
SECOND SUBSTITUTE SENATE BILL 5677

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

By Senate Committee on Ways & Means (originally sponsored by Senators Deccio, Wood, Long, Rossi, Zarelli, Sellar, Stevens, Swecker, Anderson, Hale, Oke, Finkbeiner, Benton, Johnson, Winsley, Horn, McCaslin, Newhouse, Strannigan, Morton, Roach, Hochstatter, McDonald, Schow, Prince, West, Wojahn and Haugen)

Read first time 02/24/97.

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, 74.04.515, 74.09.800, 74.08.331,
4 28A.630.876, 50.16.030, 41.06.380, 74.12.255, 74.04.0052, 26.16.205,
5 74.12.410, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.08.350,
6 18.08.350, 18.11.160, 18.16.100, 18.27.060, 18.28.060, 18.39.181,
7 18.46.050, 18.96.120, 18.104.110, 18.106.070, 18.130.150, 18.160.080,
8 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580,
9 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440,
10 19.138.130, 19.158.050, 19.166.040, 21.20.110, 66.20.320, 67.08.040,
11 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110,
12 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130,
13 64.44.060, 19.146.220, 75.25.150, 75.28.010, 26.23.050, 26.18.100,
14 26.23.060, 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.030,
15 74.20A.080, 26.23.120, 26.04.160, 26.09.170, 26.21.005, 26.21.115,
16 26.21.135, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.450,
17 26.21.490, 26.21.520, 26.21.530, 26.21.580, 26.21.590, 26.21.620,
18 26.23.035, 74.20A.030, 74.20.320, 74.20.330, 70.58.080, 26.26.040,
19 74.20A.055, 26.23.040, 26.23.040, 26.26.130, 70.58.055, and 74.04.050;
20 reenacting and amending RCW 74.04.005, 18.145.080, 74.20A.270,
21 42.17.310, 74.20A.060, 74.20A.056, 26.09.020, and 26.26.100; adding new

1 sections to chapter 74.12 RCW; adding a new section to chapter 28A.630
2 RCW; adding a new section to chapter 43.30 RCW; adding a new section to
3 chapter 50.62 RCW; adding a new section to chapter 43.330 RCW; adding
4 a new section to chapter 50.08 RCW; adding a new section to chapter
5 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new
6 sections to chapter 74.20A RCW; adding a new section to chapter 48.22
7 RCW; adding a new section to chapter 2.48 RCW; adding a new section to
8 chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a
9 new section to chapter 18.16 RCW; adding a new section to chapter 18.20
10 RCW; adding a new section to chapter 18.28 RCW; adding a new section to
11 chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a
12 new section to chapter 18.44 RCW; adding a new section to chapter 18.51
13 RCW; adding a new section to chapter 18.76 RCW; adding a new section to
14 chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding
15 a new section to chapter 18.130 RCW; adding a new section to chapter
16 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new
17 section to chapter 18.165 RCW; adding a new section to chapter 18.170
18 RCW; adding a new section to chapter 18.175 RCW; adding a new section
19 to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW;
20 adding a new section to chapter 20.01 RCW; adding a new section to
21 chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a
22 new section to chapter 47.68 RCW; adding a new section to chapter 71.12
23 RCW; adding a new section to chapter 66.20 RCW; adding a new section to
24 chapter 66.24 RCW; adding a new section to chapter 88.02 RCW; adding a
25 new section to chapter 43.24 RCW; adding a new section to chapter
26 70.95B RCW; adding new sections to chapter 75.25 RCW; adding new
27 sections to chapter 77.32 RCW; adding a new section to chapter 75.28
28 RCW; adding new sections to chapter 74.20 RCW; adding new sections to
29 chapter 26.23 RCW; adding new sections to chapter 26.21 RCW; adding a
30 new section to chapter 26.26 RCW; adding a new section to chapter 26.18
31 RCW; adding a new chapter to Title 74 RCW; creating new sections;
32 repealing RCW 74.12.420, 74.12.425, 74.25.010, 74.25.020, 74.25.030,
33 74.25.040, 74.25.900, 74.25.901, 74.04.770, 74.08.120, and 74.08.125;
34 providing effective dates; providing expiration dates; and declaring an
35 emergency.

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

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16 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that the
 17 federal personal responsibility and work opportunity reconciliation act
 18 of 1996 presents both opportunities and challenges for the states as
 19 they develop methods of moving families in poverty from welfare to
 20 work. The legislature further finds that, although many of the goals
 21 of the federal act coincide with Washington state’s vision for enabling
 22 families to achieve eventual economic self-sufficiency through private,
 23 unsubsidized employment, the treatment of legal immigrants under the
 24 federal act does not reflect Washington’s commitment to those legal
 25 immigrants within Washington’s borders who have played by the rules,
 26 and who live in our communities and participate in the American way of
 27 life, providing economic and cultural enrichment to Washington state’s
 28 population.

1 The legislature finds that legal immigrants who obey the laws of
2 Washington, and who were granted permission to immigrate by the federal
3 government, should be treated as equitably as possible under the
4 state's enactment and implementation of public assistance programs.

5 The legislature finds that Washington state's goals in implementing
6 the federal act include promoting the American values of work,
7 education, and responsibility, including responsible childbearing and
8 dedication by both parents to protecting, supporting, and bringing up
9 children to become responsible, productive Americans. This has been
10 the goal and the dream of generations of Americans, whether native born
11 or naturalized citizens.

12 The legislature finds that it is necessary, in pursuance of these
13 American goals, to encourage a new alliance of state and local
14 government, business, nonprofit organizations, and individuals to
15 dedicate themselves, within the letter and the spirit of the law, to
16 helping families in poverty overcome barriers, obtain support,
17 direction, and encouragement, and become contributors to the American
18 way of life.

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

24 The legislature reaffirms its commitment to provide medical
25 services to eligible legal immigrants under the children's health
26 program established under RCW 74.04.405. The legislature affirms its
27 commitment to provide the benefits of the maternity care access program
28 under RCW 74.09.800 to documented and undocumented immigrants who
29 qualify. The legislature finds that family structure and relationships
30 are critical to the long-term success and economic self-sufficiency of
31 recipients of temporary assistance for needy families. The department
32 and its employees shall communicate clearly to recipients of temporary
33 assistance for needy families the importance of marriage and family
34 relationships, in word and action, by seeking to preserve healthy
35 relationships and doing nothing to harm them, by facilitating the
36 reconciliation of broken relationships, and by encouraging those
37 recipients with irreconcilable family relationships to obtain
38 counseling to enable them to form healthy family relationships in the
39 future.

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

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

8 All assistance granted under this title shall be deemed to be
9 granted and to be held subject to the provisions of any amending or
10 repealing act that may hereafter be enacted, and no recipient shall
11 have any claim for compensation, or otherwise, by reason of his
12 assistance being affected in any way by such amending or repealing act.
13 There is no legal entitlement to public assistance.

14 NEW SECTION. **Sec. 103.** TIME LIMITS OF TEMPORARY ASSISTANCE FOR
15 NEEDED FAMILIES BENEFITS. (1) An adult head of household in a temporary
16 assistance for needy families assistance unit, who is in compliance
17 with the responsibilities required of participants in temporary
18 assistance for needy families programs may qualify for a maximum of
19 sixty months of cash assistance, absent a determination of bona fide
20 exemption to the sixty-month time limit. The sixty-month time limit
21 commences, for those receiving temporary cash assistance, as of the
22 effective date of this section, or the date of the acceptance of the
23 Washington state plan by the federal government, whichever is sooner.

24 (2) The legislature recognizes that under P.L. 104-193 the
25 department may exempt no more than twenty percent of the temporary
26 assistance for needy families caseload from the sixty-month time limit.
27 The legislature further recognizes that not all adult recipients of
28 temporary assistance for needy families can realistically be expected
29 to attain self-sufficiency within this time limit. Because the sixty-
30 month time limit will not be applicable to recipients until 2002, the
31 legislature further believes it appropriate to engage in the study
32 required in section 703 of this act before making decisions about
33 caseload exemptions.

34 NEW SECTION. **Sec. 104.** SANCTIONS FOR NONCOOPERATION. Cooperation
35 with the requirements of the temporary assistance for needy families
36 program in this state, including the continuous job search requirement,

1 and participation in work activities under the Washington welfare-to-
2 work program by a recipient who is a teen or adult head of an
3 assistance unit is a condition of benefit receipt, unless exempt under
4 this chapter. Failure to cooperate, absent good cause, may result in
5 sanctions, which may include a reduction or elimination of part or all
6 of the cash assistance grant for members of the assistance unit.

7 The department shall adopt by rule standards for the imposition of
8 such sanctions. The standards shall include provisions regarding who
9 may impose sanctions and the circumstances in which they may be
10 imposed. In addition to the procedures generally applicable to rule
11 adoption under the administrative procedure act, the department shall
12 provide the proposed standards to the senate health and long-term care
13 committee and the house of representatives children and family services
14 committee for review and comment.

15 NEW SECTION. **Sec. 105.** CHILDREN RECEIVING SUPPLEMENTAL SECURITY
16 INCOME. It is the intent of the legislature that all disabled children
17 who received supplemental security income benefits before August 22,
18 1996, and who lost their supplemental security income benefits as a
19 result of P.L. 104-193 have benefits paid to them through alternative
20 programs.

21 NEW SECTION. **Sec. 106.** DISABLED CHILD STATE ASSISTANCE PROGRAM.
22 (1) Upon termination of eligibility from supplemental security income,
23 the department shall place disabled children into the appropriate
24 program, in the following manner:

25 (a) If the child is residing in a foster or group home licensed
26 through the children and family services administration, the child
27 shall be placed in the foster care program; and

28 (b) If the child does not fall into a category in (a) of this
29 subsection, the child shall be placed into the disabled child state
30 assistance program.

31 (2) The disabled child state assistance program is created. The
32 program shall be administered by the department. The program shall pay
33 cash benefits equal to the monthly benefit provided in the general
34 assistance-unemployable program for a period not to exceed one year.

35 (3) Persons eligible for the disabled child state assistance
36 program are those disabled children who received supplemental security
37 income benefits before August 22, 1996, and who lost their supplemental

1 security income eligibility as a result of P.L. 104-193. Children may
2 not enter the disabled child state assistance program if they are
3 residing in foster or group care.

4 (4) Children in the disabled child state assistance program may not
5 receive benefits for more than twelve months beginning with the month
6 in which their supplemental security income eligibility is terminated.

7 NEW SECTION. **Sec. 107.** STUDY OF DISABLED CHILDREN. (1) The
8 department shall conduct a study of the circumstances of disabled
9 children who lose their supplemental security income benefits as a
10 result of P.L. 104-193, and their families including:

11 (a) Medical diagnoses of disability;

12 (b) Demographic characteristics;

13 (c) Economic circumstances including support arrangements and
14 living conditions; and

15 (d) Cross-service by other public assistance and human services
16 programs.

17 (2) The department shall complete the study and report to the
18 health care committees of the legislature no later than January 15,
19 1998.

20 NEW SECTION. **Sec. 108.** 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. 109.** The following acts or parts of acts are
28 each repealed:

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

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

31 NEW SECTION. **Sec. 110.** (1) The department shall allow religious
32 organizations to provide services to families receiving temporary
33 assistance for needy families on the same basis as any other
34 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. 111.** 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. 112.** 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 **II. IMMIGRANT PROTECTION**

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

34 Medical assistance may be provided in accordance with eligibility
35 requirements established by the department (~~of social and health~~

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

23 NEW SECTION. **Sec. 202.** IMMIGRANTS--ELIGIBILITY. It is the intent
24 of the legislature that all legal immigrants who resided in the United
25 States before August 21, 1996, retain eligibility for assistance
26 programs the same as or similar to those from which they lost benefits
27 as a result of P.L. 104-193.

28 Accordingly, the state shall exercise its option under P.L. 104-193
29 to continue services to legal immigrants under temporary assistance for
30 needy families, medicaid, and social services block grant programs.
31 Legal immigrants who lose benefits under the supplemental security
32 income program as a result of P.L. 104-193 are immediately eligible for
33 benefits under the state's general assistance-unemployable program.
34 The department shall redetermine income and resource eligibility at
35 least annually, in accordance with existing state policy. It is the
36 policy of the legislature to distinguish between legal immigrants
37 living in the United States prior to August 22, 1996, and those who
38 immigrated on or after the enactment of P.L. 104-193. The

1 postenactment legal immigrants are subject to a five-year benefit
2 exclusion for means-tested public assistance programs and are subject
3 to the sponsor-deeming provisions of section 206 of this act, which
4 shall be strictly construed in favor of benefit denial.

5 NEW SECTION. **Sec. 203.** INCOME AVERAGING--BENEFIT DETERMINATION.
6 In the case of applicants for temporary assistance for needy families
7 whose principle source of earned income is seasonal employment, the
8 department shall determine eligibility and benefit levels by
9 retrospectively considering the applicant's earned income for the
10 twelve-month period immediately preceding the application for
11 assistance. The earned income shall be prorated on an annual basis,
12 and the prorated amount used for eligibility and benefit determination
13 in the prospective month. Assistance shall be denied until the
14 applicant's prorated prior twelve months of income equals a monthly
15 amount at or below the eligibility level. The intent of the
16 legislature is to ensure that persons with seasonal earned income that,
17 if prorated on an annual basis, would have exceeded the level
18 qualifying them for assistance will be denied assistance until such
19 time as they qualify on a prorated basis.

20 **Sec. 204.** RCW 74.04.515 and 1991 c 126 s 4 are each amended to
21 read as follows:

22 In administering the food stamp program, there shall be no
23 discrimination against any applicant or recipient by reason of age,
24 sex, handicap, religious creed, political beliefs, race, color, ((~~or~~))
25 national origin, or alienage.

26 NEW SECTION. **Sec. 205.** NATURALIZATION FACILITATION. The
27 department shall make an affirmative effort to identify and proactively
28 contact legal immigrants receiving public assistance to facilitate
29 their applications for naturalization. The department shall inform
30 immigrants regarding how citizenship may be attained. In order to
31 facilitate the citizenship process, the department shall coordinate
32 with existing resources in local government, schools, community
33 colleges, and community organizations, and shall, within available
34 funds, ensure that those immigrants who qualify to apply for
35 naturalization are referred to or otherwise offered classes. The
36 department shall assist eligible immigrants in obtaining appropriate

1 test exemptions, and other exemptions in the naturalization process, to
2 the extent permitted under federal law. The department shall report
3 annually by December 15th to the legislature regarding the progress and
4 barriers of the immigrant naturalization facilitation effort. It is
5 the intent of the legislature that persons receiving naturalization
6 assistance be facilitated in obtaining citizenship within two years of
7 their eligibility to apply.

8 NEW SECTION. **Sec. 206.** SPONSOR DEEMING. (1) Except as provided
9 in subsection (2) of this section, in determining the eligibility and
10 the amount of benefits of an immigrant legally entering the United
11 States on or after August 22, 1996, for temporary assistance to needy
12 families, food stamps, medical assistance, or other welfare benefit for
13 which assistance is based on need, as defined in P.L. 104-193 Sec.
14 412(c), the state or political subdivision that offers the benefit
15 shall provide that the income and resources of the alien shall be
16 deemed to include the following:

17 (a) The income and resources of any individual who executed an
18 affidavit of support under section 213A of the federal immigration and
19 nationality act on behalf of the alien; and

20 (b) The income and resources of the spouse, if any, of the
21 individual.

22 (2) Subsection (1) of this section does not apply with respect to
23 the following state public benefits:

24 (a) Assistance described in P.L. 104-193 Sec. 411(b)(1);

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

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

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

30 (e) Public health assistance for immunizations with respect to
31 immunizable diseases and for testing and treatment of symptoms of
32 communicable diseases whether or not the symptoms are caused by a
33 communicable disease;

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

35 (g) Programs, services, or assistance such as meals from a soup
36 kitchen, crisis counseling and intervention, and short-term shelter,
37 specified by the attorney general, after consultation with appropriate
38 agencies and departments, that:

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

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

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

7 (3) Otherwise qualified legal immigrants arriving after the
8 enactment of P.L. 104-193, and subject to the five-year federal means-
9 tested benefit exclusion, shall, after the five-year exclusion, be
10 eligible for medical assistance in cases where their sponsors have
11 died.

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

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

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

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

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

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

30 (b) Outstationing department staff to make eligibility
31 determinations;

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

34 (d) Conducting an interview for the purpose of determining medical
35 assistance eligibility within five working days of the date of an
36 application by a pregnant woman and making an eligibility determination
37 within fifteen working days of the date of application by a pregnant
38 woman;

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

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

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

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

13 (8) Provide family planning services including information about
14 the synthetic progestin capsule implant form of contraception, for
15 twelve months immediately following a pregnancy to women who were
16 eligible for medical assistance under the maternity care access program
17 during that pregnancy or who were eligible only for emergency labor and
18 delivery services during that pregnancy; and

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

22 The legislature reaffirms its commitment to provide health care
23 services under this section to eligible immigrants, regardless of
24 documented or undocumented status.

25 **III. WASHINGTON WELFARE-TO-WORK PROGRAMS**

26 NEW SECTION. **Sec. 301.** It is the intent of the legislature that
27 all applicants to the Washington welfare-to-work program shall be
28 focused on obtaining paid, unsubsidized employment. The focus of the
29 Washington welfare-to-work program shall be work for all recipients.

30 NEW SECTION. **Sec. 302.** DIVERSION ASSISTANCE. (1) In order to
31 prevent some families from developing dependency on temporary
32 assistance for needy families, the department shall make available to
33 qualifying applicants a diversion program designed to provide brief,
34 emergency assistance for families in crisis whose income and assets
35 would otherwise qualify them for temporary assistance for needy
36 families.

1 (2) Diversion assistance may include cash or vouchers in payment
2 for the following needs:

3 (a) Child care;

4 (b) Housing assistance;

5 (c) Transportation-related expenses;

6 (d) Medical costs for the recipient's immediate family;

7 (e) Employment-related expenses which are necessary to keep or
8 obtain paid unsubsidized employment.

9 (3) Diversion assistance is available once in each twelve-month
10 period for each adult applicant. Recipients of diversion assistance
11 are not included in the temporary assistance for needy families
12 program.

13 (4) Diversion assistance may not exceed one thousand five hundred
14 dollars for each instance.

15 (5) To be eligible for diversion assistance, a family must
16 otherwise be eligible for temporary assistance for needy families.

17 (6) Families ineligible for temporary assistance for needy families
18 or general assistance due to sanction, noncompliance, the lump sum
19 income rule, or any other reason are not eligible for diversion
20 assistance.

21 (7) Families must provide evidence showing that a bona fide need
22 exists according to subsection (2) of this section in order to be
23 eligible for diversion assistance.

24 An adult applicant may receive diversion assistance of any type no
25 more than once per twelve-month period. If the recipient of diversion
26 assistance is placed on the temporary assistance for needy families
27 program within twelve months of receiving diversion assistance, the
28 prorated dollar value of the assistance shall be treated as a loan from
29 the state, and recovered by deduction from the recipient's cash grant.

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

32 Any person who by means of a willfully false statement, or
33 representation, or impersonation, or a willful failure to reveal any
34 material fact, condition or circumstance affecting eligibility ((~~of~~
35 ~~for~~)) or need for assistance, including medical care, surplus
36 commodities and food stamps, as required by law, or a willful failure
37 to promptly notify the county office in writing as required by law or
38 any change in status in respect to resources, or income, or need, or

1 family composition, money contribution and other support, from whatever
2 source derived, including unemployment insurance, or any other change
3 in circumstances affecting the person's eligibility or need for
4 assistance, or other fraudulent device, obtains, or attempts to obtain,
5 or aids or abets any person to obtain any public assistance to which
6 the person is not entitled or greater public assistance than that to
7 which he or she is justly entitled shall be guilty of grand larceny and
8 upon conviction thereof shall be punished by imprisonment in a state
9 correctional facility for not more than fifteen years.

10 Any person who by means of a willfully false statement or
11 representation or by impersonation or other fraudulent device aids or
12 abets in buying, selling, or in any other way disposing of the real
13 property of a recipient of public assistance without the consent of the
14 secretary shall be guilty of a gross misdemeanor and upon conviction
15 thereof shall be punished by imprisonment for not more than one year in
16 the county jail or a fine of not to exceed one thousand dollars or by
17 both.

18 NEW SECTION. **Sec. 304.** MAINTENANCE OF EFFORT. (1) The state
19 biennial appropriations act shall provide at least ninety percent of
20 the qualified state expenditures under the temporary assistance for
21 needy families program as defined in P.L. 104-193 Sec. 409(a)(7)(B) to
22 the department for expenditure in accordance with chapter . . . , Laws
23 of 1997 (this act).

24 (2) The department shall maximize receipt of federal funds and
25 shall take necessary and appropriate action to preserve state funding
26 at the maximum level. The department shall expend state funds
27 designated in RCW 41.06.380 to the extent possible before expending
28 federal funds designated in RCW 41.06.380. Federal funds designated in
29 RCW 41.06.380 which remain unspent at the end of any state or federal
30 fiscal year shall be brought forward to be spent in the next state or
31 federal fiscal year.

32 NEW SECTION. **Sec. 305.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
33 FUND SHIFT. (1) The legislature may transfer up to thirty percent of
34 the block grant awarded under the temporary assistance for needy
35 families program to the child care program authorized in section 402 of
36 this act through the biennial appropriations act. Of this amount, up
37 to thirty percent may be transferred to programs funded under the

1 social services block grant, but only if the funds transferred directly
2 serve children and families whose income is less than two hundred
3 percent of the federal poverty level.

4 (2) In the biennial appropriations act, the legislature may
5 delegate the authority for the transfer authorized in subsection (1) of
6 this section to the department. If a delegation is made, the
7 department shall report on an annual basis to the fiscal committees of
8 the legislature what transfers were made and how transferred funds were
9 expended. The report shall be due no later than August 31st of each
10 year.

11 NEW SECTION. **Sec. 306.** A new section is added to chapter 28A.630
12 RCW to read as follows:

13 SCHOOL-TO-WORK TRANSITIONS. (1) The legislature finds that
14 noncollege-bound and at-risk youth are more likely than college-bound
15 youth to become dependent on state assistance programs and that long-
16 term employment and earning outcomes for noncollege-bound and at-risk
17 youth can be significantly improved through school-to-work efforts,
18 particularly through work-based learning. The legislature intends that
19 every effort be made by school-to-work programs in the state to involve
20 school drop-outs, noncollege-bound youth, and at-risk youth.

21 (2) All school-to-work transition projects in the state, whether
22 funded with state or federal funds, shall contain an outreach component
23 directed toward school age youth not currently enrolled in school,
24 noncollege-bound youth, and at-risk youth. At the time a school-to-
25 work grant is made, the superintendent of public instruction shall
26 withhold twenty percent of the grant award and release the funds upon
27 a showing that the project has satisfactorily included drop-outs,
28 noncollege-bound youth, and at-risk youth.

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

34 **Sec. 307.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to
35 read as follows:

36 (1) The superintendent of public instruction shall report to the
37 education committees of the legislature and committees of the

1 legislature handling economic development and social welfare issues on
2 the progress of the schools for the school-to-work transitions program
3 by December 15 of each odd-numbered year.

4 (2) Each school district selected to participate in the ((~~academic~~
5 ~~and vocational integration development~~)) school-to-work transitions
6 program shall submit an annual report to the superintendent of public
7 instruction on the progress of the project as a condition of receipt of
8 continued funding.

9 NEW SECTION. Sec. 308. A new section is added to chapter 43.30
10 RCW to read as follows:

11 JOBS FOR THE ENVIRONMENT PROGRAMS. In any jobs for the environment
12 program designed to train and employ displaced natural resource workers
13 and operated by the department of natural resources, recipients of
14 temporary assistance for needy families from natural resource areas who
15 are engaged in work search activities are eligible for training and
16 employment on the same basis as displaced natural resource workers
17 within available funds.

18 NEW SECTION. Sec. 309. A new section is added to chapter 50.62
19 RCW to read as follows:

20 SELF-EMPLOYMENT ASSISTANCE. (1) The legislature finds that
21 individuals who exhaust their unemployment insurance benefits may
22 become dependent on state assistance programs. The federal government
23 has authorized states that pass enabling legislation to provide self-
24 employment assistance to those individuals profiled as likely to
25 exhaust their unemployment insurance benefits. The legislature further
26 finds that the establishment of a self-employment assistance program
27 for individuals who are likely to exhaust their unemployment insurance
28 benefits and have an interest in starting a business would create new
29 businesses and job opportunities in Washington state. The legislature
30 intends that every effort be made, within available funds, by the state
31 to support self-employment by individuals who are profiled as likely to
32 exhaust their unemployment insurance benefits.

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

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

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

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

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

11 (3) Individuals participating in a self-employment assistance
12 program approved by the commissioner are eligible to receive a self-
13 employment allowance in lieu of regular benefits, payable in the same
14 weekly benefit amount, at the same interval, on the same terms, and
15 subject to the same conditions as regular unemployment benefits, except
16 that:

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

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

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

25 (4) An individual who fails to participate in his or her approved
26 self-employment assistance program or who fails to actively engage on
27 a full-time basis in activities relating to establishing a business is
28 disqualified from self-employment allowances for the week the failure
29 occurs. An individual who is disqualified from self-employment
30 allowances due to a failure under this subsection may be eligible for
31 regular benefits for that week if the individual meets all eligibility
32 requirements for regular benefits.

33 (5) The commissioner shall take all steps necessary in carrying out
34 this section to assure collaborative involvement of interested parties
35 in program development and to ensure that the self-employment
36 assistance programs and self-employment allowances meet all federal
37 criteria for withdrawal from the unemployment fund. The commissioner
38 may approve, as self-employment assistance programs, existing self-
39 employment training programs available through community colleges,

1 private industry councils, or other organizations and is not obligated
2 by this section to expend any departmental funds for the operation of
3 self-employment assistance programs, unless specific funding is
4 provided to the department for that purpose through federal or state
5 appropriations. No payments to individuals may be made under this
6 section until such time as a plan for such payments is approved by the
7 Unites States department of labor.

8 (6) The commissioner may adopt rules as necessary to address the
9 relationship of this section to eligibility for conventional
10 unemployment insurance benefits, definitions, program eligibility,
11 program review, and compliance with applicable federal laws and
12 regulations.

13 (7) If any part of this section is found to be in conflict with
14 federal requirements that are a prescribed condition to the allocation
15 of federal funds to the state or the eligibility of employers in this
16 state for federal unemployment tax credits, the conflicting part of
17 this section is hereby declared to be inoperative solely to the extent
18 of the conflict, and such finding or determination shall not affect the
19 operation of the remainder of this section. The rules under this
20 section shall meet federal requirements that are a necessary condition
21 to the receipt of federal funds by the state or the granting of federal
22 unemployment tax credits to employers in this state.

23 **Sec. 310.** RCW 50.16.030 and 1983 1st ex.s. c 7 s 1 are each
24 amended to read as follows:

25 (1) Moneys shall be requisitioned from this state's account in the
26 unemployment trust fund solely for the payment of benefits, self-
27 employment allowances, and repayment of loans from the federal
28 government to guarantee solvency of the unemployment compensation fund
29 in accordance with regulations prescribed by the commissioner, except
30 that money credited to this state's account pursuant to section 903 of
31 the social security act, as amended, shall be used exclusively as
32 provided in RCW 50.16.030(5). The commissioner shall from time to time
33 requisition from the unemployment trust fund such amounts, not
34 exceeding the amounts standing to its account therein, as he deems
35 necessary for the payment of benefits for a reasonable future period.
36 Upon receipt thereof the treasurer shall deposit such moneys in the
37 benefit account and shall issue his warrants for the payment of
38 benefits solely from such benefits account.

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

9 (3) Any balance of moneys requisitioned from the unemployment trust
10 fund which remains unclaimed or unpaid in the benefit account after the
11 expiration of the period for which sums were requisitioned shall either
12 be deducted from estimates for, and may be utilized for the payment of,
13 benefits and self-employment allowances during succeeding periods, or
14 in the discretion of the commissioner, shall be redeposited with the
15 secretary of the treasury of the United States of America to the credit
16 of this state's account in the unemployment trust fund.

17 (4) Money credited to the account of this state in the unemployment
18 trust fund by the secretary of the treasury of the United States of
19 America pursuant to section 903 of the social security act, as amended,
20 may be requisitioned and used for the payment of expenses incurred for
21 the administration of this title pursuant to a specific appropriation
22 by the legislature, provided that the expenses are incurred and the
23 money is requisitioned after the enactment of an appropriation law
24 which:

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

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

30 (c) limits the amount which may be obligated during a twelve-month
31 period beginning on July 1st and ending on the next June 30th to an
32 amount which does not exceed the amount by which (i) the aggregate of
33 the amounts credited to the account of this state pursuant to section
34 903 of the social security act, as amended, during the same twelve-
35 month period and the thirty-four preceding twelve-month periods,
36 exceeds (ii) the aggregate of the amounts obligated pursuant to RCW
37 50.16.030 (4), (5) and (6) and charged against the amounts credited to
38 the account of this state during any of such thirty-five twelve-month
39 periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts

1 obligated during any such twelve-month period shall be charged against
2 equivalent amounts which were first credited and which are not already
3 so charged; except that no amount obligated for administration during
4 any such twelve-month period may be charged against any amount credited
5 during such a twelve-month period earlier than the thirty-fourth
6 twelve-month period preceding such period: PROVIDED, That any amount
7 credited to this state's account under section 903 of the social
8 security act, as amended, which has been appropriated for expenses of
9 administration, whether or not withdrawn from the trust fund shall be
10 excluded from the unemployment compensation fund balance for the
11 purpose of experience rating credit determination.

12 (5) Money credited to the account of this state pursuant to section
13 903 of the social security act, as amended, may not be withdrawn or
14 used except for the payment of benefits and self-employment allowances
15 and for the payment of expenses of administration and of public
16 employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

17 (6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and
18 (6) for the payment of expenses of administration shall be deposited in
19 the unemployment compensation fund, but until expended, shall remain a
20 part of the unemployment compensation fund. The commissioner shall
21 maintain a separate record of the deposit, obligation, expenditure and
22 return of funds so deposited. Any money so deposited which either will
23 not be obligated within the period specified by the appropriation law
24 or remains unobligated at the end of the period, and any money which
25 has been obligated within the period but will not be expended, shall be
26 returned promptly to the account of this state in the unemployment
27 trust fund.

28 NEW SECTION. **Sec. 311.** EMPLOYMENT INCENTIVES. In addition to
29 their monthly benefit payment, recipients of temporary assistance for
30 needy families benefits may earn and keep one hundred twenty dollars
31 and one-third of the remainder of their earnings during every month
32 they are eligible to receive assistance under this chapter. This
33 amount of earned income shall be disregarded in determining their
34 eligibility and benefit amount.

35 **Sec. 312.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
36 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

24 (ii) Meet one of the following conditions:

25 (A) Pregnant: PROVIDED, That need is based on the current income
26 and resource requirements of the federal ~~((aid to families with
27 dependent children))~~ temporary assistance for needy families program(~~(+
28 PROVIDED FURTHER, That during any period in which an aid for dependent
29 children employable program is not in operation, only those pregnant
30 women who are categorically eligible for medicaid are eligible for
31 general assistance))~~); or

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

36 (C) Persons who are unemployable due to alcohol or drug addiction
37 are not eligible for general assistance. Persons receiving general
38 assistance on July 26, 1987, or becoming eligible for such assistance
39 thereafter, due to an alcohol or drug-related incapacity, shall be

1 referred to appropriate assessment, treatment, shelter, or supplemental
2 security income referral services as authorized under chapter 74.50
3 RCW. Referrals shall be made at the time of application or at the time
4 of eligibility review. Alcoholic and drug addicted clients who are
5 receiving general assistance on July 26, 1987, may remain on general
6 assistance if they otherwise retain their eligibility until they are
7 assessed for services under chapter 74.50 RCW. Subsection
8 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
9 department from granting general assistance benefits to alcoholics and
10 drug addicts who are incapacitated due to other physical or mental
11 conditions that meet the eligibility criteria for the general
12 assistance program;

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

16 (iv) Have furnished the department their social security account
17 number. If the social security account number cannot be furnished
18 because it has not been issued or is not known, an application for a
19 number shall be made prior to authorization of assistance, and the
20 social security number shall be provided to the department upon
21 receipt.

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

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

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

37 (c) General assistance shall be provided only to persons who are
38 not members of assistance units receiving federal aid assistance,
39 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,

1 and will accept available services which can reasonably be expected to
2 enable the person to work or reduce the need for assistance unless
3 there is good cause to refuse. Failure to accept such services shall
4 result in termination until the person agrees to cooperate in accepting
5 such services and subject to the following maximum periods of
6 ineligibility after reapplication:

7 (i) First failure: One week;

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

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

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

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

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

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

1 families program who lose their eligibility solely because of the birth
2 and relinquishment of the qualifying child may receive general
3 assistance through the end of the month in which the period of six
4 weeks following the birth of the child falls.

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

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

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

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

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

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

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

4 (d) All other resources, including any excess of values exempted,
5 not to exceed one thousand dollars or other limit as set by the
6 department, to be consistent with limitations on resources and
7 exemptions necessary for federal aid assistance. The department shall
8 also allow recipients of temporary assistance for needy families to
9 exempt savings accounts with combined balances of up to an additional
10 three thousand dollars.

11 (e) Applicants for or recipients of general assistance shall have
12 their eligibility based on resource limitations consistent with the
13 (~~aid to families with dependent children~~) temporary assistance for
14 needy families program rules adopted by the department.

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

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

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

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

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

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

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

32 (12) "Need"«The difference between the applicant's or recipient's
33 standards of assistance for himself and the dependent members of his
34 family, as measured by the standards of the department, and value of
35 all nonexempt resources and nonexempt income received by or available
36 to the applicant or recipient and the dependent members of his family.

37 (13) "Nonexempt recipient"«For the purposes of this title,
38 nonexempt recipient shall mean all heads of household whose families
39 are eligible for and receiving benefits under the Washington temporary

1 assistance for needy families program, except those who have a child
2 under three months of age and except those cases which are only
3 children. The exemption for a child under three months of age applies
4 to any family only once during their entire five-year allowed stay on
5 assistance.

6 (14) For purposes of determining eligibility for public assistance
7 and participation levels in the cost of medical care, the department
8 shall exempt restitution payments made to people of Japanese and Aleut
9 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
10 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
11 including all income and resources derived therefrom.

12 ((+14)) (15) In the construction of words and phrases used in this
13 title, the singular number shall include the plural, the masculine
14 gender shall include both the feminine and neuter genders and the
15 present tense shall include the past and future tenses, unless the
16 context thereof shall clearly indicate to the contrary.

17 NEW SECTION. Sec. 313. NONCUSTODIAL PARENTS IN WORK PROGRAMS.
18 The department may provide Washington welfare-to-work activities or
19 make cross-referrals to existing programs to qualifying noncustodial
20 parents of children receiving temporary assistance for needy families
21 who are unable to meet their child support obligations. Services
22 authorized under this section shall be provided within available funds.

23 NEW SECTION. Sec. 314. DEFINITIONS. Unless the context clearly
24 requires otherwise, as used in this chapter, "work activity" means:

- 25 (1) Unsubsidized paid employment in the private or public sector;
- 26 (2) Subsidized paid employment in the private or public sector;
- 27 (3) Work experience, including work associated with the
28 refurbishing of publicly assisted housing, if sufficient paid
29 employment is not available;
- 30 (4) On-the-job training;
- 31 (5) Job search and job readiness assistance;
- 32 (6) Community service programs;
- 33 (7) Vocational educational training, not to exceed twelve months
34 with respect to any individual;
- 35 (8) Job skills training directly related to employment;
- 36 (9) Education directly related to employment, in the case of a
37 recipient who has not received a high school diploma or a GED;

1 (10) Satisfactory attendance at secondary school or in a course of
2 study leading to a GED, in the case of a recipient who has not
3 completed secondary school or received such a certificate;

4 (11) The provision of child care services to an individual who is
5 participating in a community service program; and

6 (12)(a) Work activity defined in subsections (1), (2), (3), (4),
7 and (6) of this section shall not be created as the result of, nor
8 result in, any of the following:

9 (i) Displacement of current employees, including overtime currently
10 worked by these employees;

11 (ii) Filling of positions that would otherwise be promotional
12 opportunities for current employees;

13 (iii) Filling of a position before compliance with applicable
14 personnel procedures or provisions of collective bargaining agreements;

15 (iv) Filling of a position created by termination, layoff, or
16 reduction in work force;

17 (v) Filling of work assignment customarily performed by a worker in
18 a job classification within a recognized collective bargaining unit, or
19 the filling of a work assignment in any bargaining unit in which funded
20 positions are vacant or in which regular employees are on layoff;

21 (vi) A strike, lockout, or other bona fide labor dispute, or
22 violation of any existing collective bargaining agreement between
23 employees and employers.

