling exhibition or show shall be
8 provided by the promoter and licensed by the department.

9 (6) The department shall immediately suspend the license or
10 certificate of a person who has been certified pursuant to section 802
11 of this act by the department of social and health services as a person
12 who is not in compliance with a support order or a residential or
13 visitation order. If the person has continued to meet all other
14 requirements for reinstatement during the suspension, reissuance of the
15 license or certificate shall be automatic upon the department's receipt
16 of a release issued by the department of social and health services
17 stating that the licensee is in compliance with the order.

18 **Sec. 865.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
19 as follows:

20 (1) The department shall not issue or renew a master license to any
21 person if:

22 (a) The person does not have a valid tax registration, if required;

23 (b) The person is a corporation delinquent in fees or penalties
24 owing to the secretary of state or is not validly registered under
25 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
26 now or hereafter adopted which gives corporate or business licensing
27 responsibilities to the secretary of state; or

28 (c) The person has not submitted the sum of all fees and deposits
29 required for the requested individual license endorsements, any
30 outstanding master license delinquency fee, or other fees and penalties
31 to be collected through the system.

32 (2) Nothing in this section shall prevent registration by the state
33 of an employer for the purpose of paying an employee of that employer
34 industrial insurance or unemployment insurance benefits.

35 (3) The department shall immediately suspend the license or
36 certificate of a person who has been certified pursuant to section 802
37 of this act by the department of social and health services as a person
38 who is not in compliance with a support order or a residential or

1 visitation order. If the person has continued to meet all other
2 requirements for reinstatement during the suspension, reissuance of the
3 license or certificate shall be automatic upon the department's receipt
4 of a release issued by the department of social and health services
5 stating that the licensee is in compliance with the order.

6 **Sec. 866.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
7 read as follows:

8 Except as provided in section 869 of this act, at the close of each
9 examination the department of licensing shall prepare the proper
10 licenses, where no further fee is required to be paid, and issue
11 licenses to the successful applicants signed by the director and notify
12 all successful applicants, where a further fee is required, of the fact
13 that they are entitled to receive such license upon the payment of such
14 further fee to the department of licensing and notify all applicants
15 who have failed to pass the examination of that fact.

16 **Sec. 867.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
17 read as follows:

18 Except as provided in section 869 of this act, whenever there is
19 filed in a matter under the jurisdiction of the director of licensing
20 any complaint charging that the holder of a license has been guilty of
21 any act or omission which by the provisions of the law under which the
22 license was issued would warrant the revocation thereof, verified in
23 the manner provided by law, the director of licensing shall request the
24 governor to appoint, and the governor shall appoint within thirty days
25 of the request, two qualified practitioners of the profession or
26 calling of the person charged, who, with the director or his duly
27 appointed representative, shall constitute a committee to hear and
28 determine the charges and, in case the charges are sustained, impose
29 the penalty provided by law. In addition, the governor shall appoint
30 a consumer member of the committee.

31 The decision of any three members of such committee shall be the
32 decision of the committee.

33 The appointed members of the committee shall be compensated in
34 accordance with RCW 43.03.240 and shall be reimbursed for their travel
35 expenses, in accordance with RCW 43.03.050 and 43.03.060.

1 **Sec. 868.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
2 read as follows:

3 Except as provided in section 869 of this act, any person feeling
4 aggrieved by the refusal of the director to issue a license, or to
5 renew one, or by the revocation or suspension of a license shall have
6 a right of appeal to superior court from the decision of the director
7 of licensing, which shall be taken, prosecuted, heard, and determined
8 in the manner provided in chapter 34.05 RCW.

9 The decision of the superior court may be reviewed by the supreme
10 court or the court of appeals in the same manner as other civil cases.

11 NEW SECTION. **Sec. 869.** A new section is added to chapter 43.24
12 RCW to read as follows:

13 The department shall immediately suspend any license issued by the
14 department of licensing of a person who has been certified pursuant to
15 section 802 of this act by the department of social and health services
16 as a person who is not in compliance with a support order or a
17 residential or visitation order. If the person has continued to meet
18 all other requirements for reinstatement during the suspension,
19 reissuance of the license shall be automatic upon the department's
20 receipt of a release issued by the department of social and health
21 services stating that the licensee is in compliance with the order.

22 **Sec. 870.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to
23 read as follows:

24 All persons engaged in the manufacture of explosives, or any
25 process involving explosives, or where explosives are used as a
26 component part in the manufacture of any article or device, on (~~the~~
27 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
28 shall within sixty days thereafter, and all persons engaging in the
29 manufacture of explosives, or any process involving explosives, or
30 where explosives are used as a component part in the manufacture of any
31 article or device after (~~this act takes effect~~) August 11, 1969,
32 shall, before so engaging, make an application in writing, subscribed
33 to by such person or his agent, to the department of labor and
34 industries, the application stating:

- 35 (1) Location of place of manufacture or processing;
36 (2) Kind of explosives manufactured, processed or used;

1 (3) The distance that such explosives manufacturing building is
2 located or intended to be located from the other factory buildings,
3 magazines, inhabited buildings, railroads and highways and public
4 utility transmission systems;

5 (4) The name and address of the applicant;

6 (5) The reason for desiring to manufacture explosives;

7 (6) The applicant's citizenship, if the applicant is an individual;

8 (7) If the applicant is a partnership, the names and addresses of
9 the partners, and their citizenship;

10 (8) If the applicant is an association or corporation, the names
11 and addresses of the officers and directors thereof, and their
12 citizenship; and

13 (9) Such other pertinent information as the director of labor and
14 industries shall require to effectuate the purpose of this chapter.

15 There shall be kept in the main office on the premises of each
16 explosives manufacturing plant a plan of said plant showing the
17 location of all explosives manufacturing buildings and the distance
18 they are located from other factory buildings where persons are
19 employed and from magazines, and these plans shall at all times be open
20 to inspection by duly authorized inspectors of the department of labor
21 and industries. The superintendent of each plant shall upon demand of
22 said inspector furnish the following information:

23 (a) The maximum amount and kind of explosive material which is or
24 will be present in each building at one time.

25 (b) The nature and kind of work carried on in each building and
26 whether or not said buildings are surrounded by natural or artificial
27 barricades.

28 Except as provided in RCW 70.74.370, the department of labor and
29 industries shall as soon as possible after receiving such application
30 cause an inspection to be made of the explosives manufacturing plant,
31 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
32 70.74.061, such department shall issue a license to the person applying
33 therefor showing compliance with the provisions of this chapter if the
34 applicant demonstrates that either the applicant or the officers,
35 agents or employees of the applicant are sufficiently experienced in
36 the manufacture of explosives and the applicant meets the
37 qualifications for a license under RCW 70.74.360. Such license shall
38 continue in full force and effect until expired, suspended, or revoked
39 by the department pursuant to this chapter.

1 **Sec. 871.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to
2 read as follows:

3 Every person desiring to engage in the business of dealing in
4 explosives shall apply to the department of labor and industries for a
5 license therefor. Said application shall state, among other things:

6 (1) The name and address of applicant;

7 (2) The reason for desiring to engage in the business of dealing in
8 explosives;

9 (3) Citizenship, if an individual applicant;

10 (4) If a partnership, the names and addresses of the partners and
11 their citizenship;

12 (5) If an association or corporation, the names and addresses of
13 the officers and directors thereof and their citizenship; and

14 (6) Such other pertinent information as the director of labor and
15 industries shall require to effectuate the purpose of this chapter.

16 Except as provided in RCW 70.74.370, the department of labor and
17 industries shall issue the license if the applicant demonstrates that
18 either the applicant or the principal officers, agents, or employees of
19 the applicant are experienced in the business of dealing in explosives,
20 possess suitable facilities therefor, have not been convicted of any
21 crime that would warrant revocation or nonrenewal of a license under
22 this chapter, and have never had an explosives-related license revoked
23 under this chapter or under similar provisions of any other state.

24 **Sec. 872.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
25 read as follows:

26 (1) The department of labor and industries shall revoke and not
27 renew the license of any person holding a manufacturer, dealer,
28 purchaser, user, or storage license upon conviction of any of the
29 following offenses, which conviction has become final:

30 (a) A violent offense as defined in RCW 9.94A.030;

31 (b) A crime involving perjury or false swearing, including the
32 making of a false affidavit or statement under oath to the department
33 of labor and industries in an application or report made pursuant to
34 this title;

35 (c) A crime involving bomb threats;

36 (d) A crime involving a schedule I or II controlled substance, or
37 any other drug or alcohol related offense, unless such other drug or
38 alcohol related offense does not reflect a drug or alcohol dependency.

1 However, the department of labor and industries may condition renewal
2 of the license to any convicted person suffering a drug or alcohol
3 dependency who is participating in an alcoholism or drug recovery
4 program acceptable to the department of labor and industries and has
5 established control of their alcohol or drug dependency. The
6 department of labor and industries shall require the licensee to
7 provide proof of such participation and control;

8 (e) A crime relating to possession, use, transfer, or sale of
9 explosives under this chapter or any other chapter of the Revised Code
10 of Washington.

11 (2) The department of labor and industries shall revoke the license
12 of any person adjudged to be mentally ill or insane, or to be
13 incompetent due to any mental disability or disease. The director
14 shall not renew the license until the person has been restored to
15 competency.

16 (3) The department of labor and industries is authorized to
17 suspend, for a period of time not to exceed six months, the license of
18 any person who has violated this chapter or the rules promulgated
19 pursuant to this chapter.

20 (4) The department of labor and industries may revoke the license
21 of any person who has repeatedly violated this chapter or the rules
22 promulgated pursuant to this chapter, or who has twice had his or her
23 license suspended under this chapter.

24 (5) The department of labor and industries shall immediately
25 suspend the license or certificate of a person who has been certified
26 pursuant to section 802 of this act by the department of social and
27 health services as a person who is not in compliance with a support
28 order or a residential or visitation order. If the person has
29 continued to meet all other requirements for reinstatement during the
30 suspension, reissuance of the license or certificate shall be automatic
31 upon the department of labor and industries' receipt of a release
32 issued by the department of social and health services stating that the
33 licensee is in compliance with the order.

34 (6) Upon receipt of notification by the department of labor and
35 industries of revocation or suspension, a licensee must surrender
36 immediately to the department any or all such licenses revoked or
37 suspended.

1 **Sec. 873.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
2 read as follows:

3 (1) Every license shall be issued in the name of the applicant, and
4 the holder thereof shall not allow any other person to use the license.

5 (2) For the purpose of considering any application for a license,
6 the board may cause an inspection of the premises to be made, and may
7 inquire into all matters in connection with the construction and
8 operation of the premises. For the purpose of reviewing any
9 application for a license and for considering the denial, suspension or
10 revocation of any license, the liquor control board may consider any
11 prior criminal conduct of the applicant and the provisions of RCW
12 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
13 board may, in its discretion, grant or refuse the license applied for.
14 Authority to approve an uncontested or unopposed license may be granted
15 by the board to any staff member the board designates in writing.
16 Conditions for granting such authority shall be adopted by rule. No
17 retail license of any kind may be issued to:

18 (a) A person who has not resided in the state for at least one
19 month prior to making application, except in cases of licenses issued
20 to dining places on railroads, boats, or aircraft;

21 (b) A copartnership, unless all of the members thereof are
22 qualified to obtain a license, as provided in this section;

23 (c) A person whose place of business is conducted by a manager or
24 agent, unless such manager or agent possesses the same qualifications
25 required of the licensee; or

26 (d) A corporation, unless it was created under the laws of the
27 state of Washington or holds a certificate of authority to transact
28 business in the state of Washington.

29 (3)(a) The board may, in its discretion, subject to the provisions
30 of RCW 66.08.150, suspend or cancel any license; and all rights of the
31 licensee to keep or sell liquor thereunder shall be suspended or
32 terminated, as the case may be.

33 (b) The board shall immediately suspend the license or certificate
34 of a person who has been certified pursuant to section 802 of this act
35 by the department of social and health services as a person who is not
36 in compliance with a support order or a residential or visitation
37 order. If the person has continued to meet all other requirements for
38 reinstatement during the suspension, reissuance of the license or
39 certificate shall be automatic upon the board's receipt of a release

1 issued by the department of social and health services stating that the
2 licensee is in compliance with the order.

3 (c) The board may request the appointment of administrative law
4 judges under chapter 34.12 RCW who shall have power to administer
5 oaths, issue subpoenas for the attendance of witnesses and the
6 production of papers, books, accounts, documents, and testimony,
7 examine witnesses, and to receive testimony in any inquiry,
8 investigation, hearing, or proceeding in any part of the state, under
9 such rules and regulations as the board may adopt.

10 (d) Witnesses shall be allowed fees and mileage each way to and
11 from any such inquiry, investigation, hearing, or proceeding at the
12 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
13 need not be paid in advance of appearance of witnesses to testify or to
14 produce books, records, or other legal evidence.

15 (e) In case of disobedience of any person to comply with the order
16 of the board or a subpoena issued by the board, or any of its members,
17 or administrative law judges, or on the refusal of a witness to testify
18 to any matter regarding which he or she may be lawfully interrogated,
19 the judge of the superior court of the county in which the person
20 resides, on application of any member of the board or administrative
21 law judge, shall compel obedience by contempt proceedings, as in the
22 case of disobedience of the requirements of a subpoena issued from said
23 court or a refusal to testify therein.

24 (4) Upon receipt of notice of the suspension or cancellation of a
25 license, the licensee shall forthwith deliver up the license to the
26 board. Where the license has been suspended only, the board shall
27 return the license to the licensee at the expiration or termination of
28 the period of suspension. The board shall notify all vendors in the
29 city or place where the licensee has its premises of the suspension or
30 cancellation of the license; and no employee may allow or cause any
31 liquor to be delivered to or for any person at the premises of that
32 licensee.

33 (5)(a) At the time of the original issuance of a class H license,
34 the board shall prorate the license fee charged to the new licensee
35 according to the number of calendar quarters, or portion thereof,
36 remaining until the first renewal of that license is required.

37 (b) Unless sooner canceled, every license issued by the board shall
38 expire at midnight of the thirtieth day of June of the fiscal year for
39 which it was issued. However, if the board deems it feasible and

1 desirable to do so, it may establish, by rule pursuant to chapter 34.05
2 RCW, a system for staggering the annual renewal dates for any and all
3 licenses authorized by this chapter. If such a system of staggered
4 annual renewal dates is established by the board, the license fees
5 provided by this chapter shall be appropriately prorated during the
6 first year that the system is in effect.

7 (6) Every license issued under this section shall be subject to all
8 conditions and restrictions imposed by this title or by the regulations
9 in force from time to time. All conditions and restrictions imposed by
10 the board in the issuance of an individual license shall be listed on
11 the face of the individual license along with the trade name, address,
12 and expiration date.

13 (7) Every licensee shall post and keep posted its license, or
14 licenses, in a conspicuous place on the premises.

15 (8) Before the board shall issue a license to an applicant it shall
16 give notice of such application to the chief executive officer of the
17 incorporated city or town, if the application be for a license within
18 an incorporated city or town, or to the county legislative authority,
19 if the application be for a license outside the boundaries of
20 incorporated cities or towns; and such incorporated city or town,
21 through the official or employee selected by it, or the county
22 legislative authority or the official or employee selected by it, shall
23 have the right to file with the board within twenty days after date of
24 transmittal of such notice, written objections against the applicant or
25 against the premises for which the license is asked, and shall include
26 with such objections a statement of all facts upon which such
27 objections are based, and in case written objections are filed, may
28 request and the liquor control board may in its discretion hold a
29 formal hearing subject to the applicable provisions of Title 34 RCW.
30 Upon the granting of a license under this title the board shall send a
31 duplicate of the license or written notification to the chief executive
32 officer of the incorporated city or town in which the license is
33 granted, or to the county legislative authority if the license is
34 granted outside the boundaries of incorporated cities or towns.

