

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1089**

Chapter 59, Laws of 1997

(partial veto)

55th Legislature  
1997 Regular Session

CORRECTING NOMENCLATURE FOR THE FORMER AID TO FAMILIES WITH  
DEPENDENT CHILDREN PROGRAM

EFFECTIVE DATE: 7/27/97

Passed by the House March 10, 1997  
Yeas 95 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 7, 1997  
Yeas 47 Nays 0

BRAD OWEN  
**President of the Senate**

Approved April 17, 1997 , with the  
exception of sections 20 and 25, which  
are vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of  
the House of Representatives of the  
State of Washington, do hereby certify  
that the attached is **SUBSTITUTE HOUSE  
BILL 1089** as passed by the House of  
Representatives and the Senate on the  
dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

April 17, 1997 - 8:11 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1089**

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Passed Legislature - 1997 Regular Session

**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives Cooke, Tokuda, Radcliff, Backlund, Boldt, Mason and Cairnes)

Read first time 02/11/97.

1       AN ACT Relating to correcting nomenclature for the former aid to  
2 families with dependent children program; amending RCW 6.26.060,  
3 6.27.140, 10.101.010, 26.19.071, 26.19.075, 43.20B.310, 46.16.028,  
4 46.20.021, 70.123.110, 74.04.770, 74.08.080, 74.08.335, 74.09.510,  
5 74.09.522, 74.12.010, 74.12.030, 74.12.035, 74.12.036, 74.12.250,  
6 74.12.260, 74.12.280, 74.12.361, 74.12.400, 74.12.410, 74.12.420,  
7 74.12.425, 74.12.900, 74.25.010, 74.25.040, 74.25A.045, and 74.25A.050;  
8 and reenacting and amending RCW 74.04.005.

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

10       **Sec. 1.** RCW 6.26.060 and 1988 c 231 s 20 are each amended to read  
11 as follows:

12       (1) When application is made for a prejudgment writ of garnishment,  
13 the court shall issue the writ in substantially the form prescribed in  
14 RCW 6.27.070 and 6.27.100 directing that the garnishee withhold an  
15 amount as prescribed in RCW 6.27.090, but, except as provided in  
16 subsection (2) of this section, the court shall issue the writ only  
17 after prior notice to the defendant, given in the manner prescribed in  
18 subsections (4) and (5) of this section, with an opportunity for a  
19 prior hearing at which the plaintiff shall establish the probable

1 validity of the plaintiff's claim and that there is probable cause to  
2 believe that the alleged ground for garnishment exists.

3 (2) Subject to subsection (3) of this section, the court shall  
4 issue the writ without prior notice to the defendant and without an  
5 opportunity for a prior hearing only if:

6 (a) A ground alleged in the plaintiff's affidavit is: (i) A ground  
7 appearing in RCW 6.26.010(2)(c) if the writ is to be directed to an  
8 employer for the purpose of garnishing the defendant's earnings; or  
9 (ii) a ground appearing in RCW 6.25.030 (5) through (7) or in RCW  
10 6.25.040(1) of the attachment chapter; or (iii) if garnishment is  
11 necessary to permit the court to acquire jurisdiction over the action,  
12 the ground alleged is one appearing in RCW 6.25.030 (1) through (4) or  
13 in RCW 6.26.010(2)(a) or (b); and

14 (b) The court finds on the basis of specific facts, after an ex  
15 parte hearing, that there is probable cause to believe the allegations  
16 of the plaintiff's affidavit.

17 (3) If a writ is issued under subsection (2) of this section  
18 without prior notice to the defendant, after service of the writ on the  
19 garnishee, the defendant shall be entitled to prompt notice of the  
20 garnishment and a right to an early hearing, if requested, at which the  
21 plaintiff shall establish the probable validity of the claim sued on  
22 and that there is probable cause to believe that the alleged ground for  
23 garnishment exists.

24 (4) When notice and a hearing are required under this section,  
25 notice may be given by a show cause order stating the date, time, and  
26 place of the hearing. Notice required under this section shall be  
27 jurisdictional and, except as provided for published notice in  
28 subsection (5) of this section, notice required under this section  
29 shall be served in the same manner as a summons in a civil action and  
30 shall be served together with (a) a copy of plaintiff's affidavit and  
31 a copy of the writ if already issued, and (b) a copy of the following  
32 "Notice of Right to a Hearing" in substantially the following form or,  
33 if defendant is an individual, a copy of the claim form and the "Notice  
34 of Garnishment and of Your Rights" prescribed by RCW 6.27.140, in which  
35 the following notice is substituted for the first paragraph of said  
36 Notice:

1 NOTICE OF RIGHT TO HEARING

2 A writ of garnishment has been or will be issued by a  
3 Washington court and has been or will be served on the  
4 garnishee defendant. It will require the garnishee defendant  
5 to withhold payment of money that may be due to you and to  
6 withhold other property of yours that the garnishee may hold or  
7 control until a lawsuit in which you are a defendant has been  
8 decided by the court. Service of this notice of your rights is  
9 required by law.

10 YOU HAVE A RIGHT TO A PROMPT HEARING. If notice of a hearing  
11 date and time is not served with this notice, you have the  
12 right to request the hearing. At the hearing, the plaintiff  
13 must give evidence that there is probable cause to believe that  
14 the statements in the enclosed affidavit are true and also that  
15 the claim stated in the lawsuit is probably valid, or else the  
16 garnishment will be released.

17 (5) If service of notice on the defendant must be effected by  
18 publication, only the following notice need be published under the  
19 caption of the case:

20 To, Defendant:

21 A writ of prejudgment garnishment has been issued in the above  
22 captioned case, directed to . . . . . as Garnishee Defendant,  
23 commanding the Garnishee to withhold amounts due you or to  
24 withhold any of your property in the Garnishee's possession or  
25 control for application to any judgment that may be entered for  
26 plaintiff in the case.

27 YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the  
28 plaintiff must give evidence that there is probable cause to  
29 believe that the ground for garnishment alleged in an affidavit  
30 filed with the court exists and also that the claim stated in  
31 the lawsuit is probably valid, or else the garnishment will be  
32 released.

1 If the defendant is an individual, the following paragraph shall be  
2 added to the published notice:

3 YOU MAY ALSO HAVE A RIGHT TO HAVE THE GARNISHMENT RELEASED if  
4 amounts or property withheld are exempt under federal or state  
5 statutes, for example, bank accounts in which benefits such as  
6 (~~Aid to Families with Dependent Children (AFDC)~~) Temporary  
7 Assistance for Needy Families, Supplemental Security Income  
8 (SSI), Social Security, United States pension, Unemployment  
9 Compensation, or Veterans' benefits have been deposited or  
10 certain personal property described in section 6.15.010 of the  
11 Revised Code of Washington.

12 **Sec. 2.** RCW 6.27.140 and 1987 c 442 s 1014 are each amended to  
13 read as follows:

14 (1) The notice required by RCW 6.27.130(1) to be mailed to or  
15 served on an individual judgment debtor shall be in the following form,  
16 printed or typed in type no smaller than elite type:

17 NOTICE OF GARNISHMENT  
18 AND OF YOUR RIGHTS

19 A Writ of Garnishment issued by a Washington court has been or  
20 will be served on the garnishee named in the attached copy of  
21 the writ. After receipt of the writ, the garnishee is required  
22 to withhold payment of any money that was due to you and to  
23 withhold any other property of yours that the garnishee held or  
24 controlled. This notice of your rights is required by law.