24 (b) Wages for such activity shall be paid at the usual and
25 customary rate for comparable jobs and may include a training wage if
26 permitted by applicable state or federal statutes and regulations.
27 However, in no event should wages paid be less than the higher of the
28 federal minimum wage or applicable state or local minimum wage law.

29 (c) An employer, before becoming eligible to provide a work
30 activity position under this section, shall certify to the department
31 that the work activity complies with the following conditions:

32 (i) The conditions of work are reasonable and not in violation of
33 applicable federal, state, or local safety and health standards,
34 including chapter 49.17 RCW;

35 (ii) The employer shall provide industrial insurance as required by
36 Title 51 RCW;

37 (iii) The employer shall provide unemployment compensation coverage
38 as required by Title 50 RCW;

1 (iv) The employment is not related to political or partisan
2 activities; and

3 (v) Participants shall be provided benefits equal to those provided
4 to other employees including social security coverage, sick leave, the
5 opportunity to join a collective bargaining unit, medical benefits, and
6 wages as required by RCW 49.46.130.

7 NEW SECTION. **Sec. 315.** JOB SEARCH OR WORK ACTIVITY. (1) There is
8 established in the department the Washington welfare-to-work program.
9 The department shall administer the program consistent with the
10 temporary assistance for needy families provisions of P.L. 104-193. In
11 operating the welfare-to-work program the department shall meet the
12 minimum work participation rates specified in federal law, and shall
13 require recipients of assistance to engage in job search and work
14 activities as an ongoing condition of eligibility.

15 (2) The Washington welfare-to-work program shall include a job
16 search component which each nonexempt recipient of temporary assistance
17 for needy families shall participate in. The job search component may
18 not last more than six weeks for each recipient. Each recipient shall
19 be required to attend job search component activities at least thirty-
20 six hours per week. Failure to participate in the job search component
21 shall result in sanctions under section 104 of this act. The job
22 search component shall serve as the assessment tool to determine a
23 recipient's employability. If a recipient fails to find paid
24 employment during the job search component, the department may refer
25 the recipient to those work activities that are directly related to
26 improving the recipient's employability.

27 (3) As used in this section, "job search component" means an
28 activity in which nonexempt recipients engage each weekday upon
29 entering the Washington welfare-to-work program. The component shall
30 provide at least three hours per weekday of classroom instruction on
31 how to secure a job and at least three hours per weekday of individual
32 job search activities.

33 NEW SECTION. **Sec. 316.** VOUCHERS--PLACEMENT BONUSES. (1) The
34 department shall, unless specifically prohibited by federal law,
35 provide vouchers to temporary assistance for needy families recipients
36 for all employment, training, education, and related services required
37 by such recipients to secure gainful employment. Upon providing

1 recipients with vouchers, the department shall also provide sufficient
2 information about the providers of available services so that
3 recipients can make informed choices.

4 (2) In the case of service providers that are not public agencies,
5 initial placement bonuses of no greater than five hundred dollars shall
6 be provided by the department for service entities responsible for
7 placing recipients in an unsubsidized job for a minimum of twelve
8 weeks, and the following additional bonuses shall also be provided:

9 (a) A percent of the initial bonus if the job pays double the
10 minimum wage;

11 (b) A percent of the initial bonus if the job provides health care;

12 (c) A percent of the initial bonus if the job includes employer-
13 provided child care needed by the recipient; and

14 (d) A percent of the initial bonus if the recipient is continuously
15 employed for two years.

16 (3) A voucher received by the department for reimbursement from a
17 public school district, community and technical college, public
18 employment service, or any service provider currently licensed by the
19 higher education coordinating board or the work force training and
20 education coordinating board shall be honored; provided that the entity
21 seeking reimbursement has cooperated with the department in providing
22 consumer information pursuant to subsection (1) of this section. Other
23 service providers must be certified by the work force training and
24 education coordinating board before their vouchers will be honored.
25 Such certification shall be consistent with criteria the board
26 establishes through consultation with the department.

27 **Sec. 317.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
28 to read as follows:

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

1 (2) Nothing in this chapter shall be construed to prohibit the
2 department of social and health services from carrying out the
3 provisions of section 316 of this act.

4 (3) The department of social and health services shall operate the
5 Washington welfare-to-work program authorized under sections 301, 302,
6 304, 305, 311, 313 through 316, 323, and 324 of this act and chapter
7 74.12 RCW within the following constraints:

8 (a) The full amount of the temporary assistance for needy families
9 block grant shall be appropriated to the department each year in the
10 biennial appropriations act to carry out the provisions of the program
11 authorized in sections 301, 302, 304, 305, 311, 313 through 316, 323,
12 and 324 of this act and chapter 74.12 RCW.

13 (b) Ninety percent of the qualified state expenditures under the
14 temporary assistance for needy families program as defined in P.L. 104-
15 193 Sec. 409(a)(7)(B) shall be appropriated to the department each year
16 in the biennial appropriations act to carry out the provisions of the
17 program authorized in sections 301, 302, 304, 305, 311, 313 through
18 316, 323, and 324 of this act and chapter 74.12 RCW.

19 (c) The department may expend funds defined in (a) and (b) of this
20 subsection in any manner that will effectively accomplish the outcome
21 measures defined in section 702 of this act. No more than fifteen
22 percent of the amount provided in (a) and (b) of this subsection may be
23 spent for administrative purposes. For the purpose of this subsection,
24 "administrative purposes" does not include expenditures for information
25 technology and computerization needed for tracking and monitoring
26 required by P.L. 104-193. The department shall not increase grant
27 levels to recipients of the program authorized in sections 301, 302,
28 304, 305, 311, 313 through 316, 323, and 324 of this act and chapter
29 74.12 RCW.

30 (d) The department shall implement strategies that accomplish the
31 outcome measures identified in section 702 of this act that are within
32 the funding constraints in this section. Specifically, the department
33 shall implement strategies that will cause the number of cases in the
34 program authorized in sections 301, 302, 304, 305, 311, 313 through
35 316, 323, and 324 of this act and chapter 74.12 RCW to decrease by at
36 least fifteen percent during the 1997-99 biennium and by at least five
37 percent in the subsequent biennium. The department may transfer
38 appropriation authority between funding categories within the economic

1 services program in order to carry out the requirements of this
2 subsection.

3 (e) The department shall monitor expenditures against the
4 appropriation levels provided for in (a) and (b) of this subsection.
5 The department shall quarterly make a determination as to whether
6 expenditure levels will exceed available funding. If the determination
7 indicates that expenditures will exceed funding at the end of the
8 fiscal year, the department shall take the following action as
9 appropriate:

10 (i) If expenditures will exceed funding provided in (a) and (b) of
11 this subsection by less than ten percent of available funding, the
12 department shall identify and implement changes in process and
13 administration or through streamlining that will cause expenditures to
14 equal or be less than available funding provided in (a) and (b) of this
15 subsection, except that the department may not make changes in the
16 child care services authorized in section 402 of this act;

17 (ii) If expenditures will exceed funding provided in (a) and (b) of
18 this subsection by equal to or more than ten percent of available
19 funding, the department shall reduce recipient grants in the program
20 authorized in sections 301, 302, 304, 305, 311, 313 through 316, 323,
21 and 324 of this act and chapter 74.12 RCW by an amount sufficient to
22 cause expenditures to equal or be less than funding provided in (a) and
23 (b) of this subsection.

24 (4)(a) The department of social and health services shall establish
25 a food assistance program for persons whose immigrant status meets the
26 eligibility requirements of the federal food stamp program as of August
27 21, 1996, but who are no longer eligible solely due to their immigrant
28 status under P.L. 104-193.

29 (b) The rules for the state food assistance program shall follow
30 exactly the rules of the federal food stamp program as they existed on
31 the effective date of this section except for the provisions pertaining
32 to immigrant status under P.L. 104-193.

33 (c) The benefit under the state food assistance program shall be
34 the same as the benefit amount under the federal food stamp program had
35 the person met the eligibility requirements pertaining to immigrant
36 status of P.L. 104-193.

37 (d) The department may enter into a contract with the United States
38 department of agriculture to use the existing federal food stamp

1 program coupon system for the purposes of administering the state food
2 assistance program.

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

7 NEW SECTION. Sec. 318. The following acts or parts of acts are
8 each repealed:

9 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;

10 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126
11 s 6;

12 (3) RCW 74.25.030 and 1991 c 126 s 7;

13 (4) RCW 74.25.040 and 1994 c 299 s 8;

14 (5) RCW 74.25.900 and 1991 c 126 s 8; and

15 (6) RCW 74.25.901 and 1991 c 126 s 9.

16 NEW SECTION. Sec. 319. A new section is added to chapter 43.330
17 RCW to read as follows:

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

32 (2) The department shall, as part of its industrial recruitment
33 efforts, work with the work force training and education coordinating
34 board to identify the skill sets needed by companies locating in the
35 state. The department shall provide the department of social and
36 health services with the information about the companies' needs in
37 order that recipients of public assistance and service providers

1 assisting such recipients through training and placement programs may
2 be informed and respond accordingly. The department shall work with
3 the state board for community and technical colleges, the job skills
4 program, the employment security department, and other employment and
5 training programs to facilitate the inclusion of recipients of
6 temporary assistance for needy families in relevant training that would
7 make them good employees for recruited firms.

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

10 NEW SECTION. **Sec. 320.** A new section is added to chapter 50.08
11 RCW to read as follows:

12 **ENTREPRENEURIAL ASSISTANCE--EMPLOYMENT SECURITY DEPARTMENT.** The
13 employment security department shall work with the department of social
14 and health services to integrate the employment security department's
15 entrepreneurial training and assistance programs with employment and
16 training programs targeted to recipients of temporary assistance for
17 needy families.

18 NEW SECTION. **Sec. 321.** A new section is added to chapter 28B.50
19 RCW to read as follows:

20 **INDUSTRY SKILL STANDARDS.** The state board for community and
21 technical colleges shall develop industry skill standards for
22 industrial sectors in conjunction with small and large businesses,
23 employees, the department of community, trade, and economic
24 development, and the work force training and education coordinating
25 board. The college board shall inform the department of social and
26 health services of the industry skill standards and any accompanying
27 curriculum developed to meet these standards so that trainers of
28 recipients of temporary assistance for needy families may offer
29 training and use curriculum consistent with the skill standards.

30 NEW SECTION. **Sec. 322.** A new section is added to chapter 28C.18
31 RCW to read as follows:

32 **WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD.** The board
33 shall:

34 (1) Work with industry associations that represent industries with
35 the most potential for growth to identify the skill sets needed by
36 large and small businesses within the industries;

1 (2) Require as part of its comprehensive plan that school-to-work
2 transition efforts and community and technical colleges are offering
3 training that meet the industries' skill set needs, and work with the
4 department of social and health services to ensure that temporary
5 assistance for needy families recipients are focusing their training
6 and job search efforts on those industries with the best potential for
7 job growth; and

8 (3) Within available funds, work with representatives of small and
9 large businesses, employees, the state board for community and
10 technical colleges, the office of the superintendent of public
11 instruction, the employment security department, private technical
12 schools or colleges, other training providers, and the department of
13 social and health services to identify the skills that are required for
14 entry-level employment in the workplace and are linked to occupational
15 skill levels.

16 (4) Perform the duties under this section within available funds.

17 NEW SECTION. **Sec. 323.** JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND
18 HEALTH SERVICES. The department shall:

19 (1) Notify recipients of temporary assistance for needy families
20 that self-employment is one method of leaving state assistance. The
21 department shall provide its regional offices, recipients of temporary
22 assistance for needy families, and any contractors providing job
23 search, training, or placement services notification of programs
24 available in the state for entrepreneurial training, technical
25 assistance, and loans available for start-up businesses;

26 (2) Provide recipients of temporary assistance for needy families
27 and service providers assisting such recipients through training and
28 placement programs with information it receives about the skills and
29 training required by firms locating in the state;

30 (3) Provide industry skill standards and accompanying curriculum
31 developed by the state board for community and technical colleges to
32 service providers offering training to recipients of temporary
33 assistance for needy families;

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

1 NEW SECTION. **Sec. 324.** WAGE SUBSIDY PROGRAM. The department may
2 establish a wage subsidy program for recipients of temporary assistance
3 for needy families who have received such assistance or other public
4 assistance for two years and have not found paid employment. The
5 department shall give preference in job placements to private sector
6 employers that have agreed to participate in the wage subsidy program.
7 The department shall adopt rules establishing the criteria for employer
8 participation, and the participation of recipients of temporary
9 assistance for needy families, in the wage subsidy program. The
10 department shall ensure that the prohibitions of P.L. 104-193 against
11 displacement of employees are complied with and enforced. The
12 department shall establish such local and state-wide advisory boards,
13 including business and labor representatives, as it deems appropriate
14 to assist in the implementation of the wage subsidy program.

15

IV. CHILD CARE

16 NEW SECTION. **Sec. 401.** The legislature finds that informed choice
17 is consistent with individual responsibility and that recipients of
18 public assistance should be able to choose job training, education, job
19 placement, and employment support service providers and that parents
20 should be given a range of options for available child care while
21 participating in the program.

22 NEW SECTION. **Sec. 402.** CHILD CARE. (1) Within funding provided
23 in the biennial appropriations act, the department shall administer a
24 child care program which may serve families with incomes up to one
25 hundred seventy-five percent of the federal poverty level. The child
26 care program shall be administered by the economic services
27 administration according to policies set by the children's services
28 administration.

29 (2) All families participating in the child care program shall have
30 equal access to the child care of their choice. However, the child
31 care providers must comply with applicable licensing rules set by the
32 children's services administration if they are required by law to
33 comply with those rules.

34 (3) The payment structure of the child care program for low-income
35 families may be as follows: The family's child care copay shall be at
36 least twenty dollars per month or, if greater than the minimum

1 copayment, forty percent of the family's gross income in excess of one
2 hundred twenty-five percent of federal poverty level adjusted for
3 family size. Child care shall be provided on this sliding scale but
4 may not be provided for any family whose income equals or exceeds one
5 hundred seventy-five percent of the federal poverty level adjusted for
6 family size on an annual income basis.

7 (4) The department shall pay child care subsidies using a voucher
8 child care system created in this section. The system shall be
9 designed and implemented during the 1998 fiscal year and shall be
10 operative by July 1, 1998.

11 (5) Nothing in this section shall be construed to provide a legal
12 entitlement to child care services authorized under this section. The
13 department shall not create waiting lists for services authorized in
14 this section.

15 V. TEEN PARENTS

16 A. PERMISSIBLE LIVING SITUATIONS

17 **Sec. 501.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to
18 read as follows:

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

35 (2) ~~((An applicant under eighteen years of age who is either~~
36 ~~pregnant or has a dependent child and is not living in a situation~~
37 ~~described in subsection (1) of this section shall be))~~ A minor parent

1 or pregnant minor residing in the most appropriate living situation, as
2 provided under subsection (1) of this section, is presumed to be unable
3 to manage adequately the funds paid to the minor or on behalf of the
4 dependent child or children and, unless the ((teenage custodial parent
5 demonstrates otherwise)) minor provides sufficient evidence to rebut
6 the presumption, shall be subject to the protective payee requirements
7 provided for under RCW 74.12.250 and 74.08.280.

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

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

27 (4) In cases in which the ((head of household is under eighteen
28 years of age,)) minor is unmarried((,)) and unemployed, ((and requests
29 information on adoption,)) the department shall, as part of the
30 determination of the appropriate living situation, make an affirmative
31 effort to provide current and positive information about adoption
32 including referral to community-based organizations for counseling and
33 provide information about the manner in which adoption works, its
34 benefits for unmarried, unemployed minor parents and their children,
35 and the meaning and availability of open adoption.

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

1 (1) The department shall determine, after consideration of all
2 relevant factors and in consultation with the applicant, the most
3 appropriate living situation for applicants under eighteen years of
4 age, unmarried, and pregnant who are eligible for general assistance as
5 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living
6 situation ~~((s))~~ shall include a place of residence that is maintained by
7 the applicant's parents, parent, legal guardian, or other adult
8 relative as their or his or her own home ~~((, or other))~~ and that the
9 department finds would provide an appropriate supportive living
10 arrangement ~~((supervised by an adult where feasible and consistent with~~
11 ~~federal regulations under 45 C.F.R. chapter II, section 233.107))~~. It
12 also includes a living situation maintained by an agency that is
13 licensed under chapter 74.15 RCW that the department finds would
14 provide an appropriate supportive living arrangement. Grant assistance
15 shall not be provided under this chapter if the applicant does not
16 reside in the most appropriate living situation, as determined by the
17 department.

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

28 (3) The department shall consider any statements or opinions by
29 either parent of the ~~((teen recipient))~~ unmarried minor as to an
30 appropriate living situation for the ~~((teen))~~ minor, whether in the
31 parental home or other situation. If the parents or a parent of the
32 ~~((teen head of household applicant for assistance))~~ minor request, they
33 or he or she shall be entitled to a hearing in juvenile court regarding
34 ~~((the fitness and suitability of their home as the top priority~~
35 ~~choice))~~ designation of the parental home or other relative placement
36 as the most appropriate living situation for the pregnant or parenting
37 ~~((teen applicant for assistance))~~ minor.

38 The department shall provide the parents ~~((shall have))~~ or parent
39 with the opportunity to make a showing ~~((, based on the preponderance of~~

1 ~~the evidence,~~) that the parental home, or home of the other relative
2 placement, is the most appropriate living situation. It shall be
3 presumed in any administrative or judicial proceeding conducted under
4 this subsection that the parental home or other relative placement
5 requested by the parents or parent is the most appropriate living
6 situation. This presumption is rebuttable.

7 (4) In cases in which the (~~head of household is under eighteen~~
8 ~~years of age,~~) minor is unmarried(~~(,)~~) and unemployed, (~~and requests~~
9 ~~information on adoption,~~) the department shall, as part of the
10 determination of the appropriate living situation, provide information
11 about adoption including referral to community-based organizations
12 (~~for~~) providing counseling.

13 NEW SECTION. Sec. 503. TEEN PARENT REQUIREMENTS. All applicants
14 under the age of eighteen years who are approved for assistance and,
15 within one hundred eighty days after the date of federal certification
16 of the Washington temporary assistance for needy families program, all
17 recipients who are under the age of eighteen and are unmarried shall,
18 as a condition of receiving benefits, actively progress toward the
19 completion of a high school diploma or a GED.

20 **B. GRANDPARENT LIABILITY**

21 **Sec. 504.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each
22 amended to read as follows:

23 The expenses of the family and the education of the children,
24 including stepchildren and any child of whom their minor child is a
25 biological parent, are chargeable upon the property of both husband and
26 wife, or either of them, and they may be sued jointly or separately.
27 When a petition for dissolution of marriage or a petition for legal
28 separation is filed, the court may, upon motion of the stepparent,
29 terminate the obligation to support the stepchildren or children of the
30 stepchildren. The obligation to support stepchildren and children of
31 stepchildren shall cease upon the entry of a decree of dissolution,
32 decree of legal separation, or death. The obligation of a husband and
33 wife to support a child of their minor child terminates when their
34 minor child reaches eighteen years of age. However, a stepparent's
35 support obligation may be terminated earlier as provided in this
36 section.

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 in Washington state without increasing the abortion rate.

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 welfare-to-work 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. The welfare-to-work
4 program shall have the following as outcome measures:

5 (1) Caseload reduction;

6 (2) Recidivism to caseload after two years;

7 (3) Job retention;

8 (4) Earnings;

9 (5) Reduction in average grant through increased recipient
10 earnings; and

11 (6) Placement of recipients into private sector, unsubsidized jobs.

12 NEW SECTION. **Sec. 703.** EVALUATION. Every welfare-to-work office,
13 region, contract, employee, and contractor shall be evaluated using the
14 criteria in section 702 of this act. The department shall award
15 contracts to the highest performing entities according to the criteria
16 in section 702 of this act. The department may provide for bonuses to
17 offices, regions, and employees with the best outcomes according to
18 measures in section 702 of this act.

19 NEW SECTION. **Sec. 704.** OUTCOME MEASURES--REPORT. The department
20 shall provide a report to the appropriate committees of the legislature
21 on achievement of the outcome measures by region and contract on an
22 annual basis, no later than January 15th of each year, beginning in
23 1999. The report shall include how the department is using the outcome
24 measure information obtained under section 702 of this act to manage
25 the welfare-to-work program.

26 NEW SECTION. **Sec. 705.** OUTCOME AND PERFORMANCE MEASURE STUDY.
27 (1) The joint legislative audit and review committee shall conduct an
28 ongoing, contemporaneous evaluation of the effectiveness of the
29 welfare-to-work programs described in chapter . . . , Laws of 1997 (this
30 act), commencing on the effective date of this section, and including
31 an evaluation of the effectiveness of the approved temporary assistance
32 for needy families work activities, and any approved private, county,
33 local, or state government welfare-to-work program. The evaluation
34 shall assess the success of the programs in assisting clients to become
35 employed, to maintain longevity in private employment, and to reduce

1 reliance upon temporary assistance for needy families. The study shall
2 include without limitation the following elements:

3 (a) An assessment of employment outcomes, including hourly wage
4 rates, hours worked, employment longevity, and total earnings for
5 clients;

6 (b) A comparison of temporary assistance for needy families
7 dynamics, including grant amounts and program entries and exits for
8 clients;

9 (c) A cost-benefit analysis of the use of public and private
10 contractors;

11 (d) An audit of the performance-based contract for each private and
12 public contractor for temporary assistance for needy families approved
13 work activity; and

14 (e) Data regarding the twenty-four-month public assistance
15 recidivism rate for those who had obtained or been placed in private,
16 unsubsidized employment.

17 (2) Administrative data shall be provided by the department, the
18 employment security department, the state board for community and
19 technical colleges, local governments, and private contractors. The
20 department shall require contractors to provide administrative and
21 outcome data needed for this study as a condition of contract
22 compliance.

23 (3) Additional data may be collected directly from clients if
24 unavailable from administrative records.

25 (4) The joint legislative audit and review committee shall present
26 an evaluation plan to the legislature. The plan shall be designed to
27 maximize federal funding for evaluation of temporary assistance for
28 needy families programs.

29 (5) The joint legislative audit and review committee shall submit
30 annual reports to the legislature, beginning in December 1997, with a
31 final report due in December 2001.

32 NEW SECTION. **Sec. 706.** EXEMPTION CHARACTERISTICS STUDY. (1) The
33 legislature recognizes that not all adult recipients of temporary
34 assistance for needy families can realistically be expected to attain
35 self-sufficiency within the five-year lifetime benefit limit. Although
36 the market for paid employment is the ultimate determiner of
37 employability and no one should be prejudged as unemployable, the
38 legislature finds that there will be some recipients with severe or

1 multiple barriers to employment, for whom the five-year time limit is
2 unrealistic. It is the intent of the legislature to study carefully
3 the characteristics of adult recipients of temporary assistance for
4 needy families in order to determine the profile of those recipients
5 for whom a bona fide short or long-term exemption to time limits should
6 apply, in light of the federal limitation on allowable exemptions.

7 (2) The institute for public policy shall conduct a study,
8 commencing on the effective date of this section, to determine the
9 extent and the nature of disabilities and barriers to independence
10 based upon personal characteristics existing in the adult temporary
11 assistance for needy families caseload. The study shall address,
12 without limitation, the following elements of assessment:

13 (a) An assessment of the extent to which adult recipients may be
14 affected by a learning disability that prevents high school or GED
15 completion or impairs employability. For the purposes of this study,
16 "learning disabilities" means a disorder in one or more of the basic
17 psychological processes involved in understanding or using spoken or
18 written language that prevents the person from achieving commensurate
19 with his or her age and ability levels in one or more of the areas
20 listed in this subsection, if provided with appropriate learning or
21 training experiences. Such disorders may include problems in visual or
22 auditory perception and integration and may be manifest in an impaired
23 ability to listen, think, speak, or communicate clearly, read with
24 comprehension, write legibly and with meaning, spell, and perform
25 mathematical calculations accurately, including those involving
26 reading. The presence of a specific learning disability is indicated
27 by intellectual function above that specified by the Washington
28 Administrative Code for special education for eligibility as mentally
29 retarded, and by a severe discrepancy between the person's intellectual
30 ability and academic or career achievement in one or more of the
31 following areas:

- 32 (i) Oral expression;
- 33 (ii) Listening comprehension;
- 34 (iii) Written expression;
- 35 (iv) Basic reading skills;
- 36 (v) Reading comprehension;
- 37 (vi) Mathematics calculations;
- 38 (vii) Mathematics reasoning; and
- 39 (viii) Cause and effect reasoning.

1 Such performance deficit cannot be explained by visual, hearing, or
2 motor disabilities, mental retardation, behavioral disability or
3 environmental, cultural, or economic disadvantage. A specific learning
4 disability includes conditions described as perceptual disabilities,
5 brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and
6 developmental aphasia;

7 (b) An assessment of the extent to which adult recipients are, or
8 have recently been, victims of domestic violence;

9 (c) An assessment of the physical disabilities, including chronic
10 health conditions, evident in the population of adult recipients;

11 (d) An assessment of the mental disabilities, including subnormal
12 intelligence as measured by standard clinical tests, evident in the
13 population of adult recipients;

14 (e) An assessment of the extent to which adult recipients have been
15 defendants in civil and criminal legal actions;

16 (f) An assessment of the extent to which adult recipients exhibit
17 interaction among multiple impairments; and

18 (g) An assessment of the extent of alcohol and substance abuse
19 experienced by adult recipients.

20 (3) Administrative data shall be provided by the department, the
21 department of health, the employment security department, the state
22 board for community and technical colleges, local government providers,
23 and private contractors. The department shall require contractors to
24 provide administrative and outcome data needed for the study in this
25 section as a condition of contract. Confidentiality of individual
26 recipients' identities must be maintained.

27 (4) Additional data may be collected directly from recipients, if
28 unavailable from administrative records.

29 (5) The institute for public policy shall submit periodic reports
30 of its findings to the legislature, beginning in December 1997, with a
31 final report due in December 2000. It is the intent of the legislature
32 that the final report include a complete evaluation of the
33 characteristics of adult recipients, including an objective estimate of
34 the prevalence of serious disability that may prevent full employment,
35 as well as recommendations regarding a method of establishing proof of
36 individual disability that may qualify a recipient for a short or long-
37 term exemption to time limits.

1 NEW SECTION. **Sec. 707.** PATERNITY ESTABLISHMENT. In order to be
2 eligible for temporary assistance for needy families, applicants shall,
3 at the time of application for assistance, provide the names of both
4 parents of their child or children, whether born or unborn, unless the
5 applicant meets good cause criteria for refusing such identification.

6 NEW SECTION. **Sec. 708.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38
7 & 1981 2nd ex.s. c 10 s 4 are each repealed.

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

9 **A. LICENSE SUSPENSION**

10 NEW SECTION. **Sec. 801.** It is the intent of the legislature to
11 provide a strong incentive for persons owing child support to make
12 timely payments, and to cooperate with the department of social and
13 health services to establish an appropriate schedule for the payment of
14 any arrears. To further ensure that child support obligations are met,
15 sections 801 through 898 of this act establish a program by which
16 certain licenses may be suspended or not renewed if a person is one
17 hundred eighty days or more in arrears on child support payments.

18 In the implementation and management of this program, it is the
19 legislature's intent that the objective of the department of social and
20 health services be to obtain payment in full of arrears, or where that
21 is not possible, to enter into agreements with delinquent obligors to
22 make timely support payments and make reasonable payments towards the
23 arrears. The legislature intends that if the obligor refuses to
24 cooperate in establishing a fair and reasonable payment schedule for
25 arrears or refuses to make timely support payments, the department
26 shall proceed with certification to a licensing entity or the
27 department of licensing that the person is not in compliance with a
28 child support order.

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

31 (1) The department may serve upon a responsible parent a notice
32 informing the responsible parent of the department's intent to submit
33 the parent's name to the department of licensing and any appropriate
34 licensing entity as a licensee who is not in compliance with a child
35 support order. The department shall attach a copy of the responsible

1 parent's child support order to the notice. Service of the notice must
2 be by certified mail, return receipt requested. If service by
3 certified mail is not successful, service shall be by personal service.

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

7 (a) The parent may request an adjudicative proceeding to contest
8 the issue of compliance. The only issues that may be considered at the
9 adjudicative proceeding are whether the parent is required to pay child
10 support under a child support order and whether the parent is in
11 compliance with that order;

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

15 (c) If the parent requests an adjudicative proceeding within twenty
16 days of service, the department will stay action to certify the parent
17 to the department of licensing and any licensing entity for
18 noncompliance with a child support order pending entry of a written
19 decision after the adjudicative proceeding;

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

25 (e) The department will stay action to certify the parent to the
26 department of licensing and any licensing entity for noncompliance if
27 the parent agrees to make timely payments of current support and agrees
28 to a reasonable payment schedule for payment of the arrears. It is the
29 parent's responsibility to contact in person or by mail the
30 department's division of child support office indicated on the notice
31 within twenty days of service of the notice to arrange for a payment
32 schedule. The department may stay certification for up to thirty days
33 after contact from a parent to arrange for a payment schedule;

34 (f) If the department certifies the responsible parent to the
35 department of licensing and a licensing entity for noncompliance with
36 a child support order, the licensing entity will suspend or not renew
37 the parent's license and the department of licensing will suspend or
38 not renew any driver's license that the parent holds until the parent
39 provides the department of licensing and the licensing entity with a

1 release from the department stating that the responsible parent is in
2 compliance with the child support order;

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

6 (h) If after receiving the notice of noncompliance with a child
7 support order, the responsible parent files a motion to modify support
8 with the court or requests the department to amend a support obligation
9 established by an administrative decision, the department or the court
10 may stay action to certify the parent to the department of licensing
11 and any licensing entity for noncompliance with a child support order.
12 The responsible parent has the obligation to notify the department that
13 a modification proceeding is pending and provide a copy of the motion
14 or request for modification; and

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

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

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

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

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

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

38 (5) If a responsible parent contacts the department's division of
39 child support office indicated on the notice of noncompliance within

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

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

18 (7) The department may certify to the department of licensing and
19 any appropriate licensing entity the name of a responsible parent who
20 is not in compliance with a child support order if:

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

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

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

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

32 (e) The responsible parent fails to comply with a payment schedule
33 established pursuant to subsection (5) of this section.

34 The department shall send by regular mail a copy of any
35 certification of noncompliance filed with the department of licensing
36 or a licensing entity to the responsible parent at the responsible
37 parent's most recent address of record.

38 (8) The department of licensing and a licensing entity shall,
39 without undue delay, notify a responsible parent certified by the

1 department under subsection (7) of this section that the parent's
2 driver's license or other license has been suspended because the
3 parent's name has been certified by the department as a responsible
4 parent who is not in compliance with a child support order.

5 (9) When a responsible parent who is served notice under subsection
6 (1) of this section subsequently complies with the child support order,
7 the department shall promptly provide the parent with a release stating
8 that the responsible parent is in compliance with the order. A copy of
9 the release shall be transmitted by the department to the appropriate
10 licensing entities.

11 (10) The department may adopt rules to implement and enforce the
12 requirements of this section.

13 (11) Nothing in this section prohibits a responsible parent from
14 filing a motion to modify support with the court or from requesting the
15 department to amend a support obligation established by an
16 administrative decision. If there is a reasonable likelihood that the
17 motion or request will significantly change the amount of the child
18 support obligation, the department or the court may stay action to
19 certify the responsible parent to the department of licensing and any
20 licensing entity for noncompliance with a child support order. The
21 responsible parent has the obligation to notify the department that a
22 modification proceeding is pending and provide a copy of the motion or
23 request for modification.

24 (12) The department of licensing and a licensing entity may issue,
25 renew, reinstate, or otherwise extend a license in accordance with the
26 licensing entity's or the department of licensing's rules after the
27 licensing entity or the department of licensing receives a copy of the
28 release specified in subsection (9) of this section. The department of
29 licensing and a licensing entity may waive any applicable requirement
30 for reissuance, renewal, or other extension if it determines that the
31 imposition of that requirement places an undue burden on the person and
32 that waiver of the requirement is consistent with the public interest.

33 (13) The procedures in chapter . . . , Laws of 1997 (this act),
34 constitute the exclusive administrative remedy for contesting the
35 establishment of noncompliance with a child support order and
36 suspension of a license under this section, and satisfy the
37 requirements of RCW 34.05.422.

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

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

7 (2) The department and all licensing entities subject to section
8 802 of this act shall compare data to identify responsible parents who
9 may be subject to the provisions of chapter . . . , Laws of 1997 (this
10 act). The comparison may be conducted electronically, or by any other
11 means that is jointly agreeable between the department and the
12 particular licensing entity. The data shared shall be limited to those
13 items necessary to implementation of chapter . . . , Laws of 1997 (this
14 act). The purpose of the comparison shall be to identify current
15 licensees who are not in compliance with a child support order, and to
16 provide to the department the following information regarding those
17 licensees:

- 18 (a) Name;
- 19 (b) Date of birth;
- 20 (c) Address of record;
- 21 (d) Federal employer identification number and social security
22 number;
- 23 (e) Type of license;
- 24 (f) Effective date of license or renewal;
- 25 (g) Expiration date of license; and
- 26 (h) Active or inactive status.

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

29 In furtherance of the public policy of increasing collection of
30 child support and to assist in evaluation of the program established in
31 section 802 of this act, the department shall report the following to
32 the legislature and the governor on December 1, 1998, and annually
33 thereafter:

34 (1) The number of responsible parents identified as licensees
35 subject to section 802 of this act;

36 (2) The number of responsible parents identified by the department
37 as not in compliance with a child support order;

1 (3) The number of notices of noncompliance served upon responsible
2 parents by the department;

3 (4) The number of responsible parents served a notice of
4 noncompliance who request an adjudicative proceeding;

5 (5) The number of adjudicative proceedings held, and the results of
6 the adjudicative proceedings;

7 (6) The number of responsible parents certified to the department
8 of licensing or licensing entities for noncompliance with a child
9 support order, and the number of each type of licenses that were
10 suspended;

11 (7) The costs incurred in the implementation and enforcement of
12 section 802 of this act and an estimate of the amount of child support
13 collected due to the department under section 802 of this act;

14 (8) Any other information regarding this program that the
15 department feels will assist in evaluation of the program;

16 (9) Recommendations for the addition of specific licenses in the
17 program or exclusion of specific licenses from the program, and reasons
18 for such recommendations; and

19 (10) Any recommendations for statutory changes necessary for the
20 cost-effective management of the program.

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

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

26 (1) "Department" means the state department of social and health
27 services.

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

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

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

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

36 (4) "Support obligation" means the obligation to provide for the
37 necessary care, support, and maintenance, including medical expenses,

1 of a dependent child or other person as required by statutes and the
2 common law of this or another state.

3 (5) "Superior court order" means any judgment, decree, or order of
4 the superior court of the state of Washington, or a court of comparable
5 jurisdiction of another state, establishing the existence of a support
6 obligation and ordering payment of a set or determinable amount of
7 support moneys to satisfy the support obligation. For purposes of RCW
8 74.20A.055, orders for support which were entered under the uniform
9 reciprocal enforcement of support act by a state where the responsible
10 parent no longer resides shall not preclude the department from
11 establishing an amount to be paid as current and future support.