35 (9) Before the board issues any license to any applicant, it shall
36 give (a) due consideration to the location of the business to be
37 conducted under such license with respect to the proximity of churches,
38 schools, and public institutions and (b) written notice by certified
39 mail of the application to churches, schools, and public institutions

1 within five hundred feet of the premises to be licensed. The board
2 shall issue no beer retailer license class A, B, D, or E or wine
3 retailer license class C or F or class H license covering any premises
4 not now licensed, if such premises are within five hundred feet of the
5 premises of any tax-supported public elementary or secondary school
6 measured along the most direct route over or across established public
7 walks, streets, or other public passageway from the outer property line
8 of the school grounds to the nearest public entrance of the premises
9 proposed for license, and if, after receipt by the school or public
10 institution of the notice as provided in this subsection, the board
11 receives written notice, within twenty days after posting such notice,
12 from an official representative or representatives of the school within
13 five hundred feet of said proposed licensed premises, indicating to the
14 board that there is an objection to the issuance of such license
15 because of proximity to a school. For the purpose of this section,
16 church shall mean a building erected for and used exclusively for
17 religious worship and schooling or other activity in connection
18 therewith. No liquor license may be issued or reissued by the board to
19 any motor sports facility or licensee operating within the motor sports
20 facility unless the motor sports facility enforces a program reasonably
21 calculated to prevent alcohol or alcoholic beverages not purchased
22 within the facility from entering the facility and such program is
23 approved by local law enforcement agencies. It is the intent under
24 this subsection that a retail license shall not be issued by the board
25 where doing so would, in the judgment of the board, adversely affect a
26 private school meeting the requirements for private schools under Title
27 28A RCW, which school is within five hundred feet of the proposed
28 licensee. The board shall fully consider and give substantial weight
29 to objections filed by private schools. If a license is issued despite
30 the proximity of a private school, the board shall state in a letter
31 addressed to the private school the board's reasons for issuing the
32 license.

33 (10) The restrictions set forth in subsection (9) of this section
34 shall not prohibit the board from authorizing the assumption of
35 existing licenses now located within the restricted area by other
36 persons or licenses or relocations of existing licensed premises within
37 the restricted area. In no case may the licensed premises be moved
38 closer to a church or school than it was before the assumption or
39 relocation.

1 (11) Nothing in this section prohibits the board, in its
2 discretion, from issuing a temporary retail or wholesaler license to an
3 applicant assuming an existing retail or wholesaler license to continue
4 the operation of the retail or wholesaler premises during the period
5 the application for the license is pending and when the following
6 conditions exist:

7 (a) The licensed premises has been operated under a retail or
8 wholesaler license within ninety days of the date of filing the
9 application for a temporary license;

10 (b) The retail or wholesaler license for the premises has been
11 surrendered pursuant to issuance of a temporary operating license;

12 (c) The applicant for the temporary license has filed with the
13 board an application to assume the retail or wholesaler license at such
14 premises to himself or herself; and

15 (d) The application for a temporary license is accompanied by a
16 temporary license fee established by the board by rule.

17 A temporary license issued by the board under this section shall be
18 for a period not to exceed sixty days. A temporary license may be
19 extended at the discretion of the board for an additional sixty-day
20 period upon payment of an additional fee and upon compliance with all
21 conditions required in this section.

22 Refusal by the board to issue or extend a temporary license shall
23 not entitle the applicant to request a hearing. A temporary license
24 may be canceled or suspended summarily at any time if the board
25 determines that good cause for cancellation or suspension exists. RCW
26 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

27 Application for a temporary license shall be on such form as the
28 board shall prescribe. If an application for a temporary license is
29 withdrawn before issuance or is refused by the board, the fee which
30 accompanied such application shall be refunded in full.

31 **Sec. 874.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
32 read as follows:

33 (1) The department shall issue a certificate of manufactured home
34 installation to an applicant who has taken the training course, passed
35 the examination, paid the fees, and in all other respects (~~meet[s]~~)
36 meets the qualifications. The certificate shall bear the date of
37 issuance, a certification identification number, and is renewable every
38 three years upon application and completion of a continuing education

1 program as determined by the department. A renewal fee shall be
2 assessed for each certificate. If a person fails to renew a
3 certificate by the renewal date, the person must retake the examination
4 and pay the examination fee.

5 (2) The certificate of manufactured home installation provided for
6 in this chapter grants the holder the right to engage in manufactured
7 home installation throughout the state, without any other installer
8 certification.

9 (3) The department shall immediately suspend the license or
10 certificate of a person who has been certified pursuant to section 802
11 of this act by the department of social and health services as a person
12 who is not in compliance with a support order or a residential or
13 visitation order. If the person has continued to meet all other
14 requirements for reinstatement during the suspension, reissuance of the
15 license or certificate shall be automatic upon the department's receipt
16 of a release issued by the department of social and health services
17 stating that the licensee is in compliance with the order.

18 **Sec. 875.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
19 read as follows:

20 (1) The department shall establish a process to certify incinerator
21 and landfill operators. To the greatest extent possible, the
22 department shall rely on the certification standards and procedures
23 developed by national organizations and the federal government.

24 (2) Operators shall be certified if they:

25 (a) Attend the required training sessions;

26 (b) Successfully complete required examinations; and

27 (c) Pay the prescribed fee.

28 (3) By January 1, 1991, the department shall adopt rules to require
29 incinerator and appropriate landfill operators to:

30 (a) Attend a training session concerning the operation of the
31 relevant type of landfill or incinerator;

32 (b) Demonstrate sufficient skill and competency for proper
33 operation of the incinerator or landfill by successfully completing an
34 examination prepared by the department; and

35 (c) Renew the certificate of competency at reasonable intervals
36 established by the department.

1 (4) The department shall provide for the collection of fees for the
2 issuance and renewal of certificates. These fees shall be sufficient
3 to recover the costs of the certification program.

4 (5) The department shall establish an appeals process for the
5 denial or revocation of a certificate.

6 (6) The department shall establish a process to automatically
7 certify operators who have received comparable certification from
8 another state, the federal government, a local government, or a
9 professional association.

10 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
11 operator of an incinerator or landfill may apply to the department for
12 interim certification. Operators shall receive interim certification
13 if they:

14 (a) Have received training provided by a recognized national
15 organization, educational institution, or the federal government that
16 is acceptable to the department; or

17 (b) Have received individualized training in a manner approved by
18 the department; and

19 (c) Have successfully completed any required examinations.

20 (8) No interim certification shall be valid after January 1, 1992,
21 and interim certification shall not automatically qualify operators for
22 certification pursuant to subsections (2) through (4) of this section.

23 (9) The department shall immediately suspend the license or
24 certificate of a person who has been certified pursuant to section 802
25 of this act by the department of social and health services as a person
26 who is not in compliance with a support order or a residential or
27 visitation order. If the person has continued to meet all other
28 requirements for reinstatement during the suspension, reissuance of the
29 license or certificate shall be automatic upon the department's receipt
30 of a release issued by the department of social and health services
31 stating that the licensee is in compliance with the order.

32 NEW SECTION. Sec. 876. A new section is added to chapter 70.95B
33 RCW to read as follows:

34 The director shall immediately suspend the license or certificate
35 of a person who has been certified pursuant to section 802 of this act
36 by the department of social and health services as a person who is not
37 in compliance with a support order or a residential or visitation
38 order. If the person has continued to meet all other requirements for

1 reinstatement during the suspension, reissuance of the license or
2 certificate shall be automatic upon the director's receipt of a release
3 issued by the department of social and health services stating that the
4 licensee is in compliance with the order.

5 **Sec. 877.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
6 read as follows:

7 Any license, permit, or certification provided for in this chapter
8 may be revoked or suspended, and any license, permit, or certification
9 application may be denied by the director for cause. If the director
10 suspends a license under this chapter with respect to activity of a
11 continuing nature under chapter 34.05 RCW, the director may elect to
12 suspend the license for a subsequent license year during a period that
13 coincides with the period commencing thirty days before and ending
14 thirty days after the date of the incident or incidents giving rise to
15 the violation.

16 The director shall immediately suspend the license or certificate
17 of a person who has been certified pursuant to section 802 of this act
18 by the department of social and health services as a person who is not
19 in compliance with a support order or a residential or visitation
20 order. If the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the director's receipt of a release
23 issued by the department of social and health services stating that the
24 licensee is in compliance with the order.

25 **Sec. 878.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
26 read as follows:

27 (1) After January 1, 1991, a contractor may not perform
28 decontamination, demolition, or disposal work unless issued a
29 certificate by the state department of health. The department shall
30 establish performance standards for contractors by rule in accordance
31 with chapter 34.05 RCW, the administrative procedure act. The
32 department shall train and test, or may approve courses to train and
33 test, contractors and their employees on the essential elements in
34 assessing property used as an illegal drug manufacturing or storage
35 site to determine hazard reduction measures needed, techniques for
36 adequately reducing contaminants, use of personal protective equipment,
37 methods for proper demolition, removal, and disposal of contaminated

1 property, and relevant federal and state regulations. Upon successful
2 completion of the training, the contractor or employee shall be
3 certified.

4 (2) The department may require the successful completion of annual
5 refresher courses provided or approved by the department for the
6 continued certification of the contractor or employee.

7 (3) The department shall provide for reciprocal certification of
8 any individual trained to engage in decontamination, demolition, or
9 disposal work in another state when the prior training is shown to be
10 substantially similar to the training required by the department. The
11 department may require such individuals to take an examination or
12 refresher course before certification.

13 (4) The department may deny, suspend, or revoke a certificate for
14 failure to comply with the requirements of this chapter or any rule
15 adopted pursuant to this chapter. A certificate may be denied,
16 suspended, or revoked on any of the following grounds:

17 (a) Failing to perform decontamination, demolition, or disposal
18 work under the supervision of trained personnel;

19 (b) Failing to file a work plan;

20 (c) Failing to perform work pursuant to the work plan;

21 (d) Failing to perform work that meets the requirements of the
22 department; ((or))

23 (e) The certificate was obtained by error, misrepresentation, or
24 fraud; or

25 (f) If the person has been certified pursuant to section 802 of
26 this act by the department of social and health services as a person
27 who is not in compliance with a support order or a residential or
28 visitation order. If the person has continued to meet all other
29 requirements for reinstatement during the suspension, reissuance of the
30 license or certificate shall be automatic upon the department's receipt
31 of a release issued by the department of social and health services
32 stating that the person is in compliance with the order.

33 (5) A contractor who violates any provision of this chapter may be
34 assessed a fine not to exceed five hundred dollars for each violation.

35 (6) The department of health shall prescribe fees as provided for
36 in RCW 43.70.250 for the issuance and renewal of certificates, the
37 administration of examinations, and for the review of training courses.

38 (7) The decontamination account is hereby established in the state
39 treasury. All fees collected under this chapter shall be deposited in

1 this account. Moneys in the account may only be spent after
2 appropriation for costs incurred by the department in the
3 administration and enforcement of this chapter.

4 **Sec. 879.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
5 read as follows:

6 (1) The director shall enforce all laws and rules relating to the
7 licensing of mortgage brokers, grant or deny licenses to mortgage
8 brokers, and hold hearings.

9 (2) The director may impose the following sanctions:

10 (a) Deny applications for licenses for: (i) Violations of orders,
11 including cease and desist orders issued under this chapter; or (ii)
12 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

13 (b) Suspend or revoke licenses for:

14 (i) False statements or omission of material information on the
15 application that, if known, would have allowed the director to deny the
16 application for the original license;

17 (ii) Failure to pay a fee required by the director or maintain the
18 required bond;

19 (iii) Failure to comply with any directive or order of the
20 director; or

21 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
22 or (13), 19.146.205(3), or 19.146.265;

23 (c) Impose fines on the licensee, employee or loan originator of
24 the licensee, or other person subject to this chapter for:

25 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
26 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
27 19.146.265; or

28 (ii) Failure to comply with any directive or order of the director;

29 (d) Issue orders directing a licensee, its employee or loan
30 originator, or other person subject to this chapter to:

31 (i) Cease and desist from conducting business in a manner that is
32 injurious to the public or violates any provision of this chapter; or

33 (ii) Pay restitution to an injured borrower; or

34 (e) Issue orders removing from office or prohibiting from
35 participation in the conduct of the affairs of a licensed mortgage
36 broker, or both, any officer, principal, employee, or loan originator
37 of any licensed mortgage broker or any person subject to licensing
38 under this chapter for:

1 (i) Any violation of 19.146.0201 (1) through (9) or (13),
2 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
3 19.146.265; or

4 (ii) False statements or omission of material information on the
5 application that, if known, would have allowed the director to deny the
6 application for the original license;

7 (iii) Conviction of a gross misdemeanor involving dishonesty or
8 financial misconduct or a felony after obtaining a license; or

9 (iv) Failure to comply with any directive or order of the director.

10 (3) Each day's continuance of a violation or failure to comply with
11 any directive or order of the director is a separate and distinct
12 violation or failure.

13 (4) The director shall establish by rule standards for licensure of
14 applicants licensed in other jurisdictions. Every licensed mortgage
15 broker that does not maintain a physical office within the state must
16 maintain a registered agent within the state to receive service of any
17 lawful process in any judicial or administrative noncriminal suit,
18 action, or proceeding, against the licensed mortgage broker which
19 arises under this chapter or any rule or order under this chapter, with
20 the same force and validity as if served personally on the licensed
21 mortgage broker. Service upon the registered agent shall be effective
22 if the plaintiff, who may be the director in a suit, action, or
23 proceeding instituted by him or her, sends notice of the service and a
24 copy of the process by registered mail to the defendant or respondent
25 at the last address of the respondent or defendant on file with the
26 director. In any judicial action, suit, or proceeding arising under
27 this chapter or any rule or order adopted under this chapter between
28 the department or director and a licensed mortgage broker who does not
29 maintain a physical office in this state, venue shall be exclusively in
30 the superior court of Thurston county.

31 (5) The director shall immediately suspend the license or
32 certificate of a person who has been certified pursuant to section 802
33 of this act by the department of social and health services as a person
34 who is not in compliance with a support order or a residential or
35 visitation order. If the person has continued to meet all other
36 requirements for reinstatement during the suspension, reissuance of the
37 license or certificate shall be automatic upon the director's receipt
38 of a release issued by the department of social and health services
39 stating that the licensee is in compliance with the order.

1 NEW SECTION. **Sec. 880.** A new section is added to chapter 75.25
2 RCW to read as follows:

3 (1) Licenses issued pursuant to this chapter shall be invalid for
4 any period in which a person is certified by the department of social
5 and health services or a court of competent jurisdiction as a person in
6 noncompliance with a support order or residential or visitation order.
7 Fisheries patrol officers, ex officio fisheries patrol officers, and
8 authorized fisheries employees shall enforce this section through
9 checks of the department of licensing's computer data base. A listing
10 on the department of licensing's data base that an individual's license
11 is currently suspended pursuant to RCW 46.20.291(7) shall be prima
12 facie evidence that the individual is in noncompliance with a support
13 order or residential or visitation order. Presentation of a written
14 release issued by the department of social and health services or a
15 court stating that the person is in compliance with an order shall
16 serve as prima facie proof of compliance with a support order,
17 residential order, or visitation order.

18 (2) It is unlawful to purchase, obtain, or possess a license
19 required by this chapter during any period in which a license is
20 suspended.

21 NEW SECTION. **Sec. 881.** A new section is added to chapter 77.32
22 RCW to read as follows:

23 (1) Licenses, tags, and stamps issued pursuant to this chapter
24 shall be invalid for any period in which a person is certified by the
25 department of social and health services or a court of competent
26 jurisdiction as a person in noncompliance with a support order or
27 residential or visitation order. Wildlife agents and ex officio
28 wildlife agents shall enforce this section through checks of the
29 department of licensing's computer data base. A listing on the
30 department of licensing's data base that an individual's license is
31 currently suspended pursuant to RCW 46.20.291(7) shall be prima facie
32 evidence that the individual is in noncompliance with a support order
33 or residential or visitation order. Presentation of a written release
34 issued by the department of social and health services stating that the
35 person is in compliance with an order shall serve as prima facie proof
36 of compliance with a support order, residential order, or visitation
37 order.

1 (2) It is unlawful to purchase, obtain, or possess a license
2 required by this chapter during any period in which a license is
3 suspended.

4 NEW SECTION. **Sec. 882.** A new section is added to chapter 75.28
5 RCW to read as follows:

6 (1) The department shall immediately suspend the license of a
7 person who has been certified pursuant to section 402 of this act by
8 the department of social and health services as a person who is not in
9 compliance with a support order or a residential or visitation order.

10 (2) A listing on the department of licensing's data base that an
11 individual's license is currently suspended pursuant to RCW
12 46.20.291(7) shall be prima facie evidence that the individual is in
13 noncompliance with a support order or residential or visitation order.
14 Presentation of a written release issued by the department of social
15 and health services or a court stating that the person is in compliance
16 with an order shall serve as proof of compliance.

17 **Sec. 883.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to
18 read as follows:

19 (1) Except as otherwise provided by this title, it is unlawful to
20 engage in any of the following activities without a license or permit
21 issued by the director:

- 22 (a) Commercially fish for or take food fish or shellfish;
- 23 (b) Deliver food fish or shellfish taken in offshore waters;
- 24 (c) Operate a charter boat or commercial fishing vessel engaged in
25 a fishery;
- 26 (d) Engage in processing or wholesaling food fish or shellfish; or
- 27 (e) Act as a guide for salmon for personal use in freshwater rivers
28 and streams, other than that part of the Columbia river below the
29 bridge at Longview.