25 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

26 WAGES. If the garnishee is your employer who owes wages or  
27 other personal earnings to you, your employer is required to  
28 pay amounts to you that are exempt under state and federal  
29 laws, as explained in the writ of garnishment. You should  
30 receive a copy of your employer's answer, which will show how  
31 the exempt amount was calculated. If the garnishment is for  
32 child support, the exempt amount paid to you will be forty  
33 percent of wages due you, but if you are supporting a spouse or

1 dependent child, you are entitled to claim an additional ten  
2 percent as exempt.

3 BANK ACCOUNTS. If the garnishee is a bank or other institution  
4 with which you have an account in which you have deposited  
5 benefits such as (~~Aid to Families with Dependent Children~~  
6 ~~(AFDC)~~) Temporary Assistance for Needy Families, Supplemental  
7 Security Income (SSI), Social Security, veterans' benefits,  
8 unemployment compensation, or a United States pension, you may  
9 claim the account as fully exempt if you have deposited only  
10 such benefit funds in the account. It may be partially exempt  
11 even though you have deposited money from other sources in the  
12 same account. An exemption is also available under RCW  
13 26.16.200, providing that funds in a community bank account  
14 that can be identified as the earnings of a stepparent are  
15 exempt from a garnishment on the child support obligation of  
16 the parent.

17 OTHER EXEMPTIONS. If the garnishee holds other property of  
18 yours, some or all of it may be exempt under RCW 6.15.010, a  
19 Washington statute that exempts up to five hundred dollars of  
20 property of your choice (including up to one hundred dollars in  
21 cash or in a bank account) and certain property such as  
22 household furnishings, tools of trade, and a motor vehicle (all  
23 limited by differing dollar values).

24 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and  
25 mail or deliver it as described in instructions on the claim  
26 form. If the plaintiff does not object to your claim, the  
27 funds or other property that you have claimed as exempt must be  
28 released not later than 10 days after the plaintiff receives  
29 your claim form. If the plaintiff objects, the law requires a  
30 hearing not later than 14 days after the plaintiff receives  
31 your claim form, and notice of the objection and hearing date  
32 will be mailed to you at the address that you put on the claim  
33 form.

1 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN  
2 ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT  
3 YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

4 (2) The claim form required by RCW 6.27.130(1) to be mailed to or  
5 served on an individual judgment debtor shall be in the following form,  
6 printed or typed in type no smaller than elite type:

7 [Caption to be filled in by judgment creditor  
8 or plaintiff before mailing.]

9 . . . . .

10 Name of Court

11 . . . . .

No. . . . .

12 Plaintiff,

13 vs.

14 . . . . .

EXEMPTION CLAIM

15 Defendant,

16 . . . . .

17 Garnishee Defendant

18 INSTRUCTIONS:

- 19 1. Read this whole form after reading the enclosed notice. Then put  
20 an X in the box or boxes that describe your exemption claim or  
21 claims and write in the necessary information on the blank lines.
- 22 2. Make two copies of the completed form. Deliver the original form  
23 by first class mail or in person to the clerk of the court, whose  
24 address is shown at the bottom of the writ of garnishment. Deliver  
25 one of the copies by first class mail or in person to the plaintiff  
26 or plaintiff's attorney, whose name and address are shown at the  
27 bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS  
28 QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE  
29 DATE ON THE WRIT.

1 I/We claim the following money or property as exempt:

2 IF BANK ACCOUNT IS GARNISHED:

3 [ ] The account contains payments from:

- 4 [ ] ((AFDC)) Temporary assistance for needy families, SSI, or  
5 other public assistance. I receive \$. . . . monthly.
- 6 [ ] Social Security. I receive \$. . . . monthly.
- 7 [ ] Veterans' Benefits. I receive \$. . . . monthly.
- 8 [ ] U.S. Government Pension. I receive \$. . . . monthly.
- 9 [ ] Unemployment Compensation. I receive \$. . . . monthly.
- 10 [ ] Child support. I receive \$. . . . monthly.
- 11 [ ] Other. Explain . . . . .
- 12 . . . . .

13 IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE  
14 FOLLOWING:

- 15 [ ] No money other than from above payments are in the account.
- 16 [ ] Moneys in addition to the above payments have been deposited  
17 in the account. Explain . . . . .
- 18 . . . . .
- 19 . . . . .

20 IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- 21 [ ] I claim maximum exemption.
- 22 [ ] I am supporting another child or other children.
- 23 [ ] I am supporting a husband or a wife.

24 IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

25 [ ] Name and address of employer who is paying the benefits: .  
26 . . . . .



1 OTHER PROPERTY:

2 [ ] Describe property . . . . .  
3 . . . . .  
4 (If you claim other personal property as exempt, you must attach a  
5 list of all other personal property that you own.)

6 . . . . .  
7 Print: Your name If married,  
8 name of husband/wife

10 . . . . .  
11 Your signature Signature of husband  
12 or wife  
13

14 . . . . .  
15 . . . . .  
16 Address Address  
17 (if different from yours)  
18

19 . . . . .  
20 Telephone number Telephone number  
21 (if different from yours)  
22

23 CAUTION: If the plaintiff objects to your claim, you will have to go  
24 to court and give proof of your claim. For example, if you claim that  
25 a bank account is exempt, you may have to show the judge your bank  
26 statements and papers that show the source of the money you deposited  
27 in the bank. Your claim may be granted more quickly if you attach  
28 copies of such proof to your claim.

29 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE  
30 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE  
31 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE  
32 PLAINTIFF'S ATTORNEY FEES.

1       **Sec. 3.** RCW 10.101.010 and 1989 c 409 s 2 are each amended to read  
2 as follows:

3       The following definitions shall be applied in connection with this  
4 chapter:

5       (1) "Indigent" means a person who, at any stage of a court  
6 proceeding, is:

7       (a) Receiving one of the following types of public assistance:  
8 (~~Aid to families with dependent children~~) Temporary assistance for  
9 needy families, general assistance, poverty-related veterans' benefits,  
10 food stamps, refugee resettlement benefits, medicaid, or supplemental  
11 security income; or

12       (b) Involuntarily committed to a public mental health facility; or

13       (c) Receiving an annual income, after taxes, of one hundred twenty-  
14 five percent or less of the current federally established poverty  
15 level; or

16       (d) Unable to pay the anticipated cost of counsel for the matter  
17 before the court because his or her available funds are insufficient to  
18 pay any amount for the retention of counsel.

19       (2) "Indigent and able to contribute" means a person who, at any  
20 stage of a court proceeding, is unable to pay the anticipated cost of  
21 counsel for the matter before the court because his or her available  
22 funds are less than the anticipated cost of counsel but sufficient for  
23 the person to pay a portion of that cost.

24       (3) "Anticipated cost of counsel" means the cost of retaining  
25 private counsel for representation on the matter before the court.

26       (4) "Available funds" means liquid assets and disposable net  
27 monthly income calculated after provision is made for bail obligations.  
28 For the purpose of determining available funds, the following  
29 definitions shall apply:

30       (a) "Liquid assets" means cash, savings accounts, bank accounts,  
31 stocks, bonds, certificates of deposit, equity in real estate, and  
32 equity in motor vehicles. A motor vehicle necessary to maintain  
33 employment and having a market value not greater than three thousand  
34 dollars shall not be considered a liquid asset.

35       (b) "Income" means salary, wages, interest, dividends, and other  
36 earnings which are reportable for federal income tax purposes, and cash  
37 payments such as reimbursements received from pensions, annuities,  
38 social security, and public assistance programs. It includes any  
39 contribution received from any family member or other person who is

1 domiciled in the same residence as the defendant and who is helping to  
2 defray the defendant's basic living costs.