12 (6) "Administrative order" means any determination, finding,
13 decree, or order for support pursuant to RCW 74.20A.055, or by an
14 agency of another state pursuant to a substantially similar
15 administrative process, establishing the existence of a support
16 obligation and ordering the payment of a set or determinable amount of
17 support moneys to satisfy the support obligation.

18 (7) "Responsible parent" means a natural parent, adoptive parent,
19 or stepparent of a dependent child or a person who has signed an
20 affidavit acknowledging paternity which has been filed with the state
21 office of vital statistics and includes the parent of an unmarried
22 minor with a child.

23 (8) "Stepparent" means the present spouse of the person who is
24 either the mother, father, or adoptive parent of a dependent child, and
25 such status shall exist until terminated as provided for in RCW
26 26.16.205.

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

32 (10) "Support debt" means any delinquent amount of support moneys
33 which is due, owing, and unpaid under a superior court order or an
34 administrative order, a debt for the payment of expenses for the
35 reasonable or necessary care, support, and maintenance, including
36 medical expenses, of a dependent child or other person for whom a
37 support obligation is owed; or a debt under RCW 74.20A.100 or
38 74.20A.270. Support debt also includes any accrued interest, fees, or
39 penalties charged on a support debt, and attorneys fees and other costs

1 of litigation awarded in an action to establish and enforce a support
2 obligation or debt.

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

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

9 (13) "Child support order" means a superior court order or an
10 administrative order.

11 (14) "Financial institution" means:

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

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

16 (c) Any federal or state credit union, as defined in section 101 of
17 the federal credit union act, including an institution-affiliated party
18 of such credit union, as defined in section 206(r) of the federal
19 deposit insurance act; or

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

22 (15) "License" means a license, certificate, registration, permit,
23 approval, or other similar document issued by a licensing entity to a
24 licensee evidencing admission to or granting authority to engage in a
25 profession, occupation, business, industry, recreational pursuit, or
26 the operation of a motor vehicle.

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

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

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

4 (a) Accumulated arrears totaling more than six months of child
5 support payments;

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

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

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

14 The department is authorized to suspend the license of a driver
15 upon a showing by its records or other sufficient evidence that the
16 licensee:

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

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

22 (3) Has been convicted of offenses against traffic regulations
23 governing the movement of vehicles, or found to have committed traffic
24 infractions, with such frequency as to indicate a disrespect for
25 traffic laws or a disregard for the safety of other persons on the
26 highways;

27 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
28 ((or))

29 (5) Has failed to respond to a notice of traffic infraction, failed
30 to appear at a requested hearing, violated a written promise to appear
31 in court, or has failed to comply with the terms of a notice of traffic
32 infraction or citation, as provided in RCW 46.20.289; ((or))

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

35 (7) Has been certified by the department of social and health
36 services as a person who is not in compliance with a child support
37 order as provided in section 802 of this act.

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

3 (1) The department shall not suspend a driver's license or
4 privilege to drive a motor vehicle on the public highways for a fixed
5 period of more than one year, except as specifically permitted under
6 RCW 46.20.342 or other provision of law. Except for a suspension under
7 RCW 46.20.289 (~~and~~), 46.20.291(5), or section 802 of this act,
8 whenever the license or driving privilege of any person is suspended by
9 reason of a conviction, a finding that a traffic infraction has been
10 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
11 or 46.20.308, the suspension shall remain in effect until the person
12 gives and thereafter maintains proof of financial responsibility for
13 the future as provided in chapter 46.29 RCW. If the suspension is the
14 result of a violation of RCW 46.61.502 or 46.61.504, the department
15 shall determine the person's eligibility for licensing based upon the
16 reports provided by the alcoholism agency or probation department
17 designated under RCW 46.61.5056 and shall deny reinstatement until
18 enrollment and participation in an approved program has been
19 established and the person is otherwise qualified. Whenever the
20 license or driving privilege of any person is suspended as a result of
21 certification of noncompliance with a child support order under chapter
22 74.20A RCW, the suspension shall remain in effect until the person
23 provides a release issued by the department of social and health
24 services stating that the person is in compliance with the order. The
25 department shall not issue to the person a new, duplicate, or renewal
26 license until the person pays a reissue fee of twenty dollars. If the
27 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
28 or is the result of administrative action under RCW 46.20.308, the
29 reissue fee shall be fifty dollars.

30 (2) Any person whose license or privilege to drive a motor vehicle
31 on the public highways has been revoked, unless the revocation was for
32 a cause which has been removed, is not entitled to have the license or
33 privilege renewed or restored until: (a) After the expiration of one
34 year from the date the license or privilege to drive was revoked; (b)
35 after the expiration of the applicable revocation period provided by
36 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
37 persons convicted of vehicular homicide; or (d) after the expiration of
38 the applicable revocation period provided by RCW 46.20.265. After the
39 expiration of the appropriate period, the person may make application

1 for a new license as provided by law together with a reissue fee in the
2 amount of twenty dollars, but if the revocation is the result of a
3 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
4 shall be fifty dollars. If the revocation is the result of a violation
5 of RCW 46.61.502 or 46.61.504, the department shall determine the
6 person's eligibility for licensing based upon the reports provided by
7 the alcoholism agency or probation department designated under RCW
8 46.61.5056 and shall deny reissuance of a license, permit, or privilege
9 to drive until enrollment and participation in an approved program has
10 been established and the person is otherwise qualified. Except for a
11 revocation under RCW 46.20.265, the department shall not then issue a
12 new license unless it is satisfied after investigation of the driving
13 ability of the person that it will be safe to grant the privilege of
14 driving a motor vehicle on the public highways, and until the person
15 gives and thereafter maintains proof of financial responsibility for
16 the future as provided in chapter 46.29 RCW. For a revocation under
17 RCW 46.20.265, the department shall not issue a new license unless it
18 is satisfied after investigation of the driving ability of the person
19 that it will be safe to grant that person the privilege of driving a
20 motor vehicle on the public highways.

21 (3) Whenever the driver's license of any person is suspended
22 pursuant to Article IV of the nonresident violators compact or RCW
23 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
24 to the person any new or renewal license until the person pays a
25 reissue fee of twenty dollars. If the suspension is the result of a
26 violation of the laws of this or any other state, province, or other
27 jurisdiction involving (a) the operation or physical control of a motor
28 vehicle upon the public highways while under the influence of
29 intoxicating liquor or drugs, or (b) the refusal to submit to a
30 chemical test of the driver's blood alcohol content, the reissue fee
31 shall be fifty dollars.

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

34 If a motor vehicle liability insurance policy contains any
35 provision excluding insurance coverage for an unlicensed driver, such
36 provision shall not apply for ninety days from the date of suspension
37 in the event that the department of licensing suspends a driver's

1 license solely for the nonpayment of child support as provided in
2 chapter 74.20A RCW.

3 NEW SECTION. **Sec. 809.** ATTORNEYS. The legislature intends that
4 the license suspension program established in chapter 74.20A RCW be
5 implemented fairly to ensure that child support obligations are met.
6 However, being mindful of the separations of powers and
7 responsibilities among the branches of government, the legislature
8 strongly encourages the state supreme court to adopt rules providing
9 for suspension and denial of licenses related to the practice of law to
10 those individuals who are in noncompliance with a support order.

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

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

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

28 The board shall immediately suspend the certificate or license of
29 a person who has been certified pursuant to section 802 of this act by
30 the department of social and health services as a person who is not in
31 compliance with a support order. If the person has continued to meet
32 all other requirements for reinstatement during the suspension,
33 reissuance of the license or certificate 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 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
2 read as follows:

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

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

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

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

17 **Sec. 813.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to
18 read as follows:

19 (1) Except as provided in section 815 of this act, a certificate of
20 registration shall be granted by the director to all qualified
21 applicants who are certified by the board as having passed the required
22 examination and as having given satisfactory proof of completion of the
23 required experience.

24 (2) Applications for examination shall be filed as the board
25 prescribes by rule. The application and examination fees shall be
26 determined by the director under RCW 43.24.086.

27 (3) An applicant for registration as an architect shall be of a
28 good moral character, at least eighteen years of age, and shall possess
29 any of the following qualifications:

30 (a) Have an accredited architectural degree and three years'
31 practical architectural work experience approved by the board, which
32 may include designing buildings as a principal activity. At least two
33 years' work experience must be supervised by an architect with detailed
34 professional knowledge of the work of the applicant;

35 (b) Have eight years' practical architectural work experience
36 approved by the board. Each year spent in an accredited architectural
37 program approved by the board shall be considered one year of practical

1 experience. At least four years' practical work experience shall be
2 under the direct supervision of an architect; or

3 (c) Be a person who has been designing buildings as a principal
4 activity for eight years, or has an equivalent combination of education
5 and experience, but who was not registered under chapter 323, Laws of
6 1959, as amended, as it existed before July 28, 1992, provided that
7 application is made within four years after July 28, 1992. Nothing in
8 this chapter prevents such a person from designing buildings for four
9 years after July 28, 1992, or the five-year period allowed for
10 completion of the examination process, after that person has applied
11 for registration. A person who has been designing buildings and is
12 qualified under this subsection shall, upon application to the board of
13 registration for architects, be allowed to take the examination for
14 architect registration on an equal basis with other applicants.

15 **Sec. 814.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to
16 read as follows:

17 (1) Except as provided in section 815 of this act, a certificate of
18 registration shall be granted by the director to all qualified
19 applicants who are certified by the board as having passed the required
20 examination and as having given satisfactory proof of completion of the
21 required experience.

22 (2) Applications for examination shall be filed as the board
23 prescribes by rule. The application and examination fees shall be
24 determined by the director under RCW 43.24.086.

25 (3) An applicant for registration as an architect shall be of a
26 good moral character, at least eighteen years of age, and shall possess
27 any of the following qualifications:

28 (a) Have an accredited architectural degree and three years'
29 practical architectural work experience approved by the board, which
30 may include designing buildings as a principal activity. At least two
31 years' work experience must be supervised by an architect with detailed
32 professional knowledge of the work of the applicant; or

33 (b) Have eight years' practical architectural work experience
34 approved by the board. Each year spent in an accredited architectural
35 program approved by the board shall be considered one year of practical
36 experience. At least four years' practical work experience shall be
37 under the direct supervision of an architect.

1 NEW SECTION. **Sec. 815.** A new section is added to chapter 18.08
2 RCW to read as follows:

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

12 **Sec. 816.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
13 read as follows:

14 (1) No license shall be issued by the department to any person who
15 has been convicted of forgery, embezzlement, obtaining money under
16 false pretenses, extortion, criminal conspiracy, fraud, theft,
17 receiving stolen goods, unlawful issuance of checks or drafts, or other
18 similar offense, or to any partnership of which the person is a member,
19 or to any association or corporation of which the person is an officer
20 or in which as a stockholder the person has or exercises a controlling
21 interest either directly or indirectly.

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

25 (a) Misrepresentation or concealment of material facts in obtaining
26 a license;

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

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

31 (d) Misleading or false advertising;

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

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

36 (g) Nonpayment of an administrative fine prior to renewal of a
37 license;

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

3 (i) Any other violations of this chapter.

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

12 **Sec. 817.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to
13 read as follows:

14 (1) Upon payment of the proper fee, except as provided in section
15 818 of this act, the director shall issue the appropriate license to
16 any person who:

17 (a) Is at least seventeen years of age or older;

18 (b) Has completed and graduated from a course approved by the
19 director of sixteen hundred hours of training in cosmetology, one
20 thousand hours of training in barbering, five hundred hours of training
21 in manicuring, five hundred hours of training in esthetics, and/or five
22 hundred hours of training as an instructor-trainee; and

23 (c) Has received a passing grade on the appropriate licensing
24 examination approved or administered by the director.

25 (2) A person currently licensed under this chapter may qualify for
26 examination and licensure, after the required examination is passed, in
27 another category if he or she has completed the crossover training
28 course approved by the director.

29 (3) Upon payment of the proper fee, the director shall issue a
30 salon/shop license to the operator of a salon/shop if the salon/shop
31 meets the other requirements of this chapter as demonstrated by
32 information submitted by the operator.

33 (4) The director may consult with the state board of health and the
34 department of labor and industries in establishing training and
35 examination requirements.

36 NEW SECTION. **Sec. 818.** A new section is added to chapter 18.16
37 RCW to read as follows:

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

9 NEW SECTION. **Sec. 819.** A new section is added to chapter 18.20
10 RCW to read as follows:

11 The department shall immediately suspend the license of a person
12 who has been certified pursuant to section 802 of this act by the
13 department of social and health services as a person who is not in
14 compliance with a support 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 department's
17 receipt of a release issued by the department of social and health
18 services stating that the licensee is in compliance with the order.

19 **Sec. 820.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
20 amended to read as follows:

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

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

28 (a) One year;

29 (b) Until the bond expires; or

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

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

34 (4) If a contractor's surety bond or other security has an
35 unsatisfied judgment against it or is canceled, or if the contractor's
36 insurance policy is canceled, the contractor's registration shall be
37 automatically suspended on the effective date of the impairment or

1 cancellation. The department shall give notice of the suspension to
2 the contractor.

3 (5) The department shall immediately suspend the certificate of
4 registration of a contractor who has been certified by the department
5 of social and health services as a person who is not in compliance with
6 a support order as provided in section 802 of this act. The
7 certificate of registration shall not be reissued or renewed unless the
8 person provides to the department a release from the department of
9 social and health services stating that he or she is in compliance with
10 the order and the person has continued to meet all other requirements
11 for certification during the suspension.

12 **Sec. 821.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to
13 read as follows:

14 Except as provided in section 822 of this act, the director shall
15 issue a license to an applicant if the following requirements are met:

16 (1) The application is complete and the applicant has complied with
17 RCW 18.28.030.

18 (2) Neither an individual applicant, nor any of the applicant's
19 members if the applicant is a partnership or association, nor any of
20 the applicant's officers or directors if the applicant is a
21 corporation: (a) Has ever been convicted of forgery, embezzlement,
22 obtaining money under false pretenses, larceny, extortion, conspiracy
23 to defraud or any other like offense, or has been disbarred from the
24 practice of law; (b) has participated in a violation of this chapter or
25 of any valid rules, orders or decisions of the director promulgated
26 under this chapter; (c) has had a license to engage in the business of
27 debt adjusting revoked or removed for any reason other than for failure
28 to pay licensing fees in this or any other state; or (d) is an employee
29 or owner of a collection agency, or process serving business.

30 (3) An individual applicant is at least eighteen years of age.

31 (4) An applicant which is a partnership, corporation, or
32 association is authorized to do business in this state.

33 (5) An individual applicant for an original license as a debt
34 adjuster has passed an examination administered by the director, which
35 examination may be oral or written, or partly oral and partly written,
36 and shall be practical in nature and sufficiently thorough to ascertain
37 the applicant's fitness. Questions on bookkeeping, credit adjusting,
38 business ethics, agency, contracts, debtor and creditor relationships,

1 trust funds and the provisions of this chapter shall be included in the
2 examination. No applicant may use any books or other similar aids
3 while taking the examination, and no applicant may take the examination
4 more than three times in any twelve month period.

5 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.28
6 RCW to read as follows:

7 The department shall immediately suspend the license 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. If the person has continued to meet
11 all other requirements for reinstatement during the suspension,
12 reissuance of the license shall be automatic upon the department's
13 receipt of a release issued by the department of social and health
14 services stating that the licensee is in compliance with the order.

15 **Sec. 823.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
16 read as follows:

17 The director shall have the following powers and duties:

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

19 (2) To renew licenses under this chapter;

20 (3) To collect all fees prescribed and required under this chapter;
21 (~~and~~)

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

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

29 NEW SECTION. **Sec. 824.** A new section is added to chapter 18.39
30 RCW to read as follows:

31 In the case of suspension for failure to comply with a support
32 order under chapter 74.20A RCW, if the person has continued to meet all
33 other requirements for reinstatement during the suspension, reissuance
34 of a license shall be automatic upon the director's receipt of a
35 release issued by the department of social and health services stating
36 that the individual is in compliance with the order.

1 NEW SECTION. **Sec. 825.** A new section is added to chapter 18.43
2 RCW to read as follows:

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

11 NEW SECTION. **Sec. 826.** A new section is added to chapter 18.44
12 RCW to read as follows:

13 The department shall immediately suspend the certificate of
14 registration 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. If the person has
17 continued to meet all other requirements for certification during the
18 suspension, reissuance of the certificate shall be automatic upon the
19 department's receipt of a release issued by the department of social
20 and health services stating that the person is in compliance with the
21 order.

22 **Sec. 827.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
23 read as follows:

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

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

36 RCW 43.70.115 governs notice of a license denial, revocation,
37 suspension, or modification and provides the right to an adjudicative

1 proceeding but shall not apply to actions taken under subsection (2) of
2 this section.

3 NEW SECTION. Sec. 828. A new section is added to chapter 18.51
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, division of support, as a
8 person who is not in compliance with a child support order. If the
9 person has continued to meet all other requirements for reinstatement
10 during the suspension, reissuance of the license shall be automatic
11 upon the department's receipt of a release issued by the division of
12 child support stating that the person is in compliance with the order.

13 NEW SECTION. Sec. 829. A new section is added to chapter 18.76
14 RCW to read as follows:

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

25 NEW SECTION. Sec. 830. A new section is added to chapter 18.85
26 RCW to read as follows:

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

1 **Sec. 831.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
2 to read as follows:

3 (1) The director may refuse to renew, or may suspend or revoke, a
4 certificate of registration to use the titles landscape architect,
5 landscape architecture, or landscape architectural in this state upon
6 the following grounds:

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

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

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

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

18 (2) The director shall immediately suspend the certificate of
19 registration of a landscape architect who has been certified pursuant
20 to section 802 of this act by the department of social and health
21 services as a person who is not in compliance with a support order. If
22 the person has continued to meet all other requirements for
23 certification during the suspension, reissuance of the certificate of
24 registration shall be automatic upon the director'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. 832.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
28 read as follows:

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

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

33 ~~((2))~~ (b) For fraud or deception in reporting under RCW
34 18.104.050;

35 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
36 lawful rule or regulation of the department or the department of
37 health.

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

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

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

18 **Sec. 833.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to
19 read as follows:

20 (1) Except as provided in section 834 of this act, the department
21 shall issue a certificate of competency to all applicants who have
22 passed the examination and have paid the fee for the certificate. The
23 certificate shall bear the date of issuance, and shall expire on the
24 birthdate of the holder immediately following the date of issuance.
25 The certificate shall be renewable every other year, upon application,
26 on or before the birthdate of the holder. A renewal fee shall be
27 assessed for each certificate. If a person fails to renew the
28 certificate by the renewal date, he or she must pay a doubled fee. If
29 the person does not renew the certificate within ninety days of the
30 renewal date, he or she must retake the examination and pay the
31 examination fee.

32 The certificate of competency and the temporary permit provided for
33 in this chapter grant the holder the right to engage in the work of
34 plumbing as a journeyman plumber or specialty plumber in accordance
35 with their provisions throughout the state and within any of its
36 political subdivisions on any job or any employment without additional
37 proof of competency or any other license or permit or fee to engage in
38 the work. This section does not preclude employees from adhering to a

1 union security clause in any employment where such a requirement
2 exists.

3 (2) A person who is indentured in an apprenticeship program
4 approved under chapter 49.04 RCW for the plumbing construction trade or
5 who is learning the plumbing construction trade may work in the
6 plumbing construction trade if supervised by a certified journeyman
7 plumber or a certified specialty plumber in that plumber's specialty.
8 All apprentices and individuals learning the plumbing construction
9 trade shall obtain a plumbing training certificate from the department.
10 The certificate shall authorize the holder to learn the plumbing
11 construction trade while under the direct supervision of a journeyman
12 plumber or a specialty plumber working in his or her specialty. The
13 holder of the plumbing training certificate shall renew the certificate
14 annually. At the time of renewal, the holder shall provide the
15 department with an accurate list of the holder's employers in the
16 plumbing construction industry for the previous year and the number of
17 hours worked for each employer. An annual fee shall be charged for the
18 issuance or renewal of the certificate. The department shall set the
19 fee by rule. The fee shall cover but not exceed the cost of
20 administering and enforcing the trainee certification and supervision
21 requirements of this chapter. Apprentices and individuals learning the
22 plumbing construction trade shall have their plumbing training
23 certificates in their possession at all times that they are performing
24 plumbing work. They shall show their certificates to an authorized
25 representative of the department at the representative's request.

26 (3) Any person who has been issued a plumbing training certificate
27 under this chapter may work if that person is under supervision.
28 Supervision shall consist of a person being on the same job site and
29 under the control of either a journeyman plumber or an appropriate
30 specialty plumber who has an applicable certificate of competency
31 issued under this chapter. Either a journeyman plumber or an
32 appropriate specialty plumber shall be on the same job site as the
33 noncertified individual for a minimum of seventy-five percent of each
34 working day unless otherwise provided in this chapter. The ratio of
35 noncertified individuals to certified journeymen or specialty plumbers
36 working on a job site shall be: (a) From July 28, 1985, through June
37 30, 1988, not more than three noncertified plumbers working on any one
38 job site for every certified journeyman or specialty plumber; (b)
39 effective July 1, 1988, not more than two noncertified plumbers working

1 on any one job site for every certified specialty plumber or journeyman
2 plumber working as a specialty plumber; and (c) effective July 1, 1988,
3 not more than one noncertified plumber working on any one job site for
4 every certified journeyman plumber working as a journeyman plumber.

5 An individual who has a current training certificate and who has
6 successfully completed or is currently enrolled in an approved
7 apprenticeship program or in a technical school program in the plumbing
8 construction trade in a school approved by the (~~commission for~~
9 ~~vocational education~~) work force training and education coordinating
10 board, may work without direct on-site supervision during the last six
11 months of meeting the practical experience requirements of this
12 chapter.

13 NEW SECTION. **Sec. 834.** A new section is added to chapter 18.106
14 RCW to read as follows:

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

25 NEW SECTION. **Sec. 835.** A new section is added to chapter 18.130
26 RCW to read as follows:

27 The secretary shall immediately suspend the license of any person
28 subject to this chapter who has been certified by the department of
29 social and health services as a person who is not in compliance with a
30 support order as provided in section 802 of this act.

31 **Sec. 836.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
32 read as follows:

33 A person whose license has been suspended or revoked under this
34 chapter may petition the disciplining authority for reinstatement after
35 an interval as determined by the disciplining authority in the order.
36 The disciplining authority shall hold hearings on the petition and may

1 deny the petition or may order reinstatement and impose terms and
2 conditions as provided in RCW 18.130.160 and issue an order of
3 reinstatement. The disciplining authority may require successful
4 completion of an examination as a condition of reinstatement.

5 A person whose license has been suspended for noncompliance with a
6 support order under section 802 of this act may petition for
7 reinstatement at any time by providing the secretary a release issued
8 by the department of social and health services stating that the person
9 is in compliance with the order. If the person has continued to meet
10 all other requirements for reinstatement during the suspension, the
11 secretary shall automatically reissue the person's license upon receipt
12 of the release, and payment of a reinstatement fee, if any.

13 NEW SECTION. Sec. 837. A new section is added to chapter 18.140
14 RCW to read as follows:

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

24 **Sec. 838.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8
25 are each reenacted and amended to read as follows:

26 Except as provided in section 839 of this act, the department
27 shall issue a certificate to any applicant who meets the standards
28 established under this chapter and who:

29 (1) Is holding one of the following:

30 (a) Certificate of proficiency, registered professional reporter,
31 registered merit reporter, or registered diplomate reporter from
32 ~~((the))~~ the national court reporters association;

33 (b) Certificate of proficiency or certificate of merit from
34 ~~((the))~~ the national stenomask verbatim reporters association; or

35 (c) A current Washington state court reporter certification; or

1 (2) Has passed an examination approved by the director or an
2 examination that meets or exceeds the standards established by the
3 director.

4 NEW SECTION. **Sec. 839.** A new section is added to chapter 18.145
5 RCW to read as follows:

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

15 **Sec. 840.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
16 read as follows:

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

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

26 (b) Conviction of a felony;

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

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

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

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

1 (2) The state director of fire protection shall revoke the license
2 of a licensed fire protection sprinkler system contractor or the
3 certificate of a certificate of competency holder who engages in the
4 fire protection sprinkler system business while the license or
5 certificate of competency is suspended.

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

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

22 **Sec. 841.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
23 read as follows:

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

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

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

33 (3) Not meeting the qualifications set forth in RCW 18.165.030,
34 18.165.040, or 18.165.050;

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

37 (5) Carrying a firearm in the performance of his or her duties if
38 not the holder of a valid armed private investigator license, or

1 carrying a firearm not meeting the provisions of this chapter while in
2 the performance of his or her duties;

3 (6) Failing to return immediately on demand company identification,
4 badges, or other items issued to the private investigator by an
5 employer;

6 (7) Making any statement that would reasonably cause another person
7 to believe that the private investigator is a sworn peace officer;

8 (8) Divulging confidential information obtained in the course of
9 any investigation to which he or she was assigned;

10 (9) Acceptance of employment that is adverse to a client or former
11 client and relates to a matter about which a licensee has obtained
12 confidential information by reason of or in the course of the
13 licensee's employment by the client;

14 (10) Conviction of a gross misdemeanor or felony or the commission
15 of any act involving moral turpitude, dishonesty, or corruption whether
16 the act constitutes a crime or not. If the act constitutes a crime,
17 conviction in a criminal proceeding is not a condition precedent to
18 disciplinary action. Upon such a conviction, however, the judgment and
19 sentence is conclusive evidence at the ensuing disciplinary hearing of
20 the guilt of the license holder or applicant of the crime described in
21 the indictment or information, and of the person's violation of the
22 statute on which it is based. For the purposes of this section,
23 conviction includes all instances in which a plea of guilty or nolo
24 contendere is the basis for the conviction and all proceedings in which
25 the sentence has been deferred or suspended;

26 (11) Advertising that is false, fraudulent, or misleading;

27 (12) Incompetence or negligence that results in injury to a person
28 or that creates an unreasonable risk that a person may be harmed;

29 (13) Suspension, revocation, or restriction of the individual's
30 license to practice the profession by competent authority in any state,
31 federal, or foreign jurisdiction, a certified copy of the order,
32 stipulation, or agreement being conclusive evidence of the revocation,
33 suspension, or restriction;

34 (14) Failure to cooperate with the director by:

35 (a) Not furnishing any necessary papers or documents requested by
36 the director for purposes of conducting an investigation for
37 disciplinary action, denial, suspension, or revocation of a license
38 under this chapter;

1 (b) Not furnishing in writing a full and complete explanation
2 covering the matter contained in a complaint filed with the department;
3 or

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

6 (15) Failure to comply with an order issued by the director or an
7 assurance of discontinuance entered into with the director;

8 (16) Aiding or abetting an unlicensed person to practice if a
9 license is required;

10 (17) Misrepresentation or fraud in any aspect of the conduct of the
11 business or profession;

12 (18) Failure to adequately supervise employees to the extent that
13 the public health or safety is at risk;

14 (19) Interference with an investigation or disciplinary proceeding
15 by willful misrepresentation of facts before the director or the
16 director's authorized representative, or by the use of threats or
17 harassment against any client or witness to prevent them from providing
18 evidence in a disciplinary proceeding or any other legal action;

19 (20) Assigning or transferring any license issued pursuant to the
20 provisions of this chapter, except as provided in RCW 18.165.050;

21 (21) Assisting a client to locate, trace, or contact a person when
22 the investigator knows that the client is prohibited by any court order
23 from harassing or contacting the person whom the investigator is being
24 asked to locate, trace, or contact, as it pertains to domestic
25 violence, stalking, or minor children;

26 (22) Failure to maintain bond or insurance; ((or))

27 (23) Failure to have a qualifying principal in place; or

28 (24) Being certified as not in compliance with a support order as
29 provided in section 802 of this act.

30 NEW SECTION. Sec. 842. A new section is added to chapter 18.165
31 RCW to read as follows:

32 The director shall immediately suspend a license issued under this
33 chapter if the holder has been certified pursuant to section 802 of
34 this act by the department of social and health services as a person
35 who is not in compliance with a support order. If the person has
36 continued to meet all other requirements for reinstatement during the
37 suspension, reissuance of the license shall be automatic upon the
38 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 **Sec. 843.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
4 read as follows:

5 In addition to the provisions of section 844 of this act, the
6 following acts are prohibited and constitute grounds for disciplinary
7 action, assessing administrative penalties, or denial, suspension, or
8 revocation of any license under this chapter, as deemed appropriate by
9 the director:

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

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

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

16 (4) Not meeting the qualifications set forth in RCW 18.170.030,
17 18.170.040, or 18.170.060;

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

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

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

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

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

32 (10) Conviction of a gross misdemeanor or felony or the commission
33 of any act involving moral turpitude, dishonesty, or corruption whether
34 the act constitutes a crime or not. If the act constitutes a crime,
35 conviction in a criminal proceeding is not a condition precedent to
36 disciplinary action. Upon such a conviction, however, the judgment and
37 sentence is conclusive evidence at the ensuing disciplinary hearing of
38 the guilt of the license holder or applicant of the crime described in

1 the indictment or information, and of the person's violation of the
2 statute on which it is based. For the purposes of this section,
3 conviction includes all instances in which a plea of guilty or nolo
4 contendere is the basis for the conviction and all proceedings in which
5 the sentence has been deferred or suspended;

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

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

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

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

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

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

21 (b) Not furnishing in writing a full and complete explanation
22 covering the matter contained in a complaint filed with the department;
23 or

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

26 (16) Failure to comply with an order issued by the director or an
27 assurance of discontinuance entered into with the disciplining
28 authority;

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

31 (18) Misrepresentation or fraud in any aspect of the conduct of the
32 business or profession;

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

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

- 1 (21) Assigning or transferring any license issued pursuant to the
2 provisions of this chapter, except as provided in RCW 18.170.060;
3 (22) Failure to maintain insurance; and
4 (23) Failure to have a qualifying principal in place.

5 NEW SECTION. **Sec. 844.** A new section is added to chapter 18.170
6 RCW to read as follows:

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

16 NEW SECTION. **Sec. 845.** A new section is added to chapter 18.175
17 RCW to read as follows:

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

27 NEW SECTION. **Sec. 846.** A new section is added to chapter 18.185
28 RCW to read as follows:

29 The director shall immediately suspend any license issued under
30 this chapter if the holder has been certified pursuant to section 802
31 of this act by the department of social and health services as a person
32 who is not in compliance with a support order. If the person has
33 continued to meet all other requirements for reinstatement during the
34 suspension, reissuance of the license shall be automatic upon the
35 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 **Sec. 847.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
4 read as follows:

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

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

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

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

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

29 (c) When the department has received certification pursuant to
30 chapter 74.20A RCW from the division of child support that the licensee
31 is a person who is not in compliance with a support order, the
32 department shall provide that the suspension is effective immediately
33 upon receipt 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, a license applicant or licensee who is
36 aggrieved by a department denial, revocation, suspension, or
37 modification has the right to an adjudicative proceeding. The
38 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. 848.** 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 as
29 provided in section 802 of this act. If the person continues to meet
30 other requirements for reinstatement during the suspension, reissuance
31 of the certificate or permit shall be automatic after the person
32 provides the authority a release issued by the department of social and
33 health services stating that the person is in compliance with the
34 order.

35 **Sec. 849.** 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, the department shall provide that the suspension is
30 effective immediately upon receipt of the suspension notice by the
31 licensee.

32 (3) Except for licensees suspended for noncompliance with a child
33 support order under chapter 74.20A RCW, a license applicant or licensee
34 who is aggrieved by a department denial, revocation, suspension, or
35 modification has the right to an adjudicative proceeding. The
36 proceeding is governed by the Administrative Procedure Act, chapter
37 34.05 RCW. The application must be in writing, state the basis for
38 contesting the adverse action, include a copy of the adverse notice, be
39 served on and received by the department within twenty-eight days of

1 the license applicant's or licensee's receiving the adverse notice, and
2 be served in a manner that shows proof of receipt.

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

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

20 **Sec. 850.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
21 read as follows:

22 (1) The department has the power, in case of serious noncompliance
23 with the provisions of this chapter, to revoke or suspend for such a
24 period as it determines, any electrical contractor license or
25 electrical contractor administrator certificate issued under this
26 chapter. The department shall notify the holder of the license or
27 certificate of the revocation or suspension by certified mail. A
28 revocation or suspension is effective twenty days after the holder
29 receives the notice. Any revocation or suspension is subject to review
30 by an appeal to the board. The filing of an appeal stays the effect of
31 a revocation or suspension until the board makes its decision. The
32 appeal shall be filed within twenty days after notice of the revocation
33 or suspension is given by certified mail sent to the address of the
34 holder of the license or certificate as shown on the application for
35 the license or certificate, and shall be effected by filing a written
36 notice of appeal with the department, accompanied by a certified check
37 for two hundred dollars, which shall be returned to the holder of the
38 license or certificate if the decision of the department is not

1 sustained by the board. The hearing shall be conducted in accordance
2 with chapter 34.05 RCW. If the board sustains the decision of the
3 department, the two hundred dollars shall be applied by the department
4 to the payment of the per diem and expenses of the members of the board
5 incurred in the matter, and any balance remaining after payment of per
6 diem and expenses shall be paid into the electrical license fund.

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

16 **Sec. 851.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
17 read as follows:

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

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

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

24 (c) The holder thereof has violated any of the provisions of RCW
25 19.28.510 through 19.28.620 or any rule adopted under this chapter.

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

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

10 **Sec. 852.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
11 read as follows:

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

15 (1) The farm labor contractor or any agent of the contractor has
16 violated or failed to comply with any of the provisions of this
17 chapter;

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

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

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

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

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

36 The director shall immediately suspend the license or certificate
37 of a person who has been certified pursuant to section 802 of this act
38 by the department of social and health services as a person who is not

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

7 **Sec. 853.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
8 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (j) Has knowingly failed to comply with, or violated any provisions
36 of this chapter or any rule or regulation issued pursuant to this
37 chapter, and two years have not elapsed since the occurrence of said
38 noncompliance or violation; or

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

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

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

20 **Sec. 854.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
21 to read as follows:

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

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

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

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

36 ((+4)) (d) Has violated any provisions of this chapter, or failed
37 to comply with any rule or regulation issued by the director pursuant
38 to this chapter.

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

10 **Sec. 855.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
11 read as follows:

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

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

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

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

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

3 **Sec. 856.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
4 read as follows:

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

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

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

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

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

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

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

36 (g) The applicant or registrant has not provided or is no longer
37 providing the director with the necessary security arrangements to

1 assure future availability of titles or properties as required by this
2 chapter or agreed to in the permit to market;

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

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

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

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

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

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

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

25 (ii) Employ any device, scheme, or artifice to defraud purchasers
26 or members;

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

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

36 (o) The applicant or registrant has engaged in a practice of
37 selling contracts using material amendments or codicils that have not
38 been filed or are the consequences of breaches or alterations in
39 previously filed contracts;

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

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

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

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

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

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

35 (r) The format, form, or content of the written disclosures
36 provided therein is not complete, full, or materially accurate, or
37 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. If the person has
17 continued to meet all other requirements for reinstatement during the
18 suspension, reissuance of the license or certificate shall be automatic
19 upon the director's receipt of a release issued by the department of
20 social and health services stating that the licensee is in compliance
21 with the order.

22 **Sec. 857.** 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. If the person has
20 continued to meet all other requirements for reinstatement during the
21 suspension, reissuance of the license or certificate shall be automatic
22 upon the director's receipt of a release issued by the department of
23 social and health services stating that the licensee is in compliance
24 with the order.

25 **Sec. 858.** 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. If the person has
19 continued to meet all other requirements for reinstatement during the
20 suspension, reissuance of the license or certificate shall be automatic
21 upon the director's receipt of a release issued by the department of
22 social and health services stating that the licensee is in compliance
23 with the order.

24 **Sec. 859.** 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. If the person has
22 continued to meet all other requirements for reinstatement during the
23 suspension, reissuance of the license or certificate shall be automatic
24 upon the department's receipt of a release issued by the department of
25 social and health services stating that the licensee is in compliance
26 with the order.