30 (2) No person may engage in the activities described in subsection
31 (1) of this section unless the licenses or permits required by this
32 title are in the person's possession, and the person is the named
33 license holder or an alternate operator designated on the license and
34 the person's license is not suspended.

35 (3) A valid Oregon license that is equivalent to a license under
36 this title is valid in the concurrent waters of the Columbia river if
37 the state of Oregon recognizes as valid the equivalent Washington

1 license. The director may identify by rule what Oregon licenses are
2 equivalent.

3 (4) No license or permit is required for the production or
4 harvesting of private sector cultured aquatic products as defined in
5 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
6 aquatic products. However, if a means of identifying such products is
7 required by rules adopted under RCW 15.85.060, the exemption from
8 licensing or permit requirements established by this subsection applies
9 only if the aquatic products are identified in conformance with those
10 rules.

11 NEW SECTION. **Sec. 884.** A new section is added to chapter 75.30
12 RCW to read as follows:

13 (1) A license renewed under the provisions of this chapter that has
14 been suspended under section 882 of this act shall be subject to the
15 following provisions:

16 (a) A license renewal fee shall be paid as a condition of
17 maintaining a current license; and

18 (b) The department shall waive any other license requirements,
19 unless the department determines that the license holder has had
20 sufficient opportunity to meet these requirements.

21 (2) The provisions of subsection (1) of this section shall apply
22 only to a license that has been suspended under section 882 of this act
23 for a period of twelve months or less. A license holder shall forfeit
24 a license subject to this chapter and may not recover any license
25 renewal fees previously paid if the license holder does not meet the
26 requirements of section 802(9) of this act within twelve months of
27 license suspension.

28 NEW SECTION. **Sec. 885.** (1) The director of the department of fish
29 and wildlife and the director of the department of information services
30 shall jointly develop a comprehensive, state-wide implementation plan
31 for the automated issuance, revocation, and general administration of
32 hunting, fishing, and recreational licenses administered under the
33 authority of the department of fish and wildlife to ensure compliance
34 with the license suspension requirements in section 802 of this act.

35 (2) The plan shall detail the implementation steps necessary to
36 effectuate the automated administration of hunting, fishing, and

1 recreational licenses and shall include recommendations regarding all
2 costs and equipment associated with the plan.

3 (3) The plan shall be submitted to the legislature for review by
4 September 1, 1997.

5 NEW SECTION. **Sec. 886.** A new section is added to chapter 26.09
6 RCW to read as follows:

7 (1) Unless the context clearly requires otherwise, the definitions
8 in this section apply in this section.

9 (a) "License" means a license, certificate, registration, permit,
10 approval, or other similar document issued by a licensing entity
11 evidencing admission to or granting authority to engage in a
12 profession, occupation, business, or industry. "License" does not mean
13 the tax registration or certification issued under Title 82 RCW by the
14 department of revenue.

15 (b) "Licensee" means any individual holding a license, certificate,
16 registration, permit, approval, or other similar document issued by a
17 licensing entity evidencing admission to or granting authority to
18 engage in a profession, occupation, business, or industry.

19 (c) "Licensing entity" includes any department, board, commission,
20 or other organization of the state authorized to issue, renew, suspend,
21 or revoke a license authorizing an individual to engage in a business,
22 occupation, profession, or industry, and the Washington state bar
23 association.

24 (d) "Noncompliance with a residential or visitation order" means
25 that a court has found the parent in contempt of court, under RCW
26 26.09.160 for failure to comply with a residential provision of a
27 court-ordered parenting plan on two occasions within three years.

28 (e) "Residential or visitation order" means the residential
29 schedule or visitation schedule contained in a court-ordered parenting
30 plan.

31 (2) If a court determines under RCW 26.09.160 that a parent is not
32 in compliance with a provision of a residential or visitation order
33 under RCW 26.09.160, the court shall enter an order directed to the
34 department of social and health services to certify the parent as in
35 noncompliance with a residential or visitation order. The order shall
36 contain the noncomplying parent's name, address, and social security
37 number, and shall indicate whether the obligor is believed to be a

1 licensee of any licensing entity. The court clerk shall forward the
2 order to the department of social and health services.

3 (3) Once the parent whose license is suspended has complied with
4 the requirements of the court's order under RCW 26.09.160, or at an
5 earlier date if the court deems it appropriate, the parent whose
6 license is suspended may petition the court to set a review hearing to
7 determine whether the noncomplying parent is in compliance with the
8 residential or visitation order. If the court determines that the
9 parent is in compliance with the residential or visitation order, the
10 court shall enter an order directing the department of social and
11 health services to issue a release to the parent and to the appropriate
12 license entities.

13 **Sec. 887.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to
14 read as follows:

15 (1) The performance of parental functions and the duty to provide
16 child support are distinct responsibilities in the care of a child. If
17 a party fails to comply with a provision of a decree or temporary order
18 of injunction, the obligation of the other party to make payments for
19 support or maintenance or to permit contact with children is not
20 suspended. An attempt by a parent, in either the negotiation or the
21 performance of a parenting plan, to condition one aspect of the
22 parenting plan upon another, to condition payment of child support upon
23 an aspect of the parenting plan, to refuse to pay ordered child
24 support, to refuse to perform the duties provided in the parenting
25 plan, or to hinder the performance by the other parent of duties
26 provided in the parenting plan, shall be deemed bad faith and shall be
27 punished by the court by holding the party in contempt of court and by
28 awarding to the aggrieved party reasonable attorneys' fees and costs
29 incidental in bringing a motion for contempt of court.

30 (2)(a) A motion may be filed to initiate a contempt action to
31 coerce a parent to comply with an order establishing residential
32 provisions for a child. If the court finds there is reasonable cause
33 to believe the parent has not complied with the order, the court may
34 issue an order to show cause why the relief requested should not be
35 granted.

36 (b) If, based on all the facts and circumstances, the court finds
37 after hearing that the parent, in bad faith, has not complied with the
38 order establishing residential provisions for the child, the court

1 shall find the parent in contempt of court. Upon a finding of
2 contempt, the court shall order:

3 (i) The noncomplying parent to provide the moving party additional
4 time with the child. The additional time shall be equal to the time
5 missed with the child, due to the parent's noncompliance;

6 (ii) The parent to pay, to the moving party, all court costs and
7 reasonable attorneys' fees incurred as a result of the noncompliance,
8 and any reasonable expenses incurred in locating or returning a child;
9 and

10 (iii) The parent to pay, to the moving party, a civil penalty, not
11 less than the sum of one hundred dollars.

12 The court may also order the parent to be imprisoned in the county
13 jail, if the parent is presently able to comply with the provisions of
14 the court-ordered parenting plan and is presently unwilling to comply.
15 The parent may be imprisoned until he or she agrees to comply with the
16 order, but in no event for more than one hundred eighty days.

17 (3) On a second failure within three years to comply with a
18 residential provision of a court-ordered parenting plan, a motion may
19 be filed to initiate contempt of court proceedings according to the
20 procedure set forth in subsection (2) (a) and (b) of this section. On
21 a finding of contempt under this subsection, the court shall ~~((order))~~
22 enter any combination of the following orders:

23 (a) Order the noncomplying parent to provide the other parent or
24 party additional time with the child. The additional time shall be
25 twice the amount of the time missed with the child, due to the parent's
26 noncompliance;

27 (b) Order the noncomplying parent to pay, to the other parent or
28 party, all court costs and reasonable attorneys' fees incurred as a
29 result of the noncompliance, and any reasonable expenses incurred in
30 locating or returning a child; ~~((and))~~

31 (c) Order the noncomplying parent to pay, to the moving party, a
32 civil penalty of not less than two hundred fifty dollars; and

33 (d) Enter an order under section 886 of this act directed to the
34 department of social and health services to certify the parent as in
35 noncompliance for the purposes of section 802 of this act.

36 The court may also order the parent to be imprisoned in the county
37 jail, if the parent is presently able to comply with the provisions of
38 the court-ordered parenting plan and is presently unwilling to comply.

1 The parent may be imprisoned until he or she agrees to comply with the
2 order but in no event for more than one hundred eighty days.

3 (4) For purposes of subsections (1), (2), and (3) of this section,
4 the parent shall be deemed to have the present ability to comply with
5 the order establishing residential provisions unless he or she
6 establishes otherwise by a preponderance of the evidence. The parent
7 shall establish a reasonable excuse for failure to comply with the
8 residential provision of a court-ordered parenting plan by a
9 preponderance of the evidence.

10 (5) Any monetary award ordered under subsections (1), (2), and (3)
11 of this section may be enforced, by the party to whom it is awarded, in
12 the same manner as a civil judgment.

13 (6) Subsections (1), (2), and (3) of this section authorize the
14 exercise of the court's power to impose remedial sanctions for contempt
15 of court and is in addition to any other contempt power the court may
16 possess.

17 (7) Upon motion for contempt of court under subsections (1) through
18 (3) of this section, if the court finds the motion was brought without
19 reasonable basis, the court shall order the moving party to pay to the
20 nonmoving party, all costs, reasonable attorneys' fees, and a civil
21 penalty of not less than one hundred dollars.

22 **Sec. 888.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
23 read as follows:

24 (1) If the (~~office of support enforcement~~) division of child
25 support is providing support enforcement services under RCW 26.23.045,
26 or if a party is applying for support enforcement services by signing
27 the application form on the bottom of the support order, the superior
28 court shall include in all court orders that establish or modify a
29 support obligation:

30 (a) A provision that orders and directs the responsible parent to
31 make all support payments to the Washington state support registry;

32 (b) A statement that (~~a notice of payroll deduction may be issued,~~
33 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~
34 ~~may be taken~~) withholding action may be taken against wages, earnings,
35 assets, or benefits, and liens enforced against real and personal
36 property under the child support statutes of this or any other state,
37 without further notice to the responsible parent at any time after
38 entry of the court order, unless:

1 (i) One of the parties demonstrates, and the court finds, that
2 there is good cause not to require immediate income withholding and
3 that withholding should be delayed until a payment is past due; or

4 (ii) The parties reach a written agreement that is approved by the
5 court that provides for an alternate arrangement; ~~((and))~~

6 (c) A statement that the receiving parent might be required to
7 submit an accounting of how the support is being spent to benefit the
8 child; and

9 (d) A statement that the responsible parent's privileges to obtain
10 and maintain a license, as defined in section 802 of this act, may not
11 be renewed, or may be suspended if the parent is not in compliance with
12 a support order as provided in section 802 of this act.

13 As used in this subsection and subsection (3) of this section,
14 "good cause not to require immediate income withholding" means a
15 written determination of why implementing immediate wage withholding
16 would not be in the child's best interests and, in modification cases,
17 proof of timely payment of previously ordered support.

18 (2) In all other cases not under subsection (1) of this section,
19 the court may order the responsible parent to make payments directly to
20 the person entitled to receive the payments, to the Washington state
21 support registry, or may order that payments be made in accordance with
22 an alternate arrangement agreed upon by the parties.

23 (a) The superior court shall include in all orders under this
24 subsection that establish or modify a support obligation:

25 (i) A statement that ~~((a notice of payroll deduction may be issued~~
26 ~~or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A~~
27 ~~RCW))~~ may be taken against wages, earnings, assets, or benefits, and
28 liens enforced against real and personal property under the child
29 support statutes of this or any other state, without further notice to
30 the responsible parent at any time after entry of the court order,
31 unless:

32 (A) One of the parties demonstrates, and the court finds, that
33 there is good cause not to require immediate income withholding and
34 that withholding should be delayed until a payment is past due; or

35 (B) The parties reach a written agreement that is approved by the
36 court that provides for an alternate arrangement; and

37 (ii) A statement that the receiving parent may be required to
38 submit an accounting of how the support is being spent to benefit the
39 child.

1 As used in this subsection, "good cause not to require immediate
2 income withholding" is any reason that the court finds appropriate.

3 (b) The superior court may order immediate or delayed income
4 withholding as follows:

5 (i) Immediate income withholding may be ordered if the responsible
6 parent has earnings. If immediate income withholding is ordered under
7 this subsection, all support payments shall be paid to the Washington
8 state support registry. The superior court shall issue a mandatory
9 wage assignment order as set forth in chapter 26.18 RCW when the
10 support order is signed by the court. The parent entitled to receive
11 the transfer payment is responsible for serving the employer with the
12 order and for its enforcement as set forth in chapter 26.18 RCW.

13 (ii) If immediate income withholding is not ordered, the court
14 shall require that income withholding be delayed until a payment is
15 past due. The support order shall contain a statement that (~~a notice~~
16 ~~of payroll deduction may be issued, or other income withholding action~~
17 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may
18 be taken against wages, earnings, assets, or benefits, and liens
19 enforced against real and personal property under the child support
20 statutes of this or any other state, without further notice to the
21 responsible parent, after a payment is past due.

22 (c) If a mandatory wage withholding order under chapter 26.18 RCW
23 is issued under this subsection and the (~~office of support~~
24 ~~enforcement~~) division of child support provides support enforcement
25 services under RCW 26.23.045, the existing wage withholding assignment
26 is prospectively superseded upon the (~~office of support~~
27 ~~enforcement's~~) division of child support's subsequent service of an
28 income withholding notice.

29 (3) The office of administrative hearings and the department of
30 social and health services shall require that all support obligations
31 established as administrative orders include a provision which orders
32 and directs that the responsible parent shall make all support payments
33 to the Washington state support registry. All administrative orders
34 shall also state that the responsible parent's privileges to obtain and
35 maintain a license, as defined in section 802 of this act, may not be
36 renewed, or may be suspended if the parent is not in compliance with a
37 support order as provided in section 802 of this act. All
38 administrative orders shall also state that (~~a notice of payroll~~
39 ~~deduction may be issued, or other income withholding action taken~~)

1 withholding action may be taken against wages, earnings, assets, or
2 benefits, and liens enforced against real and personal property under
3 the child support statutes of this or any other state without further
4 notice to the responsible parent at any time after entry of the order,
5 unless:

6 (a) One of the parties demonstrates, and the presiding officer
7 finds, that there is good cause not to require immediate income
8 withholding; or

9 (b) The parties reach a written agreement that is approved by the
10 presiding officer that provides for an alternate agreement.

11 (4) If the support order does not include the provision ordering
12 and directing that all payments be made to the Washington state support
13 registry and a statement that (~~a notice of payroll deduction may be~~
14 ~~issued~~) withholding action may be taken against wages, earnings,
15 assets, or benefits if a support payment is past due or at any time
16 after the entry of the order, or that a parent's licensing privileges
17 may not be renewed, or may be suspended, the (~~office of support~~
18 ~~enforcement~~) division of child support may serve a notice on the
19 responsible parent stating such requirements and authorizations.
20 Service may be by personal service or any form of mail requiring a
21 return receipt.

22 (5) Every support order shall state:

23 (a) The address where the support payment is to be sent;

24 (b) That (~~a notice of payroll deduction may be issued or other~~
25 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~
26 ~~taken~~) withholding action may be taken against wages, earnings,
27 assets, or benefits, and liens enforced against real and personal
28 property under the child support statutes of this or any other state,
29 without further notice to the responsible parent at any time after
30 entry of (~~an order by the court~~) a support order, unless:

31 (i) One of the parties demonstrates, and the court finds, that
32 there is good cause not to require immediate income withholding; or

33 (ii) The parties reach a written agreement that is approved by the
34 court that provides for an alternate arrangement;

35 (c) The income of the parties, if known, or that their income is
36 unknown and the income upon which the support award is based;

37 (d) The support award as a sum certain amount;

38 (e) The specific day or date on which the support payment is due;

1 (f) The social security number, residence address, date of birth,
2 telephone number, driver's license number, and name and address of the
3 employer of the responsible parent;

4 (g) The social security number and residence address of the
5 physical custodian except as provided in subsection (6) of this
6 section;

7 (h) The names, dates of birth, and social security numbers, if any,
8 of the dependent children;

9 ~~((In cases requiring payment to the Washington state support~~
10 ~~registry, that the parties are to notify the Washington state support~~
11 ~~registry of any change in residence address. The responsible parent~~
12 ~~shall notify the registry of the name and address of his or her current~~
13 ~~employer,)) A provision requiring the responsible parent to keep the
14 Washington state support registry informed of whether he or she has
15 access to health insurance coverage at reasonable cost and, if so, the
16 health insurance policy information;~~

17 (j) That any parent owing a duty of child support shall be
18 obligated to provide health insurance coverage for his or her child if
19 coverage that can be extended to cover the child is or becomes
20 available to that parent through employment or is union-related as
21 provided under RCW 26.09.105;

22 (k) That if proof of health insurance coverage or proof that the
23 coverage is unavailable is not provided within twenty days, the obligee
24 or the department may seek direct enforcement of the coverage through
25 the obligor's employer or union without further notice to the obligor
26 as provided under chapter 26.18 RCW; ~~((and))~~

27 (l) The reasons for not ordering health insurance coverage if the
28 order fails to require such coverage; and

29 (m) That the responsible parent's privileges to obtain and maintain
30 a license, as defined in section 802 of this act, may not be renewed,
31 or may be suspended if the parent is not in compliance with a support
32 order as provided in section 802 of this act.