3 (c) "Disposable net monthly income" means the income remaining each  
4 month after deducting federal, state, or local income taxes, social  
5 security taxes, contributory retirement, union dues, and basic living  
6 costs.

7 (d) "Basic living costs" means the average monthly amount spent by  
8 the defendant for reasonable payments toward living costs, such as  
9 shelter, food, utilities, health care, transportation, clothing, loan  
10 payments, support payments, and court-imposed obligations.

11 **Sec. 4.** RCW 26.19.071 and 1993 c 358 s 4 are each amended to read  
12 as follows:

13 (1) **Consideration of all income.** All income and resources of each  
14 parent's household shall be disclosed and considered by the court when  
15 the court determines the child support obligation of each parent. Only  
16 the income of the parents of the children whose support is at issue  
17 shall be calculated for purposes of calculating the basic support  
18 obligation. Income and resources of any other person shall not be  
19 included in calculating the basic support obligation.

20 (2) **Verification of income.** Tax returns for the preceding two  
21 years and current paystubs shall be provided to verify income and  
22 deductions. Other sufficient verification shall be required for income  
23 and deductions which do not appear on tax returns or paystubs.

24 (3) **Income sources included in gross monthly income.** Except as  
25 specifically excluded in subsection (4) of this section, monthly gross  
26 income shall include income from any source, including:

- 27 (a) Salaries;
- 28 (b) Wages;
- 29 (c) Commissions;
- 30 (d) Deferred compensation;
- 31 (e) Overtime;
- 32 (f) Contract-related benefits;
- 33 (g) Income from second jobs;
- 34 (h) Dividends;
- 35 (i) Interest;
- 36 (j) Trust income;
- 37 (k) Severance pay;
- 38 (l) Annuities;

- 1 (m) Capital gains;
- 2 (n) Pension retirement benefits;
- 3 (o) Workers' compensation;
- 4 (p) Unemployment benefits;
- 5 (q) Spousal maintenance actually received;
- 6 (r) Bonuses;
- 7 (s) Social security benefits; and
- 8 (t) Disability insurance benefits.

9 (4) **Income sources excluded from gross monthly income.** The  
10 following income and resources shall be disclosed but shall not be  
11 included in gross income:

- 12 (a) Income of a new spouse or income of other adults in the  
13 household;
- 14 (b) Child support received from other relationships;
- 15 (c) Gifts and prizes;
- 16 (d) (~~Aid to families with dependent children~~) Temporary  
17 assistance for needy families;
- 18 (e) Supplemental security income;
- 19 (f) General assistance; and
- 20 (g) Food stamps.

21 Receipt of income and resources from (~~aid to families with~~  
22 ~~dependent children~~) temporary assistance for needy families,  
23 supplemental security income, general assistance, and food stamps shall  
24 not be a reason to deviate from the standard calculation.

25 (5) **Determination of net income.** The following expenses shall be  
26 disclosed and deducted from gross monthly income to calculate net  
27 monthly income:

- 28 (a) Federal and state income taxes;
- 29 (b) Federal insurance contributions act deductions;
- 30 (c) Mandatory pension plan payments;
- 31 (d) Mandatory union or professional dues;
- 32 (e) State industrial insurance premiums;
- 33 (f) Court-ordered spousal maintenance to the extent actually paid;
- 34 (g) Up to two thousand dollars per year in voluntary pension  
35 payments actually made if the contributions were made for the two tax  
36 years preceding the earlier of the (i) tax year in which the parties  
37 separated with intent to live separate and apart or (ii) tax year in  
38 which the parties filed for dissolution; and

1 (h) Normal business expenses and self-employment taxes for self-  
2 employed persons. Justification shall be required for any business  
3 expense deduction about which there is disagreement.

4 Items deducted from gross income under this subsection shall not be  
5 a reason to deviate from the standard calculation.

6 (6) **Imputation of income.** The court shall impute income to a  
7 parent when the parent is voluntarily unemployed or voluntarily  
8 underemployed. The court shall determine whether the parent is  
9 voluntarily underemployed or voluntarily unemployed based upon that  
10 parent's work history, education, health, and age, or any other  
11 relevant factors. A court shall not impute income to a parent who is  
12 gainfully employed on a full-time basis, unless the court finds that  
13 the parent is voluntarily underemployed and finds that the parent is  
14 purposely underemployed to reduce the parent's child support  
15 obligation. Income shall not be imputed for an unemployable parent.  
16 Income shall not be imputed to a parent to the extent the parent is  
17 unemployed or significantly underemployed due to the parent's efforts  
18 to comply with court-ordered reunification efforts under chapter 13.34  
19 RCW or under a voluntary placement agreement with an agency supervising  
20 the child. In the absence of information to the contrary, a parent's  
21 imputed income shall be based on the median income of year-round full-  
22 time workers as derived from the United States bureau of census,  
23 current populations reports, or such replacement report as published by  
24 the bureau of census.

25 **Sec. 5.** RCW 26.19.075 and 1993 c 358 s 5 are each amended to read  
26 as follows:

27 (1) Reasons for deviation from the standard calculation include but  
28 are not limited to the following:

29 (a) **Sources of income and tax planning.** The court may deviate from  
30 the standard calculation after consideration of the following:

31 (i) Income of a new spouse if the parent who is married to the new  
32 spouse is asking for a deviation based on any other reason. Income of  
33 a new spouse is not, by itself, a sufficient reason for deviation;

34 (ii) Income of other adults in the household if the parent who is  
35 living with the other adult is asking for a deviation based on any  
36 other reason. Income of the other adults in the household is not, by  
37 itself, a sufficient reason for deviation;

38 (iii) Child support actually received from other relationships;

1 (iv) Gifts;  
2 (v) Prizes;  
3 (vi) Possession of wealth, including but not limited to savings,  
4 investments, real estate holdings and business interests, vehicles,  
5 boats, pensions, bank accounts, insurance plans, or other assets;  
6 (vii) Extraordinary income of a child; or  
7 (viii) Tax planning considerations. A deviation for tax planning  
8 may be granted only if the child would not receive a lesser economic  
9 benefit due to the tax planning.

10 (b) **Nonrecurring income.** The court may deviate from the standard  
11 calculation based on a finding that a particular source of income  
12 included in the calculation of the basic support obligation is not a  
13 recurring source of income. Depending on the circumstances,  
14 nonrecurring income may include overtime, contract-related benefits,  
15 bonuses, or income from second jobs. Deviations for nonrecurring  
16 income shall be based on a review of the nonrecurring income received  
17 in the previous two calendar years.

18 (c) **Debt and high expenses.** The court may deviate from the  
19 standard calculation after consideration of the following expenses:

20 (i) Extraordinary debt not voluntarily incurred;  
21 (ii) A significant disparity in the living costs of the parents due  
22 to conditions beyond their control;  
23 (iii) Special needs of disabled children;  
24 (iv) Special medical, educational, or psychological needs of the  
25 children; or  
26 (v) Costs incurred or anticipated to be incurred by the parents in  
27 compliance with court-ordered reunification efforts under chapter 13.34  
28 RCW or under a voluntary placement agreement with an agency supervising  
29 the child.