27 **Sec. 860.** 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. If
26 the person has continued to meet all other requirements for
27 reinstatement during the suspension, reissuance of the license or
28 certificate shall be automatic upon the office of the secretary of
29 state's receipt of a release issued by the department of social and
30 health services stating that the licensee is in compliance with the
31 order.

32 NEW SECTION. Sec. 861. 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. If the person has continued to
38 meet all other requirements for reinstatement during the suspension,

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

5 **Sec. 862.** 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. If the person has continued to
12 meet all other requirements for reinstatement during the suspension,
13 reissuance of the license or certificate shall be automatic upon the
14 director's receipt of a release issued by the department of social and
15 health services stating that the licensee is in compliance with the
16 order.

17 NEW SECTION. Sec. 863. 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. If the person has
23 continued to meet all other requirements for reinstatement during the
24 suspension, reissuance of the license or certificate shall be automatic
25 upon the commissioner's receipt of a release issued by the department
26 of social and health services stating that the licensee is in
27 compliance with the order.

28 NEW SECTION. Sec. 864. 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. If the person has continued to
34 meet all other requirements for reinstatement during the suspension,
35 reissuance of the license or certificate shall be automatic upon the
36 secretary's receipt of a release issued by the department of social and

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

3 NEW SECTION. **Sec. 865.** 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. If the person has continued to
9 meet all other requirements for reinstatement during the suspension,
10 reissuance of the license or certificate shall be automatic upon the
11 department's receipt of a release issued by the department of social
12 and health services stating that the licensee is in compliance with the
13 order.

14 NEW SECTION. **Sec. 866.** 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. If the person has
20 continued to meet all other requirements for reinstatement during the
21 suspension, reissuance of the license or certificate shall be automatic
22 upon the department of health's receipt of a release issued by the
23 department of social and health services stating that the licensee is
24 in compliance with the order.

25 **Sec. 867.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to
26 read as follows:

27 (1) The board shall regulate a required alcohol server education
28 program that includes:

29 (a) Development of the curriculum and materials for the education
30 program;

31 (b) Examination and examination procedures;

32 (c) Certification procedures, enforcement policies, and penalties
33 for education program instructors and providers;

34 (d) The curriculum for an approved class 12 alcohol permit training
35 program that includes but is not limited to the following subjects:

1 (i) The physiological effects of alcohol including the effects of
2 alcohol in combination with drugs;
3 (ii) Liability and legal information;
4 (iii) Driving while intoxicated;
5 (iv) Intervention with the problem customer, including ways to stop
6 service, ways to deal with the belligerent customer, and alternative
7 means of transportation to get the customer safely home;
8 (v) Methods for checking proper identification of customers;
9 (vi) Nationally recognized programs, such as TAM (Techniques in
10 Alcohol Management) and TIPS (Training for Intervention Programs)
11 modified to include Washington laws and regulations.

12 (2) The board shall provide the program through liquor licensee
13 associations, independent contractors, private persons, private or
14 public schools certified by the board, or any combination of such
15 providers.

16 (3) Except as provided in section 869 of this act, each training
17 entity shall provide a class 12 permit to the manager or bartender who
18 has successfully completed a course the board has certified. A list of
19 the individuals receiving the class 12 permit shall be forwarded to the
20 board on the completion of each course given by the training entity.

21 (4) After January 1, 1997, the board shall require all alcohol
22 servers applying for a class 13 alcohol server permit to view a video
23 training session. Retail liquor licensees shall fully compensate
24 employees for the time spent participating in this training session.

25 (5) When requested by a retail liquor licensee, the board shall
26 provide copies of videotaped training programs that have been produced
27 by private vendors and make them available for a nominal fee to cover
28 the cost of purchasing and shipment, with the fees being deposited in
29 the liquor revolving fund for distribution to the board as needed.

30 (6) Each training entity may provide the board with a video program
31 of not less than one hour that covers the subjects in subsection
32 (1)(d)(i) through (v) of this section that will be made available to a
33 licensee for the training of a class 13 alcohol server.

34 (7) Except as provided in section 869 of this act, applicants shall
35 be given a class 13 permit upon the successful completion of the
36 program.

37 (8) A list of the individuals receiving the class 13 permit shall
38 be forwarded to the board on the completion of each video training
39 program.

1 (9) The board shall develop a model permit for the class 12 and 13
2 permits. The board may provide such permits to training entities or
3 licensees for a nominal cost to cover production.

4 (10)(a) Persons who have completed a nationally recognized alcohol
5 management or intervention program since July 1, 1993, may be issued a
6 class 12 or 13 permit upon providing proof of completion of such
7 training to the board.

8 (b) Persons who completed the board's alcohol server training
9 program after July 1, 1993, but before July 1, 1995, may be issued a
10 class 13 permit upon providing proof of completion of such training to
11 the board.

12 NEW SECTION. **Sec. 868.** A new section is added to chapter 66.20
13 RCW to read as follows:

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

22 NEW SECTION. **Sec. 869.** A new section is added to chapter 66.24
23 RCW to read as follows:

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

32 NEW SECTION. **Sec. 870.** A new section is added to chapter 88.02
33 RCW to read as follows:

34 The department shall immediately suspend the vessel registration or
35 vessel dealer's registration of a person who has been certified
36 pursuant to section 802 of this act by the department of social and

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

7 **Sec. 871.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to
8 read as follows:

9 Except as provided in RCW 67.08.100, upon the approval by the
10 department of any application for a license, as hereinabove provided,
11 and the filing of the bond the department shall forthwith issue such
12 license.

13 **Sec. 872.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
14 read as follows:

15 (1) The department may grant annual licenses upon application in
16 compliance with the rules and regulations prescribed by the director,
17 and the payment of the fees, the amount of which is to be set by the
18 director in accordance with RCW 43.24.086, prescribed to promoters,
19 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
20 provisions of this section shall not apply to contestants or
21 participants in strictly amateur contests and/or fraternal
22 organizations and/or veterans' organizations chartered by congress or
23 the defense department or any bona fide athletic club which is a member
24 of the Pacific northwest association of the amateur athletic union of
25 the United States, holding and promoting athletic contests and where
26 all funds are used primarily for the benefit of their members.

27 (2) Any such license may be revoked by the department for any cause
28 which it shall deem sufficient.

29 (3) No person shall participate or serve in any of the above
30 capacities unless licensed as provided in this chapter.

31 (4) The referee for any boxing contest shall be designated by the
32 department from among such licensed referees.

33 (5) The referee for any wrestling exhibition or show shall be
34 provided by the promoter and licensed by the department.

35 (6) 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

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

7 **Sec. 873.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
8 as follows:

9 (1) The department shall not issue or renew a master license to any
10 person if:

11 (a) The person does not have a valid tax registration, if required;

12 (b) The person is a corporation delinquent in fees or penalties
13 owing to the secretary of state or is not validly registered under
14 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
15 now or hereafter adopted which gives corporate or business licensing
16 responsibilities to the secretary of state; or

17 (c) The person has not submitted the sum of all fees and deposits
18 required for the requested individual license endorsements, any
19 outstanding master license delinquency fee, or other fees and penalties
20 to be collected through the system.

21 (2) Nothing in this section shall prevent registration by the state
22 of an employer for the purpose of paying an employee of that employer
23 industrial insurance or unemployment insurance benefits.

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

33 **Sec. 874.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
34 read as follows:

35 Except as provided in section 877 of this act, at the close of each
36 examination the department of licensing shall prepare the proper
37 licenses, where no further fee is required to be paid, and issue

1 licenses to the successful applicants signed by the director and notify
2 all successful applicants, where a further fee is required, of the fact
3 that they are entitled to receive such license upon the payment of such
4 further fee to the department of licensing and notify all applicants
5 who have failed to pass the examination of that fact.

6 **Sec. 875.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
7 read as follows:

8 Except as provided in section 877 of this act, whenever there is
9 filed in a matter under the jurisdiction of the director of licensing
10 any complaint charging that the holder of a license has been guilty of
11 any act or omission which by the provisions of the law under which the
12 license was issued would warrant the revocation thereof, verified in
13 the manner provided by law, the director of licensing shall request the
14 governor to appoint, and the governor shall appoint within thirty days
15 of the request, two qualified practitioners of the profession or
16 calling of the person charged, who, with the director or his duly
17 appointed representative, shall constitute a committee to hear and
18 determine the charges and, in case the charges are sustained, impose
19 the penalty provided by law. In addition, the governor shall appoint
20 a consumer member of the committee.

21 The decision of any three members of such committee shall be the
22 decision of the committee.

23 The appointed members of the committee shall be compensated in
24 accordance with RCW 43.03.240 and shall be reimbursed for their travel
25 expenses, in accordance with RCW 43.03.050 and 43.03.060.

26 **Sec. 876.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
27 read as follows:

28 Except as provided in section 877 of this act, any person feeling
29 aggrieved by the refusal of the director to issue a license, or to
30 renew one, or by the revocation or suspension of a license shall have
31 a right of appeal to superior court from the decision of the director
32 of licensing, which shall be taken, prosecuted, heard, and determined
33 in the manner provided in chapter 34.05 RCW.

34 The decision of the superior court may be reviewed by the supreme
35 court or the court of appeals in the same manner as other civil cases.

1 NEW SECTION. **Sec. 877.** A new section is added to chapter 43.24
2 RCW to read as follows:

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

12 **Sec. 878.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to
13 read as follows:

14 All persons engaged in the manufacture of explosives, or any
15 process involving explosives, or where explosives are used as a
16 component part in the manufacture of any article or device, on ((~~the~~
17 ~~date when this 1969 amendatory act takes effect~~)) August 11, 1969,
18 shall within sixty days thereafter, and all persons engaging in the
19 manufacture of explosives, or any process involving explosives, or
20 where explosives are used as a component part in the manufacture of any
21 article or device after ((~~this act takes effect~~)) August 11, 1969,
22 shall, before so engaging, make an application in writing, subscribed
23 to by such person or his agent, to the department of labor and
24 industries, the application stating:

- 25 (1) Location of place of manufacture or processing;
26 (2) Kind of explosives manufactured, processed or used;
27 (3) The distance that such explosives manufacturing building is
28 located or intended to be located from the other factory buildings,
29 magazines, inhabited buildings, railroads and highways and public
30 utility transmission systems;
31 (4) The name and address of the applicant;
32 (5) The reason for desiring to manufacture explosives;
33 (6) The applicant's citizenship, if the applicant is an individual;
34 (7) If the applicant is a partnership, the names and addresses of
35 the partners, and their citizenship;
36 (8) If the applicant is an association or corporation, the names
37 and addresses of the officers and directors thereof, and their
38 citizenship; and

1 (9) Such other pertinent information as the director of labor and
2 industries shall require to effectuate the purpose of this chapter.

3 There shall be kept in the main office on the premises of each
4 explosives manufacturing plant a plan of said plant showing the
5 location of all explosives manufacturing buildings and the distance
6 they are located from other factory buildings where persons are
7 employed and from magazines, and these plans shall at all times be open
8 to inspection by duly authorized inspectors of the department of labor
9 and industries. The superintendent of each plant shall upon demand of
10 said inspector furnish the following information:

11 (a) The maximum amount and kind of explosive material which is or
12 will be present in each building at one time.

13 (b) The nature and kind of work carried on in each building and
14 whether or not said buildings are surrounded by natural or artificial
15 barricades.

16 Except as provided in RCW 70.74.370, the department of labor and
17 industries shall as soon as possible after receiving such application
18 cause an inspection to be made of the explosives manufacturing plant,
19 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
20 70.74.061, such department shall issue a license to the person applying
21 therefor showing compliance with the provisions of this chapter if the
22 applicant demonstrates that either the applicant or the officers,
23 agents or employees of the applicant are sufficiently experienced in
24 the manufacture of explosives and the applicant meets the
25 qualifications for a license under RCW 70.74.360. Such license shall
26 continue in full force and effect until expired, suspended, or revoked
27 by the department pursuant to this chapter.

28 **Sec. 879.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to
29 read as follows:

30 Every person desiring to engage in the business of dealing in
31 explosives shall apply to the department of labor and industries for a
32 license therefor. Said application shall state, among other things:

33 (1) The name and address of applicant;

34 (2) The reason for desiring to engage in the business of dealing in
35 explosives;

36 (3) Citizenship, if an individual applicant;

37 (4) If a partnership, the names and addresses of the partners and
38 their citizenship;

1 (5) If an association or corporation, the names and addresses of
2 the officers and directors thereof and their citizenship; and

3 (6) Such other pertinent information as the director of labor and
4 industries shall require to effectuate the purpose of this chapter.

5 Except as provided in RCW 70.74.370, the department of labor and
6 industries shall issue the license if the applicant demonstrates that
7 either the applicant or the principal officers, agents, or employees of
8 the applicant are experienced in the business of dealing in explosives,
9 possess suitable facilities therefor, have not been convicted of any
10 crime that would warrant revocation or nonrenewal of a license under
11 this chapter, and have never had an explosives-related license revoked
12 under this chapter or under similar provisions of any other state.

13 **Sec. 880.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
14 read as follows:

15 (1) The department of labor and industries shall revoke and not
16 renew the license of any person holding a manufacturer, dealer,
17 purchaser, user, or storage license upon conviction of any of the
18 following offenses, which conviction has become final:

19 (a) A violent offense as defined in RCW 9.94A.030;

20 (b) A crime involving perjury or false swearing, including the
21 making of a false affidavit or statement under oath to the department
22 of labor and industries in an application or report made pursuant to
23 this title;

24 (c) A crime involving bomb threats;

25 (d) A crime involving a schedule I or II controlled substance, or
26 any other drug or alcohol related offense, unless such other drug or
27 alcohol related offense does not reflect a drug or alcohol dependency.
28 However, the department of labor and industries may condition renewal
29 of the license to any convicted person suffering a drug or alcohol
30 dependency who is participating in an alcoholism or drug recovery
31 program acceptable to the department of labor and industries and has
32 established control of their alcohol or drug dependency. The
33 department of labor and industries shall require the licensee to
34 provide proof of such participation and control;

35 (e) A crime relating to possession, use, transfer, or sale of
36 explosives under this chapter or any other chapter of the Revised Code
37 of Washington.

1 (2) The department of labor and industries shall revoke the license
2 of any person adjudged to be mentally ill or insane, or to be
3 incompetent due to any mental disability or disease. The director
4 shall not renew the license until the person has been restored to
5 competency.

6 (3) The department of labor and industries is authorized to
7 suspend, for a period of time not to exceed six months, the license of
8 any person who has violated this chapter or the rules promulgated
9 pursuant to this chapter.

10 (4) The department of labor and industries may revoke the license
11 of any person who has repeatedly violated this chapter or the rules
12 promulgated pursuant to this chapter, or who has twice had his or her
13 license suspended under this chapter.

14 (5) The department of labor and industries shall immediately
15 suspend the license or certificate 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. If the person has continued to meet all other requirements for
19 reinstatement during the suspension, reissuance of the license or
20 certificate shall be automatic upon the department of labor and
21 industries' receipt of a release issued by the department of social and
22 health services stating that the licensee is in compliance with the
23 order.

24 (6) Upon receipt of notification by the department of labor and
25 industries of revocation or suspension, a licensee must surrender
26 immediately to the department any or all such licenses revoked or
27 suspended.

28 **Sec. 881.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
29 read as follows:

30 (1) Every license shall be issued in the name of the applicant, and
31 the holder thereof shall not allow any other person to use the license.

32 (2) For the purpose of considering any application for a license,
33 the board may cause an inspection of the premises to be made, and may
34 inquire into all matters in connection with the construction and
35 operation of the premises. For the purpose of reviewing any
36 application for a license and for considering the denial, suspension or
37 revocation of any license, the liquor control board may consider any
38 prior criminal conduct of the applicant and the provisions of RCW

1 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
2 board may, in its discretion, grant or refuse the license applied for.
3 Authority to approve an uncontested or unopposed license may be granted
4 by the board to any staff member the board designates in writing.
5 Conditions for granting such authority shall be adopted by rule. No
6 retail license of any kind may be issued to:

7 (a) A person who has not resided in the state for at least one
8 month prior to making application, except in cases of licenses issued
9 to dining places on railroads, boats, or aircraft;

10 (b) A copartnership, unless all of the members thereof are
11 qualified to obtain a license, as provided in this section;

12 (c) A person whose place of business is conducted by a manager or
13 agent, unless such manager or agent possesses the same qualifications
14 required of the licensee; or

15 (d) A corporation, unless it was created under the laws of the
16 state of Washington or holds a certificate of authority to transact
17 business in the state of Washington.

18 (3)(a) The board may, in its discretion, subject to the provisions
19 of RCW 66.08.150, suspend or cancel any license; and all rights of the
20 licensee to keep or sell liquor thereunder shall be suspended or
21 terminated, as the case may be.

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

31 (c) The board may request the appointment of administrative law
32 judges under chapter 34.12 RCW who shall have power to administer
33 oaths, issue subpoenas for the attendance of witnesses and the
34 production of papers, books, accounts, documents, and testimony,
35 examine witnesses, and to receive testimony in any inquiry,
36 investigation, hearing, or proceeding in any part of the state, under
37 such rules and regulations as the board may adopt.

38 (d) Witnesses shall be allowed fees and mileage each way to and
39 from any such inquiry, investigation, hearing, or proceeding at the

1 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
2 need not be paid in advance of appearance of witnesses to testify or to
3 produce books, records, or other legal evidence.

4 (e) In case of disobedience of any person to comply with the order
5 of the board or a subpoena issued by the board, or any of its members,
6 or administrative law judges, or on the refusal of a witness to testify
7 to any matter regarding which he or she may be lawfully interrogated,
8 the judge of the superior court of the county in which the person
9 resides, on application of any member of the board or administrative
10 law judge, shall compel obedience by contempt proceedings, as in the
11 case of disobedience of the requirements of a subpoena issued from said
12 court or a refusal to testify therein.

13 (4) Upon receipt of notice of the suspension or cancellation of a
14 license, the licensee shall forthwith deliver up the license to the
15 board. Where the license has been suspended only, the board shall
16 return the license to the licensee at the expiration or termination of
17 the period of suspension. The board shall notify all vendors in the
18 city or place where the licensee has its premises of the suspension or
19 cancellation of the license; and no employee may allow or cause any
20 liquor to be delivered to or for any person at the premises of that
21 licensee.

22 (5)(a) At the time of the original issuance of a class H license,
23 the board shall prorate the license fee charged to the new licensee
24 according to the number of calendar quarters, or portion thereof,
25 remaining until the first renewal of that license is required.

26 (b) Unless sooner canceled, every license issued by the board shall
27 expire at midnight of the thirtieth day of June of the fiscal year for
28 which it was issued. However, if the board deems it feasible and
29 desirable to do so, it may establish, by rule pursuant to chapter 34.05
30 RCW, a system for staggering the annual renewal dates for any and all
31 licenses authorized by this chapter. If such a system of staggered
32 annual renewal dates is established by the board, the license fees
33 provided by this chapter shall be appropriately prorated during the
34 first year that the system is in effect.

35 (6) Every license issued under this section shall be subject to all
36 conditions and restrictions imposed by this title or by the regulations
37 in force from time to time. All conditions and restrictions imposed by
38 the board in the issuance of an individual license shall be listed on

1 the face of the individual license along with the trade name, address,
2 and expiration date.

3 (7) Every licensee shall post and keep posted its license, or
4 licenses, in a conspicuous place on the premises.

5 (8) Before the board shall issue a license to an applicant it shall
6 give notice of such application to the chief executive officer of the
7 incorporated city or town, if the application be for a license within
8 an incorporated city or town, or to the county legislative authority,
9 if the application be for a license outside the boundaries of
10 incorporated cities or towns; and such incorporated city or town,
11 through the official or employee selected by it, or the county
12 legislative authority or the official or employee selected by it, shall
13 have the right to file with the board within twenty days after date of
14 transmittal of such notice, written objections against the applicant or
15 against the premises for which the license is asked, and shall include
16 with such objections a statement of all facts upon which such
17 objections are based, and in case written objections are filed, may
18 request and the liquor control board may in its discretion hold a
19 formal hearing subject to the applicable provisions of Title 34 RCW.
20 Upon the granting of a license under this title the board shall send a
21 duplicate of the license or written notification to the chief executive
22 officer of the incorporated city or town in which the license is
23 granted, or to the county legislative authority if the license is
24 granted outside the boundaries of incorporated cities or towns.

25 (9) Before the board issues any license to any applicant, it shall
26 give (a) due consideration to the location of the business to be
27 conducted under such license with respect to the proximity of churches,
28 schools, and public institutions and (b) written notice by certified
29 mail of the application to churches, schools, and public institutions
30 within five hundred feet of the premises to be licensed. The board
31 shall issue no beer retailer license class A, B, D, or E or wine
32 retailer license class C or F or class H license covering any premises
33 not now licensed, if such premises are within five hundred feet of the
34 premises of any tax-supported public elementary or secondary school
35 measured along the most direct route over or across established public
36 walks, streets, or other public passageway from the outer property line
37 of the school grounds to the nearest public entrance of the premises
38 proposed for license, and if, after receipt by the school or public
39 institution of the notice as provided in this subsection, the board

1 receives written notice, within twenty days after posting such notice,
2 from an official representative or representatives of the school within
3 five hundred feet of said proposed licensed premises, indicating to the
4 board that there is an objection to the issuance of such license
5 because of proximity to a school. For the purpose of this section,
6 church shall mean a building erected for and used exclusively for
7 religious worship and schooling or other activity in connection
8 therewith. No liquor license may be issued or reissued by the board to
9 any motor sports facility or licensee operating within the motor sports
10 facility unless the motor sports facility enforces a program reasonably
11 calculated to prevent alcohol or alcoholic beverages not purchased
12 within the facility from entering the facility and such program is
13 approved by local law enforcement agencies. It is the intent under
14 this subsection that a retail license shall not be issued by the board
15 where doing so would, in the judgment of the board, adversely affect a
16 private school meeting the requirements for private schools under Title
17 28A RCW, which school is within five hundred feet of the proposed
18 licensee. The board shall fully consider and give substantial weight
19 to objections filed by private schools. If a license is issued despite
20 the proximity of a private school, the board shall state in a letter
21 addressed to the private school the board's reasons for issuing the
22 license.

23 (10) The restrictions set forth in subsection (9) of this section
24 shall not prohibit the board from authorizing the assumption of
25 existing licenses now located within the restricted area by other
26 persons or licenses or relocations of existing licensed premises within
27 the restricted area. In no case may the licensed premises be moved
28 closer to a church or school than it was before the assumption or
29 relocation.

30 (11) Nothing in this section prohibits the board, in its
31 discretion, from issuing a temporary retail or wholesaler license to an
32 applicant assuming an existing retail or wholesaler license to continue
33 the operation of the retail or wholesaler premises during the period
34 the application for the license is pending and when the following
35 conditions exist:

36 (a) The licensed premises has been operated under a retail or
37 wholesaler license within ninety days of the date of filing the
38 application for a temporary license;

1 (b) The retail or wholesaler license for the premises has been
2 surrendered pursuant to issuance of a temporary operating license;

3 (c) The applicant for the temporary license has filed with the
4 board an application to assume the retail or wholesaler license at such
5 premises to himself or herself; and

6 (d) The application for a temporary license is accompanied by a
7 temporary license fee established by the board by rule.

8 A temporary license issued by the board under this section shall be
9 for a period not to exceed sixty days. A temporary license may be
10 extended at the discretion of the board for an additional sixty-day
11 period upon payment of an additional fee and upon compliance with all
12 conditions required in this section.

13 Refusal by the board to issue or extend a temporary license shall
14 not entitle the applicant to request a hearing. A temporary license
15 may be canceled or suspended summarily at any time if the board
16 determines that good cause for cancellation or suspension exists. RCW
17 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

18 Application for a temporary license shall be on such form as the
19 board shall prescribe. If an application for a temporary license is
20 withdrawn before issuance or is refused by the board, the fee which
21 accompanied such application shall be refunded in full.

22 **Sec. 882.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
23 read as follows:

24 (1) The department shall issue a certificate of manufactured home
25 installation to an applicant who has taken the training course, passed
26 the examination, paid the fees, and in all other respects (~~meet[s]~~)
27 meets the qualifications. The certificate shall bear the date of
28 issuance, a certification identification number, and is renewable every
29 three years upon application and completion of a continuing education
30 program as determined by the department. A renewal fee shall be
31 assessed for each certificate. If a person fails to renew a
32 certificate by the renewal date, the person must retake the examination
33 and pay the examination fee.

34 (2) The certificate of manufactured home installation provided for
35 in this chapter grants the holder the right to engage in manufactured
36 home installation throughout the state, without any other installer
37 certification.

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

10 **Sec. 883.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
11 read as follows:

12 (1) The department shall establish a process to certify incinerator
13 and landfill operators. To the greatest extent possible, the
14 department shall rely on the certification standards and procedures
15 developed by national organizations and the federal government.

16 (2) Operators shall be certified if they:

17 (a) Attend the required training sessions;

18 (b) Successfully complete required examinations; and

19 (c) Pay the prescribed fee.

20 (3) By January 1, 1991, the department shall adopt rules to require
21 incinerator and appropriate landfill operators to:

22 (a) Attend a training session concerning the operation of the
23 relevant type of landfill or incinerator;

24 (b) Demonstrate sufficient skill and competency for proper
25 operation of the incinerator or landfill by successfully completing an
26 examination prepared by the department; and

27 (c) Renew the certificate of competency at reasonable intervals
28 established by the department.

29 (4) The department shall provide for the collection of fees for the
30 issuance and renewal of certificates. These fees shall be sufficient
31 to recover the costs of the certification program.

32 (5) The department shall establish an appeals process for the
33 denial or revocation of a certificate.

34 (6) The department shall establish a process to automatically
35 certify operators who have received comparable certification from
36 another state, the federal government, a local government, or a
37 professional association.

1 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
2 operator of an incinerator or landfill may apply to the department for
3 interim certification. Operators shall receive interim certification
4 if they:

5 (a) Have received training provided by a recognized national
6 organization, educational institution, or the federal government that
7 is acceptable to the department; or

8 (b) Have received individualized training in a manner approved by
9 the department; and

10 (c) Have successfully completed any required examinations.

11 (8) No interim certification shall be valid after January 1, 1992,
12 and interim certification shall not automatically qualify operators for
13 certification pursuant to subsections (2) through (4) of this section.

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

23 NEW SECTION. Sec. 884. A new section is added to chapter 70.95B
24 RCW to read as follows:

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

34 **Sec. 885.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
35 read as follows:

36 Any license, permit, or certification provided for in this chapter
37 may be revoked or suspended, and any license, permit, or certification

1 application may be denied by the director for cause. If the director
2 suspends a license under this chapter with respect to activity of a
3 continuing nature under chapter 34.05 RCW, the director may elect to
4 suspend the license for a subsequent license year during a period that
5 coincides with the period commencing thirty days before and ending
6 thirty days after the date of the incident or incidents giving rise to
7 the violation.

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

17 **Sec. 886.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
18 read as follows:

19 (1) After January 1, 1991, a contractor may not perform
20 decontamination, demolition, or disposal work unless issued a
21 certificate by the state department of health. The department shall
22 establish performance standards for contractors by rule in accordance
23 with chapter 34.05 RCW, the administrative procedure act. The
24 department shall train and test, or may approve courses to train and
25 test, contractors and their employees on the essential elements in
26 assessing property used as an illegal drug manufacturing or storage
27 site to determine hazard reduction measures needed, techniques for
28 adequately reducing contaminants, use of personal protective equipment,
29 methods for proper demolition, removal, and disposal of contaminated
30 property, and relevant federal and state regulations. Upon successful
31 completion of the training, the contractor or employee shall be
32 certified.

33 (2) The department may require the successful completion of annual
34 refresher courses provided or approved by the department for the
35 continued certification of the contractor or employee.

36 (3) The department shall provide for reciprocal certification of
37 any individual trained to engage in decontamination, demolition, or
38 disposal work in another state when the prior training is shown to be

1 substantially similar to the training required by the department. The
2 department may require such individuals to take an examination or
3 refresher course before certification.

4 (4) The department may deny, suspend, or revoke a certificate for
5 failure to comply with the requirements of this chapter or any rule
6 adopted pursuant to this chapter. A certificate may be denied,
7 suspended, or revoked on any of the following grounds:

8 (a) Failing to perform decontamination, demolition, or disposal
9 work under the supervision of trained personnel;

10 (b) Failing to file a work plan;

11 (c) Failing to perform work pursuant to the work plan;

12 (d) Failing to perform work that meets the requirements of the
13 department; ~~((or))~~

14 (e) The certificate was obtained by error, misrepresentation, or
15 fraud; or

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

24 (5) A contractor who violates any provision of this chapter may be
25 assessed a fine not to exceed five hundred dollars for each violation.

26 (6) The department of health shall prescribe fees as provided for
27 in RCW 43.70.250 for the issuance and renewal of certificates, the
28 administration of examinations, and for the review of training courses.

29 (7) The decontamination account is hereby established in the state
30 treasury. All fees collected under this chapter shall be deposited in
31 this account. Moneys in the account may only be spent after
32 appropriation for costs incurred by the department in the
33 administration and enforcement of this chapter.

34 **Sec. 887.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
35 read as follows:

36 (1) The director shall enforce all laws and rules relating to the
37 licensing of mortgage brokers, grant or deny licenses to mortgage
38 brokers, and hold hearings.

1 (2) The director may impose the following sanctions:
2 (a) Deny applications for licenses for: (i) Violations of orders,
3 including cease and desist orders issued under this chapter; or (ii)
4 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);
5 (b) Suspend or revoke licenses for:
6 (i) False statements or omission of material information on the
7 application that, if known, would have allowed the director to deny the
8 application for the original license;
9 (ii) Failure to pay a fee required by the director or maintain the
10 required bond;
11 (iii) Failure to comply with any directive or order of the
12 director; or
13 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
14 or (13), 19.146.205(3), or 19.146.265;
15 (c) Impose fines on the licensee, employee or loan originator of
16 the licensee, or other person subject to this chapter for:
17 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
18 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
19 19.146.265; or
20 (ii) Failure to comply with any directive or order of the director;
21 (d) Issue orders directing a licensee, its employee or loan
22 originator, or other person subject to this chapter to:
23 (i) Cease and desist from conducting business in a manner that is
24 injurious to the public or violates any provision of this chapter; or
25 (ii) Pay restitution to an injured borrower; or
26 (e) Issue orders removing from office or prohibiting from
27 participation in the conduct of the affairs of a licensed mortgage
28 broker, or both, any officer, principal, employee, or loan originator
29 of any licensed mortgage broker or any person subject to licensing
30 under this chapter for:
31 (i) Any violation of 19.146.0201 (1) through (9) or (13),
32 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
33 19.146.265; or
34 (ii) False statements or omission of material information on the
35 application that, if known, would have allowed the director to deny the
36 application for the original license;
37 (iii) Conviction of a gross misdemeanor involving dishonesty or
38 financial misconduct or a felony after obtaining a license; or
39 (iv) Failure to comply with any directive or order of the director.

1 (3) Each day's continuance of a violation or failure to comply with
2 any directive or order of the director is a separate and distinct
3 violation or failure.

4 (4) The director shall establish by rule standards for licensure of
5 applicants licensed in other jurisdictions. Every licensed mortgage
6 broker that does not maintain a physical office within the state must
7 maintain a registered agent within the state to receive service of any
8 lawful process in any judicial or administrative noncriminal suit,
9 action, or proceeding, against the licensed mortgage broker which
10 arises under this chapter or any rule or order under this chapter, with
11 the same force and validity as if served personally on the licensed
12 mortgage broker. Service upon the registered agent shall be effective
13 if the plaintiff, who may be the director in a suit, action, or
14 proceeding instituted by him or her, sends notice of the service and a
15 copy of the process by registered mail to the defendant or respondent
16 at the last address of the respondent or defendant on file with the
17 director. In any judicial action, suit, or proceeding arising under
18 this chapter or any rule or order adopted under this chapter between
19 the department or director and a licensed mortgage broker who does not
20 maintain a physical office in this state, venue shall be exclusively in
21 the superior court of Thurston county.

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

31 NEW SECTION. Sec. 888. A new section is added to chapter 75.25
32 RCW to read as follows:

33 The director 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. If the person has continued to
37 meet all other requirements for reinstatement during the suspension,
38 reissuance of the license or certificate shall be automatic upon the

1 director's receipt of a release issued by the department of social and
2 health services stating that the licensee is in compliance with the
3 order.

4 NEW SECTION. **Sec. 889.** A new section is added to chapter 77.32
5 RCW to read as follows:

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

15 **Sec. 890.** RCW 75.25.150 and 1994 c 255 s 7 are each amended to
16 read as follows:

17 It is unlawful to dig for, fish for, harvest, or possess shellfish,
18 food fish, or seaweed without the licenses required by this chapter or
19 with a suspended license pursuant to section 802 of this act.

20 NEW SECTION. **Sec. 891.** A new section is added to chapter 75.25
21 RCW to read as follows:

22 Licenses issued pursuant to this chapter shall be invalid for any
23 period in which a person is certified by the department of social and
24 health services as a person in noncompliance with a support order.
25 Fisheries patrol officers, ex officio fisheries patrol officers, and
26 authorized fisheries employees shall enforce this section through
27 checks of the department of licensing's computer data base.
28 Presentation of a release issued by the department of social and health
29 services stating that the person is in compliance with an order shall
30 serve as prima facie proof of compliance with a support order.

31 NEW SECTION. **Sec. 892.** A new section is added to chapter 77.32
32 RCW to read as follows:

33 Licenses issued pursuant to this chapter shall be invalid for any
34 period in which a person is certified by the department of social and
35 health services as a person in noncompliance with a support order.

1 Wildlife agents and ex officio wildlife agents shall enforce this
2 section through checks of the department of licensing's computer data
3 base. Presentation of a release issued by the department of social and
4 health services stating that the person is in compliance with an order
5 shall serve as prima facie proof of compliance with a support order.

6 **Sec. 893.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to
7 read as follows:

8 (1) Except as otherwise provided by this title, it is unlawful to
9 engage in any of the following activities without a license or permit
10 issued by the director:

11 (a) Commercially fish for or take food fish or shellfish;

12 (b) Deliver food fish or shellfish taken in offshore waters;

13 (c) Operate a charter boat or commercial fishing vessel engaged in
14 a fishery;

15 (d) Engage in processing or wholesaling food fish or shellfish; or

16 (e) Act as a guide for salmon for personal use in freshwater rivers
17 and streams, other than that part of the Columbia river below the
18 bridge at Longview.

19 (2) No person may engage in the activities described in subsection
20 (1) of this section unless the licenses or permits required by this
21 title are in the person's possession, (~~and~~) the person is the named
22 license holder or an alternate operator designated on the license, and
23 the person's license is not suspended pursuant to section 894 of this
24 act.

25 (3) A valid Oregon license that is equivalent to a license under
26 this title is valid in the concurrent waters of the Columbia river if
27 the state of Oregon recognizes as valid the equivalent Washington
28 license. The director may identify by rule what Oregon licenses are
29 equivalent.

30 (4) No license or permit is required for the production or
31 harvesting of private sector cultured aquatic products as defined in
32 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
33 aquatic products. However, if a means of identifying such products is
34 required by rules adopted under RCW 15.85.060, the exemption from
35 licensing or permit requirements established by this subsection applies
36 only if the aquatic products are identified in conformance with those
37 rules.

1 NEW SECTION. **Sec. 894.** A new section is added to chapter 75.28
2 RCW to read as follows:

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

11 NEW SECTION. **Sec. 895.** (1) The director of the department of fish
12 and wildlife and the director of the department of information services
13 shall jointly develop a comprehensive, state-wide implementation plan
14 for the automated issuance, revocation, and general administration of
15 hunting, fishing, and recreational licenses administered under the
16 authority of the department of fish and wildlife to ensure compliance
17 with the license suspension requirements for failure to pay child
18 support in section 802 of this act.

19 (2) The plan shall detail the implementation steps necessary to
20 effectuate the automated administration of hunting, fishing, and
21 recreational licenses and shall include recommendations regarding all
22 costs and equipment associated with the plan.

23 (3) The plan shall be submitted to the legislature for review by
24 September 1, 1997.