33 (6) The physical custodian's address:

34 (a) Shall be omitted from an order entered under the administrative
35 procedure act. When the physical custodian's address is omitted from
36 an order, the order shall state that the custodian's address is known
37 to the ~~((office of support enforcement))~~ division of child support.

38 (b) A responsible parent may request the physical custodian's
39 residence address by submission of a request for disclosure under RCW

1 26.23.120 to the (~~office of support enforcement~~) division of child
2 support.

3 (7) (~~The superior court clerk, the office of administrative~~
4 ~~hearings, and the department of social and health services shall,~~
5 ~~within five days of entry, forward to the Washington state support~~
6 ~~registry, a true and correct copy of all superior court orders or~~
7 ~~administrative orders establishing or modifying a support obligation~~
8 ~~which provide that support payments shall be made to the support~~
9 ~~registry. If a superior court order entered prior to January 1, 1988,~~
10 ~~directs the responsible parent to make support payments to the clerk,~~
11 ~~the clerk shall send a true and correct copy of the support order and~~
12 ~~the payment record to the registry for enforcement action when the~~
13 ~~clerk identifies that a payment is more than fifteen days past due.~~
14 ~~The office of support enforcement shall reimburse the clerk for the~~
15 ~~reasonable costs of copying and sending copies of court orders to the~~
16 ~~registry at the reimbursement rate provided in Title IV-D of the social~~
17 ~~security act.~~

18 (8) ~~Receipt of a support order by the registry or other action~~
19 ~~under this section on behalf of a person or persons who have not made~~
20 ~~a written application for support enforcement services to the office of~~
21 ~~support enforcement and who are not recipients of public assistance is~~
22 ~~deemed to be a request for payment services only.~~

23 (9)) After the responsible parent has been ordered or notified to
24 make payments to the Washington state support registry under this
25 section, the responsible parent shall be fully responsible for making
26 all payments to the Washington state support registry and shall be
27 subject to payroll deduction or other income-withholding action. The
28 responsible parent shall not be entitled to credit against a support
29 obligation for any payments made to a person or agency other than to
30 the Washington state support registry except as provided under RCW
31 74.20.101. A civil action may be brought by the payor to recover
32 payments made to persons or agencies who have received and retained
33 support moneys paid contrary to the provisions of this section.

34 **Sec. 889.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
35 read as follows:

36 The wage assignment order shall be substantially in the following
37 form:

1 IN THE SUPERIOR COURT OF THE
2 STATE OF WASHINGTON IN AND FOR THE
3 COUNTY OF

4 ,
5 Obligee No.

6 vs.

7 , WAGE ASSIGNMENT

8 Obligor ORDER

9 ,

10 Employer

11 THE STATE OF WASHINGTON TO:

12 Employer

13 AND TO:

14 Obligor

15 The above-named obligee claims that the above-named obligor is
16 subject to a support order requiring immediate income withholding or is
17 more than fifteen days past due in either child support or spousal
18 maintenance payments, or both, in an amount equal to or greater than
19 the child support or spousal maintenance payable for one month. The
20 amount of the accrued child support or spousal maintenance debt as of
21 this date is dollars, the amount of arrearage payments
22 specified in the support or spousal maintenance order (if applicable)
23 is dollars per , and the amount of the current
24 and continuing support or spousal maintenance obligation under the
25 order is dollars per

26 You are hereby commanded to answer this order by filling in the
27 attached form according to the instructions, and you must mail or
28 deliver the original of the answer to the court, one copy to the
29 Washington state support registry, one copy to the obligee or obligee's
30 attorney, and one copy to the obligor within twenty days after service
31 of this wage assignment order upon you.

32 If you possess any earnings or other remuneration for employment
33 due and owing to the obligor, then you shall do as follows:

34 (1) Withhold from the obligor's earnings or remuneration each
35 month, or from each regular earnings disbursement, the lesser of:

36 (a) The sum of the accrued support or spousal maintenance debt and
37 the current support or spousal maintenance obligation;

1 (b) The sum of the specified arrearage payment amount and the
2 current support or spousal maintenance obligation; or

3 (c) Fifty percent of the disposable earnings or remuneration of the
4 obligor.

5 (2) The total amount withheld above is subject to the wage
6 assignment order, and all other sums may be disbursed to the obligor.

7 (3) Upon receipt of this wage assignment order you shall make
8 immediate deductions from the obligor's earnings or remuneration and
9 remit to the Washington state support registry or other address
10 specified below the proper amounts at each regular pay interval.

11 You shall continue to withhold the ordered amounts from nonexempt
12 earnings or remuneration of the obligor until notified by:

13 (a) The court that the wage assignment has been modified or
14 terminated; or

15 (b) The addressee specified in the wage assignment order under this
16 section that the accrued child support or spousal maintenance debt has
17 been paid.

18 You shall promptly notify the court and the addressee specified in
19 the wage assignment order under this section if and when the employee
20 is no longer employed by you, or if the obligor no longer receives
21 earnings or remuneration from you. If you no longer employ the
22 employee, the wage assignment order shall remain in effect for one year
23 after the employee has left your employment or you are no longer in
24 possession of any earnings or remuneration owed to the employee,
25 whichever is later. You shall continue to hold the wage assignment
26 order during that period. If the employee returns to your employment
27 during the one-year period you shall immediately begin to withhold the
28 employee's earnings according to the terms of the wage assignment
29 order. If the employee has not returned to your employment within one
30 year, the wage assignment will cease to have effect at the expiration
31 of the one-year period, unless you still owe the employee earnings or
32 other remuneration.

33 You shall deliver the withheld earnings or remuneration to the
34 Washington state support registry or other address stated below at each
35 regular pay interval.

36 You shall deliver a copy of this order to the obligor as soon as is
37 reasonably possible. This wage assignment order has priority over any
38 other wage assignment or garnishment, except for another wage

1 employer or upon the employment security department for the state in
2 possession of or owing any benefits from the unemployment compensation
3 fund to the responsible parent pursuant to Title 50 RCW (~~by personal~~
4 ~~service or by any form of mail requiring a return receipt~~):

5 (a) In the manner prescribed for the service of a summons in a
6 civil action;

7 (b) By certified mail, return receipt requested; or

8 (c) By electronic means if there is an agreement between the
9 secretary and the person, firm, corporation, association, political
10 subdivision, department of the state, or agency, subdivision, or
11 instrumentality of the United States to accept service by electronic
12 means.

13 (3) Service of a notice of payroll deduction upon an employer or
14 employment security department requires the employer or employment
15 security department to immediately make a mandatory payroll deduction
16 from the responsible parent's unpaid disposable earnings or
17 unemployment compensation benefits. The employer or employment
18 security department shall thereafter deduct each pay period the amount
19 stated in the notice divided by the number of pay periods per month.
20 The payroll deduction each pay period shall not exceed fifty percent of
21 the responsible parent's disposable earnings.

22 (4) A notice of payroll deduction for support shall have priority
23 over any wage assignment, garnishment, attachment, or other legal
24 process.

25 (5) The notice of payroll deduction shall be in writing and
26 include:

27 (a) The name and social security number of the responsible parent;

28 (b) The amount to be deducted from the responsible parent's
29 disposable earnings each month, or alternate amounts and frequencies as
30 may be necessary to facilitate processing of the payroll deduction;

31 (c) A statement that the total amount withheld shall not exceed
32 fifty percent of the responsible parent's disposable earnings; ((and))

33 (d) The address to which the payments are to be mailed or
34 delivered; and

35 (e) A notice to the responsible parent warning the responsible
36 parent that, despite the payroll deduction, the responsible parent's
37 privileges to obtain and maintain a license, as defined in section 802
38 of this act, may not be renewed, or may be suspended if the parent is

1 not in compliance with a support order as defined in section 802 of
2 this act.

3 (6) An informational copy of the notice of payroll deduction shall
4 be mailed to the last known address of the responsible parent by
5 regular mail.

6 (7) An employer or employment security department that receives a
7 notice of payroll deduction shall make immediate deductions from the
8 responsible parent's unpaid disposable earnings and remit proper
9 amounts to the Washington state support registry on each date the
10 responsible parent is due to be paid.

11 (8) An employer, or the employment security department, upon whom
12 a notice of payroll deduction is served, shall make an answer to the
13 (~~office of support enforcement~~) division of child support within
14 twenty days after the date of service. The answer shall confirm
15 compliance and institution of the payroll deduction or explain the
16 circumstances if no payroll deduction is in effect. The answer shall
17 also state whether the responsible parent is employed by or receives
18 earnings from the employer or receives unemployment compensation
19 benefits from the employment security department, whether the employer
20 or employment security department anticipates paying earnings or
21 unemployment compensation benefits and the amount of earnings. If the
22 responsible parent is no longer employed, or receiving earnings from
23 the employer, the answer shall state the present employer's name and
24 address, if known. If the responsible parent is no longer receiving
25 unemployment compensation benefits from the employment security
26 department, the answer shall state the present employer's name and
27 address, if known.

28 (9) The employer or employment security department may deduct a
29 processing fee from the remainder of the responsible parent's earnings
30 after withholding under the notice of payroll deduction, even if the
31 remainder is exempt under RCW 26.18.090. The processing fee may not
32 exceed: (a) Ten dollars for the first disbursement made to the
33 Washington state support registry; and (b) one dollar for each
34 subsequent disbursement to the registry.

35 (10) The notice of payroll deduction shall remain in effect until
36 released by the (~~office of support enforcement~~) division of child
37 support, the court enters an order terminating the notice and approving
38 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has
39 expired since the employer has employed the responsible parent or has

1 been in possession of or owing any earnings to the responsible parent
2 or the employment security department has been in possession of or
3 owing any unemployment compensation benefits to the responsible parent.

4 (11) The division of child support may use uniform interstate
5 withholding forms adopted by the United States department of health and
6 human services to take withholding actions under this section when the
7 responsible parent is receiving earnings or unemployment compensation
8 in another state.

9

B. CHILD SUPPORT ENFORCEMENT

10 **Sec. 891.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to
11 read as follows:

12 (1) Whenever the department (~~(of social and health services)~~)
13 receives an application for public assistance on behalf of a child, the
14 department shall take appropriate action under the provisions of this
15 chapter, chapter 74.20A RCW, or other appropriate statutes of this
16 state to establish or enforce support obligations against the parent or
17 other persons owing a duty to pay support moneys.

18 (2) The secretary may accept a request for support enforcement
19 services on behalf of persons who are not recipients of public
20 assistance and may take appropriate action to establish or enforce
21 support obligations against the parent or other persons owing a duty to
22 pay moneys. Requests accepted under this subsection may be conditioned
23 upon the payment of a fee as required through regulation issued by the
24 secretary. (~~Action may be taken under the provisions of chapter 74.20~~
25 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~
26 ~~statutes of this state, including but not limited to remedies~~
27 ~~established in chapter 74.20A RCW, to establish and enforce said~~
28 ~~support obligations.)) The secretary may establish by regulation,
29 reasonable standards and qualifications for support enforcement
30 services under this subsection.~~

31 (3) The secretary may accept requests for support enforcement
32 services from child support enforcement agencies in other states
33 operating child support programs under Title IV-D of the social
34 security act or from foreign countries, and may take appropriate action
35 to establish and enforce support obligations, or to enforce subpoenas,
36 information requests, orders for genetic testing, and collection
37 actions issued by the other agency against the parent or other person

1 owing a duty to pay support moneys, the parent or other person's
2 employer, or any other person or entity properly subject to child
3 support collection or information-gathering processes. The request
4 shall contain and be accompanied by such information and documentation
5 as the secretary may by rule require, and be signed by an authorized
6 representative of the agency. The secretary may adopt rules setting
7 forth the duration and nature of services provided under this
8 subsection.

9 (4) The department may take action to establish, enforce, and
10 collect a support obligation, including performing related services,
11 under this chapter and chapter 74.20A RCW, or through the attorney
12 general or prosecuting attorney for action under chapter 26.09, 26.18,
13 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common
14 law of this state.

15 (5) Whenever a support order is filed with the Washington state
16 support registry under chapter 26.23 RCW, the department may take
17 appropriate action under the provisions of this chapter, chapter 26.23
18 or 74.20A RCW, or other appropriate law of this state to establish or
19 enforce the support obligations contained in that order against the
20 responsible parent or other persons owing a duty to pay support moneys.

21 (6) The secretary may charge and collect a fee from the person
22 obligated to pay support to compensate the department for services
23 rendered in establishment of or enforcement of support obligations.
24 This fee shall be limited to not more than ten percent of any support
25 money collected as a result of action taken by the secretary. The fee
26 charged shall be in addition to the support obligation. In no event
27 may any moneys collected by the department (~~of social and health~~
28 ~~services~~) from the person obligated to pay support be retained as
29 satisfaction of fees charged until all current support obligations have
30 been satisfied. The secretary shall by regulation establish reasonable
31 fees for support enforcement services and said schedule of fees shall
32 be made available to any person obligated to pay support. The
33 secretary may, on showing of necessity, waive or defer any such fee.

34 (7) Fees, due and owing, may be collected as delinquent support
35 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter
36 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity
37 available to the department or any agencies with whom it has a
38 cooperative or contractual arrangement to establish, enforce, or
39 collect support moneys or support obligations.

1 (8) The secretary may waive the fee, or any portion thereof, as a
2 part of a compromise of disputed claims or may grant partial or total
3 charge off of said fee if the secretary finds there are no available,
4 practical, or lawful means by which said fee may be collected or to
5 facilitate payment of the amount of delinquent support moneys owed.

6 (9) The secretary shall adopt rules conforming to federal laws,
7 rules, and regulations required to be observed in maintaining the state
8 child support enforcement program required under Title IV-D of the
9 federal social security act. The adoption of these rules shall be
10 calculated to promote the cost-effective use of the agency's resources
11 and not otherwise cause the agency to divert its resources from its
12 essential functions.

13 NEW SECTION. Sec. 892. A new section is added to chapter 74.20A
14 RCW to read as follows:

15 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--
16 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to
17 child support payments wrongfully or negligently retains child support
18 payments owed to another or to the Washington state support registry,
19 those payments retain their character as child support payments and may
20 be collected by the division of child support using any remedy
21 available to the division of child support under Washington law for the
22 collection of child support.

23 (2) Child support moneys subject to collection under this section
24 may be collected for the duration of the statute of limitations as it
25 applies to the support order governing the support obligations, and any
26 legislative or judicial extensions thereto.

27 (3) This section applies to the following:

28 (a) Cases in which an employer or other entity obligated to
29 withhold child support payments from the parent's pay, bank, or escrow
30 account, or from any other asset or distribution of money to the
31 parent, has withheld those payments and failed to remit them to the
32 payee;

33 (b) Cases in which child support moneys have been paid to the wrong
34 person or entity in error;

35 (c) Cases in which child support recipients have retained child
36 support payments in violation of a child support assignment executed or
37 arising by operation of law in exchange for the receipt of public
38 assistance; and

1 (d) Any other case in which child support payments are retained by
2 a party not entitled to them.

3 (4) This section does not apply to fines levied under section
4 893(3)(b) of this act.

5 NEW SECTION. **Sec. 893.** A new section is added to chapter 74.20A
6 RCW to read as follows:

7 NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--
8 LIABILITY. (1) The division of child support may issue a notice of
9 noncompliance to any person, firm, entity, or agency of state or
10 federal government that the division believes is not complying with:

11 (a) A notice of payroll deduction issued under chapter 26.23 RCW;

12 (b) A lien, order to withhold and deliver, or assignment of
13 earnings issued under this chapter;

14 (c) Any other wage assignment, garnishment, attachment, or
15 withholding instrument properly served by the agency or firm providing
16 child support enforcement services for another state, under Title IV-D
17 of the federal social security act;

18 (d) A subpoena issued by the division of child support, or the
19 agency or firm providing child support enforcement for another state,
20 under Title IV-D of the federal social security act;

21 (e) An information request issued by the division of child support,
22 or the agency or firm providing child support enforcement for another
23 state under Title IV-D of the federal social security act, to an
24 employer or entity required to respond to such requests under section
25 897 of this act; or

26 (f) The duty to report newly hired employees imposed by RCW
27 26.23.040.

28 (2) Liability for noncompliance with a wage withholding,
29 garnishment, order to withhold and deliver, or any other lien or
30 attachment issued to secure payment of child support is governed by RCW
31 26.23.090 and 74.20A.100, except that liability for noncompliance with
32 remittance time frames is governed by subsection (3) of this section.