30 (d) **Residential schedule.** The court may deviate from the standard  
31 calculation if the child spends a significant amount of time with the  
32 parent who is obligated to make a support transfer payment. The court  
33 may not deviate on that basis if the deviation will result in  
34 insufficient funds in the household receiving the support to meet the  
35 basic needs of the child or if the child is receiving (~~aid to families~~  
36 ~~with dependent children~~) temporary assistance for needy families.  
37 When determining the amount of the deviation, the court shall consider  
38 evidence concerning the increased expenses to a parent making support  
39 transfer payments resulting from the significant amount of time spent

1 with that parent and shall consider the decreased expenses, if any, to  
2 the party receiving the support resulting from the significant amount  
3 of time the child spends with the parent making the support transfer  
4 payment.

5 (e) **Children from other relationships.** The court may deviate from  
6 the standard calculation when either or both of the parents before the  
7 court have children from other relationships to whom the parent owes a  
8 duty of support.

9 (i) The child support schedule shall be applied to the mother,  
10 father, and children of the family before the court to determine the  
11 presumptive amount of support.

12 (ii) Children from other relationships shall not be counted in the  
13 number of children for purposes of determining the basic support  
14 obligation and the standard calculation.

15 (iii) When considering a deviation from the standard calculation  
16 for children from other relationships, the court may consider only  
17 other children to whom the parent owes a duty of support. The court  
18 may consider court-ordered payments of child support for children from  
19 other relationships only to the extent that the support is actually  
20 paid.

21 (iv) When the court has determined that either or both parents have  
22 children from other relationships, deviations under this section shall  
23 be based on consideration of the total circumstances of both  
24 households. All child support obligations paid, received, and owed for  
25 all children shall be disclosed and considered.

26 (2) All income and resources of the parties before the court, new  
27 spouses, and other adults in the households shall be disclosed and  
28 considered as provided in this section. The presumptive amount of  
29 support shall be determined according to the child support schedule.  
30 Unless specific reasons for deviation are set forth in the written  
31 findings of fact and are supported by the evidence, the court shall  
32 order each parent to pay the amount of support determined by using the  
33 standard calculation.

34 (3) The court shall enter findings that specify reasons for any  
35 deviation or any denial of a party's request for any deviation from the  
36 standard calculation made by the court. The court shall not consider  
37 reasons for deviation until the court determines the standard  
38 calculation for each parent.

1 (4) When reasons exist for deviation, the court shall exercise  
2 discretion in considering the extent to which the factors would affect  
3 the support obligation.

4 (5) Agreement of the parties is not by itself adequate reason for  
5 any deviations from the standard calculation.

6 **Sec. 6.** RCW 43.20B.310 and 1983 1st ex.s. c 41 s 34 are each  
7 amended to read as follows:

8 No payment may be collected by the department for residential care  
9 if the collection will reduce the income as defined in RCW 74.04.005 of  
10 the head of household and remaining dependents below one hundred  
11 percent of the need standard for ~~((aid to families with dependent  
12 children))~~ temporary assistance for needy families.

13 **Sec. 7.** RCW 46.16.028 and 1987 c 142 s 1 are each amended to read  
14 as follows:

15 (1) For the purposes of vehicle license registration, a resident is  
16 a person who manifests an intent to live or be located in this state on  
17 more than a temporary or transient basis. Evidence of residency  
18 includes but is not limited to:

19 (a) Becoming a registered voter in this state; or

20 (b) Receiving benefits under one of the Washington public  
21 assistance programs; or

22 (c) Declaring that he or she is a resident for the purpose of  
23 obtaining a state license or tuition fees at resident rates.

24 (2) The term "Washington public assistance programs" referred to in  
25 subsection (1)(b) of this section includes only public assistance  
26 programs for which more than fifty percent of the combined costs of  
27 benefits and administration are paid from state funds. Programs which  
28 are not included within the term "Washington public assistance  
29 programs" pursuant to the above criteria include, but are not limited  
30 to the food stamp program under the federal food stamp act of 1964;  
31 programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771  
32 through 1788; and ~~((aid to families with dependent children, 42 U.S.C.  
33 Secs. 601 through 606))~~ temporary assistance for needy families.

34 (3) A resident of the state shall register under chapters 46.12 and  
35 46.16 RCW a vehicle to be operated on the highways of the state. New  
36 Washington residents shall be allowed thirty days from the date they  
37 become residents as defined in this section to procure Washington



1 registration for their vehicles. This thirty-day period shall not be  
2 combined with any other period of reciprocity provided for in this  
3 chapter or chapter 46.85 RCW.

4 **Sec. 8.** RCW 46.20.021 and 1996 c 307 s 5 are each amended to read  
5 as follows:

6 (1) No person, except as expressly exempted by this chapter, may  
7 drive any motor vehicle upon a highway in this state unless the person  
8 has a valid driver's license issued to Washington residents under the  
9 provisions of this chapter. A violation of this subsection is a  
10 misdemeanor and is a lesser included offense within the offenses  
11 described in RCW 46.20.342(1) or 46.20.420. However, if a person in  
12 violation of this section provides the citing officer with an expired  
13 driver's license or other valid identifying documentation under RCW  
14 46.20.035 at the time of the stop and is not in violation of RCW  
15 46.20.342(1) or 46.20.420, the violation of this section is an  
16 infraction and is subject to a penalty of two hundred fifty dollars.  
17 If the person appears in person before the court or submits by mail  
18 written proof that he or she obtained a valid license after being  
19 cited, the court shall reduce the penalty to fifty dollars.

20 (2) For the purposes of obtaining a valid driver's license, a  
21 resident is a person who manifests an intent to live or be located in  
22 this state on more than a temporary or transient basis. Evidence of  
23 residency includes but is not limited to:

24 (a) Becoming a registered voter in this state; or

25 (b) Receiving benefits under one of the Washington public  
26 assistance programs; or

27 (c) Declaring that he or she is a resident for the purpose of  
28 obtaining a state license or tuition fees at resident rates.

29 (3) The term "Washington public assistance programs" referred to in  
30 subsection (2)(b) of this section includes only public assistance  
31 programs for which more than fifty percent of the combined costs of  
32 benefits and administration are paid from state funds. Programs which  
33 are not included within the term "Washington public assistance  
34 programs" pursuant to the above criteria include, but are not limited  
35 to the food stamp program under the federal food stamp act of 1964;  
36 programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771  
37 through 1788; and ~~((aid to families with dependent children, 42 U.S.C.  
38 Secs. 601 through 606))~~ temporary assistance for needy families.

1 (4) No person shall receive a driver's license unless and until he  
2 or she surrenders to the department all valid driver's licenses in his  
3 or her possession issued to him or her by any other jurisdiction. The  
4 department shall establish a procedure to invalidate the surrendered  
5 photograph license and return it to the person. The invalidated  
6 license, along with the valid temporary Washington driver's license  
7 provided for in RCW 46.20.055(3), shall be accepted as proper  
8 identification. The department shall notify the issuing department  
9 that the licensee is now licensed in a new jurisdiction. No person  
10 shall be permitted to have more than one valid driver's license at any  
11 time.

12 (5) New Washington residents are allowed thirty days from the date  
13 they become residents as defined in this section to procure a valid  
14 Washington driver's license.

15 (6) Any person licensed as a driver under this chapter may exercise  
16 the privilege thereby granted upon all streets and highways in this  
17 state and shall not be required to obtain any other license to exercise  
18 such privilege by any county, municipal or local board, or body having  
19 authority to adopt local police regulations.

20 **Sec. 9.** RCW 70.123.110 and 1979 ex.s. c 245 s 11 are each amended  
21 to read as follows:

22 General assistance or (~~aid to families with dependent children~~)  
23 temporary assistance for needy families payments shall be made to  
24 otherwise eligible individuals who are residing in a secure shelter, a  
25 housing network or other shelter facility which provides shelter  
26 services to persons who are victims of domestic violence. Provisions  
27 shall be made by the department for the confidentiality of the shelter  
28 addresses where victims are residing.