25 **Sec. 896.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
26 read as follows:

27 (1) If the (~~office of support enforcement~~) division of child
28 support is providing support enforcement services under RCW 26.23.045,
29 or if a party is applying for support enforcement services by signing
30 the application form on the bottom of the support order, the superior
31 court shall include in all court orders that establish or modify a
32 support obligation:

33 (a) A provision that orders and directs the responsible parent to
34 make all support payments to the Washington state support registry;

35 (b) A statement that (~~a notice of payroll deduction may be issued,~~
36 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~
37 ~~may be taken~~) withholding action may be taken against wages, earnings,

1 assets, or benefits, and liens enforced against real and personal
2 property under the child support statutes of this or any other state,
3 without further notice to the responsible parent at any time after
4 entry of the court order, unless:

5 (i) One of the parties demonstrates, and the court finds, that
6 there is good cause not to require immediate income withholding and
7 that withholding should be delayed until a payment is past due; or

8 (ii) The parties reach a written agreement that is approved by the
9 court that provides for an alternate arrangement; ((and))

10 (c) A statement that the receiving parent might be required to
11 submit an accounting of how the support is being spent to benefit the
12 child; and

13 (d) A statement that the responsible parent's privileges to obtain
14 and maintain a license, as defined in section 802 of this act, may not
15 be renewed, or may be suspended if the parent is not in compliance with
16 a support order as defined in section 802 of this act.

17 As used in this subsection and subsection (3) of this section,
18 "good cause not to require immediate income withholding" means a
19 written determination of why implementing immediate wage withholding
20 would not be in the child's best interests and, in modification cases,
21 proof of timely payment of previously ordered support.

22 (2) In all other cases not under subsection (1) of this section,
23 the court may order the responsible parent to make payments directly to
24 the person entitled to receive the payments, to the Washington state
25 support registry, or may order that payments be made in accordance with
26 an alternate arrangement agreed upon by the parties.

27 (a) The superior court shall include in all orders under this
28 subsection that establish or modify a support obligation:

29 (i) A statement that ~~((a notice of payroll deduction may be issued~~
30 ~~or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A~~
31 ~~RCW))~~ may be taken against wages, earnings, assets, or benefits, and
32 liens enforced against real and personal property under the child
33 support statutes of this or any other state, without further notice to
34 the responsible parent at any time after entry of the court order,
35 unless:

36 (A) One of the parties demonstrates, and the court finds, that
37 there is good cause not to require immediate income withholding and
38 that withholding should be delayed until a payment is past due; or

1 (B) The parties reach a written agreement that is approved by the
2 court that provides for an alternate arrangement; and

3 (ii) A statement that the receiving parent may be required to
4 submit an accounting of how the support is being spent to benefit the
5 child.

6 As used in this subsection, "good cause not to require immediate
7 income withholding" is any reason that the court finds appropriate.

8 (b) The superior court may order immediate or delayed income
9 withholding as follows:

10 (i) Immediate income withholding may be ordered if the responsible
11 parent has earnings. If immediate income withholding is ordered under
12 this subsection, all support payments shall be paid to the Washington
13 state support registry. The superior court shall issue a mandatory
14 wage assignment order as set forth in chapter 26.18 RCW when the
15 support order is signed by the court. The parent entitled to receive
16 the transfer payment is responsible for serving the employer with the
17 order and for its enforcement as set forth in chapter 26.18 RCW.

18 (ii) If immediate income withholding is not ordered, the court
19 shall require that income withholding be delayed until a payment is
20 past due. The support order shall contain a statement that (~~a notice~~
21 ~~of payroll deduction may be issued, or other income withholding action~~
22 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may
23 be taken against wages, earnings, assets, or benefits, and liens
24 enforced against real and personal property under the child support
25 statutes of this or any other state, without further notice to the
26 responsible parent, after a payment is past due.

27 (c) If a mandatory wage withholding order under chapter 26.18 RCW
28 is issued under this subsection and the (~~office of support~~
29 ~~enforcement~~) division of child support provides support enforcement
30 services under RCW 26.23.045, the existing wage withholding assignment
31 is prospectively superseded upon the (~~office of support~~
32 ~~enforcement's~~) division of child support's subsequent service of an
33 income withholding notice.

34 (3) The office of administrative hearings and the department of
35 social and health services shall require that all support obligations
36 established as administrative orders include a provision which orders
37 and directs that the responsible parent shall make all support payments
38 to the Washington state support registry. All administrative orders
39 shall also state that the responsible parent's privileges to obtain and

1 maintain a license, as defined in section 802 of this act, may not be
2 renewed, or may be suspended if the parent is not in compliance with a
3 support order as defined in section 802 of this act. All
4 administrative orders shall also state that ((a notice of payroll
5 deduction may be issued, or other income withholding action taken))
6 withholding action may be taken against wages, earnings, assets, or
7 benefits, and liens enforced against real and personal property under
8 the child support statutes of this or any other state without further
9 notice to the responsible parent at any time after entry of the order,
10 unless:

11 (a) One of the parties demonstrates, and the presiding officer
12 finds, that there is good cause not to require immediate income
13 withholding; or

14 (b) The parties reach a written agreement that is approved by the
15 presiding officer that provides for an alternate agreement.

16 (4) If the support order does not include the provision ordering
17 and directing that all payments be made to the Washington state support
18 registry and a statement that ((a notice of payroll deduction may be
19 issued)) withholding action may be taken against wages, earnings,
20 assets, or benefits if a support payment is past due or at any time
21 after the entry of the order, or that a parent's licensing privileges
22 may not be renewed, or may be suspended, the ((office of support
23 enforcement)) division of child support may serve a notice on the
24 responsible parent stating such requirements and authorizations.
25 Service may be by personal service or any form of mail requiring a
26 return receipt.

27 (5) Every support order shall state:

28 (a) The address where the support payment is to be sent;

29 (b) That ((a notice of payroll deduction may be issued or other
30 income withholding action under chapter 26.18 or 74.20A RCW may be
31 taken)) withholding action may be taken against wages, earnings,
32 assets, or benefits, and liens enforced against real and personal
33 property under the child support statutes of this or any other state,
34 without further notice to the responsible parent at any time after
35 entry of ((an order by the court)) a support order, unless:

36 (i) One of the parties demonstrates, and the court finds, that
37 there is good cause not to require immediate income withholding; or

38 (ii) The parties reach a written agreement that is approved by the
39 court that provides for an alternate arrangement;

1 (c) The income of the parties, if known, or that their income is
2 unknown and the income upon which the support award is based;

3 (d) The support award as a sum certain amount;

4 (e) The specific day or date on which the support payment is due;

5 (f) The social security number, residence address, date of birth,
6 telephone number, driver's license number, and name and address of the
7 employer of the responsible parent;

8 (g) The social security number and residence address of the
9 physical custodian except as provided in subsection (6) of this
10 section;

11 (h) The names, dates of birth, and social security numbers, if any,
12 of the dependent children;

13 (~~(i) ((In cases requiring payment to the Washington state support
14 registry, that the parties are to notify the Washington state support
15 registry of any change in residence address. The responsible parent
16 shall notify the registry of the name and address of his or her current
17 employer,))~~) A provision requiring the responsible parent to keep the
18 Washington state support registry informed of whether he or she has
19 access to health insurance coverage at reasonable cost and, if so, the
20 health insurance policy information;

21 (j) That any parent owing a duty of child support shall be
22 obligated to provide health insurance coverage for his or her child if
23 coverage that can be extended to cover the child is or becomes
24 available to that parent through employment or is union-related as
25 provided under RCW 26.09.105;

26 (k) That if proof of health insurance coverage or proof that the
27 coverage is unavailable is not provided within twenty days, the obligee
28 or the department may seek direct enforcement of the coverage through
29 the obligor's employer or union without further notice to the obligor
30 as provided under chapter 26.18 RCW; ~~((and))~~

31 (l) The reasons for not ordering health insurance coverage if the
32 order fails to require such coverage; and

33 (m) That the responsible parent's privileges to obtain and maintain
34 a license, as defined in section 802 of this act, may not be renewed,
35 or may be suspended if the parent is not in compliance with a support
36 order as defined in section 802 of this act.

37 (6) The physical custodian's address:

38 (a) Shall be omitted from an order entered under the administrative
39 procedure act. When the physical custodian's address is omitted from

1 an order, the order shall state that the custodian's address is known
2 to the ~~((office of support enforcement))~~ division of child support.

3 (b) A responsible parent may request the physical custodian's
4 residence address by submission of a request for disclosure under RCW
5 26.23.120 to the ~~((office of support enforcement))~~ division of child
6 support.

7 (7) ~~((The superior court clerk, the office of administrative~~
8 ~~hearings, and the department of social and health services shall,~~
9 ~~within five days of entry, forward to the Washington state support~~
10 ~~registry, a true and correct copy of all superior court orders or~~
11 ~~administrative orders establishing or modifying a support obligation~~
12 ~~which provide that support payments shall be made to the support~~
13 ~~registry. If a superior court order entered prior to January 1, 1988,~~
14 ~~directs the responsible parent to make support payments to the clerk,~~
15 ~~the clerk shall send a true and correct copy of the support order and~~
16 ~~the payment record to the registry for enforcement action when the~~
17 ~~clerk identifies that a payment is more than fifteen days past due.~~
18 ~~The office of support enforcement shall reimburse the clerk for the~~
19 ~~reasonable costs of copying and sending copies of court orders to the~~
20 ~~registry at the reimbursement rate provided in Title IV-D of the social~~
21 ~~security act.~~

22 ~~(8) Receipt of a support order by the registry or other action~~
23 ~~under this section on behalf of a person or persons who have not made~~
24 ~~a written application for support enforcement services to the office of~~
25 ~~support enforcement and who are not recipients of public assistance is~~
26 ~~deemed to be a request for payment services only.~~

27 ~~(9))~~ After the responsible parent has been ordered or notified to
28 make payments to the Washington state support registry under this
29 section, the responsible parent shall be fully responsible for making
30 all payments to the Washington state support registry and shall be
31 subject to payroll deduction or other income-withholding action. The
32 responsible parent shall not be entitled to credit against a support
33 obligation for any payments made to a person or agency other than to
34 the Washington state support registry except as provided under RCW
35 74.20.101. A civil action may be brought by the payor to recover
36 payments made to persons or agencies who have received and retained
37 support moneys paid contrary to the provisions of this section.

1 (1) Withhold from the obligor's earnings or remuneration each
2 month, or from each regular earnings disbursement, the lesser of:

3 (a) The sum of the accrued support or spousal maintenance debt and
4 the current support or spousal maintenance obligation;

5 (b) The sum of the specified arrearage payment amount and the
6 current support or spousal maintenance obligation; or

7 (c) Fifty percent of the disposable earnings or remuneration of the
8 obligor.

9 (2) The total amount withheld above is subject to the wage
10 assignment order, and all other sums may be disbursed to the obligor.

11 (3) Upon receipt of this wage assignment order you shall make
12 immediate deductions from the obligor's earnings or remuneration and
13 remit to the Washington state support registry or other address
14 specified below the proper amounts at each regular pay interval.

15 You shall continue to withhold the ordered amounts from nonexempt
16 earnings or remuneration of the obligor until notified by:

17 (a) The court that the wage assignment has been modified or
18 terminated; or

19 (b) The addressee specified in the wage assignment order under this
20 section that the accrued child support or spousal maintenance debt has
21 been paid.

22 You shall promptly notify the court and the addressee specified in
23 the wage assignment order under this section if and when the employee
24 is no longer employed by you, or if the obligor no longer receives
25 earnings or remuneration from you. If you no longer employ the
26 employee, the wage assignment order shall remain in effect for one year
27 after the employee has left your employment or you are no longer in
28 possession of any earnings or remuneration owed to the employee,
29 whichever is later. You shall continue to hold the wage assignment
30 order during that period. If the employee returns to your employment
31 during the one-year period you shall immediately begin to withhold the
32 employee's earnings according to the terms of the wage assignment
33 order. If the employee has not returned to your employment within one
34 year, the wage assignment will cease to have effect at the expiration
35 of the one-year period, unless you still owe the employee earnings or
36 other remuneration.

37 You shall deliver the withheld earnings or remuneration to the
38 Washington state support registry or other address stated below at each
39 regular pay interval.

1 (b) After service of a notice containing an income_withholding
2 provision under this chapter or chapter 74.20A RCW.

3 (2) The (~~office of support enforcement~~) division of child support
4 shall serve a notice of payroll deduction upon a responsible parent's
5 employer or upon the employment security department for the state in
6 possession of or owing any benefits from the unemployment compensation
7 fund to the responsible parent pursuant to Title 50 RCW (~~by personal~~
8 ~~service or by any form of mail requiring a return receipt~~):

9 (a) In the manner prescribed for the service of a summons in a
10 civil action;

11 (b) By certified mail, return receipt requested; or

12 (c) By electronic means if there is an agreement between the
13 secretary and the person, firm, corporation, association, political
14 subdivision, department of the state, or agency, subdivision, or
15 instrumentality of the United States to accept service by electronic
16 means.

17 (3) Service of a notice of payroll deduction upon an employer or
18 employment security department requires the employer or employment
19 security department to immediately make a mandatory payroll deduction
20 from the responsible parent's unpaid disposable earnings or
21 unemployment compensation benefits. The employer or employment
22 security department shall thereafter deduct each pay period the amount
23 stated in the notice divided by the number of pay periods per month.
24 The payroll deduction each pay period shall not exceed fifty percent of
25 the responsible parent's disposable earnings.

26 (4) A notice of payroll deduction for support shall have priority
27 over any wage assignment, garnishment, attachment, or other legal
28 process.

29 (5) The notice of payroll deduction shall be in writing and
30 include:

31 (a) The name and social security number of the responsible parent;

32 (b) The amount to be deducted from the responsible parent's
33 disposable earnings each month, or alternate amounts and frequencies as
34 may be necessary to facilitate processing of the payroll deduction;

35 (c) A statement that the total amount withheld shall not exceed
36 fifty percent of the responsible parent's disposable earnings; (~~and~~)

37 (d) The address to which the payments are to be mailed or
38 delivered; and

1 (e) A notice to the responsible parent warning the responsible
2 parent that, despite the payroll deduction, the responsible parent's
3 privileges to obtain and maintain a license, as defined in section 802
4 of this act, may not be renewed, or may be suspended if the parent is
5 not in compliance with a support order as defined in section 802 of
6 this act.

7 (6) An informational copy of the notice of payroll deduction shall
8 be mailed to the last known address of the responsible parent by
9 regular mail.

10 (7) An employer or employment security department that receives a
11 notice of payroll deduction shall make immediate deductions from the
12 responsible parent's unpaid disposable earnings and remit proper
13 amounts to the Washington state support registry on each date the
14 responsible parent is due to be paid.

15 (8) An employer, or the employment security department, upon whom
16 a notice of payroll deduction is served, shall make an answer to the
17 (~~office of support enforcement~~) division of child support within
18 twenty days after the date of service. The answer shall confirm
19 compliance and institution of the payroll deduction or explain the
20 circumstances if no payroll deduction is in effect. The answer shall
21 also state whether the responsible parent is employed by or receives
22 earnings from the employer or receives unemployment compensation
23 benefits from the employment security department, whether the employer
24 or employment security department anticipates paying earnings or
25 unemployment compensation benefits and the amount of earnings. If the
26 responsible parent is no longer employed, or receiving earnings from
27 the employer, the answer shall state the present employer's name and
28 address, if known. If the responsible parent is no longer receiving
29 unemployment compensation benefits from the employment security
30 department, the answer shall state the present employer's name and
31 address, if known.

32 (9) The employer or employment security department may deduct a
33 processing fee from the remainder of the responsible parent's earnings
34 after withholding under the notice of payroll deduction, even if the
35 remainder is exempt under RCW 26.18.090. The processing fee may not
36 exceed: (a) Ten dollars for the first disbursement made to the
37 Washington state support registry; and (b) one dollar for each
38 subsequent disbursement to the registry.

1 (10) The notice of payroll deduction shall remain in effect until
2 released by the (~~office of support enforcement~~) division of child
3 support, the court enters an order terminating the notice and approving
4 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has
5 expired since the employer has employed the responsible parent or has
6 been in possession of or owing any earnings to the responsible parent
7 or the employment security department has been in possession of or
8 owing any unemployment compensation benefits to the responsible parent.

9 (11) The division of child support may use uniform interstate
10 withholding forms adopted by the United States department of health and
11 human services to take withholding actions under this section when the
12 responsible parent is receiving earnings or unemployment compensation
13 in another state.

14 B. CHILD SUPPORT ENFORCEMENT

15 **Sec. 899.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to
16 read as follows:

17 (1) Whenever the department (~~of social and health services~~)
18 receives an application for public assistance on behalf of a child, the
19 department shall take appropriate action under the provisions of this
20 chapter, chapter 74.20A RCW, or other appropriate statutes of this
21 state to establish or enforce support obligations against the parent or
22 other persons owing a duty to pay support moneys.

23 (2) The secretary may accept a request for support enforcement
24 services on behalf of persons who are not recipients of public
25 assistance and may take appropriate action to establish or enforce
26 support obligations against the parent or other persons owing a duty to
27 pay moneys. Requests accepted under this subsection may be conditioned
28 upon the payment of a fee as required through regulation issued by the
29 secretary. (~~Action may be taken under the provisions of chapter 74.20~~
30 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~
31 ~~statutes of this state, including but not limited to remedies~~
32 ~~established in chapter 74.20A RCW, to establish and enforce said~~
33 ~~support obligations.)) The secretary may establish by regulation,
34 reasonable standards and qualifications for support enforcement
35 services under this subsection.~~

36 (3) The secretary may accept requests for support enforcement
37 services from child support enforcement agencies in other states

1 operating child support programs under Title IV-D of the social
2 security act or from foreign countries, and may take appropriate action
3 to establish and enforce support obligations, or to enforce subpoenas,
4 information requests, orders for genetic testing, and collection
5 actions issued by the other agency against the parent or other person
6 owing a duty to pay support moneys, the parent or other person's
7 employer, or any other person or entity properly subject to child
8 support collection or information-gathering processes. The request
9 shall contain and be accompanied by such information and documentation
10 as the secretary may by rule require, and be signed by an authorized
11 representative of the agency. The secretary may adopt rules setting
12 forth the duration and nature of services provided under this
13 subsection.

14 (4) The department may take action to establish, enforce, and
15 collect a support obligation, including performing related services,
16 under this chapter and chapter 74.20A RCW, or through the attorney
17 general or prosecuting attorney for action under chapter 26.09, 26.18,
18 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common
19 law of this state.

20 (5) Whenever a support order is filed with the Washington state
21 support registry under chapter 26.23 RCW, the department may take
22 appropriate action under the provisions of this chapter, chapter 26.23
23 or 74.20A RCW, or other appropriate law of this state to establish or
24 enforce the support obligations contained in that order against the
25 responsible parent or other persons owing a duty to pay support moneys.

26 (6) The secretary may charge and collect a fee from the person
27 obligated to pay support to compensate the department for services
28 rendered in establishment of or enforcement of support obligations.
29 This fee shall be limited to not more than ten percent of any support
30 money collected as a result of action taken by the secretary. The fee
31 charged shall be in addition to the support obligation. In no event
32 may any moneys collected by the department (~~of social and health~~
33 ~~services)) from the person obligated to pay support be retained as~~
34 satisfaction of fees charged until all current support obligations have
35 been satisfied. The secretary shall by regulation establish reasonable
36 fees for support enforcement services and said schedule of fees shall
37 be made available to any person obligated to pay support. The
38 secretary may, on showing of necessity, waive or defer any such fee.

1 (7) Fees, due and owing, may be collected as delinquent support
2 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter
3 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity
4 available to the department or any agencies with whom it has a
5 cooperative or contractual arrangement to establish, enforce, or
6 collect support moneys or support obligations.

7 (8) The secretary may waive the fee, or any portion thereof, as a
8 part of a compromise of disputed claims or may grant partial or total
9 charge off of said fee if the secretary finds there are no available,
10 practical, or lawful means by which said fee may be collected or to
11 facilitate payment of the amount of delinquent support moneys owed.

12 (9) The secretary shall adopt rules conforming to federal laws,
13 rules, and regulations required to be observed in maintaining the state
14 child support enforcement program required under Title IV-D of the
15 federal social security act. The adoption of these rules shall be
16 calculated to promote the cost-effective use of the agency's resources
17 and not otherwise cause the agency to divert its resources from its
18 essential functions.

19 NEW SECTION. Sec. 900. A new section is added to chapter 74.20A
20 RCW to read as follows:

21 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--
22 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to
23 child support payments wrongfully or negligently retains child support
24 payments owed to another or to the Washington state support registry,
25 those payments retain their character as child support payments and may
26 be collected by the division of child support using any remedy
27 available to the division of child support under Washington law for the
28 collection of child support.

29 (2) Child support moneys subject to collection under this section
30 may be collected for the duration of the statute of limitations as it
31 applies to the support order governing the support obligations, and any
32 legislative or judicial extensions thereto.

33 (3) This section applies to the following:

34 (a) Cases in which an employer or other entity obligated to
35 withhold child support payments from the parent's pay, bank, or escrow
36 account, or from any other asset or distribution of money to the
37 parent, has withheld those payments and failed to remit them to the
38 payee;

1 (b) Cases in which child support moneys have been paid to the wrong
2 person or entity in error;

3 (c) Cases in which child support recipients have retained child
4 support payments in violation of a child support assignment executed or
5 arising by operation of law in exchange for the receipt of public
6 assistance; and

7 (d) Any other case in which child support payments are retained by
8 a party not entitled to them.

9 (4) This section does not apply to fines levied under section
10 901(3)(b) of this act.

11 NEW SECTION. **Sec. 901.** A new section is added to chapter 74.20A
12 RCW to read as follows:

13 NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--
14 LIABILITY. (1) The division of child support may issue a notice of
15 noncompliance to any person, firm, entity, or agency of state or
16 federal government that the division believes is not complying with:

17 (a) A notice of payroll deduction issued under chapter 26.23 RCW;

18 (b) A lien, order to withhold and deliver, or assignment of
19 earnings issued under this chapter;

20 (c) Any other wage assignment, garnishment, attachment, or
21 withholding instrument properly served by the agency or firm providing
22 child support enforcement services for another state, under Title IV-D
23 of the federal social security act;

24 (d) A subpoena issued by the division of child support, or the
25 agency or firm providing child support enforcement for another state,
26 under Title IV-D of the federal social security act;

27 (e) An information request issued by the division of child support,
28 or the agency or firm providing child support enforcement for another
29 state under Title IV-D of the federal social security act, to an
30 employer or entity required to respond to such requests under section
31 905 of this act; or

32 (f) The duty to report newly hired employees imposed by RCW
33 26.23.040.

34 (2) Liability for noncompliance with a wage withholding,
35 garnishment, order to withhold and deliver, or any other lien or
36 attachment issued to secure payment of child support is governed by RCW
37 26.23.090 and 74.20A.100, except that liability for noncompliance with
38 remittance time frames is governed by subsection (3) of this section.

1 (3) The division of child support may impose fines of up to one
2 hundred dollars per occurrence for:

3 (a) Noncompliance with a subpoena or an information request issued
4 by the division of child support, or the agency or firm providing child
5 support enforcement services for another state under Title IV-D of the
6 federal social security act;

7 (b) Noncompliance with the required time frames for remitting
8 withheld support moneys to the Washington state support registry, or
9 the agency or firm providing child support enforcement services for
10 another state, except that no liability shall be established for
11 failure to make timely remittance unless the division of child support
12 has provided the person, firm, entity, or agency of state or federal
13 government with written warning:

14 (i) Explaining the duty to remit withheld payments promptly;

15 (ii) Explaining the potential for fines for delayed submission; and

16 (iii) Providing a contact person within the division of child
17 support with whom the person, firm, entity, or agency of state or
18 federal government may seek assistance with child support withholding
19 issues.

20 (4) The division of child support may assess fines according to RCW
21 26.23.040 for failure to comply with employer reporting requirements.

22 (5) The division of child support may suspend licenses for failure
23 to comply with a subpoena issued under section 906 of this act.

24 (6) The division of child support may serve a notice of
25 noncompliance by personal service or by any method of mailing requiring
26 a return receipt.

27 (7) The liability asserted by the division of child support in the
28 notice of noncompliance becomes final and collectible on the twenty-
29 first day after the date of service, unless within that time the
30 person, firm, entity, or agency of state or federal government:

31 (a) Initiates an action in superior court to contest the notice of
32 noncompliance;

33 (b) Requests a hearing by delivering a hearing request to the
34 division of child support in accordance with rules adopted by the
35 secretary under this section; or

36 (c) Contacts the division of child support and negotiates an
37 alternate resolution to the asserted noncompliance or demonstrates that
38 the person, firm, entity, or agency of state or federal government has
39 complied with the child support processes.

1 (8) The notice of noncompliance shall contain:

2 (a) A full and fair disclosure of the rights and obligations
3 created by this section; and

4 (b) Identification of the:

5 (i) Child support process with respect to which the division of
6 child support is alleging noncompliance; and

7 (ii) State child support enforcement agency issuing the original
8 child support process.

9 (9) In an administrative hearing convened under subsection (7)(b)
10 of this section, the presiding officer shall determine whether or not,
11 and to what extent, liability for noncompliance exists under this
12 section, and shall enter an order containing these findings. If
13 liability does exist, the presiding officer shall include language in
14 the order advising the parties to the proceeding that the liability may
15 be collected by any means available to the division of child support
16 under subsection (12) of this section without further notice to the
17 liable party.

18 (10) Hearings under this section are governed by the administrative
19 procedure act, chapter 34.05 RCW.

20 (11) After the twenty days following service of the notice, the
21 person, firm, entity, or agency of state or federal government may
22 petition for a late hearing. A petition for a late hearing does not
23 stay any collection action to recover the debt. A late hearing is
24 available upon a showing of any of the grounds stated in civil rule 60
25 for the vacation of orders.

26 (12) The division of child support may collect any obligation
27 established under this section using any of the remedies available
28 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the
29 collection of child support.

30 (13) The division of child support may enter agreements for the
31 repayment of obligations under this section. Agreements may:

32 (a) Suspend the obligation imposed by this section conditioned on
33 future compliance with child support processes. Such suspension shall
34 end automatically upon any failure to comply with a child support
35 process. Amounts suspended become fully collectible without further
36 notice automatically upon failure to comply with a child support
37 process;

38 (b) Resolve amounts due under this section and provide for
39 repayment.

1 (14) The secretary may adopt rules to implement this section.

2 **Sec. 902.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to
3 read as follows:

4 (1) The employer shall be liable to the Washington state support
5 registry, or to the agency or firm providing child support enforcement
6 for another state, under Title IV-D of the federal social security act
7 and issuing a notice, garnishment, or wage assignment attaching wages
8 or earnings in satisfaction of a support obligation, for one hundred
9 percent of the amount of the support debt, or the amount of support
10 moneys which should have been withheld from the employee's earnings,
11 whichever is the lesser amount, if the employer:

12 (a) Fails or refuses, after being served with a 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, to deduct and promptly remit from
16 unpaid earnings the amounts of money required in the notice;

17 (b) Fails or refuses to submit an answer to the notice of payroll
18 deduction, or substantially similar action issued by the agency or firm
19 providing child support enforcement for another state, under Title IV-D
20 of the federal social security act, after being served; or

21 (c) Is unwilling to comply with the other requirements of RCW
22 26.23.060.

23 (2) Liability may be established in superior court or may be
24 established pursuant to ~~((RCW 74.20A.270))~~ section 901 of this act.
25 Awards in superior court and in actions pursuant to ~~((RCW 74.20A.270))~~
26 section 901 of this act shall include costs, interest under RCW
27 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs
28 as a part of the award. Debts established pursuant to this section may
29 be collected ~~((pursuant to chapter 74.20A RCW utilizing any of the~~
30 ~~remedies contained in that chapter))~~ by the division of child support
31 using any of the remedies available under chapter 26.09, 26.18, 26.21,
32 26.23, 74.20, or 74.20A RCW for the collection of child support.

33 **Sec. 903.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
34 read as follows:

35 (1) Any person, firm, corporation, association, political
36 subdivision or department of the state shall be liable to the
37 department, or to the agency or firm providing child support

1 enforcement for another state, under Title IV-D of the federal social
2 security act and issuing a notice, garnishment, or wage assignment
3 attaching wages or earnings in satisfaction of a support obligation, in
4 an amount equal to one hundred percent of the value of the debt which
5 is the basis of the lien, order to withhold and deliver, distraint, or
6 assignment of earnings, or the amount that should have been withheld,
7 whichever amount is less, together with costs, interest, and reasonable
8 attorney fees if that person or entity:

9 (a) Fails to answer an order to withhold and deliver, or
10 substantially similar action issued by the agency or firm providing
11 child support enforcement for another state, under Title IV-D of the
12 federal social security act, within the time prescribed herein;

13 (b) Fails or refuses to deliver property pursuant to said order;

14 (c) After actual notice of filing of a support lien, pays over,
15 releases, sells, transfers, or conveys real or personal property
16 subject to a support lien to or for the benefit of the debtor or any
17 other person;

18 (d) Fails or refuses to surrender property distrained under RCW
19 74.20A.130 upon demand; or

20 (e) Fails or refuses to honor an assignment of earnings presented
21 by the secretary.

22 (2) The secretary is authorized to issue a notice of ((debt
23 pursuant to RCW 74.20A.040 and to take appropriate action to collect
24 the debt under this chapter if:

25 (a) A judgment has been entered as the result of an action in
26 superior court against a person, firm, corporation, association,
27 political subdivision, or department of the state based on a violation
28 of this section; or

29 (b) Liability has been established under RCW 74.20A.270))
30 noncompliance under section 901 of this act or to proceed in superior
31 court to obtain a judgment for noncompliance under this section.

32 **Sec. 904.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156
33 are each reenacted and amended to read as follows:

34 (1) The secretary may issue a notice of ((noncompliance)) retained
35 support or notice to recover a support payment to any person((, firm,
36 corporation, association, or political subdivision of the state of
37 Washington or any officer or agent thereof who has violated chapter
38 26.18 RCW, RCW 74.20A.100, or 26.23.040,))):

1 (a) Who is in possession of support moneys, or who has had support
2 moneys in his or her possession at some time in the past, which support
3 moneys were or are claimed by the department as the property of the
4 department by assignment, subrogation, or by operation of law or legal
5 process under chapter 74.20A RCW(~~(, if the support moneys have not been~~
6 remitted to the department as required by law));

7 (b) Who has received a support payment erroneously directed to the
8 wrong payee, or issued by the department in error; or

9 (c) Who is in possession of a support payment obtained through the
10 internal revenue service tax refund offset process, which payment was
11 later reclaimed from the department by the internal revenue service as
12 a result of an amended tax return filed by the obligor or the obligor's
13 spouse.

14 (2) The notice shall (~~(describe the claim of the department,~~
15 stating)) state the legal basis for the claim and shall provide
16 sufficient detail to enable the person(~~(, firm, corporation,~~
17 association, or political subdivision or officer or agent thereof upon
18 whom service is made)) to identify the support moneys in issue (~~(or the~~
19 specific violation of RCW 74.20A.100 that has occurred. The notice may
20 also make inquiry as to relevant facts necessary to the resolution of
21 the issue)).

22 (3) The department shall serve the notice (~~(may be served))~~
23 certified mail, return receipt requested, or in the manner of a summons
24 in a civil action. (~~(Upon service of the notice all moneys not yet~~
25 disbursed or spent or like moneys to be received in the future are
26 deemed to be impounded and shall be held in trust pending answer to the
27 notice and any adjudicative proceeding.))

28 (4) The amounts claimed in the notice (~~(shall be answered under~~
29 oath and in writing within twenty days of the date of service, which
30 answer shall include true answers to the matters inquired of in the
31 notice. The answer shall also either acknowledge)) shall become
32 assessed, determined, and subject to collection twenty days from the
33 date of service of the notice unless within those twenty days the
34 person in possession of the support moneys:

35 (a) Acknowledges the department's right to the moneys (~~(or~~
36 application for)) and executes an agreed settlement providing for
37 repayment of the moneys; or

38 (b) Requests an adjudicative proceeding to (~~(contest the allegation~~
39 that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been

1 violated, or)) determine the rights to ownership of the support moneys
2 in issue. The hearing shall be held pursuant to this section, chapter
3 34.05 RCW, the Administrative Procedure Act, and the rules of the
4 department. The burden of proof to establish ownership of the support
5 moneys claimed(~~(, including but not limited to moneys not yet disbursed
6 or spent,)~~) is on the department.

7 ~~((If no answer is made within the twenty days, the department's
8 claim shall be assessed and determined and subject to collection action
9 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW
10 26.23.040. Any such debtor))~~

11 (5) After the twenty-day period, a person served with a notice
12 under this section may, at any time within one year from the date of
13 service of the notice of support debt, petition the secretary or the
14 secretary's designee for an adjudicative proceeding upon a showing of
15 any of the grounds enumerated in RCW 4.72.010 or superior court civil
16 rule 60. A copy of the petition shall also be served on the
17 department. The filing of the petition shall not stay any collection
18 action being taken, but the debtor may petition the secretary or the
19 secretary's designee for an order staying collection action pending the
20 final administrative order. Any such moneys held and/or taken by
21 collection action (~~((prior to))~~) after the date of any such stay (~~((and
22 any support moneys claimed by the department, including moneys to be
23 received in the future to which the department may have a claim,))~~)
24 shall be held (~~((in trust))~~) by the department pending the final order,
25 to be disbursed in accordance with the final order. (~~((The secretary or
26 the secretary's designee shall condition the stay to provide for the
27 trust.~~

28 ~~If the petition is granted the issue in the proceeding is limited
29 to the determination of the ownership of the moneys claimed in the
30 notice of debt. The right to an adjudicative proceeding is conditioned
31 upon holding of any funds not yet disbursed or expended or to be
32 received in the future in trust pending the final order in these
33 proceedings. The presiding or reviewing officer shall enter an
34 appropriate order providing for the terms of the trust.))~~

35 (6) If the debtor fails to attend or participate in the hearing or
36 other stage of an adjudicative proceeding, the presiding officer shall,
37 upon showing of valid service, enter an order declaring the amount of
38 support moneys, as claimed in the notice, to be assessed and determined
39 and subject to collection action.

1 (7) The department may take action to collect an obligation
2 established under this section using any remedy available under this
3 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection
4 of child support.

5 (8) If, at any time, the superior court enters judgment for an
6 amount of debt at variance with the amount determined by the final
7 order in an adjudicative proceeding, the judgment shall supersede the
8 final administrative order. ~~((Any debt determined by the superior~~
9 ~~court in excess of the amount determined by the final administrative~~
10 ~~order shall be the property of the department as assigned under 42~~
11 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~
12 ~~74.20.330.))~~ The department may(~~(, despite any final administrative~~
13 ~~order,~~)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain
14 such a judgment or to collect moneys determined by such a judgment to
15 be due and owing.

16 ~~((If public assistance moneys have been paid to a parent for the~~
17 ~~benefit of that parent's minor dependent children, debt under this~~
18 ~~chapter shall not be incurred by nor at any time be collected from that~~
19 ~~parent because of that payment of assistance. Nothing in this section~~
20 ~~prohibits or limits the department from acting pursuant to RCW~~
21 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~
22 ~~recipient for receipt of support moneys paid in satisfaction of the~~
23 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~
24 ~~department but were received by a recipient or ex-recipient from~~
25 ~~another responsible parent and not remitted to the department. To~~
26 ~~collect these wrongfully retained funds from the recipient, the~~
27 ~~department may not take collection action in excess of ten percent of~~
28 ~~the grant payment standard during any month the public assistance~~
29 ~~recipient remains in that status unless required by federal law.))~~ (9)

30 If a person owing a debt established under this section is receiving
31 public assistance, the department may collect the debt by offsetting up
32 to ten percent of the grant payment received by the person. No
33 collection action may be taken against the earnings of a person
34 receiving cash public assistance to collect a debt assessed under this
35 section.

36 (10) Payments not credited against the department's debt pursuant
37 to RCW 74.20.101 may not be assessed or collected under this section.

