

1 1052-S AAS 4/19/91

2 SHB 1052 - S COMM AMD

3 By Committee on Children & Family Services

4 ADOPTED 4/19/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 74.04.005 and 1990 c 285 s 2 are each amended to read
8 as follows:

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

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

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

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

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

20 (5) "Federal-aid assistance"--The specific categories of assistance
21 for which provision is made in any federal law existing or hereafter
22 passed by which payments are made from the federal government to the
23 state in aid or in respect to payment by the state for public
24 assistance rendered to any category of needy persons for which
25 provision for federal funds or aid may from time to time be made, or a
26 federally administered needs-based program.

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

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

5 (ii) Are either:

6 (A) Pregnant: PROVIDED, That need is based on the current income
7 and resource requirements of the federal aid to families with dependent
8 children program: PROVIDED FURTHER, That during any period in which an
9 aid for dependent children employable program is not in operation, only
10 those pregnant women who are categorically eligible for medicaid are
11 eligible for general assistance; or

12 (B) Incapacitated from gainful employment by reason of bodily or
13 mental infirmity that will likely continue for a minimum of sixty days
14 as determined by the department. Persons who are unemployable due to
15 alcohol or drug addiction are not eligible for general assistance.
16 Persons receiving general assistance on July 26, 1987, or becoming
17 eligible for such assistance thereafter, due to an alcohol or drug-
18 related incapacity, shall be referred to appropriate assessment,
19 treatment, shelter, or supplemental security income referral services
20 as authorized under chapter 74.50 RCW. Referrals shall be made at the
21 time of application or at the time of eligibility review. Alcoholic
22 and drug addicted clients who are receiving general assistance on July
23 26, 1987, may remain on general assistance if they otherwise retain
24 their eligibility until they are assessed for services under chapter
25 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to
26 prohibit the department from granting general assistance benefits to
27 alcoholics and drug addicts who are incapacitated due to other physical
28 or mental conditions that meet the eligibility criteria for the general
29 assistance program;

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

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

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

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

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

24 (c) General assistance shall be provided only to persons who are
25 not members of assistance units receiving federal aid assistance,
26 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
27 and will accept available services which can reasonably be expected to
28 enable the person to work or reduce the need for assistance unless
29 there is good cause to refuse. Failure to accept such services shall
30 result in termination until the person agrees to cooperate in accepting

1 such services and subject to the following maximum periods of
2 ineligibility after reapplication:

3 (i) First failure: One week;

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

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

6 (d) The department shall adopt by rule medical criteria for general
7 assistance eligibility to ensure that eligibility decisions are
8 consistent with statutory requirements and are based on clear,
9 objective medical information.

10 (e) The process implementing the medical criteria shall involve
11 consideration of opinions of the treating or consulting physicians or
12 health care professionals regarding incapacity, and any eligibility
13 decision which rejects uncontroverted medical opinion must set forth
14 clear and convincing reasons for doing so.

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

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

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

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

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

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

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

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

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

11 (e) Applicants for or recipients of general assistance may retain
12 the following described resources in addition to exemption for a motor
13 vehicle or home and not be ineligible for public assistance because of
14 such resources:

15 (i) Household furnishings, personal effects, and other personal
16 property having great sentimental value to the applicant or recipient;

17 (ii) Term and burial insurance for use of the applicant or
18 recipient;

19 (iii) Life insurance having a cash surrender value not exceeding
20 one thousand five hundred dollars; and

21 (iv) Cash, marketable securities, and any excess of values above
22 one thousand five hundred dollars equity in a vehicle and above one
23 thousand five hundred dollars in cash surrender value of life
24 insurance, not exceeding one thousand five hundred dollars for a single
25 person or two thousand two hundred fifty dollars for a family unit of
26 two or more. The one thousand dollar limit in subsection (10)(d) of
27 this section does not apply to recipients of or applicants for general
28 assistance.