29 **Sec. 10.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
30 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

17 (ii) Meet one of the following conditions:

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

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

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

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

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

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

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

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

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

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

39 (i) First failure: One week;

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (d) All other resources, including any excess of values exempted,  
36 not to exceed one thousand dollars or other limit as set by the  
37 department, to be consistent with limitations on resources and  
38 exemptions necessary for federal aid assistance.

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

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

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

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

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

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

30 (11) "Income"«(a) All appreciable gains in real or personal  
31 property (cash or kind) or other assets, which are received by or  
32 become available for use and enjoyment by an applicant or recipient  
33 during the month of application or after applying for or receiving  
34 public assistance. The department may by rule and regulation exempt  
35 income received by an applicant for or recipient of public assistance  
36 which can be used by him or her to decrease his or her need for public  
37 assistance or to aid in rehabilitating him or her or his or her  
38 dependents, but such exemption shall not, unless otherwise provided in  
39 this title, exceed the exemptions of resources granted under this

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

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

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

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

35 (14) In the construction of words and phrases used in this title,  
36 the singular number shall include the plural, the masculine gender  
37 shall include both the feminine and neuter genders and the present  
38 tense shall include the past and future tenses, unless the context  
39 thereof shall clearly indicate to the contrary.



1       **Sec. 11.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38 are each  
2 amended to read as follows:

3       The department shall establish consolidated standards of need each  
4 fiscal year which may vary by geographical areas, program, and family  
5 size, for ~~((aid to families with dependent children))~~ temporary  
6 assistance for needy families, refugee assistance, supplemental  
7 security income, and general assistance. Standards for ~~((aid to~~  
8 ~~families with dependent children))~~ temporary assistance for needy  
9 families, refugee assistance, and general assistance shall be based on  
10 studies of actual living costs and generally recognized inflation  
11 indices and shall include reasonable allowances for shelter, fuel,  
12 food, transportation, clothing, household maintenance and operations,  
13 personal maintenance, and necessary incidentals. The standard of need  
14 may take into account the economies of joint living arrangements, but  
15 unless explicitly required by federal statute, there shall not be  
16 proration of any portion of assistance grants unless the amount of the  
17 grant standard is equal to the standard of need.

18       The department is authorized to establish rateable reductions and  
19 grant maximums consistent with federal law.

20       Payment level will be equal to need or a lesser amount if rateable  
21 reductions or grant maximums are imposed. In no case shall a recipient  
22 of supplemental security income receive a state supplement less than  
23 the minimum required by federal law.

24       The department may establish a separate standard for shelter  
25 provided at no cost.

26       **Sec. 12.** RCW 74.08.080 and 1989 c 175 s 145 are each amended to  
27 read as follows:

28       (1)(a) A public assistance applicant or recipient who is aggrieved  
29 by a decision of the department or an authorized agency of the  
30 department has the right to an adjudicative proceeding. A current or  
31 former recipient who is aggrieved by a department claim that he or she  
32 owes a debt for an overpayment of assistance or food stamps, or both,  
33 has the right to an adjudicative proceeding.

34       (b) An applicant or recipient has no right to an adjudicative  
35 proceeding when the sole basis for the department's decision is a state  
36 or federal law that requires an assistance adjustment for a class of  
37 recipients.

1 (2) The adjudicative proceeding is governed by the Administrative  
2 Procedure Act, chapter 34.05 RCW, and this subsection.

3 (a) The applicant or recipient must file the application for an  
4 adjudicative proceeding with the secretary within ninety days after  
5 receiving notice of the aggrieving decision.

6 (b) The hearing shall be conducted at the local community services  
7 office or other location in Washington convenient to the appellant.

8 (c) The appellant or his or her representative has the right to  
9 inspect his or her department file and, upon request, to receive copies  
10 of department documents relevant to the proceedings free of charge.

11 (d) The appellant has the right to a copy of the tape recording of  
12 the hearing free of charge.

13 (e) The department is limited to recovering an overpayment arising  
14 from assistance being continued pending the adjudicative proceeding to  
15 the amount recoverable up to the sixtieth day after the secretary's  
16 receipt of the application for an adjudicative proceeding.

17 (f) If the final adjudicative order is made in favor of the  
18 appellant, assistance shall be paid from the date of denial of the  
19 application for assistance or thirty days following the date of  
20 application for ~~((aid to families with dependent children))~~ temporary  
21 assistance for needy families or forty-five days after date of  
22 application for all other programs, whichever is sooner; or in the case  
23 of a recipient, from the effective date of the local community services  
24 office decision.

25 (g) This subsection applies only to an adjudicative proceeding in  
26 which the appellant is an applicant for or recipient of medical  
27 assistance or the limited casualty program for the medically needy and  
28 the issue is his or her eligibility or ineligibility due to the  
29 assignment or transfer of a resource. The burden is on the department  
30 to prove by a preponderance of the evidence that the person knowingly  
31 and willingly assigned or transferred the resource at less than market  
32 value for the purpose of qualifying or continuing to qualify for  
33 medical assistance or the limited casualty program for the medically  
34 needy. If the prevailing party in the adjudicative proceeding is the  
35 applicant or recipient, he or she is entitled to reasonable attorney's  
36 fees.

37 (3)(a) When a person files a petition for judicial review as  
38 provided in RCW 34.05.514 of an adjudicative order entered in a public  
39 assistance program, no filing fee shall be collected from the person

1 and no bond shall be required on any appeal. In the event that the  
2 superior court, the court of appeals, or the supreme court renders a  
3 decision in favor of the appellant, said appellant shall be entitled to  
4 reasonable attorney's fees and costs. If a decision of the court is  
5 made in favor of the appellant, assistance shall be paid from date of  
6 the denial of the application for assistance or thirty days after the  
7 application for ~~((aid to families with dependent children))~~ temporary  
8 assistance for needy families or forty-five days following the date of  
9 application, whichever is sooner; or in the case of a recipient, from  
10 the effective date of the local community services office decision.

11 **Sec. 13.** RCW 74.08.335 and 1980 c 79 s 2 are each amended to read  
12 as follows:

13 ~~((Aid to families with dependent children))~~ Temporary assistance  
14 for needy families and general assistance shall not be granted to any  
15 person who has made an assignment or transfer of property for the  
16 purpose of rendering himself or herself eligible for the assistance.  
17 There is a rebuttable presumption that a person who has transferred or  
18 transfers any real or personal property or any interest in property  
19 within two years of the date of application for the assistance without  
20 receiving adequate monetary consideration therefor, did so for the  
21 purpose of rendering himself or herself eligible for the assistance.  
22 Any person who transfers property for the purpose of rendering himself  
23 or herself eligible for assistance, or any person who after becoming a  
24 recipient transfers any property or any interest in property without  
25 the consent of the secretary, shall be ineligible for assistance for a  
26 period of time during which the reasonable value of the property so  
27 transferred would have been adequate to meet the person's needs under  
28 normal conditions of living: PROVIDED, That the secretary is hereby  
29 authorized to allow exceptions in cases where undue hardship would  
30 result from a denial of assistance.