1 NEW SECTION. **Sec. 905.** A new section is added to chapter 74.20A
2 RCW to read as follows:

3 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)
4 Notwithstanding any other provision of Washington law, the division of
5 child support, the Washington state support registry, or the agency or
6 firm providing child support enforcement services for another state
7 under Title IV-D of the federal social security act may access records
8 of the following nature, in the possession of any agency or entity
9 listed in this section:

10 (a) Records of state and local agencies, including but not limited
11 to:

12 (i) The center for health statistics, including but not limited to
13 records of birth, marriage, and death;

14 (ii) Tax and revenue records, including, but not limited to,
15 information on residence addresses, employers, and assets;

16 (iii) Records concerning real and titled personal property;

17 (iv) Records of occupational, professional, and recreational
18 licenses and records concerning the ownership and control of
19 corporations, partnerships, and other business entities;

20 (v) Employment security records;

21 (vi) Records of agencies administering public assistance programs;
22 and

23 (vii) Records of the department of corrections, and of county and
24 municipal correction or confinement facilities;

25 (b) Records of public utilities and cable television companies
26 relating to persons who owe or are owed support, or against whom a
27 support obligation is sought, including names and addresses of the
28 individuals, and employers' names and addresses pursuant to section 906
29 of this act and RCW 74.20A.120; and

30 (c) Records held by financial institutions, pursuant to section 907
31 of this act.

32 (2) Upon the request of the division of child support, the
33 Washington state support registry, or the agency or firm providing
34 child support enforcement services for another state under Title IV-D
35 of the social security act, any employer shall provide information as
36 to the employment, earnings, benefits, and residential address and
37 phone number of any employee.

38 (3) Entities in possession of records described in subsection
39 (1)(a) and (c) of this section must provide information and records

1 upon the request of the division of child support, the Washington state
2 support registry, or the agency or firm providing child support
3 enforcement services for another state under Title IV-D of the federal
4 social security act. The division of child support may enter into
5 agreements providing for electronic access to these records.

6 (4) Public utilities and cable television companies must provide
7 the information in response to a judicial or administrative subpoena
8 issued by the division of child support, the Washington state support
9 registry, or the agency or firm providing child support enforcement
10 services for another state under Title IV-D of the federal social
11 security act.

12 (5) Entities responding to information requests and subpoenas under
13 this section are not liable for disclosing information pursuant to the
14 request or subpoena.

15 (6) The division of child support shall maintain all information
16 gathered under this section confidential and shall only disclose this
17 information as provided under RCW 26.23.120.

18 (7) The division of child support may impose fines for
19 noncompliance with this section using the notice of noncompliance under
20 section 901 of this act.

21 NEW SECTION. **Sec. 906.** A new section is added to chapter 74.20
22 RCW to read as follows:

23 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of
24 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the
25 secretary and other duly authorized officers of the department may
26 subpoena witnesses, take testimony, and compel the production of such
27 papers, books, records, and documents as they may deem relevant to the
28 performance of their duties. The division of child support may enforce
29 subpoenas issued under this power according to section 901 of this act.

30 NEW SECTION. **Sec. 907.** A new section is added to chapter 74.20A
31 RCW to read as follows:

32 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter
33 financial institutions doing business in the state of Washington shall
34 report to the department the name, record address, social security
35 number or other taxpayer identification number, and other information
36 determined necessary by the department for each individual who

1 maintains an account at such institution and is identified by the
2 department as owing a support debt.

3 (2) The department and financial institutions shall enter into
4 agreements to develop and operate a data match system, using automated
5 data exchanges to the extent feasible, to minimize the cost of
6 providing information required under subsection (1) of this section.

7 (3) The department may pay a reasonable fee to a financial
8 institution for conducting the data match not to exceed the actual
9 costs incurred.

10 (4) A financial institution is not liable for any disclosure of
11 information to the department under this section.

12 (5) The division of child support shall maintain all information
13 gathered under this section confidential and shall only disclose this
14 information as provided under RCW 26.23.120.

15 **Sec. 908.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
16 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
17 follows:

18 (1) The following are exempt from public inspection and copying:

19 (a) Personal information in any files maintained for students in
20 public schools, patients or clients of public institutions or public
21 health agencies, or welfare recipients.

22 (b) Personal information in files maintained for employees,
23 appointees, or elected officials of any public agency to the extent
24 that disclosure would violate their right to privacy.

25 (c) Information required of any taxpayer in connection with the
26 assessment or collection of any tax if the disclosure of the
27 information to other persons would (i) be prohibited to such persons by
28 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
29 in unfair competitive disadvantage to the taxpayer.

30 (d) Specific intelligence information and specific investigative
31 records compiled by investigative, law enforcement, and penology
32 agencies, and state agencies vested with the responsibility to
33 discipline members of any profession, the nondisclosure of which is
34 essential to effective law enforcement or for the protection of any
35 person's right to privacy.

36 (e) Information revealing the identity of persons who are witnesses
37 to or victims of crime or who file complaints with investigative, law
38 enforcement, or penology agencies, other than the public disclosure

1 commission, if disclosure would endanger any person's life, physical
2 safety, or property. If at the time a complaint is filed the
3 complainant, victim or witness indicates a desire for disclosure or
4 nondisclosure, such desire shall govern. However, all complaints filed
5 with the public disclosure commission about any elected official or
6 candidate for public office must be made in writing and signed by the
7 complainant under oath.

8 (f) Test questions, scoring keys, and other examination data used
9 to administer a license, employment, or academic examination.

10 (g) Except as provided by chapter 8.26 RCW, the contents of real
11 estate appraisals, made for or by any agency relative to the
12 acquisition or sale of property, until the project or prospective sale
13 is abandoned or until such time as all of the property has been
14 acquired or the property to which the sale appraisal relates is sold,
15 but in no event shall disclosure be denied for more than three years
16 after the appraisal.

17 (h) Valuable formulae, designs, drawings, and research data
18 obtained by any agency within five years of the request for disclosure
19 when disclosure would produce private gain and public loss.

20 (i) Preliminary drafts, notes, recommendations, and intra-agency
21 memorandums in which opinions are expressed or policies formulated or
22 recommended except that a specific record shall not be exempt when
23 publicly cited by an agency in connection with any agency action.

24 (j) Records which are relevant to a controversy to which an agency
25 is a party but which records would not be available to another party
26 under the rules of pretrial discovery for causes pending in the
27 superior courts.

28 (k) Records, maps, or other information identifying the location of
29 archaeological sites in order to avoid the looting or depredation of
30 such sites.

31 (l) Any library record, the primary purpose of which is to maintain
32 control of library materials, or to gain access to information, which
33 discloses or could be used to disclose the identity of a library user.

34 (m) Financial information supplied by or on behalf of a person,
35 firm, or corporation for the purpose of qualifying to submit a bid or
36 proposal for (i) a ferry system construction or repair contract as
37 required by RCW 47.60.680 through 47.60.750 or (ii) highway
38 construction or improvement as required by RCW 47.28.070.

1 (n) Railroad company contracts filed prior to July 28, 1991, with
2 the utilities and transportation commission under RCW 81.34.070, except
3 that the summaries of the contracts are open to public inspection and
4 copying as otherwise provided by this chapter.

5 (o) Financial and commercial information and records supplied by
6 private persons pertaining to export services provided pursuant to
7 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
8 export projects pursuant to RCW 43.23.035.

9 (p) Financial disclosures filed by private vocational schools under
10 chapters 28B.85 and 28C.10 RCW.

11 (q) Records filed with the utilities and transportation commission
12 or attorney general under RCW 80.04.095 that a court has determined are
13 confidential under RCW 80.04.095.

14 (r) Financial and commercial information and records supplied by
15 businesses or individuals during application for loans or program
16 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
17 or during application for economic development loans or program
18 services provided by any local agency.

19 (s) Membership lists or lists of members or owners of interests of
20 units in timeshare projects, subdivisions, camping resorts,
21 condominiums, land developments, or common-interest communities
22 affiliated with such projects, regulated by the department of
23 licensing, in the files or possession of the department.

24 (t) All applications for public employment, including the names of
25 applicants, resumes, and other related materials submitted with respect
26 to an applicant.

27 (u) The residential addresses and residential telephone numbers of
28 employees or volunteers of a public agency which are held by the agency
29 in personnel records, employment or volunteer rosters, or mailing lists
30 of employees or volunteers.

31 (v) The residential addresses and residential telephone numbers of
32 the customers of a public utility contained in the records or lists
33 held by the public utility of which they are customers, except that
34 this information may be released to the division of child support or
35 the agency or firm providing child support enforcement for another
36 state under Title IV-D of the federal social security act, for the
37 establishment, enforcement, or modification of a support order.

38 (w)(i) The federal social security number of individuals governed
39 under chapter 18.130 RCW maintained in the files of the department of

1 health, except this exemption does not apply to requests made directly
2 to the department from federal, state, and local agencies of
3 government, and national and state licensing, credentialing,
4 investigatory, disciplinary, and examination organizations; (ii) the
5 current residential address and current residential telephone number of
6 a health care provider governed under chapter 18.130 RCW maintained in
7 the files of the department, if the provider requests that this
8 information be withheld from public inspection and copying, and
9 provides to the department an accurate alternate or business address
10 and business telephone number. On or after January 1, 1995, the
11 current residential address and residential telephone number of a
12 health care provider governed under RCW 18.130.140 maintained in the
13 files of the department shall automatically be withheld from public
14 inspection and copying unless the provider specifically requests the
15 information be released, and except as provided for under RCW
16 42.17.260(9).

17 (x) Information obtained by the board of pharmacy as provided in
18 RCW 69.45.090.

19 (y) Information obtained by the board of pharmacy or the department
20 of health and its representatives as provided in RCW 69.41.044,
21 69.41.280, and 18.64.420.

22 (z) Financial information, business plans, examination reports, and
23 any information produced or obtained in evaluating or examining a
24 business and industrial development corporation organized or seeking
25 certification under chapter 31.24 RCW.

26 (aa) Financial and commercial information supplied to the state
27 investment board by any person when the information relates to the
28 investment of public trust or retirement funds and when disclosure
29 would result in loss to such funds or in private loss to the providers
30 of this information.

31 (bb) Financial and valuable trade information under RCW 51.36.120.

32 (cc) Client records maintained by an agency that is a domestic
33 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
34 crisis center as defined in RCW 70.125.030.

35 (dd) Information that identifies a person who, while an agency
36 employee: (i) Seeks advice, under an informal process established by
37 the employing agency, in order to ascertain his or her rights in
38 connection with a possible unfair practice under chapter 49.60 RCW

1 against the person; and (ii) requests his or her identity or any
2 identifying information not be disclosed.

3 (ee) Investigative records compiled by an employing agency
4 conducting a current investigation of a possible unfair practice under
5 chapter 49.60 RCW or of a possible violation of other federal, state,
6 or local laws prohibiting discrimination in employment.

7 (ff) Business related information protected from public inspection
8 and copying under RCW 15.86.110.

9 (gg) Financial, commercial, operations, and technical and research
10 information and data submitted to or obtained by the clean Washington
11 center in applications for, or delivery of, program services under
12 chapter 70.95H RCW.

13 (hh) Information and documents created specifically for, and
14 collected and maintained by a quality improvement committee pursuant to
15 RCW 43.70.510, regardless of which agency is in possession of the
16 information and documents.

17 (ii) Personal information in files maintained in a data base
18 created under RCW 43.07.360.

19 (2) Except for information described in subsection (1)(c)(i) of
20 this section and confidential income data exempted from public
21 inspection pursuant to RCW 84.40.020, the exemptions of this section
22 are inapplicable to the extent that information, the disclosure of
23 which would violate personal privacy or vital governmental interests,
24 can be deleted from the specific records sought. No exemption may be
25 construed to permit the nondisclosure of statistical information not
26 descriptive of any readily identifiable person or persons.

27 (3) Inspection or copying of any specific records exempt under the
28 provisions of this section may be permitted if the superior court in
29 the county in which the record is maintained finds, after a hearing
30 with notice thereof to every person in interest and the agency, that
31 the exemption of such records is clearly unnecessary to protect any
32 individual's right of privacy or any vital governmental function.

33 (4) Agency responses refusing, in whole or in part, inspection of
34 any public record shall include a statement of the specific exemption
35 authorizing the withholding of the record (or part) and a brief
36 explanation of how the exemption applies to the record withheld.

37 NEW SECTION. **Sec. 909.** A new section is added to chapter 74.20
38 RCW to read as follows:

1 ORDERS FOR GENETIC TESTING. (1) The division of child support may
2 issue an order for genetic testing when providing services under this
3 chapter and Title IV-D of the federal social security act if genetic
4 testing:

5 (a) Is appropriate in an action under chapter 26.26 RCW, the
6 uniform parentage act;

7 (b) Is appropriate in an action to establish support under RCW
8 74.20A.056; or

9 (c) Would assist the parties or the division of child support in
10 determining whether it is appropriate to proceed with an action to
11 establish or disestablish paternity.

12 (2) The order for genetic testing shall be served on the alleged
13 parent or parents and the legal parent by personal service or by any
14 form of mail requiring a return receipt.

15 (3) Within twenty days of the date of service of an order for
16 genetic testing, any party required to appear for genetic testing, the
17 child, or a guardian on the child's behalf, may petition in superior
18 court under chapter 26.26 RCW to bar or postpone genetic testing.

19 (4) The order for genetic testing shall contain:

20 (a) An explanation of the right to proceed in superior court under
21 subsection (3) of this section;

22 (b) Notice that if no one proceeds under subsection (3) of this
23 section, the agency issuing the order will schedule genetic testing and
24 will notify the parties of the time and place of testing by regular
25 mail;

26 (c) Notice that the parties must keep the agency issuing the order
27 for genetic testing informed of their residence address and that
28 mailing a notice of time and place for genetic testing to the last
29 known address of the parties by regular mail constitutes valid service
30 of the notice of time and place;

31 (d) Notice that the order for genetic testing may be enforced
32 through:

33 (i) Public assistance grant reduction for noncooperation, pursuant
34 to agency rule, if the child and custodian are receiving public
35 assistance;

36 (ii) Termination of support enforcement services under Title IV-D
37 of the federal social security act if the child and custodian are not
38 receiving public assistance;

1 (iii) A referral to superior court for an appropriate action under
2 chapter 26.26 RCW; or

3 (iv) A referral to superior court for remedial sanctions under RCW
4 7.21.060.

5 (5) The department may advance the costs of genetic testing under
6 this section.

7 (6) If an action is pending under chapter 26.26 RCW, a judgment for
8 reimbursement of the cost of genetic testing may be awarded under RCW
9 26.26.100.

10 (7) If no action is pending in superior court, the department may
11 impose an obligation to reimburse costs of genetic testing according to
12 rules adopted by the department to implement RCW 74.20A.056.

13 **Sec. 910.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to
14 read as follows:

15 (1) The ~~((office of support enforcement))~~ division of child
16 support, Washington state support registry, shall provide support
17 enforcement services under the following circumstances:

18 (a) Whenever public assistance under RCW 74.20.330 is paid;

19 ~~((Whenever a request for nonassistance support enforcement~~
20 ~~services under RCW 74.20.040(2) is received;~~

21 ~~(e))~~ Whenever a request for support enforcement services under RCW
22 74.20.040~~((+3))~~ is received;

23 ~~((+d))~~ (c) When a support order which contains language directing
24 a responsible parent to make support payments to the Washington state
25 support registry under RCW 26.23.050 is submitted and the division of
26 child support receives a written application for services or is already
27 providing services;

28 ~~((e) When a support order is forwarded to the Washington state~~
29 ~~support registry by the clerk of a superior court under RCW~~
30 ~~26.23.050(5);~~

31 ~~(f))~~ (d) When the obligor submits a support order or support
32 payment, and an application, to the Washington state support registry.

33 (2) The ~~((office of support enforcement))~~ division of child support
34 shall continue to provide support enforcement services for so long as
35 and under such conditions as the department shall establish by
36 regulation or until the superior court enters an order removing the
37 requirement that the obligor make support payments to the Washington
38 state support registry as provided for in RCW 26.23.050~~((+2))~~.

1 NEW SECTION. **Sec. 911.** A new section is added to chapter 26.23
2 RCW to read as follows:

3 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of
4 child support, Washington state support registry shall operate a state
5 case registry containing records of all orders establishing or
6 modifying a support order that are entered after October 1, 1998.

7 (2) The superior court clerk, the office of administrative
8 hearings, and the department of social and health services shall,
9 within five days of entry, forward to the Washington state support
10 registry, a true and correct copy of all superior court orders or
11 administrative orders establishing or modifying a support obligation
12 that provide that support payments shall be made to the support
13 registry.

14 (3) The division of child support 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
17 federal social security act.

18 (4) Effective October 1, 1998, the superior court clerk, the office
19 of administrative hearings, and the department of social and health
20 services shall, within five days of entry, forward to the Washington
21 state support registry a true and correct copy of all superior court
22 orders or administrative orders establishing or modifying a support
23 obligation.

24 (5) Receipt of a support order by the registry or other action
25 under this section on behalf of a person or persons who have not made
26 a written application for support enforcement services to the division
27 of child support and who are not recipients of public assistance is
28 deemed to be:

29 (a) A request for payment services only if the order requires
30 payment to the Washington state support registry;

31 (b) A submission for inclusion in the state case registry if the
32 order does not require that support payments be made to the Washington
33 state support registry.

34 NEW SECTION. **Sec. 912.** A new section is added to chapter 26.23
35 RCW to read as follows:

36 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO
37 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or

1 child support proceeding must provide the court and the Washington
2 state child support registry with his or her:

3 (a) Social security number;

4 (b) Current residential address;

5 (c) Date of birth;

6 (d) Telephone number;

7 (e) Driver's license number; and

8 (f) Employer's name, address, and telephone number.

9 (2) Each party to an order entered in a child support or paternity
10 proceeding shall update the information required under subsection (1)
11 of this section promptly after any change in the information. The duty
12 established under this section continues as long as any monthly support
13 or support debt remains due under the support order.

14 (3) In any proceeding to establish, enforce, or modify the child
15 support order between the parties, a party may demonstrate to the
16 presiding officer that he or she has diligently attempted to locate the
17 other party. Upon a showing of diligent efforts to locate, the
18 presiding officer may allow, or accept as adequate, service of process
19 for the action by delivery of written notice to the address most
20 recently provided by the party under this section.

21 (4) All support orders shall contain notice to the parties of the
22 obligations established by this section and possibility of service of
23 process according to subsection (3) of this section.

24 **Sec. 913.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to
25 read as follows:

26 (1) There is created a Washington state support registry within the
27 (~~office of support enforcement~~) division of child support as the
28 agency designated in Washington state to administer the child support
29 program under Title IV-D of the federal social security act. The
30 registry shall:

31 (a) Provide a central unit for collection of support payments made
32 to the registry;

33 (b) Account for and disburse all support payments received by the
34 registry;

35 (~~(b)~~) (c) Maintain the necessary records including, but not
36 limited to, information on support orders, support debts, the date and
37 amount of support due; the date and amount of payments; and the names,
38 social security numbers, and addresses of the parties;

1 (~~(e)~~) (d) Develop procedures for providing information to the
2 parties regarding action taken by, and support payments collected and
3 distributed by the registry; and

4 (e) Maintain a state child support case registry to compile and
5 maintain records on all child support orders entered in the state of
6 Washington.

7 (2) The (~~office of support enforcement~~) division of child support
8 may assess and collect interest at the rate of twelve percent per year
9 on unpaid child support that has accrued under any support order
10 entered into the registry. This interest rate shall not apply to those
11 support orders already specifying an interest assessment at a different
12 rate.

13 (3) The secretary of social and health services shall adopt rules
14 for the maintenance and retention of records of support payments and
15 for the archiving and destruction of such records when the support
16 obligation terminates or is satisfied. When a support obligation
17 established under court order entered in a superior court of this state
18 has been satisfied, a satisfaction of judgment form shall be prepared
19 by the registry and filed with the clerk of the court in which the
20 order was entered.

21 **Sec. 914.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153
22 are each reenacted and amended to read as follows:

23 (1) The secretary may assert a lien upon the real or personal
24 property of a responsible parent:

25 (a) When a support payment is past due, if the parent's support
26 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains
27 notice that liens may be enforced against real and personal property,
28 or notice that action may be taken under this chapter;

29 (b) Twenty-one days after service of a notice of support debt under
30 RCW 74.20A.040;

31 (c) Twenty-one days after service of a notice and finding of
32 financial responsibility under RCW 74.20A.055;

33 (d) Twenty-one days after service of a notice and finding of
34 parental responsibility;

35 (e) Twenty-one days after service of a notice of support owed under
36 RCW 26.23.110; or

37 (f) When appropriate under RCW 74.20A.270.

1 (2) The division of child support may use uniform interstate lien
2 forms adopted by the United States department of health and human
3 services to assert liens on a responsible parent's real and personal
4 property located in another state.

5 (3) The claim of the department for a support debt, not paid when
6 due, shall be a lien against all property of the debtor with priority
7 of a secured creditor. This lien shall be separate and apart from, and
8 in addition to, any other lien created by, or provided for, in this
9 title. The lien shall attach to all real and personal property of the
10 debtor on the date of filing of such statement with the county auditor
11 of the county in which such property is located.

12 (~~(+3)~~) (4) Whenever a support lien has been filed and there is in
13 the possession of any person, firm, corporation, association, political
14 subdivision or department of the state having notice of said lien any
15 property which may be subject to the support lien, such property shall
16 not be paid over, released, sold, transferred, encumbered or conveyed,
17 except as provided for by the exemptions contained in RCW 74.20A.090
18 and 74.20A.130, unless:

19 (a) A written release or waiver signed by the secretary has been
20 delivered to said person, firm, corporation, association, political
21 subdivision or department of the state; or

22 (b) A determination has been made in an adjudicative proceeding
23 pursuant to RCW 74.20A.055 or by a superior court ordering release of
24 said support lien on the basis that no debt exists or that the debt has
25 been satisfied.

26 **Sec. 915.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
27 read as follows:

28 (1) The secretary may issue to any person, firm, corporation,
29 association, political subdivision, department of the state, or agency,
30 subdivision, or instrumentality of the United States, an order to
31 withhold and deliver property of any kind, including but not restricted
32 to earnings which are or might become due, owing, or belonging to the
33 debtor, when the secretary has reason to believe that there is in the
34 possession of such person, firm, corporation, association, political
35 subdivision, department of the state, or agency, subdivision, or
36 instrumentality of the United States property which is or might become
37 due, owing, or belonging to said debtor. Such order to withhold and
38 deliver may be issued:

1 (a) (~~When a support payment is past due~~) At any time, if a
2 responsible parent's support order:
3 (i) ~~Contains (language directing the parent to make support~~
4 ~~payments to the Washington state support registry; and)~~ notice that
5 withholding action may be taken against earnings, wages, or assets
6 without further notice to the parent; or
7 (ii) Includes a statement that other income-withholding action
8 under this chapter may be taken without further notice to the
9 responsible parent(~~, as provided for in RCW 26.23.050(1)~~);
10 (b) Twenty-one days after service of a notice of support debt under
11 RCW 74.20A.040;
12 (c) Twenty-one days after service of a notice and finding of
13 parental responsibility under RCW 74.20A.056;
14 (d) Twenty-one days after service of a notice of support owed under
15 RCW 26.23.110;
16 (e) Twenty-one days after service of a notice and finding of
17 financial responsibility under RCW 74.20A.055; or
18 (f) When appropriate under RCW 74.20A.270.
19 (2) The order to withhold and deliver shall:
20 (a) State the amount to be withheld on a periodic basis if the
21 order to withhold and deliver is being served to secure payment of
22 monthly current support;
23 (b) State the amount of the support debt accrued;
24 (~~(b)~~) (c) State in summary the terms of RCW 74.20A.090 and
25 74.20A.100;
26 (~~(e)~~) (d) Be served in the manner prescribed for the service of
27 a summons in a civil action or by certified mail, return receipt
28 requested.
29 (3) The division of child support may use uniform interstate
30 withholding forms adopted by the United States department of health and
31 human services to take withholding actions under this section when the
32 responsible parent is owed money or property that is located in another
33 state.
34 (4) Any person, firm, corporation, association, political
35 subdivision, department of the state, or agency, subdivision, or
36 instrumentality of the United States upon whom service has been made is
37 hereby required to:

1 (a) Answer said order to withhold and deliver within twenty days,
2 exclusive of the day of service, under oath and in writing, and shall
3 make true answers to the matters inquired of therein; and

4 (b) Provide further and additional answers when requested by the
5 secretary.

6 ~~((+4))~~ (5) Any such person, firm, corporation, association,
7 political subdivision, department of the state, or agency, subdivision,
8 or instrumentality of the United States in possession of any property
9 which may be subject to the claim of the department ~~((of social and
10 health services))~~ shall:

11 (a)(i) Immediately withhold such property upon receipt of the order
12 to withhold and deliver; and

13 (ii) Immediately deliver the property to the secretary as soon as
14 the twenty-day answer period expires;

15 (iii) Continue to withhold earnings payable to the debtor at each
16 succeeding disbursement interval as provided for in RCW 74.20A.090, and
17 deliver amounts withheld from earnings to the secretary on the date
18 earnings are payable to the debtor;

19 (iv) Deliver amounts withheld from periodic payments to the
20 secretary on the date the payments are payable to the debtor;

21 (v) Inform the secretary of the date the amounts were withheld as
22 requested under this section; or

23 (b) Furnish to the secretary a good and sufficient bond,
24 satisfactory to the secretary, conditioned upon final determination of
25 liability.

26 ~~((+5))~~ (6) An order to withhold and deliver served under this
27 section shall not expire until:

28 (a) Released in writing by the ~~((office of support enforcement))~~
29 division of child support;

30 (b) Terminated by court order; or

31 (c) The person or entity receiving the order to withhold and
32 deliver does not possess property of or owe money to the debtor for any
33 period of twelve consecutive months following the date of service of
34 the order to withhold and deliver.

35 ~~((+6))~~ (7) Where money is due and owing under any contract of
36 employment, express or implied, or is held by any person, firm,
37 corporation, or association, political subdivision, or department of
38 the state, or agency, subdivision, or instrumentality of the United

1 States subject to withdrawal by the debtor, such money shall be
2 delivered by remittance payable to the order of the secretary.

3 ~~((+7))~~ (8) Delivery to the secretary of the money or other
4 property held or claimed shall satisfy the requirement and serve as
5 full acquittance of the order to withhold and deliver.

6 ~~((+8))~~ (9) A person, firm, corporation, or association, political
7 subdivision, department of the state, or agency, subdivision, or
8 instrumentality of the United States that complies with the order to
9 withhold and deliver under this chapter is not civilly liable to the
10 debtor for complying with the order to withhold and deliver under this
11 chapter.

12 ~~((+9))~~ (10) The secretary may hold the money or property delivered
13 under this section in trust for application on the indebtedness
14 involved or for return, without interest, in accordance with final
15 determination of liability or nonliability.

16 ~~((+10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to
17 orders to withhold and deliver issued under this section.

18 ~~((+11))~~ (12) The secretary shall also, on or before the date of
19 service of the order to withhold and deliver, mail or cause to be
20 mailed a copy of the order to withhold and deliver to the debtor at the
21 debtor's last known post office address, or, in the alternative, a copy
22 of the order to withhold and deliver shall be served on the debtor in
23 the same manner as a summons in a civil action on or before the date of
24 service of the order or within two days thereafter. The copy of the
25 order shall be mailed or served together with a concise explanation of
26 the right to petition for judicial review. This requirement is not
27 jurisdictional, but, if the copy is not mailed or served as in this
28 section provided, or if any irregularity appears with respect to the
29 mailing or service, the superior court, in its discretion on motion of
30 the debtor promptly made and supported by affidavit showing that the
31 debtor has suffered substantial injury due to the failure to mail the
32 copy, may set aside the order to withhold and deliver and award to the
33 debtor an amount equal to the damages resulting from the secretary's
34 failure to serve on or mail to the debtor the copy.

35 ~~((+12))~~ (13) An order to withhold and deliver issued in accordance
36 with this section has priority over any other wage assignment,
37 garnishment, attachment, or other legal process(~~(, except for another~~
38 ~~wage assignment, garnishment, attachment, or other legal process for~~
39 ~~child support)~~).

1 (~~(13)~~) (14) The (~~(office of support enforcement)~~) division of
2 child support shall notify any person, firm, corporation, association,
3 or political subdivision, department of the state, or agency,
4 subdivision, or instrumentality of the United States required to
5 withhold and deliver the earnings of a debtor under this action that
6 they may deduct a processing fee from the remainder of the debtor's
7 earnings, even if the remainder would otherwise be exempt under RCW
8 74.20A.090. The processing fee shall not exceed ten dollars for the
9 first disbursement to the department and one dollar for each subsequent
10 disbursement under the order to withhold and deliver.

11 **Sec. 916.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to
12 read as follows:

13 (1) Any information or records concerning individuals who owe a
14 support obligation or for whom support enforcement services are being
15 provided which are obtained or maintained by the Washington state
16 support registry, the (~~(office of support enforcement)~~) division of
17 child support, or under chapter 74.20 RCW shall be private and
18 confidential and shall only be subject to public disclosure as provided
19 in subsection (2) of this section.

20 (2) The secretary of the department of social and health services
21 (~~(shall)~~) may adopt rules (~~(which)~~):

22 (a) That specify what information is confidential;

23 (b) That specify the individuals or agencies to whom this
24 information and these records may be disclosed((~~τ~~))i

25 (c) Limiting the purposes for which the information may be
26 disclosed((~~τ~~ and the))i

27 (d) Establishing procedures to obtain the information or records;
28 or

29 (e) Establishing safeguards necessary to comply with federal law
30 requiring safeguarding of information.

31 (3) The rules adopted under subsection (2) of this section shall
32 provide for disclosure of the information and records, under
33 appropriate circumstances, which shall include, but not be limited to:

34 (a) When authorized or required by federal statute or regulation
35 governing the support enforcement program;

36 (b) To the person the subject of the records or information, unless
37 the information is exempt from disclosure under RCW 42.17.310;

1 (c) To government agencies, whether state, local, or federal, and
2 including federally recognized tribes, law enforcement agencies,
3 prosecuting agencies, and the executive branch, if the disclosure is
4 necessary for child support enforcement purposes or required under
5 Title IV-D of the federal social security act;

6 (d) To the parties in a judicial or adjudicative proceeding upon a
7 specific written finding by the presiding officer that the need for the
8 information outweighs any reason for maintaining the privacy and
9 confidentiality of the information or records;

10 (e) To private persons, federally recognized tribes, or
11 organizations if the disclosure is necessary to permit private
12 contracting parties to assist in the management and operation of the
13 department;

14 (f) Disclosure of address and employment information to the parties
15 to an action for purposes relating to a child support order, subject to
16 the limitations in subsections (4) and (5) of this section;

17 (g) Disclosure of information or records when necessary to the
18 efficient administration of the support enforcement program or to the
19 performance of functions and responsibilities of the support registry
20 and the ~~((office of support enforcement))~~ division of child support as
21 set forth in state and federal statutes; or

22 (h) Disclosure of the information or records when authorized under
23 RCW 74.04.060.

24 ~~((+3))~~ (4) Prior to disclosing the ((physical custodian's address
25 under subsection (2)(f) of this section)) whereabouts of a parent or a
26 party to a support order to the other parent or party, a notice shall
27 be mailed, if appropriate under the circumstances, to the ((physical
28 custodian)) parent or other party whose whereabouts are to be
29 disclosed, at ((the physical custodian's)) that person's last known
30 address. The notice shall advise the ((physical custodian)) parent or
31 party that a request for disclosure has been made and will be complied
32 with unless the department:

33 (a) Receives a copy of a court order within thirty days which
34 enjoins the disclosure of the information or restricts or limits the
35 requesting party's right to contact or visit the ((physical custodian))
36 parent or party whose address is to be disclosed or the child((, or the
37 custodial parent requests a hearing to contest the disclosure));

38 (b) Receives a hearing request within thirty days under subsection
39 (5) of this section; or

1 (c) Has reason to believe that the release of the information may
2 result in physical or emotional harm to the party whose whereabouts are
3 to be released, or to the child.

4 (5) A person receiving notice under subsection (4) of this section
5 may request an adjudicative proceeding under chapter 34.05 RCW, at
6 which the person may show that there is reason to believe that release
7 of the information may result in physical or emotional harm to the
8 person or the child. The administrative law judge shall determine
9 whether the ~~((address))~~ whereabouts of the ~~((custodial parent))~~ person
10 should be disclosed based on ~~((the same standard as a claim of "good~~
11 ~~cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c))~~ subsection (4)(c)
12 of this section, however no hearing is necessary if the department has
13 in its possession a protective order or an order limiting visitation or
14 contact.

15 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting
16 or restricting the effect of RCW 42.17.260~~((+6))~~ (9). Nothing in this
17 section shall be construed to prevent the disclosure of information and
18 records if all details identifying an individual are deleted or the
19 individual consents to the disclosure.

20 ~~((+5))~~ (7) It shall be unlawful for any person or agency in
21 violation of this section to solicit, publish, disclose, receive, make
22 use of, or to authorize, knowingly permit, participate in or acquiesce
23 in the use of any lists of names for commercial or political purposes
24 or the use of any information for purposes other than those purposes
25 specified in this section. A violation of this section shall be a
26 gross misdemeanor as provided in chapter 9A.20 RCW.

27 **Sec. 917.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
28 read as follows:

29 (1) Application for a marriage license must be made and filed with
30 the appropriate county auditor upon blanks to be provided by the county
31 auditor for that purpose, which application shall be under the oath of
32 each of the applicants, and each application shall state the name,
33 address at the time of execution of application, age, social security
34 number, birthplace, whether single, widowed or divorced, and whether
35 under control of a guardian, residence during the past six months:
36 PROVIDED, That each county may require such other and further
37 information on said application as it shall deem necessary.

1 (2) The county legislative authority may impose an additional fee
2 up to fifteen dollars on a marriage license for the purpose of funding
3 family services such as family support centers.

4 **Sec. 918.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to
5 read as follows:

6 (1) Except as otherwise provided in subsection (7) of RCW
7 26.09.070, the provisions of any decree respecting maintenance or
8 support may be modified: (a) Only as to installments accruing
9 subsequent to the petition for modification or motion for adjustment
10 except motions to compel court-ordered adjustments, which shall be
11 effective as of the first date specified in the decree for implementing
12 the adjustment; and, (b) except as otherwise provided in subsections
13 (4), (5), (8), and (9) of this section, only upon a showing of a
14 substantial change of circumstances. The provisions as to property
15 disposition may not be revoked or modified, unless the court finds the
16 existence of conditions that justify the reopening of a judgment under
17 the laws of this state.

18 (2) Unless otherwise agreed in writing or expressly provided in the
19 decree the obligation to pay future maintenance is terminated upon the
20 death of either party or the remarriage of the party receiving
21 maintenance.

22 (3) Unless otherwise agreed in writing or expressly provided in the
23 decree, provisions for the support of a child are terminated by
24 emancipation of the child or by the death of the parent obligated to
25 support the child.

26 (4) An order of child support may be modified one year or more
27 after it has been entered without showing a substantial change of
28 circumstances:

29 (a) If the order in practice works a severe economic hardship on
30 either party or the child;

31 (b) If a party requests an adjustment in an order for child support
32 which was based on guidelines which determined the amount of support
33 according to the child's age, and the child is no longer in the age
34 category on which the current support amount was based;

35 (c) If a child is still in high school, upon a finding that there
36 is a need to extend support beyond the eighteenth birthday to complete
37 high school; or

1 (d) To add an automatic adjustment of support provision consistent
2 with RCW 26.09.100.

3 (5) An order or decree entered prior to June 7, 1984, may be
4 modified without showing a substantial change of circumstances if the
5 requested modification is to:

6 (a) Require health insurance coverage for a child named therein; or

7 (b) Modify an existing order for health insurance coverage.

8 (6) An obligor's voluntary unemployment or voluntary
9 underemployment, by itself, is not a substantial change of
10 circumstances.