29 (f) If an applicant for or recipient of public assistance possesses
30 property and belongings in excess of the ceiling value, such value

1 shall be used in determining the need of the applicant or recipient,
2 except that: (i) The department may exempt resources or income when
3 the income and resources are determined necessary to the applicant's or
4 recipient's restoration to independence, to decrease the need for
5 public assistance, or to aid in rehabilitating the applicant or
6 recipient or a dependent of the applicant or recipient; and (ii) the
7 department may provide grant assistance for a period not to exceed nine
8 months from the date the agreement is signed pursuant to this section
9 to persons who are otherwise ineligible because of excess real property
10 owned by such persons when they are making a good faith effort to
11 dispose of that property(~~(, but the recipient must sign an agreement to~~
12 ~~dispose of the property and repay assistance payments made to the date~~
13 ~~of disposition of the property which would not have been made had the~~
14 ~~disposal occurred at the beginning of the period for which the payments~~
15 ~~of such assistance were made. In no event shall such amount due the~~
16 ~~state exceed the net proceeds otherwise available to the recipient from~~
17 ~~the disposition, unless after nine months from the date of the~~
18 ~~agreement the property has not been sold, or if the recipient's~~
19 ~~eligibility for financial assistance ceases for any other reason. In~~
20 ~~these two instances the entire amount of assistance paid during this~~
21 ~~period will be treated as an overpayment and a debt due the state, and~~
22 ~~may be recovered pursuant to RCW 43.20B.630))): PROVIDED, That:~~

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

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

29 (C) Applicants and recipients are advised of their right to a fair
30 hearing and afforded the opportunity to challenge a decision that good

1 faith efforts to sell have ceased, prior to assessment of an
2 overpayment under this section; and

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

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

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

6 (12) "Need"--The difference between the applicant's or recipient's
7 standards of assistance for himself and the dependent members of his
8 family, as measured by the standards of the department, and value of
9 all nonexempt resources and nonexempt income received by or available
10 to the applicant or recipient and the dependent members of his family.

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

17 (14) In the construction of words and phrases used in this title,
18 the singular number shall include the plural, the masculine gender
19 shall include both the feminine and neuter genders and the present
20 tense shall include the past and future tenses, unless the context
21 thereof shall clearly indicate to the contrary."

22 "Sec. 2. RCW 74.04.055 and 1979 c 141 s 298 are each amended to
23 read as follows:

24 In furtherance of the policy of this state to cooperate with the
25 federal government in the programs included in this title the secretary
26 shall issue such rules and regulations as may become necessary to
27 entitle this state to participate in federal grants-in-aid, goods,
28 commodities and services unless the same be expressly prohibited by
29 this title. Any section or provision of this title which may be

1 susceptible to more than one construction shall be interpreted in favor
2 of the construction most likely to satisfy federal laws entitling this
3 state to receive federal matching or other funds for the various
4 programs of public assistance. If any part of this chapter is found to
5 be in conflict with federal requirements which are a prescribed
6 condition to the receipts of federal funds to the state, the
7 conflicting part of this chapter is hereby inoperative solely to the
8 extent of the conflict with respect to the agencies directly affected,
9 and such finding or determination shall not affect the operation of the
10 remainder of this chapter."

11 "Sec. 3. RCW 74.04.500 and 1979 c 141 s 322 are each amended to
12 read as follows:

13 The department of social and health services is authorized to
14 establish a food stamp program under the federal food stamp act of
15 ((1964)) 1977, as amended."

16 "Sec. 4. RCW 74.04.515 and 1969 ex.s. c 172 s 7 are each amended
17 to read as follows:

18 In ((determining eligibility for purchase of)) administering the
19 food stamp((s)) program, there shall be no discrimination against any
20 ((household)) applicant or recipient by reason of age, sex, handicap,
21 religious creed, political beliefs, race, color, or national origin."

22 "NEW SECTION. Sec. 5. The legislature establishes as state
23 policy the goal of economic self-sufficiency for employable recipients
24 of public assistance, through employment, training, and education. In
25 furtherance of this policy, the legislature intends to comply with the
26 requirements of the federal social security act, as amended, by
27 creating a job opportunities and basic skills training program for

1 applicants and recipients of aid to families with dependent children.
2 The purpose of this program is to provide recipients of aid to families
3 with dependent children the opportunity to obtain a full range of
4 necessary education, training, skills, and supportive services,
5 including child care, consistent with their needs, that will help them
6 enter or reenter gainful employment, thereby avoiding long-term welfare
7 dependence and achieving economic self-sufficiency. The program shall
8 be operated by the department of social and health services in
9 conformance with federal law and consistent with the following
10 legislative findings:

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

24 (2) The legislature also recognizes that aid to families with
25 dependent children recipients must be acknowledged as active
26 participants in self-sufficiency planning under the program. The
27 legislature finds that the department of social and health services
28 should communicate concepts of personal empowerment, self-motivation,
29 and self-esteem to program participants. The legislature further
30 recognizes that informed choice is consistent with individual

1 responsibility, and that parents should be given a range of options for
2 available child care while participating in the program.