31 **Sec. 14.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to  
32 read as follows:

33 Medical assistance may be provided in accordance with eligibility  
34 requirements established by the department of social and health  
35 services, as defined in the social security Title XIX state plan for  
36 mandatory categorically needy persons and: (1) Individuals who would  
37 be eligible for cash assistance except for their institutional status;

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

19 **Sec. 15.** RCW 74.09.522 and 1989 c 260 s 2 are each amended to read  
20 as follows:

21 (1) For the purposes of this section, "managed health care system"  
22 means any health care organization, including health care providers,  
23 insurers, health care service contractors, health maintenance  
24 organizations, health insuring organizations, or any combination  
25 thereof, that provides directly or by contract health care services  
26 covered under RCW 74.09.520 and rendered by licensed providers, on a  
27 prepaid capitated case management basis and that meets the requirements  
28 of section 1903(m)(1)(A) of Title XIX of the federal social security  
29 act.

30 (2) No later than July 1, 1991, the department of social and health  
31 services shall enter into agreements with managed health care systems  
32 to provide health care services to recipients of (~~aid to families with  
33 dependent children~~) temporary assistance for needy families under the  
34 following conditions:

35 (a) Agreements shall be made for at least thirty thousand  
36 recipients state-wide;

1 (b) Agreements in at least one county shall include enrollment of  
2 all recipients of (~~aid to families with dependent children~~) temporary  
3 assistance for needy families;

4 (c) To the extent that this provision is consistent with section  
5 1903(m) of Title XIX of the federal social security act, recipients  
6 shall have a choice of systems in which to enroll and shall have the  
7 right to terminate their enrollment in a system: PROVIDED, That the  
8 department may limit recipient termination of enrollment without cause  
9 to the first month of a period of enrollment, which period shall not  
10 exceed six months: AND PROVIDED FURTHER, That the department shall not  
11 restrict a recipient's right to terminate enrollment in a system for  
12 cause;

13 (d) To the extent that this provision is consistent with section  
14 1903(m) of Title XIX of the federal social security act, participating  
15 managed health care systems shall not enroll a disproportionate number  
16 of medical assistance recipients within the total numbers of persons  
17 served by the managed health care systems, except that this subsection  
18 (d) shall not apply to entities described in subparagraph (B) of  
19 section 1903(m) of Title XIX of the federal social security act;

20 (e) Prior to negotiating with any managed health care system, the  
21 department shall estimate, on an actuarially sound basis, the expected  
22 cost of providing the health care services expressed in terms of upper  
23 and lower limits, and recognizing variations in the cost of providing  
24 the services through the various systems and in different project  
25 areas. In negotiating with managed health care systems the department  
26 shall adopt a uniform procedure to negotiate and enter into contractual  
27 arrangements, including standards regarding the quality of services to  
28 be provided; and financial integrity of the responding system;

29 (f) The department shall seek waivers from federal requirements as  
30 necessary to implement this chapter;

31 (g) The department shall, wherever possible, enter into prepaid  
32 capitation contracts that include inpatient care. However, if this is  
33 not possible or feasible, the department may enter into prepaid  
34 capitation contracts that do not include inpatient care;

35 (h) The department shall define those circumstances under which a  
36 managed health care system is responsible for out-of-system services  
37 and assure that recipients shall not be charged for such services; and

1 (i) Nothing in this section prevents the department from entering  
2 into similar agreements for other groups of people eligible to receive  
3 services under chapter 74.09 RCW.

4 (3) The department shall seek to obtain a large number of contracts  
5 with providers of health services to medicaid recipients. The  
6 department shall ensure that publicly supported community health  
7 centers and providers in rural areas, who show serious intent and  
8 apparent capability to participate in the project as managed health  
9 care systems are seriously considered as providers in the project. The  
10 department shall coordinate these projects with the plans developed  
11 under chapter 70.47 RCW.

12 (4) The department shall work jointly with the state of Oregon and  
13 other states in this geographical region in order to develop  
14 recommendations to be presented to the appropriate federal agencies and  
15 the United States congress for improving health care of the poor, while  
16 controlling related costs.

17 **Sec. 16.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read  
18 as follows:

19 For the purposes of the administration of (~~aid to families with~~  
20 ~~dependent children assistance~~) temporary assistance for needy  
21 families, the term "dependent child" means any child in need under the  
22 age of eighteen years who has been deprived of parental support or care  
23 by reason of the death, continued absence from the home, or physical or  
24 mental incapacity of the parent, and who is living with a relative as  
25 specified under federal (~~aid to families with dependent children~~)  
26 temporary assistance for needy families program requirements, in a  
27 place of residence maintained by one or more of such relatives as his  
28 or their homes. The term a "dependent child" shall, notwithstanding  
29 the foregoing, also include a child who would meet such requirements  
30 except for his removal from the home of a relative specified above as  
31 a result of a judicial determination that continuation therein would be  
32 contrary to the welfare of such child, for whose placement and care the  
33 state department of social and health services or the county office is  
34 responsible, and who has been placed in a licensed or approved child  
35 care institution or foster home as a result of such determination and  
36 who: (1) Was receiving an aid to families with dependent children  
37 grant for the month in which court proceedings leading to such  
38 determination were initiated; or (2) would have received aid to

1 families with dependent children for such month if application had been  
2 made therefor; or (3) in the case of a child who had been living with  
3 a specified relative within six months prior to the month in which such  
4 proceedings were initiated, would have received aid to families with  
5 dependent children for such month if in such month he had been living  
6 with such a relative and application had been made therefor, as  
7 authorized by the Social Security Act: PROVIDED, That to the extent  
8 authorized by the legislature in the biennial appropriations act and to  
9 the extent that matching funds are available from the federal  
10 government, (~~aid to families with dependent children~~) temporary  
11 assistance for needy families assistance shall be available to any  
12 child in need who has been deprived of parental support or care by  
13 reason of the unemployment of a parent or stepparent liable under this  
14 chapter for support of the child.

15 "~~(Aid to families with dependent children)~~ Temporary assistance  
16 for needy families" means money payments, services, and remedial care  
17 with respect to a dependent child or dependent children and the needy  
18 parent or relative with whom the child lives and may include another  
19 parent or stepparent of the dependent child if living with the parent  
20 and if the child is a dependent child by reason of the physical or  
21 mental incapacity or unemployment of a parent or stepparent liable  
22 under this chapter for the support of such child.

23 **Sec. 17.** RCW 74.12.030 and 1971 ex.s. c 169 s 6 are each amended  
24 to read as follows:

25 In addition to meeting the eligibility requirements of RCW  
26 74.08.025, as now or hereafter amended, an applicant for (~~aid to~~  
27 ~~families with dependent children~~) temporary assistance for needy  
28 families must be a needy child who is a resident of the state of  
29 Washington.

30 **Sec. 18.** RCW 74.12.035 and 1985 c 335 s 1 are each amended to read  
31 as follows:

32 (1) A family or assistance unit is not eligible for aid for any  
33 month if for that month the total income of the family or assistance  
34 unit, without application of income disregards, exceeds one hundred  
35 eighty-five percent of the state standard of need for a family of the  
36 same composition: PROVIDED, That for the purposes of determining the  
37 total income of the family or assistance unit, the earned income of a

1 dependent child who is a full-time student for whom (~~aid to families~~  
2 ~~with dependent children~~) temporary assistance for needy families is  
3 being provided shall be disregarded for six months per calendar year.

4 (2) Participation in a strike does not constitute good cause to  
5 leave or to refuse to seek or accept employment. Assistance is not  
6 payable to a family for any month in which any caretaker relative with  
7 whom the child is living is, on the last day of the month,  
8 participating in a strike. An individual's need shall not be included  
9 in determining the amount of aid payable for any month to a family or  
10 assistance unit if, on the last day of the month, the individual is  
11 participating in a strike.