11 (7) The department of social and health services may file an action
12 to modify an order of child support if public assistance money is being
13 paid to or for the benefit of the child and the child support order is
14 twenty-five percent or more below the appropriate child support amount
15 set forth in the standard calculation as defined in RCW 26.19.011 and
16 reasons for the deviation are not set forth in the findings of fact or
17 order. The determination of twenty-five percent or more shall be based
18 on the current income of the parties and the department shall not be
19 required to show a substantial change of circumstances if the reasons
20 for the deviations were not set forth in the findings of fact or order.

21 (8)(a) All child support decrees may be adjusted once every twenty-
22 four months based upon changes in the income of the parents without a
23 showing of substantially changed circumstances. Either party may
24 initiate the adjustment by filing a motion and child support
25 worksheets.

26 (b) A party may petition for modification in cases of substantially
27 changed circumstances under subsection (1) of this section at any time.
28 However, if relief is granted under subsection (1) of this section,
29 twenty-four months must pass before a motion for an adjustment under
30 (a) of this subsection may be filed.

31 (c) If, pursuant to (a) of this subsection or subsection (9) of
32 this section, the court adjusts or modifies a child support obligation
33 by more than thirty percent and the change would cause significant
34 hardship, the court may implement the change in two equal increments,
35 one at the time of the entry of the order and the second six months
36 from the entry of the order. Twenty-four months must pass following
37 the second change before a motion for an adjustment under (a) of this
38 subsection may be filed.

1 (d) A parent who is receiving transfer payments who receives a wage
2 or salary increase may not bring a modification action pursuant to
3 subsection (1) of this section alleging that increase constitutes a
4 substantial change of circumstances.

5 (e) The department of social and health services may file an action
6 at any time to modify an order of child support in cases of
7 substantially changed circumstances if public assistance money is being
8 paid to or for the benefit of the child. The determination of the
9 existence of substantially changed circumstances by the department that
10 lead to the filing of an action to modify the order of child support is
11 not binding upon the court.

12 (9) An order of child support may be adjusted twenty-four months
13 from the date of the entry of the decree or the last adjustment or
14 modification, whichever is later, based upon changes in the economic
15 table or standards in chapter 26.19 RCW.

16 **Sec. 919.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to
17 read as follows:

18 In this chapter:

19 (1) "Child" means an individual, whether over or under the age of
20 majority, who is or is alleged to be owed a duty of support by the
21 individual's parent or who is or is alleged to be the beneficiary of a
22 support order directed to the parent.

23 (2) "Child support order" means a support order for a child,
24 including a child who has attained the age of majority under the law of
25 the issuing state.

26 (3) "Duty of support" means an obligation imposed or imposable by
27 law to provide support for a child, spouse, or former spouse, including
28 an unsatisfied obligation to provide support.

29 (4) "Home state" means the state in which a child lived with a
30 parent or a person acting as parent for at least six consecutive months
31 immediately preceding the time of filing of a petition or comparable
32 pleading for support and, if a child is less than six months old, the
33 state in which the child lived from birth with any of them. A period
34 of temporary absence of any of them is counted as part of the six-month
35 or other period.

36 (5) "Income" includes earnings or other periodic entitlements to
37 money from any source and any other property subject to withholding for
38 support under the law of this state.

1 (6) "Income-withholding order" means an order or other legal
2 process directed to an obligor's employer or other debtor, as defined
3 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income
4 of the obligor.

5 (7) "Initiating state" means a state (~~in~~) from which a proceeding
6 is forwarded or in which a proceeding is filed for forwarding to a
7 responding state under this chapter or a law or procedure substantially
8 similar to this chapter, the Uniform Reciprocal Enforcement of Support
9 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~
10 ~~filed for forwarding to a responding state~~)).

11 (8) "Initiating tribunal" means the authorized tribunal in an
12 initiating state.

13 (9) "Issuing state" means the state in which a tribunal issues a
14 support order or renders a judgment determining parentage.

15 (10) "Issuing tribunal" means the tribunal that issues a support
16 order or renders a judgment determining parentage.

17 (11) "Law" includes decisional and statutory law and rules and
18 regulations having the force of law.

19 (12) "Obligee" means:

20 (a) An individual to whom a duty of support is or is alleged to be
21 owed or in whose favor a support order has been issued or a judgment
22 determining parentage has been rendered;

23 (b) A state or political subdivision to which the rights under a
24 duty of support or support order have been assigned or which has
25 independent claims based on financial assistance provided to an
26 individual obligee; or

27 (c) An individual seeking a judgment determining parentage of the
28 individual's child.

29 (13) "Obligor" means an individual, or the estate of a decedent:

30 (a) Who owes or is alleged to owe a duty of support;

31 (b) Who is alleged but has not been adjudicated to be a parent of
32 a child; or

33 (c) Who is liable under a support order.

34 (14) "Register" means to record or file in the appropriate location
35 for the recording or filing of foreign judgments generally or foreign
36 support orders specifically, a support order or judgment determining
37 parentage.

38 (15) "Registering tribunal" means a tribunal in which a support
39 order is registered.

1 (16) "Responding state" means a state ~~((to))~~ in which a proceeding
2 is filed or to which a proceeding is forwarded for filing from an
3 initiating state under this chapter or a law or procedure substantially
4 similar to this chapter, the Uniform Reciprocal Enforcement of Support
5 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

6 (17) "Responding tribunal" means the authorized tribunal in a
7 responding state.

8 (18) "Spousal support order" means a support order for a spouse or
9 former spouse of the obligor.

10 (19) "State" means a state of the United States, the District of
11 Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin
12 Islands, or any territory or insular possession subject to the
13 jurisdiction of the United States. The term ~~(("state"))~~ includes:

14 (i) An Indian tribe ~~((and includes))~~; and

15 (ii) A foreign jurisdiction that has enacted a law or established
16 procedures for issuance and enforcement of support orders ~~((that))~~
17 which are substantially similar to the procedures under this chapter,
18 the Uniform Reciprocal Enforcement of Support Act, or the Revised
19 Uniform Reciprocal Enforcement of Support Act.

20 (20) "Support enforcement agency" means a public official or agency
21 authorized to seek:

22 (a) Enforcement of support orders or laws relating to the duty of
23 support;

24 (b) Establishment or modification of child support;

25 (c) Determination of parentage; or

26 (d) Location of obligors or their assets.

27 (21) "Support order" means a judgment, decree, or order, whether
28 temporary, final, or subject to modification, for the benefit of a
29 child, a spouse, or a former spouse, that provides for monetary
30 support, health care, arrearages, or reimbursement, and may include
31 related costs and fees, interest, income withholding, attorneys' fees,
32 and other relief.

33 (22) "Tribunal" means a court, administrative agency, or quasi-
34 judicial entity authorized to establish, enforce, or modify support
35 orders or to determine parentage.

36 **Sec. 920.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
37 read as follows:

1 (1) A tribunal of this state issuing a support order consistent
2 with the law of this state has continuing, exclusive jurisdiction over
3 a child support order:

4 (a) As long as this state remains the residence of the obligor, the
5 individual obligee, or the child for whose benefit the support order is
6 issued; or

7 (b) Until ((~~each individual party has~~)) all of the parties who are
8 individuals have filed written consents with the tribunal of this state
9 for a tribunal of another state to modify the order and assume
10 continuing, exclusive jurisdiction.

11 (2) A tribunal of this state issuing a child support order
12 consistent with the law of this state may not exercise its continuing
13 jurisdiction to modify the order if the order has been modified by a
14 tribunal of another state pursuant to this chapter or a law
15 substantially similar to this chapter.

16 (3) If a child support order of this state is modified by a
17 tribunal of another state pursuant to this chapter or a law
18 substantially similar to this chapter, a tribunal of this state loses
19 its continuing, exclusive jurisdiction with regard to prospective
20 enforcement of the order issued in this state, and may only:

21 (a) Enforce the order that was modified as to amounts accruing
22 before the modification;

23 (b) Enforce nonmodifiable aspects of that order; and

24 (c) Provide other appropriate relief for violations of that order
25 which occurred before the effective date of the modification.

26 (4) A tribunal of this state shall recognize the continuing,
27 exclusive jurisdiction of a tribunal of another state that has issued
28 a child support order pursuant to this chapter or a law substantially
29 similar to this chapter.

30 (5) A temporary support order issued ex parte or pending resolution
31 of a jurisdictional conflict does not create continuing, exclusive
32 jurisdiction in the issuing tribunal.

33 (6) A tribunal of this state issuing a support order consistent
34 with the law of this state has continuing, exclusive jurisdiction over
35 a spousal support order throughout the existence of the support
36 obligation. A tribunal of this state may not modify a spousal support
37 order issued by a tribunal of another state having continuing,
38 exclusive jurisdiction over that order under the law of that state.

1 **Sec. 921.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to
2 read as follows:

3 (1) If a proceeding is brought under this chapter and only one
4 tribunal has issued a child support order, the order of that tribunal
5 controls and must be so recognized.

6 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two
7 or more child support orders have been issued ((in)) by tribunals of
8 this state or another state with regard to ((an)) the same obligor and
9 ((a)) child, a tribunal of this state shall apply the following rules
10 in determining which order to recognize for purposes of continuing,
11 exclusive jurisdiction:

12 (a) If only one of the tribunals ~~((has issued a child support~~
13 ~~order))~~ would have continuing, exclusive jurisdiction under this
14 chapter, the order of that tribunal controls and must be so recognized.

15 (b) ~~((If two or more tribunals have issued child support orders for~~
16 ~~the same obligor and child, and only one of the tribunals would have~~
17 ~~continuing, exclusive jurisdiction under this chapter, the order of~~
18 ~~that tribunal must be recognized.~~

19 ~~((c))~~ If ~~((two or more tribunals have issued child support orders~~
20 ~~for the same obligor and child, and))~~ more than one of the tribunals
21 would have continuing, exclusive jurisdiction under this chapter, an
22 order issued by a tribunal in the current home state of the child
23 controls and must be so recognized, but if an order has not been issued
24 in the current home state of the child, the order most recently issued
25 controls and must be so recognized.

26 ~~((d) If two or more tribunals have issued child support orders for~~
27 ~~the same obligor and child, and none of the tribunals would have~~
28 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~
29 ~~this state may issue a child support order, which must be recognized.~~

30 ~~(2) The tribunal that has issued an order recognized under~~
31 ~~subsection (1) of this section is the tribunal having continuing,~~
32 ~~exclusive jurisdiction.))~~

33 (c) If none of the tribunals would have continuing, exclusive
34 jurisdiction under this chapter, the tribunal of this state having
35 jurisdiction over the parties shall issue a child support order, which
36 controls and must be so recognized.

37 (3) If two or more child support orders have been issued for the
38 same obligor and child and if the obligor or the individual obligee
39 resides in this state, a party may request a tribunal of this state to

1 determine which order controls and must be so recognized under
2 subsection (2) of this section. The request must be accompanied by a
3 certified copy of every support order in effect. The requesting party
4 shall give notice of the request to each party whose rights may be
5 affected by the determination.

6 (4) The tribunal that issued the controlling order under subsection
7 (1), (2), or (3) of this section is the tribunal that has continuing,
8 exclusive jurisdiction under RCW 26.21.115.

9 (5) A tribunal of this state which determines by order the identity
10 of the controlling order under subsection (2)(a) or (b) of this section
11 or which issues a new controlling order under subsection (2)(c) of this
12 section shall state in that order the basis upon which the tribunal
13 made its determination.

14 (6) Within thirty days after issuance of an order determining the
15 identity of the controlling order, the party obtaining the order shall
16 file a certified copy of it with each tribunal that issued or
17 registered an earlier order of child support. A party who obtains the
18 order and fails to file a certified copy is subject to appropriate
19 sanctions by a tribunal in which the issue of failure to file arises.
20 The failure to file does not affect the validity or enforceability of
21 the controlling order.

22 **Sec. 922.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to
23 read as follows:

24 (1) Upon the filing of a petition authorized by this chapter, an
25 initiating tribunal of this state shall forward three copies of the
26 petition and its accompanying documents:

27 ~~((1))~~ (a) To the responding tribunal or appropriate support
28 enforcement agency in the responding state; or

29 ~~((2))~~ (b) If the identity of the responding tribunal is unknown,
30 to the state information agency of the responding state with a request
31 that they be forwarded to the appropriate tribunal and that receipt be
32 acknowledged.

33 (2) If a responding state has not enacted the Uniform Interstate
34 Family Support Act or a law or procedure substantially similar to the
35 Uniform Interstate Family Support Act, a tribunal of this state may
36 issue a certificate or other document and make findings required by the
37 law of the responding state. If the responding state is a foreign
38 jurisdiction, the tribunal may specify the amount of support sought and

1 provide other documents necessary to satisfy the requirements of the
2 responding state.

3 **Sec. 923.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to
4 read as follows:

5 (1) When a responding tribunal of this state receives a petition or
6 comparable pleading from an initiating tribunal or directly pursuant to
7 RCW 26.21.205(3), it shall cause the petition or pleading to be filed
8 and notify the petitioner (~~by first class mail~~) where and when it was
9 filed.

10 (2) A responding tribunal of this state, to the extent otherwise
11 authorized by law, may do one or more of the following:

12 (a) Issue or enforce a support order, modify a child support order,
13 or render a judgment to determine parentage;

14 (b) Order an obligor to comply with a support order, specifying the
15 amount and the manner of compliance;

16 (c) Order income withholding;

17 (d) Determine the amount of any arrearages, and specify a method of
18 payment;

19 (e) Enforce orders by civil or criminal contempt, or both;

20 (f) Set aside property for satisfaction of the support order;

21 (g) Place liens and order execution on the obligor's property;

22 (h) Order an obligor to keep the tribunal informed of the obligor's
23 current residential address, telephone number, employer, address of
24 employment, and telephone number at the place of employment;

25 (i) Issue a bench warrant or writ of arrest for an obligor who has
26 failed after proper notice to appear at a hearing ordered by the
27 tribunal and enter the bench warrant or writ of arrest in any local and
28 state computer systems for criminal warrants;

29 (j) Order the obligor to seek appropriate employment by specified
30 methods;

31 (k) Award reasonable attorneys' fees and other fees and costs; and

32 (l) Grant any other available remedy.

33 (3) A responding tribunal of this state shall include in a support
34 order issued under this chapter, or in the documents accompanying the
35 order, the calculations on which the support order is based.

36 (4) A responding tribunal of this state may not condition the
37 payment of a support order issued under this chapter upon compliance by
38 a party with provisions for visitation.

1 (5) If a responding tribunal of this state issues an order under
2 this chapter, the tribunal shall send a copy of the order (~~by first~~
3 ~~class mail~~) to the petitioner and the respondent and to the initiating
4 tribunal, if any.

5 **Sec. 924.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to
6 read as follows:

7 If a petition or comparable pleading is received by an
8 inappropriate tribunal of this state, it shall forward the pleading and
9 accompanying documents to an appropriate tribunal in this state or
10 another state and notify the petitioner (~~by first class mail~~) where
11 and when the pleading was sent.

12 **Sec. 925.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to
13 read as follows:

14 (1) A support enforcement agency of this state, upon request, shall
15 provide services to a petitioner in a proceeding under this chapter.

16 (2) A support enforcement agency that is providing services to the
17 petitioner as appropriate shall:

18 (a) Take all steps necessary to enable an appropriate tribunal in
19 this state or another state to obtain jurisdiction over the respondent;

20 (b) Request an appropriate tribunal to set a date, time, and place
21 for a hearing;

22 (c) Make a reasonable effort to obtain all relevant information,
23 including information as to income and property of the parties;

24 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
25 legal holidays, after receipt of a written notice from an initiating,
26 responding, or registering tribunal, send a copy of the notice (~~by~~
27 ~~first class mail~~) to the petitioner;

28 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
29 legal holidays, after receipt of a written communication from the
30 respondent or the respondent's attorney, send a copy of the
31 communication (~~by first class mail~~) to the petitioner; and

32 (f) Notify the petitioner if jurisdiction over the respondent
33 cannot be obtained.

34 (3) This chapter does not create or negate a relationship of
35 attorney and client or other fiduciary relationship between a support
36 enforcement agency or the attorney for the agency and the individual
37 being assisted by the agency.

1 **Sec. 926.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to
2 read as follows:

3 ~~((1))~~ An income-withholding order issued in another state may be
4 sent ~~((by first class mail))~~ to the person or entity defined as the
5 obligor's employer under ~~((chapter 6.27))~~ RCW 50.04.080 without first
6 filing a petition or comparable pleading or registering the order with
7 a tribunal of this state. ~~((Upon receipt of the order, the employer
8 shall:~~

9 ~~(a) Treat an income withholding order issued in another state that
10 appears regular on its face as if it had been issued by a tribunal of
11 this state;~~

12 ~~(b) Immediately provide a copy of the order to the obligor; and~~

13 ~~(c) Distribute the funds as directed in the income withholding
14 order.~~

15 ~~(2) An obligor may contest the validity or enforcement of an
16 income withholding order issued in another state in the same manner as
17 if the order had been issued by a tribunal of this state. RCW
18 26.21.510 applies to the contest. The obligor shall give notice of the
19 contest to any support enforcement agency providing services to the
20 obligee and to:~~

21 ~~(a) The person or agency designated to receive payments in the
22 income withholding order; or~~

23 ~~(b) If no person or agency is designated, the obligee.))~~

24 NEW SECTION. **Sec. 927.** A new section is added to chapter 26.21
25 RCW to read as follows:

26 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER
27 STATE. (1) Upon receipt of an income-withholding order, the obligor's
28 employer shall immediately provide a copy of the order to the obligor.

29 (2) The employer shall treat an income-withholding order issued in
30 another state that appears regular on its face as if it had been issued
31 by a tribunal of this state.

32 (3) Except as provided in subsection (4) of this section and
33 section 928 of this act, the employer shall withhold and distribute the
34 funds as directed in the withholding order by complying with the terms
35 of the order which specify:

36 (a) The duration and amount of periodic payments of current child
37 support, stated as a sum certain;

1 (b) The person or agency designated to receive payments and the
2 address to which the payments are to be forwarded;

3 (c) Medical support, whether in the form of periodic cash payment,
4 stated as sum certain, or ordering the obligor to provide health
5 insurance coverage for the child under a policy available through the
6 obligor's employment;

7 (d) The amount of periodic payments of fees and costs for a support
8 enforcement agency, the issuing tribunal, and the obligee's attorney,
9 stated as sum certain; and

10 (e) The amount of periodic payments of arrearages and interest on
11 arrearages, stated as sum certain.

12 (4) The employer shall comply with the law of the state of the
13 obligor's principal place of employment for withholding from income
14 with respect to:

15 (a) The employer's fee for processing an income withholding order;

16 (b) The maximum amount permitted to be withheld from the obligor's
17 income; and

18 (c) The times within which the employer must implement the
19 withholding order and forward the child support payment.

20 NEW SECTION. Sec. 928. A new section is added to chapter 26.21
21 RCW to read as follows:

22 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an
23 obligor's employer receives multiple income-withholding orders with
24 respect to the earnings of the same obligor, the employer satisfies the
25 terms of the multiple orders if the employer complies with the law of
26 the state of the obligor's principal place of employment to establish
27 the priorities for withholding and allocating income withheld for
28 multiple child support obligees.

29 NEW SECTION. Sec. 929. A new section is added to chapter 26.21
30 RCW to read as follows:

31 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an
32 income-withholding order issued in another state in accordance with
33 this article is not subject to civil liability to an individual or
34 agency with regard to the employer's withholding of child support from
35 the obligor's income.

1 NEW SECTION. **Sec. 930.** A new section is added to chapter 26.21
2 RCW to read as follows:

3 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to
4 comply with an income-withholding order issued by another state and
5 received for enforcement is subject to the same penalties that may be
6 imposed for noncompliance with an order issued by a tribunal of this
7 state.

8 NEW SECTION. **Sec. 931.** A new section is added to chapter 26.21
9 RCW to read as follows:

10 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or
11 enforcement of an income-withholding order issued in another state and
12 received directly by an employer in this state in the same manner as if
13 the order had been issued by a tribunal of this state. RCW 26.21.510
14 applies to the contest.

15 (2) The obligor shall give notice of the contest to:

16 (a) A support enforcement agency providing services to the obligee;

17 (b) Each employer that has directly received an income-withholding
18 order; and

19 (c) The person or agency designated to receive payments in the
20 income-withholding order, or if no person or agency is designated, to
21 the obligee.

22 **Sec. 932.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to
23 read as follows:

24 (1) A support order or income-withholding order of another state
25 may be registered in this state by sending the following documents and
26 information to the support enforcement agency of this state or to the
27 superior court of any county in this state where the obligor resides,
28 works, or has property:

29 (a) A letter of transmittal to the tribunal requesting registration
30 and enforcement;

31 (b) Two copies, including one certified copy, of all orders to be
32 registered, including any modification of an order;

33 (c) A sworn statement by the party seeking registration or a
34 certified statement by the custodian of the records showing the amount
35 of any arrearage;

36 (d) The name of the obligor and, if known:

37 (i) The obligor's address and social security number;

1 (ii) The name and address of the obligor's employer and any other
2 source of income of the obligor; and

3 (iii) A description and the location of property of the obligor in
4 this state not exempt from execution; and

5 (e) The name and address of the obligee and, if applicable, the
6 agency or person to whom support payments are to be remitted.

7 (2) On receipt of a request for registration, the registering
8 tribunal shall cause the order to be filed as a foreign judgment,
9 together with one copy of the documents and information, regardless of
10 their form.

11 (3) A petition or comparable pleading seeking a remedy that must be
12 affirmatively sought under other law of this state may be filed at the
13 same time as the request for registration or later. The pleading must
14 specify the grounds for the remedy sought.

15 **Sec. 933.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to
16 read as follows:

17 (1) When a support order or income-withholding order issued in
18 another state is registered, the registering tribunal shall notify the
19 nonregistering party. (~~Notice must be given by certified or~~
20 ~~registered mail or by any means of personal service authorized by the~~
21 ~~law of this state.~~) The notice must be accompanied by a copy of the
22 registered order and the documents and relevant information
23 accompanying the order.

24 (2) The notice must inform the nonregistering party:

25 (a) That a registered order is enforceable as of the date of
26 registration in the same manner as an order issued by a tribunal of
27 this state;

28 (b) That a hearing to contest the validity or enforcement of the
29 registered order must be requested within twenty days after the date of
30 receipt by certified or registered mail or personal service of the
31 notice given to a nonregistering party within the state and within
32 sixty days after the date of receipt by certified or registered mail or
33 personal service of the notice on a nonregistering party outside of the
34 state;

35 (c) That failure to contest the validity or enforcement of the
36 registered order in a timely manner will result in confirmation of the
37 order and enforcement of the order and the alleged arrearages and

1 precludes further contest of that order with respect to any matter that
2 could have been asserted; and

3 (d) Of the amount of any alleged arrearages.

4 (3) Upon registration of an income-withholding order for
5 enforcement, the registering tribunal shall notify the obligor's
6 employer pursuant to the income-withholding law of this state.

7 **Sec. 934.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to
8 read as follows:

9 (1) A nonregistering party seeking to contest the validity or
10 enforcement of a registered order in this state shall request a hearing
11 within twenty days after the date of receipt of certified or registered
12 mail or the date of personal service of notice of the registration on
13 the nonmoving party within this state, or, within sixty days after the
14 receipt of certified or registered mail or personal service of the
15 notice on the nonmoving party outside of the state. The nonregistering
16 party may seek to vacate the registration, to assert any defense to an
17 allegation of noncompliance with the registered order, or to contest
18 the remedies being sought or the amount of any alleged arrearages
19 pursuant to RCW 26.21.540.

20 (2) If the nonregistering party fails to contest the validity or
21 enforcement of the registered order in a timely manner, the order is
22 confirmed by operation of law.

23 (3) If a nonregistering party requests a hearing to contest the
24 validity or enforcement of the registered order, the registering
25 tribunal shall schedule the matter for hearing and give notice to the
26 parties (~~by first class mail~~) of the date, time, and place of the
27 hearing.

28 **Sec. 935.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to
29 read as follows:

30 (1) After a child support order issued in another state has been
31 registered in this state, the responding tribunal of this state may
32 modify that order only if(()) section 937 of this act does not apply
33 and after notice and hearing(()) it finds that:

34 (a) The following requirements are met:

35 (i) The child, the individual obligee, and the obligor do not
36 reside in the issuing state;

1 (ii) A petitioner who is a nonresident of this state seeks
2 modification; and

3 (iii) The respondent is subject to the personal jurisdiction of the
4 tribunal of this state; or

5 (b) (~~An individual party or~~) The child, or a party who is an
6 individual, is subject to the personal jurisdiction of the tribunal of
7 this state and all of the (~~individual~~) parties who are individuals
8 have filed ((a)) written consents in the issuing tribunal ((providing
9 that)) for a tribunal of this state ((may)) to modify the support order
10 and assume continuing, exclusive jurisdiction over the order. However,
11 if the issuing state is a foreign jurisdiction that has not enacted a
12 law or established procedures substantially similar to the procedures
13 under the Uniform Interstate Family Support Act, the consent otherwise
14 required of an individual residing in this state is not required for
15 the tribunal to assume jurisdiction to modify the child support order.

16 (2) Modification of a registered child support order is subject to
17 the same requirements, procedures, and defenses that apply to the
18 modification of an order issued by a tribunal of this state and the
19 order may be enforced and satisfied in the same manner.

20 (3) A tribunal of this state may not modify any aspect of a child
21 support order that may not be modified under the law of the issuing
22 state. If two or more tribunals have issued child support orders for
23 the same obligor and child, the order that controls and must be so
24 recognized under RCW 26.21.135 establishes the aspects of the support
25 order that are nonmodifiable.

26 (4) On issuance of an order modifying a child support order issued
27 in another state, a tribunal of this state becomes the tribunal ((of))
28 having continuing, exclusive jurisdiction.

29 (~~((5) Within thirty days after issuance of a modified child support~~
30 ~~order, the party obtaining the modification shall file a certified copy~~
31 ~~of the order with the issuing tribunal which had continuing, exclusive~~
32 ~~jurisdiction over the earlier order, and in each tribunal in which the~~
33 ~~party knows that earlier order has been registered.))~~

34 **Sec. 936.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to
35 read as follows:

36 A tribunal of this state shall recognize a modification of its
37 earlier child support order by a tribunal of another state that assumed
38 jurisdiction pursuant to the Uniform Interstate Family Support Act or

1 a law substantially similar to this chapter and, upon request, except
2 as otherwise provided in this chapter, shall:

3 (1) Enforce the order that was modified only as to amounts accruing
4 before the modification;

5 (2) Enforce only nonmodifiable aspects of that order;

6 (3) Provide other appropriate relief only for violations of that
7 order which occurred before the effective date of the modification;
8 and

9 (4) Recognize the modifying order of the other state, upon
10 registration, for the purpose of enforcement.

11 NEW SECTION. **Sec. 937.** A new section is added to chapter 26.21
12 RCW to read as follows:

13 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF
14 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who
15 are individuals reside in this state and the child does not reside in
16 the issuing state, a tribunal of this state has jurisdiction to enforce
17 and to modify the issuing state's child support order in a proceeding
18 to register that order.

19 (2) A tribunal of this state exercising jurisdiction under this
20 section shall apply the provisions of Articles 1 and 2, this article,
21 and the procedural and substantive law of this state to the proceeding
22 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this
23 chapter do not apply.

24 NEW SECTION. **Sec. 938.** A new section is added to chapter 26.21
25 RCW to read as follows:

26 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days
27 after issuance of a modified child support order, the party obtaining
28 the modification shall file a certified copy of the order with the
29 issuing tribunal that had continuing, exclusive jurisdiction over the
30 earlier order, and in each tribunal in which the party knows the
31 earlier order has been registered. A party who obtains the order and
32 fails to file a certified copy is subject to appropriate sanctions by
33 a tribunal in which the issue of failure to file arises. The failure
34 to file does not affect the validity or enforceability of the modified
35 order of the new tribunal having continuing, exclusive jurisdiction.

1 **Sec. 939.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to
2 read as follows:

3 (1) A tribunal of this state may serve as an initiating or
4 responding tribunal in a proceeding brought under this chapter or a law
5 or procedure substantially similar to this chapter, the Uniform
6 Reciprocal Enforcement of Support Act, or the Revised Uniform
7 Reciprocal Enforcement of Support Act to determine that the petitioner
8 is a parent of a particular child or to determine that a respondent is
9 a parent of that child.

10 (2) In a proceeding to determine parentage, a responding tribunal
11 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,
12 procedural and substantive law of this state, and the rules of this
13 state on choice of law.

14 NEW SECTION. **Sec. 940.** A new section is added to chapter 26.21
15 RCW to read as follows:

16 ADOPTION OF RULES. The secretary of the department of social and
17 health services shall issue such rules as necessary to act as the
18 administrative tribunal pursuant to RCW 26.21.015.

19 **Sec. 941.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to
20 read as follows:

21 (1) The department of social and health services shall adopt rules
22 for the distribution of support money collected by the (~~office of~~
23 ~~support enforcement~~) division of child support. These rules shall:

24 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal
25 social security act as amended by the personal responsibility and work
26 opportunity reconciliation act of 1996;

27 (b) Direct the (~~office of support enforcement~~) division of child
28 support to distribute support money within eight days of receipt,
29 unless one of the following circumstances, or similar circumstances
30 specified in the rules, prevents prompt distribution:

31 (i) The location of the custodial parent is unknown;

32 (ii) The support debt is in litigation;

33 (iii) The (~~office of support enforcement~~) division of child
34 support cannot identify the responsible parent or the custodian;

35 (c) Provide for proportionate distribution of support payments if
36 the responsible parent owes a support obligation or a support debt for
37 two or more Title IV-D cases; and

1 (d) Authorize the distribution of support money, except money
2 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
3 the IV-D custodian before the debt owed to the state when the custodian
4 stops receiving a public assistance grant.

5 (2) The (~~office of support enforcement~~) division of child support
6 may distribute support payments to the payee under the support order or
7 to another person who has lawful physical custody of the child or
8 custody with the payee's consent. The payee may file an application
9 for an adjudicative proceeding to challenge distribution to such other
10 person. Prior to distributing support payments to any person other
11 than the payee, the registry shall:

12 (a) Obtain a written statement from the child's physical custodian,
13 under penalty of perjury, that the custodian has lawful custody of the
14 child or custody with the payee's consent;

15 (b) Mail to the responsible parent and to the payee at the payee's
16 last known address a copy of the physical custodian's statement and a
17 notice which states that support payments will be sent to the physical
18 custodian; and

19 (c) File a copy of the notice with the clerk of the court that
20 entered the original support order.

21 (3) If the Washington state support registry distributes a support
22 payment to a person in error, the registry may obtain restitution by
23 means of a set-off against future payments received on behalf of the
24 person receiving the erroneous payment, or may act according to RCW
25 74.20A.270 as deemed appropriate. Any set-off against future support
26 payments shall be limited to amounts collected on the support debt and
27 ten percent of amounts collected as current support.

28 **Sec. 942.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each
29 amended to read as follows:

30 (1) The department shall be subrogated to the right of any
31 dependent child or children or person having the care, custody, and
32 control of said child or children, if public assistance money is paid
33 to or for the benefit of the child under a state program funded under
34 Title IV-A of the federal social security act as amended by the
35 personal responsibility and work opportunity reconciliation act of
36 1996, to prosecute or maintain any support action or execute any
37 administrative remedy existing under the laws of the state of
38 Washington to obtain reimbursement of moneys expended, based on the

1 support obligation of the responsible parent established by a superior
2 court order or RCW 74.20A.055. Distribution of any support moneys
3 shall be made in accordance with (~~(42 U.S.C. Sec. 657)~~) RCW 26.23.035.

4 (2) The department may initiate, continue, maintain, or execute an
5 action to establish, enforce, and collect a support obligation,
6 including establishing paternity and performing related services, under
7 this chapter and chapter 74.20 RCW, or through the attorney general or
8 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
9 or 26.26 RCW or other appropriate statutes or the common law of this
10 state, for so long as and under such conditions as the department may
11 establish by regulation.

12 (3) Public assistance moneys shall be exempt from collection action
13 under this chapter except as provided in RCW 74.20A.270.

14 (4) No collection action shall be taken against parents of children
15 eligible for admission to, or children who have been discharged from a
16 residential habilitation center as defined by RCW 71A.10.020(7). For
17 the period July 1, 1993, through June 30, 1995, a collection action may
18 be taken against parents of children with developmental disabilities
19 who are placed in community-based residential care. The amount of
20 support the department may collect from the parents shall not exceed
21 one-half of the parents' support obligation accrued while the child was
22 in community-based residential care. The child support obligation
23 shall be calculated pursuant to chapter 26.19 RCW.

24 **Sec. 943.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended
25 to read as follows:

26 Whenever a custodian of children, or other person, receives support
27 moneys paid to them which moneys are paid in whole or in part in
28 satisfaction of a support obligation which has been assigned to the
29 department pursuant to (~~(42 U.S.C. Sec. 602(A)(26)(a))~~) Title IV-A of
30 the federal social security act as amended by the personal
31 responsibility and work opportunity reconciliation act of 1996 or RCW
32 74.20.330 or to which the department is owed a debt pursuant to RCW
33 74.20A.030, the moneys shall be remitted to the department within eight
34 days of receipt by the custodian or other person. If not so remitted
35 the custodian or other person shall be indebted to the department as a
36 support debt in an amount equal to the amount of the support money
37 received and not remitted.

1 By not paying over the moneys to the department, a custodial parent
2 or other person is deemed, without the necessity of signing any
3 document, to have made an irrevocable assignment to the department of
4 any support delinquency owed which is not already assigned to the
5 department or to any support delinquency which may accrue in the future
6 in an amount equal to the amount of support money retained. The
7 department may utilize the collection procedures in chapter 74.20A RCW
8 to collect the assigned delinquency to effect recoupment and
9 satisfaction of the debt incurred by reason of the failure of the
10 custodial parent or other person to remit. The department is also
11 authorized to make a set-off to effect satisfaction of the debt by
12 deduction from support moneys in its possession or in the possession of
13 any clerk of the court or other forwarding agent which are paid to the
14 custodial parent or other person for the satisfaction of any support
15 delinquency. Nothing in this section authorizes the department to make
16 set-off as to current support paid during the month for which the
17 payment is due and owing.

18 **Sec. 944.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to
19 read as follows:

20 (1) Whenever public assistance is paid under (~~this title~~) a state
21 program funded under Title IV-A of the federal social security act as
22 amended by the personal responsibility and work opportunity
23 reconciliation act of 1996, each applicant or recipient is deemed to
24 have made assignment to the department of any rights to a support
25 obligation from any other person the applicant or recipient may have in
26 his or her own behalf or in behalf of any other family member for whom
27 the applicant or recipient is applying for or receiving public
28 assistance, including any unpaid support obligation or support debt
29 which has accrued at the time the assignment is made.

30 (2) Payment of public assistance under (~~this title~~) a state
31 program funded under Title IV-A of the federal social security act as
32 amended by the personal responsibility and work opportunity
33 reconciliation act of 1996 shall:

- 34 (a) Operate as an assignment by operation of law; and
35 (b) Constitute an authorization to the department to provide the
36 assistance recipient with support enforcement services.

1 **Sec. 945.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read
2 as follows:

3 (1) Within ten days after the birth of any child, the attending
4 physician, midwife, or his or her agent shall:

5 (a) Fill out a certificate of birth, giving all of the particulars
6 required, including: (i) The mother's name and date of birth, and (ii)
7 if the mother and father are married at the time of birth or the father
8 has signed an acknowledgment of paternity, the father's name and date
9 of birth; and

10 (b) File the certificate of birth together with the mother's and
11 father's social security numbers with the (~~local~~) state registrar of
12 (~~the district in which the birth occurred~~) vital statistics.

13 (2) The local registrar shall forward the birth certificate, any
14 signed affidavit acknowledging paternity, and the mother's and father's
15 social security numbers to the state office of vital statistics
16 pursuant to RCW 70.58.030.

17 (3) The state (~~office~~) registrar of vital statistics shall make
18 available to the (~~office of support enforcement~~) division of child
19 support the birth certificates, the mother's and father's social
20 security numbers and paternity affidavits.

