

2 **SHB 1197 - H AMD 000292 ADOPTED 03-17-93**

3 By Representatives Mielke, Riley, Talcott and Cooke

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Public assistance is intended to be a temporary financial
9 relief program, recognizing that families can be confronted with a
10 financial crisis at any time in life. Successful public assistance
11 programs depend on the availability of adequate resources to assist
12 individuals deemed eligible for the benefits of such a program. In
13 this way, eligible families are given sufficient assistance to reenter
14 productive employment in a minimal time period;

15 (2) The current public assistance system requires a reduction in
16 grant standards when income is received. This is a strong disincentive
17 to work;

18 (3) Employment, training, and education services provided to
19 employable recipients of public assistance are effective tools in
20 achieving economic self-sufficiency. Support services that are
21 targeted to the specific needs of the individual offer the best hope of
22 achieving economic self-sufficiency in a cost-effective manner;

23 (4) State welfare-to-work programs, which move individuals from
24 dependence to economic independence, must be operated cooperatively and
25 collaboratively between state agencies and programs. They also must
26 include public assistance recipients as active partners in self-
27 sufficiency planning activities. Participants in economic independence
28 programs and services will benefit from the concepts of personal
29 empowerment, self-motivation, and self-esteem; and

30 (5) Many barriers to economic independence are found in federal
31 statutes and rules, and provide states with limited options for
32 restructuring existing programs in order to create incentives for
33 employment over continued dependence.

34 NEW SECTION. **Sec. 2.** For purposes of determining the amount of
35 grant payments to recipients of aid to families with dependent

1 children, all countable nonexempt earned income shall be subtracted
2 from an amount equal to one hundred percent of the need standard. The
3 department shall adopt rules necessary to implement the intent of this
4 section.

5 NEW SECTION. **Sec. 3.** The department shall amend the state plan to
6 eliminate the one hundred hour work rule for recipients of aid to
7 families with dependent children-employable. The department shall seek
8 federal approval for the amendment to the state plan and report on
9 federal action to the appropriate standing committees of the
10 legislature by December 1, 1993.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.12 RCW
12 to read as follows:

13 (1) As part of the orientation and assessment conducted pursuant to
14 RCW 74.25.020, the department shall determine the most appropriate
15 living situation for each recipient of aid to families with dependent
16 children who is receiving those benefits as a head of household and is
17 under age eighteen. Appropriate living situations may include, but are
18 not limited to:

- 19 (a) The parent's home;
- 20 (b) The home of a relative;
- 21 (c) A group living situation with adult supervision and guidance;
- 22 (d) Living independently; and
- 23 (e) Payment of the recipient's grant to another as provided in RCW
24 74.12.250.

25 (2) In conducting the assessment, the department shall consider all
26 relevant factors, including but not limited to:

- 27 (a) Whether the recipient is enrolled in and attending school;
- 28 (b) Whether the recipient is employed;
- 29 (c) The situation in the home of the recipient's parents, including
30 but not limited to, whether there is substance abuse or domestic
31 violence in the home and the adequacy of the dwelling; and
- 32 (d) Whether there is a history of physical, emotional, or sexual
33 abuse of the recipient by a person living in or frequenting the
34 recipient's parents' home.

35 (3) If, as a result of the assessment, the department becomes aware
36 of a recipient's need for other services that will help the recipient

1 complete high school or achieve economic independence, the department
2 shall make every effort to link the recipient with the services.

3 (4) Failure of the teenage recipient to comply with the
4 department's determination shall result in termination from the
5 programs.

6 NEW SECTION. **Sec. 5.** The department shall study the feasibility
7 of using electronic benefit transfer technology for the food stamp, aid
8 to families with dependent children, and women, infant, and children
9 programs. The department shall report to the appropriate standing
10 committees of the legislature by December 1, 1994.

11 NEW SECTION. **Sec. 6.** The department shall seek federal approval
12 to replace food stamps with the cash equivalent for individuals
13 eligible to receive food assistance. The department shall obtain all
14 necessary statutory and administrative changes from congress, the food
15 and nutrition service, and the department of health and human services
16 to convert from food stamps to food cash assistance.

17 **Sec. 7.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
18 each reenacted and amended to read as follows:

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

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

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

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

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

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

1 (6)(a) "General assistance"«Aid to persons in need who:
2 (i) Are not eligible to receive federal-aid assistance, other than
3 food stamps and medical assistance; however, an individual who refuses
4 or fails to cooperate in obtaining federal-aid assistance, without good
5 cause, is not eligible for general assistance;
6 (ii) Meet one of the following conditions:
7 (A) Pregnant: PROVIDED, That need is based on the current income
8 and resource requirements of the federal aid to families with dependent
9 children program: PROVIDED FURTHER, That during any period in which an
10 aid for dependent children employable program is not in operation, only
11 those pregnant women who are categorically eligible for medicaid are
12 eligible for general assistance; ((or))
13 (B) Children residing in the home of a court-appointed legal
14 guardian who are under the age of eighteen. Eligibility, except the
15 requirement to live with a relative of specified degree, is based on
16 the current requirements of the federal aid to families with dependent
17 children program, and need is based on the current income and resource
18 requirements of the federal aid to families with dependent children
19 program. Assistance shall be provided on behalf of the child or
20 children only;
21 (C) Subject to chapter 165, Laws of 1992, incapacitated from
22 gainful employment by reason of bodily or mental infirmity that will
23 likely continue for a minimum of ninety days as determined by the
24 department(()); or
25 ((+C)) (D) Persons who are unemployable due to alcohol or drug
26 addiction are not eligible for general assistance. Persons receiving
27 general assistance on July 26, 1987, or becoming eligible for such
28 assistance thereafter, due to an alcohol or drug-related incapacity,
29 shall be referred to appropriate assessment, treatment, shelter, or
30 supplemental security income referral services as authorized under
31 chapter 74.50 RCW. Referrals shall be made at the time of application
32 or at the time of eligibility review. Alcoholic and drug addicted
33 clients who are receiving general assistance on July 26, 1987, may
34 remain on general assistance if they otherwise retain their eligibility
35 until they are assessed for services under chapter 74.50 RCW.
36 Subsection (6)(a)(ii)((+B))(C) of this section shall not be construed
37 to prohibit the department from granting general assistance benefits to
38 alcoholics and drug addicts who are incapacitated due to other physical

1 or mental conditions that meet the eligibility criteria for the general
2 assistance program;

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

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

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

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

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

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

- 36 (i) First failure: One week;
37 (ii) Second failure within six months: One month;
38 (iii) Third and subsequent failure within one year: Two months.