33 (3) The division of child support may impose fines of up to one
34 hundred dollars per occurrence for:

35 (a) Noncompliance with a subpoena or an information request issued
36 by the division of child support, or the agency or firm providing child
37 support enforcement services for another state under Title IV-D of the
38 federal social security act;

1 (b) Noncompliance with the required time frames for remitting
2 withheld support moneys to the Washington state support registry, or
3 the agency or firm providing child support enforcement services for
4 another state, except that no liability shall be established for
5 failure to make timely remittance unless the division of child support
6 has provided the person, firm, entity, or agency of state or federal
7 government with written warning:

8 (i) Explaining the duty to remit withheld payments promptly;

9 (ii) Explaining the potential for fines for delayed submission; and

10 (iii) Providing a contact person within the division of child
11 support with whom the person, firm, entity, or agency of state or
12 federal government may seek assistance with child support withholding
13 issues.

14 (4) The division of child support may assess fines according to RCW
15 26.23.040 for failure to comply with employer reporting requirements.

16 (5) The division of child support may suspend licenses for failure
17 to comply with a subpoena issued under section 898 of this act.

18 (6) The division of child support may serve a notice of
19 noncompliance by personal service or by any method of mailing requiring
20 a return receipt.

21 (7) The liability asserted by the division of child support in the
22 notice of noncompliance becomes final and collectible on the twenty-
23 first day after the date of service, unless within that time the
24 person, firm, entity, or agency of state or federal government:

25 (a) Initiates an action in superior court to contest the notice of
26 noncompliance;

27 (b) Requests a hearing by delivering a hearing request to the
28 division of child support in accordance with rules adopted by the
29 secretary under this section; or

30 (c) Contacts the division of child support and negotiates an
31 alternate resolution to the asserted noncompliance or demonstrates that
32 the person, firm, entity, or agency of state or federal government has
33 complied with the child support processes.

34 (8) The notice of noncompliance shall contain:

35 (a) A full and fair disclosure of the rights and obligations
36 created by this section; and

37 (b) Identification of the:

38 (i) Child support process with respect to which the division of
39 child support is alleging noncompliance; and

1 (ii) State child support enforcement agency issuing the original
2 child support process.

3 (9) In an administrative hearing convened under subsection (7)(b)
4 of this section, the presiding officer shall determine whether or not,
5 and to what extent, liability for noncompliance exists under this
6 section, and shall enter an order containing these findings. If
7 liability does exist, the presiding officer shall include language in
8 the order advising the parties to the proceeding that the liability may
9 be collected by any means available to the division of child support
10 under subsection (12) of this section without further notice to the
11 liable party.

12 (10) Hearings under this section are governed by the administrative
13 procedure act, chapter 34.05 RCW.

14 (11) After the twenty days following service of the notice, the
15 person, firm, entity, or agency of state or federal government may
16 petition for a late hearing. A petition for a late hearing does not
17 stay any collection action to recover the debt. A late hearing is
18 available upon a showing of any of the grounds stated in civil rule 60
19 for the vacation of orders.

20 (12) The division of child support may collect any obligation
21 established under this section using any of the remedies available
22 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the
23 collection of child support.

24 (13) The division of child support may enter agreements for the
25 repayment of obligations under this section. Agreements may:

26 (a) Suspend the obligation imposed by this section conditioned on
27 future compliance with child support processes. Such suspension shall
28 end automatically upon any failure to comply with a child support
29 process. Amounts suspended become fully collectible without further
30 notice automatically upon failure to comply with a child support
31 process;

32 (b) Resolve amounts due under this section and provide for
33 repayment.

34 (14) The secretary may adopt rules to implement this section.

35 **Sec. 894.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to
36 read as follows:

37 (1) The employer shall be liable to the Washington state support
38 registry, or to the agency or firm providing child support enforcement

1 for another state, under Title IV-D of the federal social security act
2 and issuing a notice, garnishment, or wage assignment attaching wages
3 or earnings in satisfaction of a support obligation, for one hundred
4 percent of the amount of the support debt, or the amount of support
5 moneys which should have been withheld from the employee's earnings,
6 whichever is the lesser amount, if the employer:

7 (a) Fails or refuses, after being served with a notice of payroll
8 deduction, or substantially similar action issued by the agency or firm
9 providing child support enforcement for another state, under Title IV-D
10 of the federal social security act, to deduct and promptly remit from
11 unpaid earnings the amounts of money required in the notice;

12 (b) Fails or refuses to submit an answer to the notice of payroll
13 deduction, or substantially similar action issued by the agency or firm
14 providing child support enforcement for another state, under Title IV-D
15 of the federal social security act, after being served; or

16 (c) Is unwilling to comply with the other requirements of RCW
17 26.23.060.

18 (2) Liability may be established in superior court or may be
19 established pursuant to ((RCW 74.20A.270)) section 893 of this act.
20 Awards in superior court and in actions pursuant to ((RCW 74.20A.270))
21 section 893 of this act shall include costs, interest under RCW
22 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs
23 as a part of the award. Debts established pursuant to this section may
24 be collected ((pursuant to chapter 74.20A RCW utilizing any of the
25 remedies contained in that chapter)) by the division of child support
26 using any of the remedies available under chapter 26.09, 26.18, 26.21,
27 26.23, 74.20, or 74.20A RCW for the collection of child support.

28 **Sec. 895.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
29 read as follows:

30 (1) Any person, firm, corporation, association, political
31 subdivision or department of the state shall be liable to the
32 department, or to the agency or firm providing child support
33 enforcement for another state, under Title IV-D of the federal social
34 security act and issuing a notice, garnishment, or wage assignment
35 attaching wages or earnings in satisfaction of a support obligation, in
36 an amount equal to one hundred percent of the value of the debt which
37 is the basis of the lien, order to withhold and deliver, distraint, or
38 assignment of earnings, or the amount that should have been withheld,

1 whichever amount is less, together with costs, interest, and reasonable
2 attorney fees if that person or entity:

3 (a) Fails to answer an order to withhold and deliver, or
4 substantially similar action issued by the agency or firm providing
5 child support enforcement for another state, under Title IV-D of the
6 federal social security act, within the time prescribed herein;

7 (b) Fails or refuses to deliver property pursuant to said order;

8 (c) After actual notice of filing of a support lien, pays over,
9 releases, sells, transfers, or conveys real or personal property
10 subject to a support lien to or for the benefit of the debtor or any
11 other person;

12 (d) Fails or refuses to surrender property distrained under RCW
13 74.20A.130 upon demand; or

14 (e) Fails or refuses to honor an assignment of earnings presented
15 by the secretary.

16 (2) The secretary is authorized to issue a notice of ((debt
17 pursuant to RCW 74.20A.040 and to take appropriate action to collect
18 the debt under this chapter if:

19 (a) A judgment has been entered as the result of an action in
20 superior court against a person, firm, corporation, association,
21 political subdivision, or department of the state based on a violation
22 of this section; or

23 (b) Liability has been established under RCW 74.20A.270))
24 noncompliance under section 893 of this act or to proceed in superior
25 court to obtain a judgment for noncompliance under this section.

26 **Sec. 896.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156
27 are each reenacted and amended to read as follows:

28 (1) The secretary may issue a notice of ((noncompliance)) retained
29 support or notice to recover a support payment to any person((, firm,
30 corporation, association, or political subdivision of the state of
31 Washington or any officer or agent thereof who has violated chapter
32 26.18 RCW, RCW 74.20A.100, or 26.23.040,))):

33 (a) Who is in possession of support moneys, or who has had support
34 moneys in his or her possession at some time in the past, which support
35 moneys were or are claimed by the department as the property of the
36 department by assignment, subrogation, or by operation of law or legal
37 process under chapter 74.20A RCW((, if the support moneys have not been
38 remitted to the department as required by law));

1 (b) Who has received a support payment erroneously directed to the
2 wrong payee, or issued by the department in error; or

3 (c) Who is in possession of a support payment obtained through the
4 internal revenue service tax refund offset process, which payment was
5 later reclaimed from the department by the internal revenue service as
6 a result of an amended tax return filed by the obligor or the obligor's
7 spouse.

8 ~~(2) The notice shall ((describe the claim of the department,~~
9 ~~stating)) state the legal basis for the claim and shall provide~~
10 ~~sufficient detail to enable the person((, firm, corporation,~~
11 ~~association, or political subdivision or officer or agent thereof upon~~
12 ~~whom service is made)) to identify the support moneys in issue ((or the~~
13 ~~specific violation of RCW 74.20A.100 that has occurred. The notice may~~
14 ~~also make inquiry as to relevant facts necessary to the resolution of~~
15 ~~the issue)).~~

16 ~~(3) The department shall serve the notice ((may be served)) by~~
17 ~~certified mail, return receipt requested, or in the manner of a summons~~
18 ~~in a civil action. ((Upon service of the notice all moneys not yet~~
19 ~~disbursed or spent or like moneys to be received in the future are~~
20 ~~deemed to be impounded and shall be held in trust pending answer to the~~
21 ~~notice and any adjudicative proceeding.))~~

22 ~~(4) The amounts claimed in the notice ((shall be answered under~~
23 ~~oath and in writing within twenty days of the date of service, which~~
24 ~~answer shall include true answers to the matters inquired of in the~~
25 ~~notice. The answer shall also either acknowledge)) shall become~~
26 ~~assessed, determined, and subject to collection twenty days from the~~
27 ~~date of service of the notice unless within those twenty days the~~
28 ~~person in possession of the support moneys:~~

29 ~~(a) Acknowledges the department's right to the moneys ((or~~
30 ~~application for)) and executes an agreed settlement providing for~~
31 ~~repayment of the moneys; or~~

32 ~~(b) Requests an adjudicative proceeding to ((contest the allegation~~
33 ~~that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been~~
34 ~~violated, or)) determine the rights to ownership of the support moneys~~
35 ~~in issue. The hearing shall be held pursuant to this section, chapter~~
36 ~~34.05 RCW, the Administrative Procedure Act, and the rules of the~~
37 ~~department. The burden of proof to establish ownership of the support~~
38 ~~moneys claimed((, including but not limited to moneys not yet disbursed~~
39 ~~or spent,)) is on the department.~~

1 ((If no answer is made within the twenty days, the department's
2 claim shall be assessed and determined and subject to collection action
3 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW
4 26.23.040. Any such debtor))

5 (5) After the twenty-day period, a person served with a notice
6 under this section may, at any time within one year from the date of
7 service of the notice of support debt, petition the secretary or the
8 secretary's designee for an adjudicative proceeding upon a showing of
9 any of the grounds enumerated in RCW 4.72.010 or superior court civil
10 rule 60. A copy of the petition shall also be served on the
11 department. The filing of the petition shall not stay any collection
12 action being taken, but the debtor may petition the secretary or the
13 secretary's designee for an order staying collection action pending the
14 final administrative order. Any such moneys held and/or taken by
15 collection action ~~((prior to))~~ after the date of any such stay ~~((and~~
16 ~~any support moneys claimed by the department, including moneys to be~~
17 ~~received in the future to which the department may have a claim,))~~
18 shall be held ~~((in trust))~~ by the department pending the final order,
19 to be disbursed in accordance with the final order. ~~((The secretary or~~
20 ~~the secretary's designee shall condition the stay to provide for the~~
21 ~~trust.~~

22 ~~If the petition is granted the issue in the proceeding is limited~~
23 ~~to the determination of the ownership of the moneys claimed in the~~
24 ~~notice of debt. The right to an adjudicative proceeding is conditioned~~
25 ~~upon holding of any funds not yet disbursed or expended or to be~~
26 ~~received in the future in trust pending the final order in these~~
27 ~~proceedings. The presiding or reviewing officer shall enter an~~
28 ~~appropriate order providing for the terms of the trust.))~~

29 (6) If the debtor fails to attend or participate in the hearing or
30 other stage of an adjudicative proceeding, the presiding officer shall,
31 upon showing of valid service, enter an order declaring the amount of
32 support moneys, as claimed in the notice, to be assessed and determined
33 and subject to collection action.

34 (7) The department may take action to collect an obligation
35 established under this section using any remedy available under this
36 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection
37 of child support.

38 (8) If, at any time, the superior court enters judgment for an
39 amount of debt at variance with the amount determined by the final

1 order in an adjudicative proceeding, the judgment shall supersede the
2 final administrative order. (~~Any debt determined by the superior~~
3 ~~court in excess of the amount determined by the final administrative~~
4 ~~order shall be the property of the department as assigned under 42~~
5 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~
6 ~~74.20.330.)) The department may(~~(, despite any final administrative~~
7 ~~order,~~)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain
8 such a judgment or to collect moneys determined by such a judgment to
9 be due and owing.~~

10 (~~If public assistance moneys have been paid to a parent for the~~
11 ~~benefit of that parent's minor dependent children, debt under this~~
12 ~~chapter shall not be incurred by nor at any time be collected from that~~
13 ~~parent because of that payment of assistance. Nothing in this section~~
14 ~~prohibits or limits the department from acting pursuant to RCW~~
15 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~
16 ~~recipient for receipt of support moneys paid in satisfaction of the~~
17 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~
18 ~~department but were received by a recipient or ex-recipient from~~
19 ~~another responsible parent and not remitted to the department. To~~
20 ~~collect these wrongfully retained funds from the recipient, the~~
21 ~~department may not take collection action in excess of ten percent of~~
22 ~~the grant payment standard during any month the public assistance~~
23 ~~recipient remains in that status unless required by federal law.)) (9)
24 If a person owing a debt established under this section is receiving
25 public assistance, the department may collect the debt by offsetting up
26 to ten percent of the grant payment received by the person. No
27 collection action may be taken against the earnings of a person
28 receiving cash public assistance to collect a debt assessed under this
29 section.~~

30 (10) Payments not credited against the department's debt pursuant
31 to RCW 74.20.101 may not be assessed or collected under this section.

32 NEW SECTION. Sec. 897. A new section is added to chapter 74.20A
33 RCW to read as follows:

34 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)
35 Notwithstanding any other provision of Washington law, the division of
36 child support, the Washington state support registry, or the agency or
37 firm providing child support enforcement services for another state
38 under Title IV-D of the federal social security act may access records

1 of the following nature, in the possession of any agency or entity
2 listed in this section:

3 (a) Records of state and local agencies, including but not limited
4 to:

5 (i) The state registrar, including but not limited to records of
6 birth, marriage, and death;

7 (ii) Tax and revenue records, including, but not limited to,
8 information on residence addresses, employers, and assets;

9 (iii) Records concerning real and titled personal property;

10 (iv) Records of occupational, professional, and recreational
11 licenses and records concerning the ownership and control of
12 corporations, partnerships, and other business entities;

13 (v) Employment security records;

14 (vi) Records of agencies administering public assistance programs;
15 and

16 (vii) Records of the department of corrections, and of county and
17 municipal correction or confinement facilities;

18 (b) Records of public utilities and cable television companies
19 relating to persons who owe or are owed support, or against whom a
20 support obligation is sought, including names and addresses of the
21 individuals, and employers' names and addresses pursuant to section 898
22 of this act and RCW 74.20A.120; and

23 (c) Records held by financial institutions, pursuant to section 899
24 of this act.

25 (2) Upon the request of the division of child support, the
26 Washington state support registry, or the agency or firm providing
27 child support enforcement services for another state under Title IV-D
28 of the social security act, any employer shall provide information as
29 to the employment, earnings, benefits, and residential address and
30 phone number of any employee.

31 (3) Entities in possession of records described in subsection
32 (1)(a) and (c) of this section must provide information and records
33 upon the request of the division of child support, the Washington state
34 support registry, or the agency or firm providing child support
35 enforcement services for another state under Title IV-D of the federal
36 social security act. The division of child support may enter into
37 agreements providing for electronic access to these records.

38 (4) Public utilities and cable television companies must provide
39 the information in response to a judicial or administrative subpoena

1 issued by the division of child support, the Washington state support
2 registry, or the agency or firm providing child support enforcement
3 services for another state under Title IV-D of the federal social
4 security act.

5 (5) Entities responding to information requests and subpoenas under
6 this section are not liable for disclosing information pursuant to the
7 request or subpoena.

8 (6) The division of child support shall maintain all information
9 gathered under this section confidential and shall only disclose this
10 information as provided under RCW 26.23.120.

11 (7) The division of child support may impose fines for
12 noncompliance with this section using the notice of noncompliance under
13 section 893 of this act.

14 NEW SECTION. **Sec. 898.** A new section is added to chapter 74.20
15 RCW to read as follows:

16 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of
17 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the
18 secretary and other duly authorized officers of the department may
19 subpoena witnesses, take testimony, and compel the production of such
20 papers, books, records, and documents as they may deem relevant to the
21 performance of their duties. The division of child support may enforce
22 subpoenas issued under this power according to section 893 of this act.