21 (4) Upon the birth of a child to an unmarried woman, the attending
22 physician, midwife, or his or her agent shall:

23 (a) Provide an opportunity for the child's mother and natural
24 father to complete an affidavit acknowledging paternity. The completed
25 affidavit shall be filed with the (~~local~~) state registrar of vital
26 statistics. The affidavit shall contain or have attached:

27 (i) A sworn statement by the mother consenting to the assertion of
28 paternity and stating that this is the only possible father;

29 (ii) A statement by the father that he is the natural father of the
30 child;

31 (iii) A sworn statement signed by the mother and the putative
32 father that each has been given notice, both orally and in writing, of
33 the alternatives to, the legal consequences of, and the rights,
34 including, if one parent is a minor, any rights afforded due to
35 minority status, and responsibilities that arise from, signing the
36 affidavit acknowledging paternity;

37 (iv) Written information, furnished by the department of social and
38 health services, explaining the implications of signing, including
39 parental rights and responsibilities; and

1 (~~(iv)~~) (v) The social security numbers of both parents.

2 (b) Provide written information and oral information, furnished by
3 the department of social and health services, to the mother and the
4 father regarding the benefits of having (~~her~~) the child's paternity
5 established and of the availability of paternity establishment
6 services, including a request for support enforcement services. The
7 oral and written information shall also include information regarding
8 the alternatives to, the legal consequences of, and the rights,
9 including, if one parent is a minor any rights afforded due to minority
10 status, and responsibilities that arise from, signing the affidavit
11 acknowledging paternity.

12 (5) The physician or midwife or his or her agent is entitled to
13 reimbursement for reasonable costs, which the department shall
14 establish by rule, when an affidavit acknowledging paternity is filed
15 with the state (~~office~~) registrar of vital statistics.

16 (6) If there is no attending physician or midwife, the father or
17 mother of the child, householder or owner of the premises, manager or
18 superintendent of the public or private institution in which the birth
19 occurred, shall notify the local registrar, within ten days after the
20 birth, of the fact of the birth, and the local registrar shall secure
21 the necessary information and signature to make a proper certificate of
22 birth.

23 (7) When an infant is found for whom no certificate of birth is
24 known to be on file, a birth certificate shall be filed within the time
25 and in the form prescribed by the state board of health.

26 (8) When no putative father is named on a birth certificate of a
27 child born to an unwed mother the mother may give any surname she so
28 desires to her child but shall designate in space provided for father's
29 name on the birth certificate "None Named".

30 **Sec. 946.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to
31 read as follows:

32 (1) A man is presumed to be the natural father of a child for all
33 intents and purposes if:

34 (a) He and the child's natural mother are or have been married to
35 each other and the child is born during the marriage, or within three
36 hundred days after the marriage is terminated by death, annulment,
37 declaration of invalidity, divorce, or dissolution, or after a decree
38 of separation is entered by a court; or

1 (b) Before the child's birth, he and the child's natural mother
2 have attempted to marry each other by a marriage solemnized in apparent
3 compliance with law, although the attempted marriage is or could be
4 declared invalid, and the child is born within three hundred days after
5 the termination of cohabitation;

6 (c) After the child's birth, he and the child's natural mother have
7 married, or attempted to marry, each other by a marriage solemnized in
8 apparent compliance with law, although the attempted marriage is or
9 could be declared invalid, and

10 (i) He has acknowledged his paternity of the child in writing filed
11 with the state registrar of vital statistics,

12 (ii) With his consent, he is named as the child's father on the
13 child's birth certificate, or

14 (iii) He is obligated to support the child under a written
15 voluntary promise or by court order;

16 (d) While the child is under the age of majority, he receives the
17 child into his home and openly holds out the child as his child;

18 (e) He acknowledges his paternity of the child pursuant to RCW
19 70.58.080 or in a writing filed with the state ((office)) registrar of
20 vital statistics, which shall promptly inform the mother of the filing
21 of the acknowledgment, if she does not dispute the acknowledgment
22 within a reasonable time after being informed thereof, in a writing
23 filed with the state registrar of vital statistics. An acknowledgment
24 of paternity under RCW 70.58.080 shall be a legal finding of paternity
25 of the child sixty days after the acknowledgment is filed with the
26 center for health statistics unless the acknowledgment is sooner
27 rescinded or challenged. After the sixty-day period has passed, the
28 acknowledgment may be challenged in court only on the basis of fraud,
29 duress, or material mistake of fact, with the burden of proof upon the
30 challenger. Legal responsibilities of the challenger, including child
31 support obligations, may not be suspended during the challenge, except
32 for good cause shown. Judicial and administrative proceedings are
33 neither required nor permitted to ratify an unchallenged acknowledgment
34 of paternity filed after the effective date of this section. In order
35 to enforce rights of residential time, custody, and visitation, a man
36 presumed to be the father as a result of filing a written
37 acknowledgment must seek appropriate judicial orders under this title;

38 (f) The United States immigration and naturalization service made
39 or accepted a determination that he was the father of the child at the

1 time of the child's entry into the United States and he had the
2 opportunity at the time of the child's entry into the United States to
3 admit or deny the paternal relationship; or

4 (g) Genetic testing indicates a ninety-eight percent or greater
5 probability of paternity.

6 (2) A presumption under this section may be rebutted in an
7 appropriate action only by clear, cogent, and convincing evidence. If
8 two or more presumptions arise which conflict with each other, the
9 presumption which on the facts is founded on the weightier
10 considerations of policy and logic controls. The presumption is
11 rebutted by a court decree establishing paternity of the child by
12 another man.

13 NEW SECTION. **Sec. 947.** A new section is added to chapter 26.26
14 RCW to read as follows:

15 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all
16 actions brought under this chapter, bills for pregnancy, childbirth,
17 and genetic testing shall:

18 (1) Be admissible as evidence without requiring third-party
19 foundation testimony; and

20 (2) Constitute prima facie evidence of amounts incurred for such
21 services or for testing on behalf of the child.

22 **Sec. 948.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to
23 read as follows:

24 (1) The secretary may, in the absence of a superior court order, or
25 pursuant to an establishment of paternity under chapter 26.26 RCW,
26 serve on the responsible parent or parents a notice and finding of
27 financial responsibility requiring a responsible parent or parents to
28 appear and show cause in an adjudicative proceeding why the finding of
29 responsibility and/or the amount thereof is incorrect, should not be
30 finally ordered, but should be rescinded or modified. This notice and
31 finding shall relate to the support debt accrued and/or accruing under
32 this chapter and/or RCW 26.16.205, including periodic payments to be
33 made in the future. The hearing shall be held pursuant to this
34 section, chapter 34.05 RCW, the Administrative Procedure Act, and the
35 rules of the department.

36 (2) The notice and finding of financial responsibility shall be
37 served in the same manner prescribed for the service of a summons in a

1 civil action or may be served on the responsible parent by certified
2 mail, return receipt requested. The receipt shall be prima facie
3 evidence of service. The notice shall be served upon the debtor within
4 sixty days from the date the state assumes responsibility for the
5 support of the dependent child or children on whose behalf support is
6 sought. If the notice is not served within sixty days from such date,
7 the department shall lose the right to reimbursement of payments made
8 after the sixty-day period and before the date of notification:
9 PROVIDED, That if the department exercises reasonable efforts to locate
10 the debtor and is unable to do so the entire sixty-day period is tolled
11 until such time as the debtor can be located.

12 (3) The notice and finding of financial responsibility shall set
13 forth the amount the department has determined the responsible parent
14 owes, the support debt accrued and/or accruing, and periodic payments
15 to be made in the future. The notice and finding shall also include:

16 (a) A statement of the name of the recipient or custodian and the
17 name of the child or children for whom support is sought;

18 (b) A statement of the amount of periodic future support payments
19 as to which financial responsibility is alleged;

20 (c) A statement that the responsible parent may object to all or
21 any part of the notice and finding, and file an application for an
22 adjudicative proceeding to show cause why said responsible parent
23 should not be determined to be liable for any or all of the debt, past
24 and future;

25 ~~(d) ((A statement that the alleged responsible parent may challenge
26 the presumption of paternity;~~

27 ~~(e))~~ (e)) A statement that, if the responsible parent fails in timely
28 fashion to file an application for an adjudicative proceeding, the
29 support debt and payments stated in the notice and finding, including
30 periodic support payments in the future, shall be assessed and
31 determined and ordered by the department and that this debt and amounts
32 due under the notice shall be subject to collection action;

33 ~~((f))~~ (e) A statement that the property of the debtor, without
34 further advance notice or hearing, will be subject to lien and
35 foreclosure, distraint, seizure and sale, order to withhold and
36 deliver, notice of payroll deduction or other collection action to
37 satisfy the debt and enforce the support obligation established under
38 the notice.

1 (4) A responsible parent who objects to the notice and finding of
2 financial responsibility may file an application for an adjudicative
3 proceeding within twenty days of the date of service of the notice or
4 thereafter as provided under this subsection. An adjudicative
5 proceeding shall be held in the county of residence or other place
6 convenient to the responsible parent.

7 (a) If the responsible parent files the application within twenty
8 days, the department shall schedule an adjudicative proceeding to hear
9 the parent's objection and determine the parents' support obligation
10 for the entire period covered by the notice and finding of financial
11 responsibility. The filing of the application stays collection action
12 pending the entry of a final administrative order;

13 (b) If the responsible parent fails to file an application within
14 twenty days, the notice and finding shall become a final administrative
15 order. The amounts for current and future support and the support debt
16 stated in the notice are final and subject to collection, except as
17 provided under (c) and (d) of this subsection;

18 (c) If the responsible parent files the application more than
19 twenty days after, but within one year of the date of service, the
20 department shall schedule an adjudicative proceeding to hear the
21 parents' objection and determine the parent's support obligation for
22 the entire period covered by the notice and finding of financial
23 responsibility. The filing of the application does not stay further
24 collection action, pending the entry of a final administrative order,
25 and does not affect any prior collection action;

26 (d) If the responsible parent files the application more than one
27 year after the date of service, the department shall schedule an
28 adjudicative proceeding at which the responsible parent must show good
29 cause for failure to file a timely application. The filing of the
30 application does not stay future collection action and does not affect
31 prior collection action:

32 (i) If the presiding officer finds that good cause exists, the
33 presiding officer shall proceed to hear the parent's objection to the
34 notice and determine the parent's support obligation;

35 (ii) If the presiding officer finds that good cause does not exist,
36 the presiding officer shall treat the application as a petition for
37 prospective modification of the amount for current and future support
38 established under the notice and finding. In the modification
39 proceeding, the presiding officer shall set current and future support

1 under chapter 26.19 RCW. The responsible parent need show neither good
2 cause nor a substantial change of circumstances to justify modification
3 of current and future support;

4 (e) The department shall retain and/or shall not refund support
5 money collected more than twenty days after the date of service of the
6 notice. Money withheld as the result of collection action shall be
7 delivered to the department. The department shall distribute such
8 money, as provided in published rules.

9 (5)((~~a~~)) If an application for an adjudicative proceeding is
10 filed, the presiding or reviewing officer shall determine the past
11 liability and responsibility, if any, of the alleged responsible parent
12 and shall also determine the amount of periodic payments to be made in
13 the future, which amount is not limited by the amount of any public
14 assistance payment made to or for the benefit of the child. If
15 deviating from the child support schedule in making these
16 determinations, the presiding or reviewing officer shall apply the
17 standards contained in the child support schedule and enter written
18 findings of fact supporting the deviation.

19 (~~(b) If a responsible parent provides credible evidence at an
20 adjudicative proceeding that would rebut the presumption of paternity
21 set forth in RCW 26.26.040, the presiding officer shall direct the
22 department to refer the issue for scheduling of an appropriate hearing
23 in superior court to determine whether the presumption should be
24 rebutted.~~)

25 (6) If the responsible parent fails to attend or participate in the
26 hearing or other stage of an adjudicative proceeding, upon a showing of
27 valid service, the presiding officer shall enter an administrative
28 order declaring the support debt and payment provisions stated in the
29 notice and finding of financial responsibility to be assessed and
30 determined and subject to collection action.

31 (7) The final administrative order establishing liability and/or
32 future periodic support payments shall be superseded upon entry of a
33 superior court order for support to the extent the superior court order
34 is inconsistent with the administrative order.

35 (8) Debts determined pursuant to this section, accrued and not
36 paid, are subject to collection action under this chapter without
37 further necessity of action by a presiding or reviewing officer.

1 **Sec. 949.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5
2 are each reenacted and amended to read as follows:

3 (1) If an alleged father has signed an affidavit acknowledging
4 paternity which has been filed with the state (~~(office)~~) registrar of
5 vital statistics before July 1, 1997, the (~~(office of support~~
6 ~~enforcement)~~) division of child support may serve a notice and finding
7 of parental responsibility on him. Procedures for and responsibility
8 resulting from acknowledgments filed after July 1, 1997, are in
9 subsections (8) and (9) of this section. Service of the notice shall be
10 in the same manner as a summons in a civil action or by certified mail,
11 return receipt requested. The notice shall have attached to it a copy
12 of the affidavit or certification of birth record information advising
13 of the existence of a filed affidavit, provided by the (~~(center for~~
14 ~~health)~~) state registrar of vital statistics, and shall state that:

15 (a) The alleged father may file an application for an adjudicative
16 proceeding at which he will be required to appear and show cause why
17 the amount stated in the finding of financial responsibility as to
18 support is incorrect and should not be ordered;

19 (b) An alleged father may request that a blood or genetic test be
20 administered to determine whether such test would exclude him from
21 being a natural parent and, if not excluded, may subsequently request
22 that the (~~(office of support enforcement)~~) division of child support
23 initiate an action in superior court to determine the existence of the
24 parent-child relationship; and

25 (c) If the alleged father does not request that a blood or genetic
26 test be administered or file an application for an adjudicative
27 proceeding, the amount of support stated in the notice and finding of
28 parental responsibility shall become final, subject only to a
29 subsequent determination under RCW 26.26.060 that the parent-child
30 relationship does not exist.

31 (2) An alleged father who objects to the amount of support
32 requested in the notice may file an application for an adjudicative
33 proceeding up to twenty days after the date the notice was served. An
34 application for an adjudicative proceeding may be filed within one year
35 of service of the notice and finding of parental responsibility without
36 the necessity for a showing of good cause or upon a showing of good
37 cause thereafter. An adjudicative proceeding under this section shall
38 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
39 the accrued debt, the amount of the current and future support

1 obligation, and the reimbursement of the costs of blood or genetic
2 tests if advanced by the department.

3 (3) If the application for an adjudicative proceeding is filed
4 within twenty days of service of the notice, collection action shall be
5 stayed pending a final decision by the department. If no application
6 is filed within twenty days:

7 (a) The amounts in the notice shall become final and the debt
8 created therein shall be subject to collection action; and

9 (b) Any amounts so collected shall neither be refunded nor returned
10 if the alleged father is later found not to be a responsible parent.

11 (4) An alleged father who denies being a responsible parent may
12 request that a blood or genetic test be administered at any time. The
13 request for testing shall be in writing and served on the (~~office of~~
14 ~~support enforcement~~) division of child support personally or by
15 registered or certified mail. If a request for testing is made, the
16 department shall arrange for the test and, pursuant to rules adopted by
17 the department, may advance the cost of such testing. The department
18 shall mail a copy of the test results by certified mail, return receipt
19 requested, to the alleged father's last known address.

20 (5) If the test excludes the alleged father from being a natural
21 parent, the (~~office of support enforcement~~) division of child support
22 shall file a copy of the results with the state (~~office~~) registrar of
23 vital statistics and shall dismiss any pending administrative
24 collection proceedings based upon the affidavit in issue. The state
25 (~~office~~) registrar of vital statistics shall remove the alleged
26 father's name from the birth certificate and change the child's surname
27 to be the same as the mother's maiden name as stated on the birth
28 certificate, or any other name which the mother may select.

29 (6) The alleged father may, within twenty days after the date of
30 receipt of the test results, request the (~~office of support~~
31 ~~enforcement~~) division of child support to initiate an action under RCW
32 26.26.060 to determine the existence of the parent-child relationship.
33 If the (~~office of support enforcement~~) division of child support
34 initiates a superior court action at the request of the alleged father
35 and the decision of the court is that the alleged father is a natural
36 parent, the alleged father shall be liable for court costs incurred.

37 (7) If the alleged father does not request the (~~office of support~~
38 ~~enforcement~~) division of child support to initiate a superior court
39 action, or if the alleged father fails to appear and cooperate with

1 blood or genetic testing, the notice of parental responsibility shall
2 become final for all intents and purposes and may be overturned only by
3 a subsequent superior court order entered under RCW 26.26.060.

4 (8)(a) If an alleged father has signed an affidavit acknowledging
5 paternity that has been filed with the state registrar of vital
6 statistics after July 1, 1997, within sixty days from the date of
7 filing of the acknowledgment:

8 (i) The division of child support may serve a notice and finding of
9 parental responsibility on him as set forth under this section; and

10 (ii) The alleged father or any other signatory may rescind his
11 acknowledgment of paternity. The rescission shall be notarized and
12 delivered to the state registrar of vital statistics personally or by
13 registered or certified mail.

14 (b) If the alleged father does not file an application for an
15 adjudicative proceeding or rescind his acknowledgment of paternity, the
16 amount of support stated in the notice and finding of parental
17 responsibility becomes final, subject only to a subsequent
18 determination under RCW 26.26.060 that the parent-child relationship
19 does not exist.

20 (c) An alleged father who objects to the amount of support
21 requested in the notice may file an application for an adjudicative
22 proceeding up to twenty days after the date the notice was served. An
23 application for an adjudicative proceeding may be filed within one year
24 of service of the notice and finding of parental responsibility without
25 the necessity for a showing of good cause or upon a showing of good
26 cause thereafter. An adjudicative proceeding under this section shall
27 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
28 the accrued debt and the amount of the current and future support
29 obligation.

30 (i) If the application for an adjudicative proceeding is filed
31 within twenty days of service of the notice, collection action shall be
32 stayed pending a final decision by the department.

33 (ii) If the application for an adjudicative proceeding is not filed
34 within twenty days of the service of the notice, any amounts collected
35 under the notice shall be neither refunded nor returned if the alleged
36 father is later found not to be a responsible parent.

37 (d) If an alleged father makes a request for genetic testing, the
38 department shall proceed as set forth under section 909 of this act.

1 (e) If the alleged father does not request an adjudicative
2 proceeding, or if the alleged father fails to rescind his filed
3 acknowledgment of paternity, the notice of parental responsibility
4 becomes final for all intents and purposes and may be overturned only
5 by a subsequent superior court order entered under RCW 26.26.060.

6 (9) Affidavits acknowledging paternity that are filed after July 1,
7 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

8 (10) The department and the department of health may adopt rules to
9 implement the requirements under this section.

10 NEW SECTION. Sec. 950. A new section is added to chapter 26.18
11 RCW to read as follows:

12 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,
13 not paid when due, become liens by operation of law against all
14 property of the debtor with priority of a secured creditor. This lien
15 shall be separate and apart from, and in addition to, any other lien
16 created by, or provided for, in this title. The lien attaches to all
17 real and personal property of the debtor on the date of filing with the
18 county auditor of the county in which the property is located.

19 **Sec. 951.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to
20 read as follows:

21 (1) Except as provided in subsection (3) of this section, all
22 employers doing business in the state of Washington, and to whom the
23 department of employment security has assigned the standard industrial
24 classification sic codes listed in subsection (2) of this section,
25 shall report to the Washington state support registry:

26 (a) The hiring of any person who resides or works in this state to
27 whom the employer anticipates paying earnings; and

28 (b) The rehiring or return to work of any employee who was laid
29 off, furloughed, separated, granted a leave without pay, or terminated
30 from employment.

31 (2) Employers in the standard industrial classifications that shall
32 report to the Washington state support registry include:

33 (a) Construction industry sic codes: 15, general building; 16,
34 heavy construction; and 17, special trades;

35 (b) Manufacturing industry sic code 37, transportation equipment;

36 (c) Business services sic codes: 73, except sic code 7363
37 (temporary help supply services); and health services sic code 80.

1 (3) Employers are not required to report the hiring of any person
2 who:

3 (a) Will be employed for less than one months duration;

4 (b) Will be employed sporadically so that the employee will be paid
5 for less than three hundred fifty hours during a continuous six-month
6 period; or

7 (c) Will have gross earnings less than three hundred dollars in
8 every month.

9 The secretary of the department of social and health services may
10 adopt rules to establish additional exemptions if needed to reduce
11 unnecessary or burdensome reporting.

12 (4) Employers may report by mailing the employee's copy of the W-4
13 form, or other means authorized by the registry which will result in
14 timely reporting.

15 (5) Employers shall submit reports within thirty-five days of the
16 hiring, rehiring, or return to work of the employee. The report shall
17 contain:

18 (a) The employee's name, address, social security number, and date
19 of birth; and

20 (b) The employer's name, address, and employment security reference
21 number or unified business identifier number.

22 (6) An employer who fails to report as required under this section
23 shall be given a written warning for the first violation and shall be
24 subject to a civil penalty of up to two hundred dollars per month for
25 each subsequent violation after the warning has been given. All
26 violations within a single month shall be considered a single violation
27 for purposes of assessing the penalty. The penalty may be imposed and
28 collected by the ~~((office of support enforcement))~~ division of child
29 support under ~~((RCW 74.20A.270))~~ section 901 of this act.

30 ~~((The registry shall retain the information for a particular~~
31 ~~employee only if the registry is responsible for establishing,~~
32 ~~enforcing, or collecting a support obligation or debt of the employee.~~
33 ~~If the employee does not owe such an obligation or a debt, the registry~~
34 ~~shall not create a record regarding the employee and the information~~
35 ~~contained in the notice shall be promptly destroyed. Prior to the~~
36 ~~destruction of the notice, the department of social and health services~~
37 ~~shall make the information contained in the notice available to other~~
38 ~~state agencies, based upon the written request of an agency's director~~
39 ~~or chief executive, specifically for comparison with records or~~

1 information possessed by the requesting agency to detect improper or
2 fraudulent claims. If, after comparison, no such situation is found or
3 reasonably suspected to exist, the information shall be promptly
4 destroyed by the requesting agency. Requesting agencies that obtain
5 information from the department of social and health services under
6 this section shall maintain the confidentiality of the information
7 received, except as necessary to implement the agencies'
8 responsibilities.)) The registry shall retain the information for a
9 particular employee only if the registry is responsible for
10 establishing, enforcing, or collecting a support debt of the employee.
11 The registry may, however, retain information for a particular employee
12 for as long as may be necessary to:

13 (a) Transmit the information to the national directory of new hires
14 as required under federal law; or

15 (b) Provide the information to other state agencies for comparison
16 with records or information possessed by those agencies as required by
17 law.

18 Information that is not permitted to be retained shall be promptly
19 destroyed. Agencies that obtain information from the department of
20 social and health services under this section shall maintain the
21 confidentiality of the information received, except as necessary to
22 implement the agencies' responsibilities.

23 **Sec. 952.** RCW 26.23.040 and 1997 c ... s 951 (section 951 of this
24 act) are each amended to read as follows:

25 ((Except as provided in subsection (3) of this section,)) All
26 employers doing business in the state of Washington, and to whom the
27 department of employment security has assigned ((the)) a standard
28 industrial classification sic code((s listed in subsection (2) of this
29 section,)) shall report to the Washington state support registry:

30 (a) The hiring of any person who resides or works in this state to
31 whom the employer anticipates paying earnings; and

32 (b) The rehiring or return to work of any employee who was laid
33 off, furloughed, separated, granted a leave without pay, or terminated
34 from employment.

35 ((2) Employers in the standard industrial classifications that
36 shall report to the Washington state support registry include:

37 (a) Construction industry sic codes: 15, general building; 16,
38 heavy construction; and 17, special trades;

1 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~
2 ~~(c) Business services sic codes: 73, except sic code 7363~~
3 ~~(temporary help supply services); and health services sic code 80.~~

4 ~~(3) Employers are not required to report the hiring of any person~~
5 ~~who:~~

6 ~~(a) Will be employed for less than one months duration;~~

7 ~~(b) Will be employed sporadically so that the employee will be paid~~
8 ~~for less than three hundred fifty hours during a continuous six month~~
9 ~~period; or~~

10 ~~(c) Will have gross earnings less than three hundred dollars in~~
11 ~~every month.)~~

12 The secretary of the department of social and health services may
13 adopt rules to establish additional exemptions if needed to reduce
14 unnecessary or burdensome reporting.

15 ~~((4))~~ (2) Employers may report by mailing the employee's copy of
16 the W-4 form, or other means authorized by the registry which will
17 result in timely reporting.

18 ~~((5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~
19 twenty days of the hiring, rehiring, or return to work of the employee,
20 except as provided in subsection (4) of this section. The report shall
21 contain:

22 (a) The employee's name, address, social security number, and date
23 of birth; and

24 (b) The employer's name, address, ~~((and))~~ employment security
25 reference number ~~((or))~~, unified business identifier number and
26 identifying number assigned under section 6109 of the internal revenue
27 code of 1986.

28 ~~((6))~~ (4) In the case of an employer transmitting reports
29 magnetically or electronically, the employer shall report newly hired
30 employees by two monthly transmissions, if necessary, not less than
31 twelve days nor more than sixteen days apart.

32 (5) An employer who fails to report as required under this section
33 shall be given a written warning for the first violation and shall be
34 subject to a civil penalty of up to two hundred dollars per month for
35 each subsequent violation after the warning has been given. All
36 violations within a single month shall be considered a single violation
37 for purposes of assessing the penalty. The penalty may be imposed and
38 collected by the division of child support under RCW 74.20A.---
39 (section 901 of this act).

1 (~~(7)~~) (6) The registry shall retain the information for a
2 particular employee only if the registry is responsible for
3 establishing, enforcing, or collecting a support debt of the employee.
4 The registry may, however, retain information for a particular employee
5 for as long as may be necessary to:

6 (a) Transmit the information to the national directory of new hires
7 as required under federal law; or

8 (b) Provide the information to other state agencies for comparison
9 with records or information possessed by those agencies as required by
10 law.

11 Information that is not permitted to be retained shall be promptly
12 destroyed. Agencies that obtain information from the department of
13 social and health services under this section shall maintain the
14 confidentiality of the information received, except as necessary to
15 implement the agencies' responsibilities.

16 **Sec. 953.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c
17 375 s 3 are each reenacted and amended to read as follows:

18 (1) A petition in a proceeding for dissolution of marriage, legal
19 separation, or for a declaration concerning the validity of a marriage,
20 shall allege the following:

21 (a) The last known residence of each party;

22 (b) The social security number of each party;

23 (c) The date and place of the marriage;

24 (~~(e)~~) (d) If the parties are separated the date on which the
25 separation occurred;

26 (~~(d)~~) (e) The names, ages, and addresses of any child dependent
27 upon either or both spouses and whether the wife is pregnant;

28 (~~(e)~~) (f) Any arrangements as to the residential schedule of,
29 decision making for, dispute resolution for, and support of the
30 children and the maintenance of a spouse;

31 (~~(f)~~) (g) A statement specifying whether there is community or
32 separate property owned by the parties to be disposed of;

33 (~~(g)~~) (h) The relief sought.

34 (2) Either or both parties to the marriage may initiate the
35 proceeding.

36 (3) The petitioner shall complete and file with the petition a
37 certificate under RCW 70.58.200 on the form provided by the department
38 of health.

1 **Sec. 954.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The court may, and upon request of a party shall, require the
4 child, mother, and any alleged or presumed father who has been made a
5 party to submit to blood tests or genetic tests of blood, tissues, or
6 other bodily fluids. If (~~(an alleged father)~~) a party objects to a
7 proposed order requiring (~~(him to submit to paternity)~~) blood or
8 genetic tests, the court (~~(may)~~) shall require the party making the
9 allegation of possible paternity to provide sworn testimony, by
10 affidavit or otherwise, stating the facts upon which the allegation is
11 based. The court shall order blood or genetic tests if it appears that
12 a reasonable possibility exists that the requisite sexual contact
13 occurred or where nonpaternity is alleged, that the requisite sexual
14 contact did not occur. The tests shall be performed by an expert in
15 paternity blood or genetic testing appointed by the court. The
16 expert's verified report identifying the blood or genetic
17 characteristics observed is admissible in evidence in any hearing or
18 trial in the parentage action, if (a) the alleged or presumed father
19 has had the opportunity to gain information about the security,
20 validity, and interpretation of the tests and the qualifications of any
21 experts, and (b) the report is accompanied by an affidavit from the
22 expert which describes the expert's qualifications as an expert and
23 analyzes and interprets the results. Verified documentation of the
24 chain of custody of the blood or genetic samples tested is admissible
25 to establish the chain of custody. The court may consider published
26 sources as aids to interpretation of the test results.

27 (2)(a) Any objection to genetic testing results must be made in
28 writing and served upon the opposing party, within twenty days before
29 any hearing at which such results may be introduced into evidence.

30 (b) If an objection is not made as provided in this subsection, the
31 test results are admissible as evidence of paternity without the need
32 for foundation testimony or other proof of authenticity or accuracy.

33 (3) The court, upon request by a party, shall order that additional
34 blood or genetic tests be performed by the same or other experts
35 qualified in paternity blood or genetic testing, if the party
36 requesting additional tests advances the full costs of the additional
37 testing within a reasonable time. The court may order additional
38 testing without requiring that the requesting party advance the costs
39 only if another party agrees to advance the costs or if the court

1 finds, after hearing, that (a) the requesting party is indigent, and
2 (b) the laboratory performing the initial tests recommends additional
3 testing or there is substantial evidence to support a finding as to
4 paternity contrary to the initial blood or genetic test results. The
5 court may later order any other party to reimburse the party who
6 advanced the costs of additional testing for all or a portion of the
7 costs.

8 (4) In all cases, the court shall determine the number and
9 qualifications of the experts.

10 **Sec. 955.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to
11 read as follows:

12 (1) The judgment and order of the court determining the existence
13 or nonexistence of the parent and child relationship shall be
14 determinative for all purposes.

15 (2) If the judgment and order of the court is at variance with the
16 child's birth certificate, the court shall order that an amended birth
17 certificate be issued.

18 (3) The judgment and order shall contain other appropriate
19 provisions directed to the appropriate parties to the proceeding,
20 concerning the duty of current and future support, the extent of any
21 liability for past support furnished to the child if that issue is
22 before the court, the furnishing of bond or other security for the
23 payment of the judgment, or any other matter in the best interest of
24 the child. The judgment and order may direct the father to pay the
25 reasonable expenses of the mother's pregnancy and confinement. The
26 judgment and order may include a continuing restraining order or
27 injunction. In issuing the order, the court shall consider the
28 provisions of RCW 9.41.800.

29 (4) The judgment and order shall contain the social security
30 numbers of all parties to the order.

31 (5) Support judgment and orders shall be for periodic payments
32 which may vary in amount. The court may limit the father's liability
33 for the past support to the child to the proportion of the expenses
34 already incurred as the court deems just. The court shall not limit or
35 affect in any manner the right of nonparties including the state of
36 Washington to seek reimbursement for support and other services
37 previously furnished to the child.

1 ~~((+5+))~~ (6) After considering all relevant factors, the court shall
2 order either or both parents to pay an amount determined pursuant to
3 the schedule and standards contained in chapter 26.19 RCW.

4 ~~((+6+))~~ (7) On the same basis as provided in chapter 26.09 RCW, the
5 court shall make residential provisions with regard to minor children
6 of the parties, except that a parenting plan shall not be required
7 unless requested by a party.

8 ~~((+7+))~~ (8) In any dispute between the natural parents of a child
9 and a person or persons who have (a) commenced adoption proceedings or
10 who have been granted an order of adoption, and (b) pursuant to a court
11 order, or placement by the department of social and health services or
12 by a licensed agency, have had actual custody of the child for a period
13 of one year or more before court action is commenced by the natural
14 parent or parents, the court shall consider the best welfare and
15 interests of the child, including the child's need for situation
16 stability, in determining the matter of custody, and the parent or
17 person who is more fit shall have the superior right to custody.

18 ~~((+8+))~~ (9) In entering an order under this chapter, the court may
19 issue any necessary continuing restraining orders, including the
20 restraint provisions of domestic violence protection orders under
21 chapter 26.50 RCW or antiharassment protection orders under chapter
22 10.14 RCW.

23 ~~((+9+))~~ (10) Restraining orders issued under this section
24 restraining the person from molesting or disturbing another party or
25 from going onto the grounds of or entering the home, workplace, or
26 school of the other party or the day care or school of any child shall
27 prominently bear on the front page of the order the legend: VIOLATION
28 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
29 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30 ~~((+10+))~~ (11) The court shall order that any restraining order
31 bearing a criminal offense legend, any domestic violence protection
32 order, or any antiharassment protection order granted under this
33 section be forwarded by the clerk of the court on or before the next
34 judicial day to the appropriate law enforcement agency specified in the
35 order. Upon receipt of the order, the law enforcement agency shall
36 forthwith enter the order into any computer-based criminal intelligence
37 information system available in this state used by law enforcement
38 agencies to list outstanding warrants. The order is fully enforceable
39 in any county in the state.

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

3 The state hereby accepts and assents to all the present provisions
4 of the federal law under which federal grants or funds, goods,
5 commodities and services are extended to the state for the support of
6 programs administered by the department, and to such additional
7 legislation as may subsequently be enacted as is not inconsistent with
8 the purposes of this title, authorizing public welfare and assistance
9 activities. The provisions of this title shall be so administered as
10 to conform with federal requirements with respect to eligibility for
11 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 NEW SECTION. **Sec. 1002.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
22 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
23 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;
24 and

25 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

26 NEW SECTION. **Sec. 1003.** PART HEADINGS, CAPTIONS, AND TABLE OF
27 CONTENTS NOT LAW. Part headings, captions, and the table of contents
28 used in this act are not any part of the law.

29 NEW SECTION. **Sec. 1004.** The governor and the department of
30 social and health services shall seek all necessary exemptions and
31 waivers from and amendments to federal statutes, rules, and regulations
32 and shall report to the appropriate committees in the house of
33 representatives and senate quarterly on the efforts to secure the
34 federal changes to permit full implementation of this act at the
35 earliest possible date.

1 NEW SECTION. **Sec. 1005.** Sections 1, 2, 103 through 108, 110, 202,
2 203, 205, 206, 301, 302, 304, 305, 311, 313 through 316, 323, 324, 402,
3 503, and 702 through 707 of this act constitute a new chapter in Title
4 74 RCW.

5 NEW SECTION. **Sec. 1006.** If any part of this act is found to be in
6 conflict with federal requirements that are a prescribed condition to
7 the allocation of federal funds to the state, the conflicting part of
8 this act is inoperative solely to the extent of the conflict and with
9 respect to the agencies directly affected, and this finding does not
10 affect the operation of the remainder of this act in its application to
11 the agencies concerned. The rules under this act shall meet federal
12 requirements that are a necessary condition to the receipt of federal
13 funds by the state. As used in this section, "allocation of federal
14 funds to the state" means the allocation of federal funds that are
15 appropriated by the legislature to the department of social and health
16 services and on which the department depends for carrying out any
17 provision of the operating budget applicable to it.

18 NEW SECTION. **Sec. 1007.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 1008.** (1) Section 307 of this act expires June
23 30, 1999.

24 (2) Section 804 of this act expires December 31, 2000.

25 (3) Section 813 of this act expires July 29, 2001.

26 NEW SECTION. **Sec. 1009.** (1) Sections 1, 2, 101 through 112, 201
27 through 207, 301 through 324, 401, 402, 501 through 504, 601, 705
28 through 708, 896, 899 through 951, 953 through 956, 1001, and 1002 of
29 this act are necessary for the immediate preservation of the public
30 peace, health, or safety, or support of the state government and its
31 existing public institutions, and take effect immediately.

32 (2) Sections 801 through 813 and 815 through 895, 897, and 898 of
33 this act are necessary for the immediate preservation of the public
34 peace, health, or safety, or support of the state government and its
35 existing public institutions, and take effect July 1, 1997.

1 (3) Sections 701 through 704 of this act take effect January 1,
2 1998.

3 (4) Section 952 of this act takes effect October 1, 1998.

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