12 (3) Children over eighteen years of age and under nineteen years of  
13 age who are full-time students reasonably expected to complete a  
14 program of secondary school, or the equivalent level of vocational or  
15 technical training, before reaching nineteen years of age are eligible  
16 to receive (~~aid to families with dependent children~~) temporary  
17 assistance for needy families: PROVIDED HOWEVER, That if such students  
18 do not successfully complete such program before reaching nineteen  
19 years of age, the assistance rendered under this subsection during such  
20 period shall not be a debt due the state.

21 **Sec. 19.** RCW 74.12.036 and 1994 c 299 s 11 are each amended to  
22 read as follows:

23 The department shall amend the state plan to eliminate the one  
24 hundred hour work rule for recipients of (~~aid to families with~~  
25 ~~dependent children employable~~) temporary assistance for needy  
26 families.

27 **\*Sec. 20.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to  
28 read as follows:

29 *If the department, after investigation, finds that any recipient of*  
30 *funds under (~~an aid to families with dependent children~~) a temporary*  
31 *assistance for needy families grant is not utilizing the grant*  
32 *adequately for the needs of the child or children or is otherwise*  
33 *dissipating such grant, or is unable to manage adequately the funds*  
34 *paid on behalf of said child and that to continue said payments to him*  
35 *or her would be contrary to the welfare of the child, the department*  
36 *may make such payments to another individual who is interested in or*  
37 *concerned with the welfare of such child and relative: PROVIDED, That*



1 the department shall provide such counseling and other services as are  
2 available and necessary to develop greater ability on the part of the  
3 relative to manage funds in such manner as to protect the welfare of  
4 the family. Periodic review of each case shall be made by the  
5 department to determine if said relative is able to resume management  
6 of the assistance grant. If after a reasonable period of time the  
7 payments to the relative cannot be resumed, the department may request  
8 the attorney general to file a petition in the superior court for the  
9 appointment of a guardian for the child or children. Such petition  
10 shall set forth the facts warranting such appointment. Notice of the  
11 hearing on such petition shall be served upon the recipient and the  
12 department not less than ten days before the date set for such hearing.  
13 Such petition may be filed with the clerk of superior court and all  
14 process issued and served without payment of costs. If upon the  
15 hearing of such petition the court is satisfied that it is for the best  
16 interest of the child or children, and all parties concerned, that a  
17 guardian be appointed, he or she shall order the appointment, and may  
18 require the guardian to render to the court a detailed itemized account  
19 of expenditures of such assistance payments at such time as the court  
20 may deem advisable.

21 It is the intention of this section that the guardianship herein  
22 provided for shall be a special and limited guardianship solely for the  
23 purpose of safeguarding the assistance grants made to dependent  
24 children. Such guardianship shall terminate upon the termination of  
25 such assistance grant, or sooner on order of the court, upon good cause  
26 shown.

27 \*Sec. 20 was vetoed. See message at end of chapter.

28 **Sec. 21.** RCW 74.12.260 and 1979 c 141 s 351 are each amended to  
29 read as follows:

30 (~~(Aid to families with dependent children)~~) Temporary assistance  
31 for needy families grants shall be made to persons specified in RCW  
32 74.12.010 as amended or such others as the federal department of  
33 health, education and welfare shall recognize for the sole purposes of  
34 giving benefits to the children whose needs are included in the grant  
35 paid to such persons. The recipient of each (~~(aid to families with~~  
36 ~~dependent children's)~~) temporary assistance for needy families grant  
37 shall be and hereby is required to present reasonable proof to the  
38 department of social and health services as often as may be required by

1 the department that all funds received in the form of (~~an aid to~~  
2 ~~families with dependent children~~) a temporary assistance for needy  
3 families grant for the children represented in the grant are being  
4 spent for the benefit of the children.

5 **Sec. 22.** RCW 74.12.280 and 1983 c 3 s 191 are each amended to read  
6 as follows:

7 The department is hereby authorized to (~~promulgate~~) adopt rules  
8 (~~and regulations which~~) that will provide for coordination between  
9 the services provided pursuant to chapter 74.13 RCW and the services  
10 provided under the (~~aid to families with dependent children~~)  
11 temporary assistance for needy families program in order to provide  
12 welfare and related services which will best promote the welfare of  
13 such children and their families and conform with the provisions of  
14 Public Law 87-543 (HR 10606).

15 **Sec. 23.** RCW 74.12.361 and 1994 c 299 s 35 are each amended to  
16 read as follows:

17 The department shall actively develop mechanisms for the income  
18 assistance program, the medical assistance program, and the community  
19 services administration to facilitate the enrollment in the federal  
20 supplemental security income program of disabled persons currently part  
21 of assistance units receiving (~~aid to families with dependent~~  
22 ~~children~~) temporary assistance for needy families benefits.

23 **Sec. 24.** RCW 74.12.400 and 1994 c 299 s 2 are each amended to read  
24 as follows:

25 The department shall train financial services and social work staff  
26 who provide direct service to recipients of (~~aid to families with~~  
27 ~~dependent children~~) temporary assistance for needy families to:

28 (1) Effectively communicate the transitional nature of (~~aid to~~  
29 ~~families with dependent children~~) temporary assistance for needy  
30 families and the expectation that recipients will enter employment;

31 (2) Actively refer clients to the job opportunities and basic  
32 skills program;

33 (3) Provide social services needed to overcome obstacles to  
34 employability; and

1 (4) Provide family planning information and assistance, including  
2 alternatives to abortion, which shall be conducted in consultation with  
3 the department of health.

4 *\*Sec. 25. RCW 74.12.410 and 1994 c 299 s 3 are each amended to*  
5 *read as follows:*

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

12 *\*Sec. 25 was vetoed. See message at end of chapter.*

13 **Sec. 26.** RCW 74.12.420 and 1994 c 299 s 9 are each amended to read  
14 as follows:

15 The legislature recognizes that long-term recipients of ((aid to  
16 families with dependent children)) temporary assistance for needy  
17 families may require a period of several years to attain economic self-  
18 sufficiency. To provide incentives for long-term recipients to leave  
19 public assistance and accept paid employment, the legislature finds  
20 that less punitive and onerous sanctions than those required by the  
21 federal government are appropriate. The legislature finds that a ten  
22 percent reduction in grants for long-term recipients that may be  
23 replaced through earned income is a more positive approach than  
24 sanctions required by the federal government for long-term recipients  
25 who fail to comply with requirements of the job opportunities and basic  
26 skills program. A long-term recipient shall not be subject to two  
27 simultaneous sanctions for failure to comply with the participation  
28 requirements of the job opportunities and basic skills program and for  
29 exceeding the length of stay provisions of this section.

30 (1) After forty-eight monthly benefit payments in a sixty-month  
31 period, and after each additional twelve monthly benefit payments, the  
32 ((aid to families with dependent children)) temporary assistance for  
33 needy families monthly benefit payment shall be reduced by ten percent  
34 of the payment standard, except that after forty-eight monthly payments  
35 in a sixty-month period, full monthly benefit payments may be made if:

36 (a) The person is incapacitated or is needed in the home to care  
37 for a member of the household who is incapacitated;

1 (b) The person is needed in the home to care for a child who is  
2 under three years of age;

3 (c) There are no adults in the assistance unit;

4 (d) The person is cooperating in the development and implementation  
5 of an employability plan while receiving (~~aid to families with~~  
6 ~~dependent children~~) temporary assistance for needy families and no  
7 present full-time, part-time, or unpaid work experience job is offered;  
8 or

9 (e) During a month in which a grant reduction would be imposed  
10 under this section, the person is participating in an unpaid work  
11 experience program.