23 NEW SECTION. **Sec. 899.** A new section is added to chapter 74.20A
24 RCW to read as follows:

25 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter
26 financial institutions doing business in the state of Washington shall
27 report to the department the name, record address, social security
28 number or other taxpayer identification number, and other information
29 determined necessary by the department for each individual who
30 maintains an account at such institution and is identified by the
31 department as owing a support debt.

32 (2) The department and financial institutions shall enter into
33 agreements to develop and operate a data match system, using automated
34 data exchanges to the extent feasible, to minimize the cost of
35 providing information required under subsection (1) of this section.

1 (3) The department may pay a reasonable fee to a financial
2 institution for conducting the data match not to exceed the actual
3 costs incurred.

4 (4) A financial institution is not liable for any disclosure of
5 information to the department under this section.

6 (5) The division of child support shall maintain all information
7 gathered under this section confidential and shall only disclose this
8 information as provided under RCW 26.23.120.

9 **Sec. 900.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
10 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
11 follows:

12 (1) The following are exempt from public inspection and copying:

13 (a) Personal information in any files maintained for students in
14 public schools, patients or clients of public institutions or public
15 health agencies, or welfare recipients.

16 (b) Personal information in files maintained for employees,
17 appointees, or elected officials of any public agency to the extent
18 that disclosure would violate their right to privacy.

19 (c) Information required of any taxpayer in connection with the
20 assessment or collection of any tax if the disclosure of the
21 information to other persons would (i) be prohibited to such persons by
22 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
23 in unfair competitive disadvantage to the taxpayer.

24 (d) Specific intelligence information and specific investigative
25 records compiled by investigative, law enforcement, and penology
26 agencies, and state agencies vested with the responsibility to
27 discipline members of any profession, the nondisclosure of which is
28 essential to effective law enforcement or for the protection of any
29 person's right to privacy.

30 (e) Information revealing the identity of persons who are witnesses
31 to or victims of crime or who file complaints with investigative, law
32 enforcement, or penology agencies, other than the public disclosure
33 commission, if disclosure would endanger any person's life, physical
34 safety, or property. If at the time a complaint is filed the
35 complainant, victim or witness indicates a desire for disclosure or
36 nondisclosure, such desire shall govern. However, all complaints filed
37 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

3 (f) Test questions, scoring keys, and other examination data used
4 to administer a license, employment, or academic examination.

5 (g) Except as provided by chapter 8.26 RCW, the contents of real
6 estate appraisals, made for or by any agency relative to the
7 acquisition or sale of property, until the project or prospective sale
8 is abandoned or until such time as all of the property has been
9 acquired or the property to which the sale appraisal relates is sold,
10 but in no event shall disclosure be denied for more than three years
11 after the appraisal.

12 (h) Valuable formulae, designs, drawings, and research data
13 obtained by any agency within five years of the request for disclosure
14 when disclosure would produce private gain and public loss.

15 (i) Preliminary drafts, notes, recommendations, and intra-agency
16 memorandums in which opinions are expressed or policies formulated or
17 recommended except that a specific record shall not be exempt when
18 publicly cited by an agency in connection with any agency action.

19 (j) Records which are relevant to a controversy to which an agency
20 is a party but which records would not be available to another party
21 under the rules of pretrial discovery for causes pending in the
22 superior courts.

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

26 (l) Any library record, the primary purpose of which is to maintain
27 control of library materials, or to gain access to information, which
28 discloses or could be used to disclose the identity of a library user.

29 (m) Financial information supplied by or on behalf of a person,
30 firm, or corporation for the purpose of qualifying to submit a bid or
31 proposal for (i) a ferry system construction or repair contract as
32 required by RCW 47.60.680 through 47.60.750 or (ii) highway
33 construction or improvement as required by RCW 47.28.070.

34 (n) Railroad company contracts filed prior to July 28, 1991, with
35 the utilities and transportation commission under RCW 81.34.070, except
36 that the summaries of the contracts are open to public inspection and
37 copying as otherwise provided by this chapter.

38 (o) Financial and commercial information and records supplied by
39 private persons pertaining to export services provided pursuant to

1 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
2 export projects pursuant to RCW 43.23.035.

3 (p) Financial disclosures filed by private vocational schools under
4 chapters 28B.85 and 28C.10 RCW.

5 (q) Records filed with the utilities and transportation commission
6 or attorney general under RCW 80.04.095 that a court has determined are
7 confidential under RCW 80.04.095.

8 (r) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
11 or during application for economic development loans or program
12 services provided by any local agency.

13 (s) Membership lists or lists of members or owners of interests of
14 units in timeshare projects, subdivisions, camping resorts,
15 condominiums, land developments, or common-interest communities
16 affiliated with such projects, regulated by the department of
17 licensing, in the files or possession of the department.

18 (t) All applications for public employment, including the names of
19 applicants, resumes, and other related materials submitted with respect
20 to an applicant.

21 (u) The residential addresses and residential telephone numbers of
22 employees or volunteers of a public agency which are held by the agency
23 in personnel records, employment or volunteer rosters, or mailing lists
24 of employees or volunteers.

25 (v) The residential addresses and residential telephone numbers of
26 the customers of a public utility contained in the records or lists
27 held by the public utility of which they are customers, except that
28 this information may be released to the division of child support or
29 the agency or firm providing child support enforcement for another
30 state under Title IV-D of the federal social security act, for the
31 establishment, enforcement, or modification of a support order.

32 (w)(i) The federal social security number of individuals governed
33 under chapter 18.130 RCW maintained in the files of the department of
34 health, except this exemption does not apply to requests made directly
35 to the department from federal, state, and local agencies of
36 government, and national and state licensing, credentialing,
37 investigatory, disciplinary, and examination organizations; (ii) the
38 current residential address and current residential telephone number of
39 a health care provider governed under chapter 18.130 RCW maintained in

1 the files of the department, if the provider requests that this
2 information be withheld from public inspection and copying, and
3 provides to the department an accurate alternate or business address
4 and business telephone number. On or after January 1, 1995, the
5 current residential address and residential telephone number of a
6 health care provider governed under RCW 18.130.140 maintained in the
7 files of the department shall automatically be withheld from public
8 inspection and copying unless the provider specifically requests the
9 information be released, and except as provided for under RCW
10 42.17.260(9).

11 (x) Information obtained by the board of pharmacy as provided in
12 RCW 69.45.090.

13 (y) Information obtained by the board of pharmacy or the department
14 of health and its representatives as provided in RCW 69.41.044,
15 69.41.280, and 18.64.420.

16 (z) Financial information, business plans, examination reports, and
17 any information produced or obtained in evaluating or examining a
18 business and industrial development corporation organized or seeking
19 certification under chapter 31.24 RCW.

20 (aa) Financial and commercial information supplied to the state
21 investment board by any person when the information relates to the
22 investment of public trust or retirement funds and when disclosure
23 would result in loss to such funds or in private loss to the providers
24 of this information.

25 (bb) Financial and valuable trade information under RCW 51.36.120.

26 (cc) Client records maintained by an agency that is a domestic
27 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
28 crisis center as defined in RCW 70.125.030.

29 (dd) Information that identifies a person who, while an agency
30 employee: (i) Seeks advice, under an informal process established by
31 the employing agency, in order to ascertain his or her rights in
32 connection with a possible unfair practice under chapter 49.60 RCW
33 against the person; and (ii) requests his or her identity or any
34 identifying information not be disclosed.

35 (ee) Investigative records compiled by an employing agency
36 conducting a current investigation of a possible unfair practice under
37 chapter 49.60 RCW or of a possible violation of other federal, state,
38 or local laws prohibiting discrimination in employment.

1 (ff) Business related information protected from public inspection
2 and copying under RCW 15.86.110.

3 (gg) Financial, commercial, operations, and technical and research
4 information and data submitted to or obtained by the clean Washington
5 center in applications for, or delivery of, program services under
6 chapter 70.95H RCW.

7 (hh) Information and documents created specifically for, and
8 collected and maintained by a quality improvement committee pursuant to
9 RCW 43.70.510, regardless of which agency is in possession of the
10 information and documents.

11 (ii) Personal information in files maintained in a data base
12 created under RCW 43.07.360.

13 (2) Except for information described in subsection (1)(c)(i) of
14 this section and confidential income data exempted from public
15 inspection pursuant to RCW 84.40.020, the exemptions of this section
16 are inapplicable to the extent that information, the disclosure of
17 which would violate personal privacy or vital governmental interests,
18 can be deleted from the specific records sought. No exemption may be
19 construed to permit the nondisclosure of statistical information not
20 descriptive of any readily identifiable person or persons.

21 (3) Inspection or copying of any specific records exempt under the
22 provisions of this section may be permitted if the superior court in
23 the county in which the record is maintained finds, after a hearing
24 with notice thereof to every person in interest and the agency, that
25 the exemption of such records is clearly unnecessary to protect any
26 individual's right of privacy or any vital governmental function.

27 (4) Agency responses refusing, in whole or in part, inspection of
28 any public record shall include a statement of the specific exemption
29 authorizing the withholding of the record (or part) and a brief
30 explanation of how the exemption applies to the record withheld.

31 NEW SECTION. **Sec. 901.** A new section is added to chapter 74.20
32 RCW to read as follows:

33 **ORDERS FOR GENETIC TESTING.** (1) The division of child support may
34 issue an order for genetic testing when providing services under this
35 chapter and Title IV-D of the federal social security act if genetic
36 testing:

37 (a) Is appropriate in an action under chapter 26.26 RCW, the
38 uniform parentage act;

1 (b) Is appropriate in an action to establish support under RCW
2 74.20A.056; or

3 (c) Would assist the parties or the division of child support in
4 determining whether it is appropriate to proceed with an action to
5 establish or disestablish paternity.

6 (2) The order for genetic testing shall be served on the alleged
7 parent or parents and the legal parent by personal service or by any
8 form of mail requiring a return receipt.

9 (3) Within twenty days of the date of service of an order for
10 genetic testing, any party required to appear for genetic testing, the
11 child, or a guardian on the child's behalf, may petition in superior
12 court under chapter 26.26 RCW to bar or postpone genetic testing.

13 (4) The order for genetic testing shall contain:

14 (a) An explanation of the right to proceed in superior court under
15 subsection (3) of this section;

16 (b) Notice that if no one proceeds under subsection (3) of this
17 section, the agency issuing the order will schedule genetic testing and
18 will notify the parties of the time and place of testing by regular
19 mail;

20 (c) Notice that the parties must keep the agency issuing the order
21 for genetic testing informed of their residence address and that
22 mailing a notice of time and place for genetic testing to the last
23 known address of the parties by regular mail constitutes valid service
24 of the notice of time and place;

25 (d) Notice that the order for genetic testing may be enforced
26 through:

27 (i) Public assistance grant reduction for noncooperation, pursuant
28 to agency rule, if the child and custodian are receiving public
29 assistance;

30 (ii) Termination of support enforcement services under Title IV-D
31 of the federal social security act if the child and custodian are not
32 receiving public assistance;

33 (iii) A referral to superior court for an appropriate action under
34 chapter 26.26 RCW; or

35 (iv) A referral to superior court for remedial sanctions under RCW
36 7.21.060.

37 (5) The department may advance the costs of genetic testing under
38 this section.

1 (6) If an action is pending under chapter 26.26 RCW, a judgment for
2 reimbursement of the cost of genetic testing may be awarded under RCW
3 26.26.100.

4 (7) If no action is pending in superior court, the department may
5 impose an obligation to reimburse costs of genetic testing according to
6 rules adopted by the department to implement RCW 74.20A.056.

7 **Sec. 902.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to
8 read as follows:

9 (1) The ~~((office of support enforcement))~~ division of child
10 support, Washington state support registry, shall provide support
11 enforcement services under the following circumstances:

12 (a) Whenever public assistance under RCW 74.20.330 is paid;

13 ~~((Whenever a request for nonassistance support enforcement~~
14 ~~services under RCW 74.20.040(2) is received;~~

15 ~~(e))~~ Whenever a request for support enforcement services under RCW
16 74.20.040~~((+3))~~ is received;

17 ~~((+d))~~ (c) When a support order which contains language directing
18 a responsible parent to make support payments to the Washington state
19 support registry under RCW 26.23.050 is submitted and the division of
20 child support receives a written application for services or is already
21 providing services;

22 ~~((e) When a support order is forwarded to the Washington state~~
23 ~~support registry by the clerk of a superior court under RCW~~
24 ~~26.23.050(5);~~

25 ~~(f))~~ (d) When the obligor submits a support order or support
26 payment, and an application, to the Washington state support registry.

27 (2) The ~~((office of support enforcement))~~ division of child support
28 shall continue to provide support enforcement services for so long as
29 and under such conditions as the department shall establish by
30 regulation or until the superior court enters an order removing the
31 requirement that the obligor make support payments to the Washington
32 state support registry as provided for in RCW 26.23.050~~((+2))~~.

33 NEW SECTION. **Sec. 903.** A new section is added to chapter 26.23
34 RCW to read as follows:

35 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of
36 child support, Washington state support registry shall operate a state

1 case registry containing records of all orders establishing or
2 modifying a support order that are entered after October 1, 1998.

3 (2) The superior court clerk, the office of administrative
4 hearings, and the department of social and health services shall,
5 within five days of entry, forward to the Washington state support
6 registry, a true and correct copy of all superior court orders or
7 administrative orders establishing or modifying a support obligation
8 that provide that support payments shall be made to the support
9 registry.

10 (3) The division of child support shall reimburse the clerk for the
11 reasonable costs of copying and sending copies of court orders to the
12 registry at the reimbursement rate provided in Title IV-D of the
13 federal social security act.

14 (4) Effective October 1, 1998, the superior court clerk, the office
15 of administrative hearings, and the department of social and health
16 services shall, within five days of entry, forward to the Washington
17 state support registry a true and correct copy of all superior court
18 orders or administrative orders establishing or modifying a support
19 obligation.

20 (5) Receipt of a support order by the registry or other action
21 under this section on behalf of a person or persons who have not made
22 a written application for support enforcement services to the division
23 of child support and who are not recipients of public assistance is
24 deemed to be:

25 (a) A request for payment services only if the order requires
26 payment to the Washington state support registry;

27 (b) A submission for inclusion in the state case registry if the
28 order does not require that support payments be made to the Washington
29 state support registry.

30 NEW SECTION. **Sec. 904.** A new section is added to chapter 26.23
31 RCW to read as follows:

32 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO
33 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or
34 child support proceeding must provide the court and the Washington
35 state child support registry with his or her:

36 (a) Social security number;

37 (b) Current residential address;

38 (c) Date of birth;

- 1 (d) Telephone number;
2 (e) Driver's license number; and
3 (f) Employer's name, address, and telephone number.

4 (2) Each party to an order entered in a child support or paternity
5 proceeding shall update the information required under subsection (1)
6 of this section promptly after any change in the information. The duty
7 established under this section continues as long as any monthly support
8 or support debt remains due under the support order.

9 (3) In any proceeding to establish, enforce, or modify the child
10 support order between the parties, a party may demonstrate to the
11 presiding officer that he or she has diligently attempted to locate the
12 other party. Upon a showing of diligent efforts to locate, the
13 presiding officer may allow, or accept as adequate, service of process
14 for the action by delivery of written notice to the address most
15 recently provided by the party under this section.

16 (4) All support orders shall contain notice to the parties of the
17 obligations established by this section and possibility of service of
18 process according to subsection (3) of this section.

19 **Sec. 905.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to
20 read as follows:

21 (1) There is created a Washington state support registry within the
22 (~~office of support enforcement~~) division of child support as the
23 agency designated in Washington state to administer the child support
24 program under Title IV-D of the federal social security act. The
25 registry shall:

26 (a) Provide a central unit for collection of support payments made
27 to the registry;

28 (b) Account for and disburse all support payments received by the
29 registry;

30 (~~(b)~~) (c) Maintain the necessary records including, but not
31 limited to, information on support orders, support debts, the date and
32 amount of support due; the date and amount of payments; and the names,
33 social security numbers, and addresses of the parties;

34 (~~(e)~~) (d) Develop procedures for providing information to the
35 parties regarding action taken by, and support payments collected and
36 distributed by the registry; and

1 (e) Maintain a state child support case registry to compile and
2 maintain records on all child support orders entered in the state of
3 Washington.

4 (2) The (~~office of support enforcement~~) division of child support
5 may assess and collect interest at the rate of twelve percent per year
6 on unpaid child support that has accrued under any support order
7 entered into the registry. This interest rate shall not apply to those
8 support orders already specifying an interest assessment at a different
9 rate.

10 (3) The secretary of social and health services shall adopt rules
11 for the maintenance and retention of records of support payments and
12 for the archiving and destruction of such records when the support
13 obligation terminates or is satisfied. When a support obligation
14 established under court order entered in a superior court of this state
15 has been satisfied, a satisfaction of judgment form shall be prepared
16 by the registry and filed with the clerk of the court in which the
17 order was entered.

