

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2983

Chapter 165, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

PUBLIC ASSISTANCE WORK EXPERIENCE AND JOB TRAINING PROGRAMS

EFFECTIVE DATE: 6/11/92

Passed by the House March 6, 1992
Yeas 96 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 11, 1992
Yeas 46 Nays 1

JOEL PRITCHARD
President of the Senate

Approved April 1, 1992, with the
exception of sections 4 and 5, which
are vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is SUBSTITUTE HOUSE BILL
2983 as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED
April 1, 1992 - 10:48 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2983

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Locke, H. Sommers and D. Sommers)

Read first time 03/02/92.

1 AN ACT Relating to job training or work experience for public
2 assistance recipients; amending RCW 74.04.005 and 74.25.020; creating
3 new sections; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 74.04.005 and 1991 sp.s. c 10 s 1 are each amended to
6 read as follows:

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

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

13 (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) Are either:

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

24 (B) Subject to section 2 of this act, incapacitated from gainful
25 employment by reason of bodily or mental infirmity that will likely
26 continue for a minimum of ninety days as determined by the department.

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

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

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

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

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

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

28 (ii) To the extent authorized by the legislature in the biennial
29 appropriations act, to recipients of aid to families with dependent
30 children whose needs are not being met because of a temporary reduction

1 in monthly income below the entitled benefit payment level caused by
2 loss or reduction of wages or unemployment compensation benefits or
3 some other unforeseen circumstances. The amount of general assistance
4 authorized shall not exceed the difference between the entitled benefit
5 payment level and the amount of income actually received.

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

15 (i) First failure: One week;

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

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

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

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

27 (f) Recipients of general assistance based upon a finding of
28 incapacity from gainful employment who remain otherwise eligible shall
29 not have their benefits terminated absent a clear showing of material
30 improvement in their medical or mental condition or specific error in

1 the prior determination that found the recipient eligible by reason of
2 incapacitation. Recipients of general assistance based upon pregnancy
3 who relinquish their child for adoption, remain otherwise eligible, and
4 are not eligible to receive benefits under the federal aid to families
5 with dependent children program shall not have their benefits
6 terminated until the end of the month in which the period of six weeks
7 following the birth of the recipient's child falls. Recipients of the
8 federal aid to families with dependent children program who lose their
9 eligibility solely because of the birth and relinquishment of the
10 qualifying child may receive general assistance through the end of the
11 month in which the period of six weeks following the birth of the child
12 falls.

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

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

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

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

28 (a) A home, which is defined as real property owned and used by an
29 applicant or recipient as a place of residence, together with a
30 reasonable amount of property surrounding and contiguous thereto, which

1 is used by and useful to the applicant. Whenever a recipient shall
2 cease to use such property for residential purposes, either for himself
3 or his dependents, the property shall be considered as a resource which
4 can be made available to meet need, and if the recipient or his
5 dependents absent themselves from the home for a period of ninety
6 consecutive days such absence, unless due to hospitalization or health
7 reasons or a natural disaster, shall raise a rebuttable presumption of
8 abandonment: PROVIDED, That if in the opinion of three physicians the
9 recipient will be unable to return to the home during his lifetime, and
10 the home is not occupied by a spouse or dependent children or disabled
11 sons or daughters, such property shall be considered as a resource
12 which can be made available to meet need.

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

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

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

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

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

29 (ii) Term and burial insurance for use of the applicant or
30 recipient;

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

3 (iv) Cash, marketable securities, and any excess of values above
4 one thousand five hundred dollars equity in a vehicle and above one
5 thousand five hundred dollars in cash surrender value of life
6 insurance, not exceeding one thousand five hundred dollars for a single
7 person or two thousand two hundred fifty dollars for a family unit of
8 two or more. The one thousand dollar limit in subsection (10)(d) of
9 this section does not apply to recipients of or applicants for general
10 assistance.

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

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

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

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

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

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

1 in determining the need of an applicant or recipient of public
2 assistance.

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

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

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

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

24 NEW SECTION. **Sec. 2.** (1) The department of social and health
25 services shall implement a community work experience program for
26 general assistance-unemployable (GA-U) recipients who are not expected
27 to qualify for supplemental security income and who are judged
28 physically and mentally able to perform and benefit from highly
29 supervised noncompetitive public service work. The department shall

1 identify these recipients upon their initial approval for GA-U and at
2 each incapacity review as needed.

3 (2) The program shall operate as a pilot project in three sites for
4 a period of twelve months. There shall be one site in each of the
5 three most populated counties in the state. The department, within
6 available funds, shall refer recipients identified for participation in
7 the program to determine their suitability to participate in the
8 program. First priority for the program shall be recipients who have
9 been on GA-U for twelve months or longer. Recipients deemed to be not
10 appropriate for participation in the program shall be exempted.

