

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2634**

Chapter 80, Laws of 1998

55th Legislature  
1998 Regular Session

DISQUALIFYING FUGITIVES FROM RECEIVING GENERAL ASSISTANCE

EFFECTIVE DATE: 6/11/98

Passed by the House February 10, 1998  
Yeas 96 Nays 0

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

Passed by the Senate March 3, 1998  
Yeas 43 Nays 0

BRAD OWEN  
**President of the Senate**

Approved March 20, 1998

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 2634** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

March 20, 1998 - 5:04 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2634**

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Passed Legislature - 1998 Regular Session

**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives H. Sommers, Cooke, Dickerson, McDonald, Gombosky, Bush, Tokuda, Wolfe, O'Brien, Kessler, Keiser, Anderson, Ogden, B. Thomas and Thompson)

Read first time 02/03/98. Referred to Committee on .

1       AN ACT Relating to disqualifying fugitives from receiving general  
2 assistance; and reenacting and amending RCW 74.04.005.

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

4       **Sec. 1.** RCW 74.04.005 and 1997 c 59 s 10 and 1997 c 58 s 309 are  
5 each reenacted and amended to read as follows:

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

8       (1) "Public assistance" or "assistance"--Public aid to persons in  
9 need thereof for any cause, including services, medical care,  
10 assistance grants, disbursing orders, work relief, general assistance  
11 and federal-aid assistance.

12       (2) "Department"--The department of social and health services.

13       (3) "County or local office"--The administrative office for one or  
14 more counties or designated service areas.

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

17       (5) "Federal-aid assistance"--The specific categories of assistance  
18 for which provision is made in any federal law existing or hereafter  
19 passed by which payments are made from the federal government to the

1 state in aid or in respect to payment by the state for public  
2 assistance rendered to any category of needy persons for which  
3 provision for federal funds or aid may from time to time be made, or a  
4 federally administered needs-based program.

5 (6)(a) "General assistance"--Aid to persons in need who:

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

10 (ii) Meet one of the following conditions:

11 (A) Pregnant: PROVIDED, That need is based on the current income  
12 and resource requirements of the federal temporary assistance for needy  
13 families program; or

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

18 (C) Persons who are unemployable due to alcohol or drug addiction  
19 are not eligible for general assistance. Persons receiving general  
20 assistance on July 26, 1987, or becoming eligible for such assistance  
21 thereafter, due to an alcohol or drug-related incapacity, shall be  
22 referred to appropriate assessment, treatment, shelter, or supplemental  
23 security income referral services as authorized under chapter 74.50  
24 RCW. Referrals shall be made at the time of application or at the time  
25 of eligibility review. Alcoholic and drug addicted clients who are  
26 receiving general assistance on July 26, 1987, may remain on general  
27 assistance if they otherwise retain their eligibility until they are  
28 assessed for services under chapter 74.50 RCW. Subsection  
29 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
30 department from granting general assistance benefits to alcoholics and  
31 drug addicts who are incapacitated due to other physical or mental  
32 conditions that meet the eligibility criteria for the general  
33 assistance program;

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

37 (iv) Have furnished the department their social security account  
38 number. If the social security account number cannot be furnished  
39 because it has not been issued or is not known, an application for a

1 number shall be made prior to authorization of assistance, and the  
2 social security number shall be provided to the department upon  
3 receipt.

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

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

10 (ii) To the extent authorized by the legislature in the biennial  
11 appropriations act, to recipients of temporary assistance for needy  
12 families whose needs are not being met because of a temporary reduction  
13 in monthly income below the entitled benefit payment level caused by  
14 loss or reduction of wages or unemployment compensation benefits or  
15 some other unforeseen circumstances. The amount of general assistance  
16 authorized shall not exceed the difference between the entitled benefit  
17 payment level and the amount of income actually received.

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

27 (i) First failure: One week;

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

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

30 (d) Persons found eligible for general assistance based on  
31 incapacity from gainful employment may, if otherwise eligible, receive  
32 general assistance pending application for federal supplemental  
33 security income benefits. Any general assistance that is subsequently  
34 duplicated by the person's receipt of supplemental security income for  
35 the same period shall be considered a debt due the state and shall by  
36 operation of law be subject to recovery through all available legal  
37 remedies.

38 (e) The department shall adopt by rule medical criteria for general  
39 assistance eligibility to ensure that eligibility decisions are

1 consistent with statutory requirements and are based on clear,  
2 objective medical information.

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

8 (g) Recipients of general assistance based upon a finding of  
9 incapacity from gainful employment who remain otherwise eligible shall  
10 not have their benefits terminated absent a clear showing of material  
11 improvement in their medical or mental condition or specific error in  
12 the prior determination that found the recipient eligible by reason of  
13 incapacitation. Recipients of general assistance based upon pregnancy  
14 who relinquish their child for adoption, remain otherwise eligible, and  
15 are not eligible to receive benefits under the federal temporary  
16 assistance for needy families program shall not have their benefits  
17 terminated until the end of the month in which the period of six weeks  
18 following the birth of the recipient's child falls. Recipients of the  
19 federal temporary assistance for needy families program who lose their  
20 eligibility solely because of the birth and relinquishment of the  
21 qualifying child may receive general assistance through the end of the  
22 month in which the period of six weeks following the birth of the child  
23 falls.

24 (h) No person may be considered an eligible individual for general  
25 assistance with respect to any month if during that month the person:

26 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
27 confinement for conviction of, a felony, or an attempt to commit a  
28 felony, under the laws of the state of Washington or the place from  
29 which the person flees; or

30 (ii) Is violating a condition of probation, community supervision,  
31 or parole imposed under federal or state law for a felony or gross  
32 misdemeanor conviction.

33 (7) "Applicant"--Any person who has made a request, or on behalf of  
34 whom a request has been made, to any county or local office for  
35 assistance.

36 (8) "Recipient"--Any person receiving assistance and in addition  
37 those dependents whose needs are included in the recipient's  
38 assistance.

1 (9) "Standards of assistance"--The level of income required by an  
2 applicant or recipient to maintain a level of living specified by the  
3 department.

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

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

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

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

32 (d) A motor vehicle necessary to transport a physically disabled  
33 household member. This exclusion is limited to one vehicle per  
34 physically disabled person.

35 (e) 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. The department shall  
39 also allow recipients of temporary assistance for needy families to

1 exempt savings accounts with combined balances of up to an additional  
2 three thousand dollars.

3 (f) Applicants for or recipients of general assistance shall have  
4 their eligibility based on resource limitations consistent with the  
5 temporary assistance for needy families program rules adopted by the  
6 department.

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

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

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

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

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

32 (11) "Income"--(a) All appreciable gains in real or personal  
33 property (cash or kind) or other assets, which are received by or  
34 become available for use and enjoyment by an applicant or recipient  
35 during the month of application or after applying for or receiving  
36 public assistance. The department may by rule and regulation exempt  
37 income received by an applicant for or recipient of public assistance  
38 which can be used by him or her to decrease his or her need for public  
39 assistance or to aid in rehabilitating him or her or his or her

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

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

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

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

36 (14) In the construction of words and phrases used in this title,  
37 the singular number shall include the plural, the masculine gender  
38 shall include both the feminine and neuter genders and the present



1 tense shall include the past and future tenses, unless the context  
2 thereof shall clearly indicate to the contrary.

Passed the House February 10, 1998.

Passed the Senate March 3, 1998.

Approved by the Governor March 20, 1998.

Filed in Office of Secretary of State March 20, 1998.