18 **Sec. 906.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153
19 are each reenacted and amended to read as follows:

20 (1) The secretary may assert a lien upon the real or personal
21 property of a responsible parent:

22 (a) When a support payment is past due, if the parent's support
23 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains
24 notice that liens may be enforced against real and personal property,
25 or notice that action may be taken under this chapter;

26 (b) Twenty-one days after service of a notice of support debt under
27 RCW 74.20A.040;

28 (c) Twenty-one days after service of a notice and finding of
29 financial responsibility under RCW 74.20A.055;

30 (d) Twenty-one days after service of a notice and finding of
31 parental responsibility;

32 (e) Twenty-one days after service of a notice of support owed under
33 RCW 26.23.110; or

34 (f) When appropriate under RCW 74.20A.270.

35 (2) The division of child support may use uniform interstate lien
36 forms adopted by the United States department of health and human
37 services to assert liens on a responsible parent's real and personal
38 property located in another state.

1 (3) The claim of the department for a support debt, not paid when
2 due, shall be a lien against all property of the debtor with priority
3 of a secured creditor. This lien shall be separate and apart from, and
4 in addition to, any other lien created by, or provided for, in this
5 title. The lien shall attach to all real and personal property of the
6 debtor on the date of filing of such statement with the county auditor
7 of the county in which such property is located.

8 (~~((+3))~~) (4) Whenever a support lien has been filed and there is in
9 the possession of any person, firm, corporation, association, political
10 subdivision or department of the state having notice of said lien any
11 property which may be subject to the support lien, such property shall
12 not be paid over, released, sold, transferred, encumbered or conveyed,
13 except as provided for by the exemptions contained in RCW 74.20A.090
14 and 74.20A.130, unless:

15 (a) A written release or waiver signed by the secretary has been
16 delivered to said person, firm, corporation, association, political
17 subdivision or department of the state; or

18 (b) A determination has been made in an adjudicative proceeding
19 pursuant to RCW 74.20A.055 or by a superior court ordering release of
20 said support lien on the basis that no debt exists or that the debt has
21 been satisfied.

22 **Sec. 907.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
23 read as follows:

24 (1) The secretary may issue to any person, firm, corporation,
25 association, political subdivision, department of the state, or agency,
26 subdivision, or instrumentality of the United States, an order to
27 withhold and deliver property of any kind, including but not restricted
28 to earnings which are or might become due, owing, or belonging to the
29 debtor, when the secretary has reason to believe that there is in the
30 possession of such person, firm, corporation, association, political
31 subdivision, department of the state, or agency, subdivision, or
32 instrumentality of the United States property which is or might become
33 due, owing, or belonging to said debtor. Such order to withhold and
34 deliver may be issued:

35 (a) (~~When a support payment is past due~~) At any time, if a
36 responsible parent's support order:

37 (i) ~~Contains ((language directing the parent to make support~~
38 ~~payments to the Washington state support registry; and))~~ notice that

1 withholding action may be taken against earnings, wages, or assets
2 without further notice to the parent; or

3 (ii) Includes a statement that other income-withholding action
4 under this chapter may be taken without further notice to the
5 responsible parent(~~(, as provided for in RCW 26.23.050(1))~~);

6 (b) Twenty-one days after service of a notice of support debt under
7 RCW 74.20A.040;

8 (c) Twenty-one days after service of a notice and finding of
9 parental responsibility under RCW 74.20A.056;

10 (d) Twenty-one days after service of a notice of support owed under
11 RCW 26.23.110;

12 (e) Twenty-one days after service of a notice and finding of
13 financial responsibility under RCW 74.20A.055; or

14 (f) When appropriate under RCW 74.20A.270.

15 (2) The order to withhold and deliver shall:

16 (a) State the amount to be withheld on a periodic basis if the
17 order to withhold and deliver is being served to secure payment of
18 monthly current support;

19 (b) State the amount of the support debt accrued;

20 (~~(b)~~) (c) State in summary the terms of RCW 74.20A.090 and
21 74.20A.100;

22 (~~(e)~~) (d) Be served in the manner prescribed for the service of
23 a summons in a civil action or by certified mail, return receipt
24 requested.

25 (3) The division of child support may use uniform interstate
26 withholding forms adopted by the United States department of health and
27 human services to take withholding actions under this section when the
28 responsible parent is owed money or property that is located in another
29 state.

30 (4) Any person, firm, corporation, association, political
31 subdivision, department of the state, or agency, subdivision, or
32 instrumentality of the United States upon whom service has been made is
33 hereby required to:

34 (a) Answer said order to withhold and deliver within twenty days,
35 exclusive of the day of service, under oath and in writing, and shall
36 make true answers to the matters inquired of therein; and

37 (b) Provide further and additional answers when requested by the
38 secretary.

1 (~~(4)~~) (5) Any such person, firm, corporation, association,
2 political subdivision, department of the state, or agency, subdivision,
3 or instrumentality of the United States in possession of any property
4 which may be subject to the claim of the department (~~(of social and~~
5 ~~health services)~~) shall:

6 (a)(i) Immediately withhold such property upon receipt of the order
7 to withhold and deliver; and

8 (ii) Immediately deliver the property to the secretary as soon as
9 the twenty-day answer period expires;

10 (iii) Continue to withhold earnings payable to the debtor at each
11 succeeding disbursement interval as provided for in RCW 74.20A.090, and
12 deliver amounts withheld from earnings to the secretary on the date
13 earnings are payable to the debtor;

14 (iv) Deliver amounts withheld from periodic payments to the
15 secretary on the date the payments are payable to the debtor;

16 (v) Inform the secretary of the date the amounts were withheld as
17 requested under this section; or

18 (b) Furnish to the secretary a good and sufficient bond,
19 satisfactory to the secretary, conditioned upon final determination of
20 liability.

21 (~~(5)~~) (6) An order to withhold and deliver served under this
22 section shall not expire until:

23 (a) Released in writing by the (~~(office of support enforcement)~~)
24 division of child support;

25 (b) Terminated by court order; or

26 (c) The person or entity receiving the order to withhold and
27 deliver does not possess property of or owe money to the debtor for any
28 period of twelve consecutive months following the date of service of
29 the order to withhold and deliver.

30 (~~(6)~~) (7) Where money is due and owing under any contract of
31 employment, express or implied, or is held by any person, firm,
32 corporation, or association, political subdivision, or department of
33 the state, or agency, subdivision, or instrumentality of the United
34 States subject to withdrawal by the debtor, such money shall be
35 delivered by remittance payable to the order of the secretary.

36 (~~(7)~~) (8) Delivery to the secretary of the money or other
37 property held or claimed shall satisfy the requirement and serve as
38 full acquittance of the order to withhold and deliver.

1 ~~((8))~~ (9) A person, firm, corporation, or association, political
2 subdivision, department of the state, or agency, subdivision, or
3 instrumentality of the United States that complies with the order to
4 withhold and deliver under this chapter is not civilly liable to the
5 debtor for complying with the order to withhold and deliver under this
6 chapter.

7 ~~((9))~~ (10) The secretary may hold the money or property delivered
8 under this section in trust for application on the indebtedness
9 involved or for return, without interest, in accordance with final
10 determination of liability or nonliability.

11 ~~((10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to
12 orders to withhold and deliver issued under this section.

13 ~~((11))~~ (12) The secretary shall also, on or before the date of
14 service of the order to withhold and deliver, mail or cause to be
15 mailed a copy of the order to withhold and deliver to the debtor at the
16 debtor's last known post office address, or, in the alternative, a copy
17 of the order to withhold and deliver shall be served on the debtor in
18 the same manner as a summons in a civil action on or before the date of
19 service of the order or within two days thereafter. The copy of the
20 order shall be mailed or served together with a concise explanation of
21 the right to petition for judicial review. This requirement is not
22 jurisdictional, but, if the copy is not mailed or served as in this
23 section provided, or if any irregularity appears with respect to the
24 mailing or service, the superior court, in its discretion on motion of
25 the debtor promptly made and supported by affidavit showing that the
26 debtor has suffered substantial injury due to the failure to mail the
27 copy, may set aside the order to withhold and deliver and award to the
28 debtor an amount equal to the damages resulting from the secretary's
29 failure to serve on or mail to the debtor the copy.

30 ~~((12))~~ (13) An order to withhold and deliver issued in accordance
31 with this section has priority over any other wage assignment,
32 garnishment, attachment, or other legal process(~~(, except for another~~
33 ~~wage assignment, garnishment, attachment, or other legal process for~~
34 ~~child support)~~).

35 ~~((13))~~ (14) The ~~((office of support enforcement))~~ division of
36 child support shall notify any person, firm, corporation, association,
37 or political subdivision, department of the state, or agency,
38 subdivision, or instrumentality of the United States required to
39 withhold and deliver the earnings of a debtor under this action that

1 they may deduct a processing fee from the remainder of the debtor's
2 earnings, even if the remainder would otherwise be exempt under RCW
3 74.20A.090. The processing fee shall not exceed ten dollars for the
4 first disbursement to the department and one dollar for each subsequent
5 disbursement under the order to withhold and deliver.

6 **Sec. 908.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to
7 read as follows:

8 (1) Any information or records concerning individuals who owe a
9 support obligation or for whom support enforcement services are being
10 provided which are obtained or maintained by the Washington state
11 support registry, the ~~((office of support enforcement))~~ division of
12 child support, or under chapter 74.20 RCW shall be private and
13 confidential and shall only be subject to public disclosure as provided
14 in subsection (2) of this section.

15 (2) The secretary of the department of social and health services
16 ~~((shall))~~ may adopt rules ~~((which))~~ :

17 (a) That specify what information is confidential;

18 (b) That specify the individuals or agencies to whom this
19 information and these records may be disclosed((τ));

20 (c) Limiting the purposes for which the information may be
21 disclosed((τ and the));

22 (d) Establishing procedures to obtain the information or records;
23 or

24 (e) Establishing safeguards necessary to comply with federal law
25 requiring safeguarding of information.

26 (3) The rules adopted under subsection (2) of this section shall
27 provide for disclosure of the information and records, under
28 appropriate circumstances, which shall include, but not be limited to:

29 (a) When authorized or required by federal statute or regulation
30 governing the support enforcement program;

31 (b) To the person the subject of the records or information, unless
32 the information is exempt from disclosure under RCW 42.17.310;

33 (c) To government agencies, whether state, local, or federal, and
34 including federally recognized tribes, law enforcement agencies,
35 prosecuting agencies, and the executive branch, if the disclosure is
36 necessary for child support enforcement purposes or required under
37 Title IV-D of the federal social security act;

1 (d) To the parties in a judicial or adjudicative proceeding upon a
2 specific written finding by the presiding officer that the need for the
3 information outweighs any reason for maintaining the privacy and
4 confidentiality of the information or records;

5 (e) To private persons, federally recognized tribes, or
6 organizations if the disclosure is necessary to permit private
7 contracting parties to assist in the management and operation of the
8 department;

9 (f) Disclosure of address and employment information to the parties
10 to an action for purposes relating to a child support order, subject to
11 the limitations in subsections (4) and (5) of this section;

12 (g) Disclosure of information or records when necessary to the
13 efficient administration of the support enforcement program or to the
14 performance of functions and responsibilities of the support registry
15 and the ~~((office of support enforcement))~~ division of child support as
16 set forth in state and federal statutes; or

17 (h) Disclosure of the information or records when authorized under
18 RCW 74.04.060.

19 ~~((+3))~~ (4) Prior to disclosing the ((physical custodian's address
20 under subsection (2)(f) of this section)) whereabouts of a parent or a
21 party to a support order to the other parent or party, a notice shall
22 be mailed, if appropriate under the circumstances, to the ((physical
23 eustodian)) parent or other party whose whereabouts are to be
24 disclosed, at ((the physical custodian's)) that person's last known
25 address. The notice shall advise the ((physical custodian)) parent or
26 party that a request for disclosure has been made and will be complied
27 with unless the department;

28 (a) Receives a copy of a court order within thirty days which
29 enjoins the disclosure of the information or restricts or limits the
30 requesting party's right to contact or visit the ((physical custodian))
31 parent or party whose address is to be disclosed or the child((, or the
32 custodial parent requests a hearing to contest the disclosure));

33 (b) Receives a hearing request within thirty days under subsection
34 (5) of this section; or

35 (c) Has reason to believe that the release of the information may
36 result in physical or emotional harm to the party whose whereabouts are
37 to be released, or to the child.

38 (5) A person receiving notice under subsection (4) of this section
39 may request an adjudicative proceeding under chapter 34.05 RCW, at

1 which the person may show that there is reason to believe that release
2 of the information may result in physical or emotional harm to the
3 person or the child. The administrative law judge shall determine
4 whether the ~~((address))~~ whereabouts of the ~~((custodial parent))~~ person
5 should be disclosed based on ~~((the same standard as a claim of "good~~
6 ~~cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c))~~ subsection (4)(c)
7 of this section, however no hearing is necessary if the department has
8 in its possession a protective order or an order limiting visitation or
9 contact.

10 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting
11 or restricting the effect of RCW 42.17.260~~((+6))~~ (9). Nothing in this
12 section shall be construed to prevent the disclosure of information and
13 records if all details identifying an individual are deleted or the
14 individual consents to the disclosure.

15 ~~((+5))~~ (7) It shall be unlawful for any person or agency in
16 violation of this section to solicit, publish, disclose, receive, make
17 use of, or to authorize, knowingly permit, participate in or acquiesce
18 in the use of any lists of names for commercial or political purposes
19 or the use of any information for purposes other than those purposes
20 specified in this section. A violation of this section shall be a
21 gross misdemeanor as provided in chapter 9A.20 RCW.

22 **Sec. 909.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
23 read as follows:

24 (1) Application for a marriage license must be made and filed with
25 the appropriate county auditor upon blanks to be provided by the county
26 auditor for that purpose, which application shall be under the oath of
27 each of the applicants, and each application shall state the name,
28 address at the time of execution of application, age, social security
29 number, birthplace, whether single, widowed or divorced, and whether
30 under control of a guardian, residence during the past six months:
31 PROVIDED, That each county may require such other and further
32 information on said application as it shall deem necessary.

33 (2) The county legislative authority may impose an additional fee
34 up to fifteen dollars on a marriage license for the purpose of funding
35 family services such as family support centers.

36 **Sec. 910.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to
37 read as follows:

1 (1) Except as otherwise provided in subsection (7) of RCW
2 26.09.070, the provisions of any decree respecting maintenance or
3 support may be modified: (a) Only as to installments accruing
4 subsequent to the petition for modification or motion for adjustment
5 except motions to compel court-ordered adjustments, which shall be
6 effective as of the first date specified in the decree for implementing
7 the adjustment; and, (b) except as otherwise provided in subsections
8 (4), (5), (8), and (9) of this section, only upon a showing of a
9 substantial change of circumstances. The provisions as to property
10 disposition may not be revoked or modified, unless the court finds the
11 existence of conditions that justify the reopening of a judgment under
12 the laws of this state.

13 (2) Unless otherwise agreed in writing or expressly provided in the
14 decree the obligation to pay future maintenance is terminated upon the
15 death of either party or the remarriage of the party receiving
16 maintenance.

17 (3) Unless otherwise agreed in writing or expressly provided in the
18 decree, provisions for the support of a child are terminated by
19 emancipation of the child or by the death of the parent obligated to
20 support the child.

21 (4) An order of child support may be modified one year or more
22 after it has been entered without showing a substantial change of
23 circumstances:

24 (a) If the order in practice works a severe economic hardship on
25 either party or the child;

26 (b) If a party requests an adjustment in an order for child support
27 which was based on guidelines which determined the amount of support
28 according to the child's age, and the child is no longer in the age
29 category on which the current support amount was based;

30 (c) If a child is still in high school, upon a finding that there
31 is a need to extend support beyond the eighteenth birthday to complete
32 high school; or

33 (d) To add an automatic adjustment of support provision consistent
34 with RCW 26.09.100.

35 (5) An order or decree entered prior to June 7, 1984, may be
36 modified without showing a substantial change of circumstances if the
37 requested modification is to:

38 (a) Require health insurance coverage for a child named therein; or

39 (b) Modify an existing order for health insurance coverage.

1 (6) An obligor's voluntary unemployment or voluntary
2 underemployment, by itself, is not a substantial change of
3 circumstances.

4 (7) The department of social and health services may file an action
5 to modify an order of child support if public assistance money is being
6 paid to or for the benefit of the child and the child support order is
7 twenty-five percent or more below the appropriate child support amount
8 set forth in the standard calculation as defined in RCW 26.19.011 and
9 reasons for the deviation are not set forth in the findings of fact or
10 order. The determination of twenty-five percent or more shall be based
11 on the current income of the parties and the department shall not be
12 required to show a substantial change of circumstances if the reasons
13 for the deviations were not set forth in the findings of fact or order.