12 (2) For purposes of determining the amount of the food stamp  
13 benefit for recipients subject to benefit reductions provided for in  
14 subsection (1) of this section, countable income from the (~~aid to~~  
15 ~~families with dependent children~~) temporary assistance for needy  
16 families program shall be set at the payment standard.

17 (3) For purposes of determining monthly benefit payments for two-  
18 parent (~~aid to families with dependent children~~) temporary assistance  
19 for needy families households, the length of stay criterion will be  
20 applied to the parent with the longer history of public assistance  
21 receipt.

22 **Sec. 27.** RCW 74.12.425 and 1994 c 299 s 10 are each amended to  
23 read as follows:

24 For purposes of determining the amount of monthly benefit payment  
25 to recipients of (~~aid to families with dependent children~~) temporary  
26 assistance for needy families who are subject to benefit reductions due  
27 to length of stay, all countable nonexempt earned income shall be  
28 subtracted from an amount equal to the payment standard.

29 **Sec. 28.** RCW 74.12.900 and 1994 c 299 s 12 are each amended to  
30 read as follows:

31 The revisions to the (~~aid to families with dependent children~~)  
32 temporary assistance for needy families program and job opportunities  
33 and basic skills training program shall be implemented by the  
34 department of social and health services on a state-wide basis.

35 **Sec. 29.** RCW 74.25.010 and 1994 c 299 s 6 are each amended to read  
36 as follows:

1       The legislature establishes as state policy the goal of economic  
2 self-sufficiency for employable recipients of public assistance,  
3 through employment, training, and education. In furtherance of this  
4 policy, the legislature intends to comply with the requirements of the  
5 federal social security act, as amended, by creating a job  
6 opportunities and basic skills training program for applicants and  
7 recipients of ~~((aid to families with dependent children))~~ temporary  
8 assistance for needy families. The purpose of this program is to  
9 provide recipients of ~~((aid to families with dependent children))~~  
10 temporary assistance for needy families the opportunity to obtain  
11 appropriate education, training, skills, and supportive services,  
12 including child care, consistent with their needs, that will help them  
13 enter or reenter gainful employment, thereby avoiding long-term welfare  
14 dependence and achieving economic self-sufficiency. The program shall  
15 be operated by the department of social and health services in  
16 conformance with federal law and consistent with the following  
17 legislative findings:

18       (1) The legislature finds that the well-being of children depends  
19 not only on meeting their material needs, but also on the ability of  
20 parents to become economically self-sufficient. The job opportunities  
21 and basic skills training program is specifically directed at  
22 increasing the labor force participation and household earnings of  
23 ~~((aid to families with dependent children))~~ temporary assistance for  
24 needy families recipients, through the removal of barriers preventing  
25 them from achieving self-sufficiency. These barriers include, but are  
26 not limited to, the lack of recent work experience, supportive services  
27 such as affordable and reliable child care, adequate transportation,  
28 appropriate counseling, and necessary job-related tools, equipment,  
29 books, clothing, and supplies, the absence of basic literacy skills,  
30 the lack of educational attainment sufficient to meet labor market  
31 demands for career employees, and the nonavailability of useful labor  
32 market assessments.

33       (2) The legislature also recognizes that ~~((aid to families with~~  
34 ~~dependent children))~~ temporary assistance for needy families recipients  
35 must be acknowledged as active participants in self-sufficiency  
36 planning under the program. The legislature finds that the department  
37 of social and health services should communicate concepts of the  
38 importance of work and how performance and effort directly affect  
39 future career and educational opportunities and economic well-being, as

1 well as personal empowerment, self-motivation, and self-esteem to  
2 program participants. The legislature further recognizes that informed  
3 choice is consistent with individual responsibility, and that parents  
4 should be given a range of options for available child care while  
5 participating in the program.

6 (3) The legislature finds that current work experience is one of  
7 the most important factors influencing an individual's ability to work  
8 toward financial stability and an adequate standard of living in the  
9 long term, and that work experience should be the most important  
10 component of the program.

11 (4) The legislature finds that education, including, but not  
12 limited to, literacy, high school equivalency, vocational, secondary,  
13 and postsecondary, is one of the most important tools an individual  
14 needs to achieve full independence, and that this should be an  
15 important component of the program.

16 (5) The legislature further finds that the objectives of this  
17 program are to assure that (~~aid to families with dependent children~~)  
18 temporary assistance for needy families recipients gain experience in  
19 the labor force and thereby enhance their long-term ability to achieve  
20 financial stability and an adequate standard of living at wages that  
21 will meet family needs.

22 **Sec. 30.** RCW 74.25.040 and 1994 c 299 s 8 are each amended to read  
23 as follows:

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

31 **Sec. 31.** RCW 74.25A.045 and 1994 c 299 s 23 are each amended to  
32 read as follows:

33 A local employment partnership council shall be established in each  
34 pilot project area to assist the department of social and health  
35 services in the administration of this chapter and to allow local  
36 flexibility in dealing with the particular needs of each pilot project  
37 area. Each council shall be primarily responsible for recruiting and

1 encouraging participation of employment providers in the project site.  
2 Each council shall be composed of nine members who shall be appointed  
3 by the county legislative authority of the county in which the pilot  
4 project operates. Councilmembers shall be residents of or employers in  
5 the pilot project area in which they are appointed and shall serve  
6 three-year terms. The council shall have two members who are current  
7 or former recipients of the aid to families with dependent children or  
8 temporary assistance for needy families programs or food stamp program,  
9 two members who represent labor, and five members who represent the  
10 local business community. In addition, one person representing the  
11 local community service office of the department of social and health  
12 services, one person representing a community action agency or other  
13 nonprofit service provider, and one person from a local city or county  
14 government shall serve as nonvoting members.

15 **Sec. 32.** RCW 74.25A.050 and 1994 c 299 s 24 are each amended to  
16 read as follows:

17 Participants shall be considered recipients of (~~aid to families~~  
18 ~~with dependent children~~) temporary assistance for needy families and  
19 remain eligible for medicaid benefits even if the participant does not  
20 receive a residual grant. Work supplementation participants shall be  
21 eligible for (1) the thirty-dollar plus one-third of earned income  
22 exclusion from income, (2) the work related expense disregard, and (3)  
23 any applicable child care expense disregard deemed available to  
24 recipient of aid in computing his or her grant under this chapter,  
25 unless prohibited by federal law.

Passed the House March 10, 1997.

Passed the Senate April 7, 1997.

Approved by the Governor April 17, 1997, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State April 17, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 20 and  
3 25, Substitute House Bill No. 1089 entitled:

4 "AN ACT Relating to correcting nomenclature for the former aid to  
5 families with dependent children program;"

6 As part of federal welfare reform, Congress repealed the Aid to  
7 Families with Dependent Children ("AFDC") program, and replaced it with  
8 the Temporary Assistance for Needy Families ("TANF") program.  
9 Substitute House Bill No. 1089 corrects references in Washington law,  
10 by deleting references to AFDC and replacing them with references to  
11 TANF.

1       Sections 20 and 25 of Substitute House Bill No. 1089, are further  
2 amended by sections 506 and 601, respectively, of Engrossed House Bill  
3 No. 3901. They must be vetoed to avoid inconsistency between the two  
4 bills.

5       For these reasons, I have vetoed sections 20 and 25 of Substitute  
6 House Bill No. 1089. With the exception of sections 20 and 25, I am  
7 approving Substitute House Bill No. 1089."