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

8 (4) The legislature further finds that the objectives of this
9 program are to assure that aid to families with dependent children
10 recipients achieve financial stability and an adequate standard of
11 living at wages that will meet family needs."

12 "NEW SECTION. Sec. 6. (1) The department of social and health
13 services is authorized to contract with public and private employment
14 and training agencies and other public service entities to provide
15 services prescribed or allowed under the federal social security act,
16 as amended, to carry out the purposes of the jobs training program.
17 The department of social and health services has sole authority and
18 responsibility to carry out the job opportunities and basic skills
19 training program. No contracting entity shall have the authority to
20 review, change, or disapprove any administrative decision, or otherwise
21 substitute its judgment for that of the department of social and health
22 services as to the application of policies and rules adopted by the
23 department of social and health services.

24 (2) To the extent feasible under federal law, the department of
25 social and health services and all entities contracting with it shall
26 give first priority of service to individuals volunteering for program
27 participation.

28 (3) The department of social and health services shall adopt rules
29 under chapter 34.05 RCW establishing criteria constituting

1 circumstances of good cause for an individual failing or refusing to
2 participate in an assigned program component, or failing or refusing to
3 accept or retain employment. These criteria shall include, but not be
4 limited to, the following circumstances: (a) If the individual is a
5 parent or other relative personally providing care for a child under
6 age six years, and the employment would require the individual to work
7 more than twenty hours per week; (b) if child care, or day care for an
8 incapacitated individual living in the same home as a dependent child,
9 is necessary for an individual to participate or continue participation
10 in the program or accept employment, and such care is not available,
11 and the department of social and health services fails to provide such
12 care; (c) the employment would result in the family of the participant
13 experiencing a net loss of cash income; or (d) circumstances that are
14 beyond the control of the individual's household, either on a short-
15 term or on an ongoing basis.

16 (4) The department of social and health services shall adopt rules
17 under chapter 34.05 RCW as necessary to effectuate the intent and
18 purpose of this chapter."

19 "NEW SECTION. **Sec. 7.** Any section or provision of law dealing
20 with the job opportunities and basic skills training program that may
21 be susceptible to more than one construction shall be interpreted in
22 favor of the construction most likely to comply with federal laws
23 entitling the state to receive federal funds."

24 "NEW SECTION. **Sec. 8.** If any part of this chapter shall be
25 found to be in conflict with federal requirements which are a
26 prescribed condition to the allocation of federal funds to the state,
27 such conflicting part of this chapter is hereby declared to be
28 inoperative solely to the extent of such conflict and with respect to

1 the agency directly affected, and such finding or determination shall
2 not affect the operation of the remainder of this chapter and its
3 application to the agency concerned."

4 "NEW SECTION. Sec. 9. If any provision of this chapter or its
5 application to any person or circumstance is held invalid, the
6 remainder of the chapter or the application of the provision to other
7 persons or circumstances is not affected."

8 "NEW SECTION. Sec. 10. Sections 5 through 9 of this act shall
9 constitute a new chapter in Title 74 RCW."

10 "NEW SECTION. Sec. 11. The following acts or parts of acts are
11 each repealed:

12 (1) RCW 74.04.390 and 1979 c 141 s 315, 1963 c 228 s 6, & 1961 c
13 269 s 2;

14 (2) RCW 74.04.400 and 1979 c 141 s 316, 1963 c 228 s 7, & 1961 c
15 269 s 3;

16 (3) RCW 74.04.410 and 1979 c 141 s 317, 1963 c 228 s 8, & 1961 c
17 269 s 4;

18 (4) RCW 74.04.420 and 1979 c 141 s 318, 1963 c 228 s 9, & 1961 c
19 269 s 5;

20 (5) RCW 74.04.430 and 1987 c 185 s 39, 1979 c 141 s 319, 1963 c 228
21 s 10, & 1961 c 269 s 6;