11 (3) A recipient identified as appropriate for participation shall
12 be referred to the department or an agent designated by the department
13 which, within available funds, shall contract with a referral agency to
14 place the recipient in a work experience setting. The recipient shall
15 be required, as a condition of GA-U eligibility, to perform community
16 work experience, subject to the following conditions:

17 (a) The community work experience shall be within the recipient's
18 capabilities in light of his or her incapacity and not detrimental to
19 his or her health or well-being;

20 (b) The community work experience shall be performed under the
21 auspices of a public or nonprofit placement agency which the referral
22 agency deems to be appropriate based on the assessment. The placement
23 agency shall be responsible for orienting, training, and supervising
24 the recipient, and for providing information on performance to the
25 referral agency;

26 (c) The goals of the community work experience program shall be to
27 provide opportunities for highly supervised noncompetitive employment
28 and to develop the ability to perform gainful employment, consistent
29 with the vocational assessment and may include methods for removing

1 barriers to employment, such as vocational rehabilitation services, job
2 preparedness services, short-term training, and medical treatment;

3 (d) Failure to participate in the program without good cause shall
4 subject the recipient to the sanction process under RCW
5 74.04.005(6)(c). The department shall report to the house of
6 representatives appropriations committee and the senate ways and means
7 committee on the status of the community work program and its
8 participants. The report shall include but is not limited to:
9 Criteria for participation; exemptions granted; sanctions imposed for
10 noncompliance; and statistics on the number and characteristics of the
11 exempted, sanctioned, and participating populations. Data on
12 characteristics shall include but is not limited to participant length-
13 of-stay on the general assistance program, type of disability, and the
14 type of work experience provided. The report shall be submitted to the
15 committees by January 30, 1993;

16 (e) If the placement agency determines that the recipient is
17 incapable of performing the assigned community work experience, the
18 recipient shall be evaluated for his or her fitness to continue in the
19 program before being reassigned to another placement agency.

20 **Sec. 3.** RCW 74.25.020 and 1991 c 126 s 6 are each amended to read
21 as follows:

22 (1) The department of social and health services is authorized to
23 contract with public and private employment and training agencies and
24 other public service entities to provide services prescribed or allowed
25 under the federal social security act, as amended, to carry out the
26 purposes of the jobs training program. The department of social and
27 health services has sole authority and responsibility to carry out the
28 job opportunities and basic skills training program. No contracting
29 entity shall have the authority to review, change, or disapprove any

1 administrative decision, or otherwise substitute its judgment for that
2 of the department of social and health services as to the application
3 of policies and rules adopted by the department of social and health
4 services.

5 (2) To the extent feasible under federal law, the department of
6 social and health services and all entities contracting with it shall
7 give first priority of service to individuals volunteering for program
8 participation: PROVIDED, That the department shall require nonexempt
9 parents under age twenty-four to actively participate in orientation,
10 assessment, and either education, vocational training, or employment
11 programs. At least one nonexempt parent in the aid to families with
12 dependent children-employable program shall actively participate in
13 orientation, assessment, and either job search, education, training, or
14 employment. Social services shall be offered to participants in
15 accordance with federal law. The department shall adopt appropriate
16 sanctions to ensure compliance with the requirements and policies of
17 this chapter.

18 (3) The department of social and health services shall adopt rules
19 under chapter 34.05 RCW establishing criteria constituting
20 circumstances of good cause for an individual failing or refusing to
21 participate in an assigned program component, or failing or refusing to
22 accept or retain employment. These criteria shall include, but not be
23 limited to, the following circumstances: (a) If the individual is a
24 parent or other relative personally providing care for a child under
25 age six years, and the employment would require the individual to work
26 more than twenty hours per week; (b) if child care, or day care for an
27 incapacitated individual living in the same home as a dependent child,
28 is necessary for an individual to participate or continue participation
29 in the program or accept employment, and such care is not available,
30 and the department of social and health services fails to provide such

1 care; (c) the employment would result in the family of the participant
2 experiencing a net loss of cash income; or (d) circumstances that are
3 beyond the control of the individual's household, either on a short-
4 term or on an ongoing basis.

5 (4) The department of social and health services shall adopt rules
6 under chapter 34.05 RCW as necessary to effectuate the intent and
7 purpose of this chapter.

8 ***NEW SECTION.** *Sec. 4. If specific authority to expend funds to*
9 *implement this program, referencing this act by bill number, is not*
10 *provided in the operating appropriations act, this act shall be null*
11 *and void.*

12 *Sec. 4 was vetoed, see message at end of chapter.

13
14 ***NEW SECTION.** *Sec. 5. This act is necessary for the immediate*
15 *preservation of the public peace, health, or safety, or support of the*
16 *state government and its existing public institutions, and shall take*
17 *effect April 1, 1992.*

18 *Sec. 5 was vetoed, see message at end of chapter.

19 Passed the House March 6, 1992.

Passed the Senate March 11, 1992.

Approved by the Governor April 1, 1992, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State April 1, 1992.

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

2 "I am returning herewith, without my approval as to sections 4 and
3 5, Substitute House Bill No. 2983, entitled:

4 "AN ACT Relating to job training or work experience for public
5 assistance recipients."

6 Substitute House Bill No. 2983 contains a null and void clause that
7 refers to an unfunded proviso in the budget, requiring the Department
8 of Social and Health Services to expend at least \$1.5 million on the
9 newly created work experience pilot program. Since the proviso is
10 unfunded, I am vetoing the null and void clause (section 4) and
11 directing the department to implement this program within available

1 funds. I believe this program will provide an opportunity to learn
2 ways to benefit persons with long-term incapacities.

3 Section 5 contains an effective date of April 1st that is
4 impossible to meet. It will take time to promulgate rules in
5 accordance with the Administrative Procedures Act and it will take a
6 reasonable period of time to contract with agencies for the work
7 experience program.

8 For these reasons, I have vetoed sections 4 and 5 of Substitute
9 House Bill No. 2983.

10 With the exception of sections 4 and 5, Substitute House Bill No.
11 2983 is approved."