14 (8)(a) All child support decrees may be adjusted once every twenty-
15 four months based upon changes in the income of the parents without a
16 showing of substantially changed circumstances. Either party may
17 initiate the adjustment by filing a motion and child support
18 worksheets.

19 (b) A party may petition for modification in cases of substantially
20 changed circumstances under subsection (1) of this section at any time.
21 However, if relief is granted under subsection (1) of this section,
22 twenty-four months must pass before a motion for an adjustment under
23 (a) of this subsection may be filed.

24 (c) If, pursuant to (a) of this subsection or subsection (9) of
25 this section, the court adjusts or modifies a child support obligation
26 by more than thirty percent and the change would cause significant
27 hardship, the court may implement the change in two equal increments,
28 one at the time of the entry of the order and the second six months
29 from the entry of the order. Twenty-four months must pass following
30 the second change before a motion for an adjustment under (a) of this
31 subsection may be filed.

32 (d) A parent who is receiving transfer payments who receives a wage
33 or salary increase may not bring a modification action pursuant to
34 subsection (1) of this section alleging that increase constitutes a
35 substantial change of circumstances.

36 (e) The department of social and health services may file an action
37 at any time to modify an order of child support in cases of
38 substantially changed circumstances if public assistance money is being
39 paid to or for the benefit of the child. The determination of the

1 existence of substantially changed circumstances by the department that
2 lead to the filing of an action to modify the order of child support is
3 not binding upon the court.

4 (9) An order of child support may be adjusted twenty-four months
5 from the date of the entry of the decree or the last adjustment or
6 modification, whichever is later, based upon changes in the economic
7 table or standards in chapter 26.19 RCW.

8 **Sec. 911.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to
9 read as follows:

10 In this chapter:

11 (1) "Child" means an individual, whether over or under the age of
12 majority, who is or is alleged to be owed a duty of support by the
13 individual's parent or who is or is alleged to be the beneficiary of a
14 support order directed to the parent.

15 (2) "Child support order" means a support order for a child,
16 including a child who has attained the age of majority under the law of
17 the issuing state.

18 (3) "Duty of support" means an obligation imposed or imposable by
19 law to provide support for a child, spouse, or former spouse, including
20 an unsatisfied obligation to provide support.

21 (4) "Home state" means the state in which a child lived with a
22 parent or a person acting as parent for at least six consecutive months
23 immediately preceding the time of filing of a petition or comparable
24 pleading for support and, if a child is less than six months old, the
25 state in which the child lived from birth with any of them. A period
26 of temporary absence of any of them is counted as part of the six-month
27 or other period.

28 (5) "Income" includes earnings or other periodic entitlements to
29 money from any source and any other property subject to withholding for
30 support under the law of this state.

31 (6) "Income-withholding order" means an order or other legal
32 process directed to an obligor's employer or other debtor, as defined
33 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income
34 of the obligor.

35 (7) "Initiating state" means a state (~~in~~) from which a proceeding
36 is forwarded or in which a proceeding is filed for forwarding to a
37 responding state under this chapter or a law or procedure substantially
38 similar to this chapter, the Uniform Reciprocal Enforcement of Support

1 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~
2 ~~filed for forwarding to a responding state~~)).

3 (8) "Initiating tribunal" means the authorized tribunal in an
4 initiating state.

5 (9) "Issuing state" means the state in which a tribunal issues a
6 support order or renders a judgment determining parentage.

7 (10) "Issuing tribunal" means the tribunal that issues a support
8 order or renders a judgment determining parentage.

9 (11) "Law" includes decisional and statutory law and rules and
10 regulations having the force of law.

11 (12) "Obligee" means:

12 (a) An individual to whom a duty of support is or is alleged to be
13 owed or in whose favor a support order has been issued or a judgment
14 determining parentage has been rendered;

15 (b) A state or political subdivision to which the rights under a
16 duty of support or support order have been assigned or which has
17 independent claims based on financial assistance provided to an
18 individual obligee; or

19 (c) An individual seeking a judgment determining parentage of the
20 individual's child.

21 (13) "Obligor" means an individual, or the estate of a decedent:

22 (a) Who owes or is alleged to owe a duty of support;

23 (b) Who is alleged but has not been adjudicated to be a parent of
24 a child; or

25 (c) Who is liable under a support order.

26 (14) "Register" means to record or file in the appropriate location
27 for the recording or filing of foreign judgments generally or foreign
28 support orders specifically, a support order or judgment determining
29 parentage.

30 (15) "Registering tribunal" means a tribunal in which a support
31 order is registered.

32 (16) "Responding state" means a state (~~to~~) in which a proceeding
33 is filed or to which a proceeding is forwarded for filing from an
34 initiating state under this chapter or a law or procedure substantially
35 similar to this chapter, the Uniform Reciprocal Enforcement of Support
36 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

37 (17) "Responding tribunal" means the authorized tribunal in a
38 responding state.

1 (18) "Spousal support order" means a support order for a spouse or
2 former spouse of the obligor.

3 (19) "State" means a state of the United States, the District of
4 Columbia, (~~the Commonwealth of~~) Puerto Rico, the United States Virgin
5 Islands, or any territory or insular possession subject to the
6 jurisdiction of the United States. The term ("~~state~~") includes:

7 (i) An Indian tribe (~~and includes~~); and

8 (ii) A foreign jurisdiction that has enacted a law or established
9 procedures for issuance and enforcement of support orders (~~that~~)
10 which are substantially similar to the procedures under this chapter,
11 the Uniform Reciprocal Enforcement of Support Act, or the Revised
12 Uniform Reciprocal Enforcement of Support Act.

13 (20) "Support enforcement agency" means a public official or agency
14 authorized to seek:

15 (a) Enforcement of support orders or laws relating to the duty of
16 support;

17 (b) Establishment or modification of child support;

18 (c) Determination of parentage; or

19 (d) Location of obligors or their assets.

20 (21) "Support order" means a judgment, decree, or order, whether
21 temporary, final, or subject to modification, for the benefit of a
22 child, a spouse, or a former spouse, that provides for monetary
23 support, health care, arrearages, or reimbursement, and may include
24 related costs and fees, interest, income withholding, attorneys' fees,
25 and other relief.

26 (22) "Tribunal" means a court, administrative agency, or quasi-
27 judicial entity authorized to establish, enforce, or modify support
28 orders or to determine parentage.

29 **Sec. 912.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
30 read as follows:

31 (1) A tribunal of this state issuing a support order consistent
32 with the law of this state has continuing, exclusive jurisdiction over
33 a child support order:

34 (a) As long as this state remains the residence of the obligor, the
35 individual obligee, or the child for whose benefit the support order is
36 issued; or

37 (b) Until (~~each individual party has~~) all of the parties who are
38 individuals have filed written consents with the tribunal of this state

1 for a tribunal of another state to modify the order and assume
2 continuing, exclusive jurisdiction.

3 (2) A tribunal of this state issuing a child support order
4 consistent with the law of this state may not exercise its continuing
5 jurisdiction to modify the order if the order has been modified by a
6 tribunal of another state pursuant to this chapter or a law
7 substantially similar to this chapter.

8 (3) If a child support order of this state is modified by a
9 tribunal of another state pursuant to this chapter or a law
10 substantially similar to this chapter, a tribunal of this state loses
11 its continuing, exclusive jurisdiction with regard to prospective
12 enforcement of the order issued in this state, and may only:

13 (a) Enforce the order that was modified as to amounts accruing
14 before the modification;

15 (b) Enforce nonmodifiable aspects of that order; and

16 (c) Provide other appropriate relief for violations of that order
17 which occurred before the effective date of the modification.

18 (4) A tribunal of this state shall recognize the continuing,
19 exclusive jurisdiction of a tribunal of another state that has issued
20 a child support order pursuant to this chapter or a law substantially
21 similar to this chapter.

22 (5) A temporary support order issued ex parte or pending resolution
23 of a jurisdictional conflict does not create continuing, exclusive
24 jurisdiction in the issuing tribunal.

25 (6) A tribunal of this state issuing a support order consistent
26 with the law of this state has continuing, exclusive jurisdiction over
27 a spousal support order throughout the existence of the support
28 obligation. A tribunal of this state may not modify a spousal support
29 order issued by a tribunal of another state having continuing,
30 exclusive jurisdiction over that order under the law of that state.

31 **Sec. 913.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to
32 read as follows:

33 (1) If a proceeding is brought under this chapter and only one
34 tribunal has issued a child support order, the order of that tribunal
35 controls and must be so recognized.

36 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two
37 or more child support orders have been issued ~~((in))~~ by tribunals of
38 this state or another state with regard to ~~((an))~~ the same obligor and

1 ((a)) child, a tribunal of this state shall apply the following rules
2 in determining which order to recognize for purposes of continuing,
3 exclusive jurisdiction:

4 (a) If only one of the tribunals (~~(has issued a child support~~
5 ~~order))~~ would have continuing, exclusive jurisdiction under this
6 chapter, the order of that tribunal controls and must be so recognized.

7 (b) (~~(If two or more tribunals have issued child support orders for~~
8 ~~the same obligor and child, and only one of the tribunals would have~~
9 ~~continuing, exclusive jurisdiction under this chapter, the order of~~
10 ~~that tribunal must be recognized.~~

11 (c)) If (~~(two or more tribunals have issued child support orders~~
12 ~~for the same obligor and child, and))~~ more than one of the tribunals
13 would have continuing, exclusive jurisdiction under this chapter, an
14 order issued by a tribunal in the current home state of the child
15 controls and must be so recognized, but if an order has not been issued
16 in the current home state of the child, the order most recently issued
17 controls and must be so recognized.

18 (~~(d) If two or more tribunals have issued child support orders for~~
19 ~~the same obligor and child, and none of the tribunals would have~~
20 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~
21 ~~this state may issue a child support order, which must be recognized.~~

22 (2) ~~The tribunal that has issued an order recognized under~~
23 ~~subsection (1) of this section is the tribunal having continuing,~~
24 ~~exclusive jurisdiction.))~~

25 (c) If none of the tribunals would have continuing, exclusive
26 jurisdiction under this chapter, the tribunal of this state having
27 jurisdiction over the parties shall issue a child support order, which
28 controls and must be so recognized.

29 (3) If two or more child support orders have been issued for the
30 same obligor and child and if the obligor or the individual obligee
31 resides in this state, a party may request a tribunal of this state to
32 determine which order controls and must be so recognized under
33 subsection (2) of this section. The request must be accompanied by a
34 certified copy of every support order in effect. The requesting party
35 shall give notice of the request to each party whose rights may be
36 affected by the determination.

37 (4) The tribunal that issued the controlling order under subsection
38 (1), (2), or (3) of this section is the tribunal that has continuing,
39 exclusive jurisdiction under RCW 26.21.115.

1 (5) A tribunal of this state which determines by order the identity
2 of the controlling order under subsection (2)(a) or (b) of this section
3 or which issues a new controlling order under subsection (2)(c) of this
4 section shall state in that order the basis upon which the tribunal
5 made its determination.

6 (6) Within thirty days after issuance of an order determining the
7 identity of the controlling order, the party obtaining the order shall
8 file a certified copy of it with each tribunal that issued or
9 registered an earlier order of child support. A party who obtains the
10 order and fails to file a certified copy is subject to appropriate
11 sanctions by a tribunal in which the issue of failure to file arises.
12 The failure to file does not affect the validity or enforceability of
13 the controlling order.

14 **Sec. 914.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to
15 read as follows:

16 (1) Upon the filing of a petition authorized by this chapter, an
17 initiating tribunal of this state shall forward three copies of the
18 petition and its accompanying documents:

19 ~~((1))~~ (a) To the responding tribunal or appropriate support
20 enforcement agency in the responding state; or

21 ~~((2))~~ (b) If the identity of the responding tribunal is unknown,
22 to the state information agency of the responding state with a request
23 that they be forwarded to the appropriate tribunal and that receipt be
24 acknowledged.

25 (2) If a responding state has not enacted the Uniform Interstate
26 Family Support Act or a law or procedure substantially similar to the
27 Uniform Interstate Family Support Act, a tribunal of this state may
28 issue a certificate or other document and make findings required by the
29 law of the responding state. If the responding state is a foreign
30 jurisdiction, the tribunal may specify the amount of support sought and
31 provide other documents necessary to satisfy the requirements of the
32 responding state.

33 **Sec. 915.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to
34 read as follows:

35 (1) When a responding tribunal of this state receives a petition or
36 comparable pleading from an initiating tribunal or directly pursuant to
37 RCW 26.21.205(3), it shall cause the petition or pleading to be filed

1 and notify the petitioner (~~((by first class mail))~~) where and when it was
2 filed.

3 (2) A responding tribunal of this state, to the extent otherwise
4 authorized by law, may do one or more of the following:

5 (a) Issue or enforce a support order, modify a child support order,
6 or render a judgment to determine parentage;

7 (b) Order an obligor to comply with a support order, specifying the
8 amount and the manner of compliance;

9 (c) Order income withholding;

10 (d) Determine the amount of any arrearages, and specify a method of
11 payment;

12 (e) Enforce orders by civil or criminal contempt, or both;

13 (f) Set aside property for satisfaction of the support order;

14 (g) Place liens and order execution on the obligor's property;

15 (h) Order an obligor to keep the tribunal informed of the obligor's
16 current residential address, telephone number, employer, address of
17 employment, and telephone number at the place of employment;

18 (i) Issue a bench warrant or writ of arrest for an obligor who has
19 failed after proper notice to appear at a hearing ordered by the
20 tribunal and enter the bench warrant or writ of arrest in any local and
21 state computer systems for criminal warrants;

22 (j) Order the obligor to seek appropriate employment by specified
23 methods;

24 (k) Award reasonable attorneys' fees and other fees and costs; and

25 (l) Grant any other available remedy.

26 (3) A responding tribunal of this state shall include in a support
27 order issued under this chapter, or in the documents accompanying the
28 order, the calculations on which the support order is based.

29 (4) A responding tribunal of this state may not condition the
30 payment of a support order issued under this chapter upon compliance by
31 a party with provisions for visitation.

32 (5) If a responding tribunal of this state issues an order under
33 this chapter, the tribunal shall send a copy of the order (~~((by first
34 class mail))~~) to the petitioner and the respondent and to the initiating
35 tribunal, if any.

36 **Sec. 916.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to
37 read as follows:

1 If a petition or comparable pleading is received by an
2 inappropriate tribunal of this state, it shall forward the pleading and
3 accompanying documents to an appropriate tribunal in this state or
4 another state and notify the petitioner (~~by first class mail~~) where
5 and when the pleading was sent.

6 **Sec. 917.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to
7 read as follows:

8 (1) A support enforcement agency of this state, upon request, shall
9 provide services to a petitioner in a proceeding under this chapter.

10 (2) A support enforcement agency that is providing services to the
11 petitioner as appropriate shall:

12 (a) Take all steps necessary to enable an appropriate tribunal in
13 this state or another state to obtain jurisdiction over the respondent;

14 (b) Request an appropriate tribunal to set a date, time, and place
15 for a hearing;

16 (c) Make a reasonable effort to obtain all relevant information,
17 including information as to income and property of the parties;

18 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
19 legal holidays, after receipt of a written notice from an initiating,
20 responding, or registering tribunal, send a copy of the notice (~~by~~
21 ~~first class mail~~) to the petitioner;

22 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
23 legal holidays, after receipt of a written communication from the
24 respondent or the respondent's attorney, send a copy of the
25 communication (~~by first class mail~~) to the petitioner; and

26 (f) Notify the petitioner if jurisdiction over the respondent
27 cannot be obtained.

28 (3) This chapter does not create or negate a relationship of
29 attorney and client or other fiduciary relationship between a support
30 enforcement agency or the attorney for the agency and the individual
31 being assisted by the agency.

32 **Sec. 918.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to
33 read as follows:

34 (~~(1)~~) An income-withholding order issued in another state may be
35 sent (~~by first class mail~~) to the person or entity defined as the
36 obligor's employer under (~~chapter 6.27~~) RCW 50.04.080 without first
37 filing a petition or comparable pleading or registering the order with

1 a tribunal of this state. (~~Upon receipt of the order, the employer~~
2 ~~shall:~~

3 ~~(a) Treat an income withholding order issued in another state that~~
4 ~~appears regular on its face as if it had been issued by a tribunal of~~
5 ~~this state;~~

6 ~~(b) Immediately provide a copy of the order to the obligor; and~~

7 ~~(c) Distribute the funds as directed in the income withholding~~
8 ~~order.~~

9 ~~(2) An obligor may contest the validity or enforcement of an~~
income-withholding order issued in another state in the same manner as