22 (6) RCW 74.04.440 and 1963 c 228 s 11 & 1961 c 269 s 7;

23 (7) RCW 74.04.450 and 1963 c 228 s 12;

24 (8) RCW 74.04.460 and 1963 c 228 s 13;

25 (9) RCW 74.04.470 and 1979 c 141 s 320 & 1963 c 228 s 14;

26 (10) RCW 74.04.473 and 1983 1st ex.s. c 41 s 41;

27 (11) RCW 74.04.477 and 1983 1st ex.s. c 41 s 42;

- 1 (12) RCW 74.04.505 and 1969 ex.s. c 172 s 5;
- 2 (13) RCW 74.22.010 and 1969 c 14 s 1;
- 3 (14) RCW 74.22.020 and 1979 c 141 s 372 & 1969 c 14 s 2;
- 4 (15) RCW 74.22.030 and 1969 c 14 s 3;
- 5 (16) RCW 74.22.040 and 1969 c 14 s 4;
- 6 (17) RCW 74.22.050 and 1979 c 141 s 373 & 1969 c 14 s 5;
- 7 (18) RCW 74.22.060 and 1969 c 14 s 6;
- 8 (19) RCW 74.22.070 and 1979 c 141 s 374 & 1969 c 14 s 7;
- 9 (20) RCW 74.22.080 and 1969 c 14 s 8;
- 10 (21) RCW 74.22.090 and 1969 c 14 s 9;
- 11 (22) RCW 74.22.100 and 1979 c 141 s 375 & 1969 c 14 s 10;
- 12 (23) RCW 74.22.110 and 1979 c 141 s 376 & 1969 c 14 s 11;
- 13 (24) RCW 74.22.120 and 1969 c 14 s 12;
- 14 (25) RCW 74.23.005 and 1969 c 15 s 1;
- 15 (26) RCW 74.23.010 and 1969 c 15 s 2;
- 16 (27) RCW 74.23.020 and 1979 c 141 s 377 & 1969 c 15 s 3;
- 17 (28) RCW 74.23.030 and 1969 c 15 s 4;
- 18 (29) RCW 74.23.040 and 1979 c 141 s 378 & 1969 c 15 s 5;
- 19 (30) RCW 74.23.050 and 1969 c 15 s 6;
- 20 (31) RCW 74.23.060 and 1969 c 15 s 7;
- 21 (32) RCW 74.23.070 and 1979 c 141 s 379 & 1969 c 15 s 8;
- 22 (33) RCW 74.23.080 and 1969 c 15 s 9;
- 23 (34) RCW 74.23.090 and 1969 c 15 s 10;
- 24 (35) RCW 74.23.100 and 1969 c 15 s 11;
- 25 (36) RCW 74.23.110 and 1979 c 141 s 380 & 1969 c 15 s 12;
- 26 (37) RCW 74.23.120 and 1979 c 141 s 381 & 1969 c 15 s 13; and
- 27 (38) RCW 74.23.900 and 1969 c 15 s 14."

28 "NEW SECTION. Sec. 12. If specific funding for the purposes of
29 this act, referencing this act by bill number, is not provided by June

1 30, 1991, in the omnibus appropriations act, this act shall be null and
2 void."

3 **SHB 1052** - S COMM AMD

4 By Committee on Children & Family Services

5 ADOPTED 4/19/91 - Voice Vote

6 On page 1, line 2 of the title, after "statutes;" strike the
7 remainder of the title and insert "amending RCW 74.04.005, 74.04.055,
8 74.04.500, and 74.04.515; adding a new chapter to Title 74 RCW;
9 creating a new section; and repealing RCW 74.04.390, 74.04.400,
10 74.04.410, 74.04.420, 74.04.430, 74.04.440, 74.04.450, 74.04.460,
11 74.04.470, 74.04.473, 74.04.477, 74.04.505, 74.22.010, 74.22.020,
12 74.22.030, 74.22.040, 74.22.050, 74.22.060, 74.22.070, 74.22.080,
13 74.22.090, 74.22.100, 74.22.110, 74.22.120, 74.23.005, 74.23.010,
14 74.23.020, 74.23.030, 74.23.040, 74.23.050, 74.23.060, 74.23.070,
15 74.23.080, 74.23.090, 74.23.100, 74.23.110, 74.23.120, and 74.23.900."