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

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

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

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

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

37 (8) "Recipient"«Any person receiving assistance and in addition
38 those dependents whose needs are included in the recipient's
39 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 his dependents, the property shall be considered as a resource which
16 can be made available to meet need, and if the recipient or his
17 dependents absent themselves from the home for a period of ninety
18 consecutive days such absence, unless due to hospitalization or health
19 reasons or a natural disaster, shall raise a rebuttable presumption of
20 abandonment: PROVIDED, That if in the opinion of three physicians the
21 recipient will be unable to return to the home during his lifetime, and
22 the home is not occupied by a spouse or dependent children or disabled
23 sons or daughters, such property shall be considered as a resource
24 which can be made available to meet need.

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

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

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

35 (e) Applicants for or recipients of general assistance shall have
36 their eligibility based on resource limitations consistent with the aid
37 to families with dependent children program rules adopted by the
38 department.

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

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

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

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

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

26 (11) "Income"«(a) All appreciable gains in real or personal
27 property (cash or kind) or other assets, which are received by or
28 become available for use and enjoyment by an applicant or recipient
29 during the month of application or after applying for or receiving
30 public assistance. The department may by rule and regulation exempt
31 income received by an applicant for or recipient of public assistance
32 which can be used by him to decrease his need for public assistance or
33 to aid in rehabilitating him or his dependents, but such exemption
34 shall not, unless otherwise provided in this title, exceed the
35 exemptions of resources granted under this chapter to an applicant for
36 public assistance. In determining the amount of assistance to which an
37 applicant or recipient of aid to families with dependent children is
38 entitled, the department is hereby authorized to disregard as a
39 resource or income the earned income exemptions consistent with federal

1 requirements. The department may permit the above exemption of
2 earnings of a child to be retained by such child to cover the cost of
3 special future identifiable needs even though the total exceeds the
4 exemptions or resources granted to applicants and recipients of public
5 assistance, but consistent with federal requirements. In formulating
6 rules and regulations pursuant to this chapter, the department shall
7 define income and resources and the availability thereof, consistent
8 with federal requirements. All resources and income not specifically
9 exempted, and any income or other economic benefit derived from the use
10 of, or appreciation in value of, exempt resources, shall be considered
11 in determining the need of an applicant or recipient of public
12 assistance.

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

18 (12) "Need"«The difference between the applicant's or recipient's
19 standards of assistance for himself and the dependent members of his
20 family, as measured by the standards of the department, and value of
21 all nonexempt resources and nonexempt income received by or available
22 to the applicant or recipient and the dependent members of his family.

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

29 (14) In the construction of words and phrases used in this title,
30 the singular number shall include the plural, the masculine gender
31 shall include both the feminine and neuter genders and the present
32 tense shall include the past and future tenses, unless the context
33 thereof shall clearly indicate to the contrary.

34 NEW SECTION. **Sec. 8.** The department may provide grants to
35 community action agencies or other local nonprofit organizations to
36 provide job opportunities and basic skills training program
37 participants with transitional support services, one-to-one assistance,
38 and job retention services.

1 NEW SECTION. **Sec. 9.** Services provided under the jobs opportunity
2 and basic skills training program should contain the following
3 principles:

4 (1) Families should be involved in planning and service delivery;

5 (2) Caseworkers will act as consultants and focus on building
6 family strengths;

7 (3) Services should strengthen incentives for self-sufficiency and
8 economic independence;

9 (4) Administration of the job opportunity and basic skills training
10 program services should be coordinated with other services to the
11 family;

12 (5) Services should be regionally, culturally, and ethnically
13 sensitive; and

14 (6) Services should be locally planned and involve coordinated
15 delivery at the local level.

16 NEW SECTION. **Sec. 10.** The department of social and health
17 services shall design a program for implementation involving recipients
18 of aid to families with dependent children. A goal of this program is
19 to develop a system that segments the aid to families with dependent
20 children recipient population and identifies subgroups, matches
21 services to the needs of the subgroup, and prioritizes available
22 services. The department shall specify the services to be offered in
23 each population segment, and not all services shall be available to
24 each segment. The general focus of the services offered shall be on
25 job training, work force preparedness, and job retention.

26 The program shall be designed for state-wide implementation on July
27 1, 1994. Any proposal for implementation may include phasing certain
28 components over time or geographic area.

29 NEW SECTION. **Sec. 11.** The president of the senate and speaker of
30 the house of representatives shall appoint a legislative welfare reform
31 task force. In addition to representatives of the four caucuses, the
32 president and speaker may appoint additional members representing
33 individuals and organizations with an expressed interest in welfare
34 reform issues. The legislative task force on welfare reform shall (1)
35 participate in developing the implementation plan for chapter 74.-- RCW
36 (sections 2, 3, 5, 6, and 8 through 10 of this act), (2) review the
37 implementation plan prepared by the department, and (3) develop

1 legislation for consideration during the 1994 legislative session
2 implementing the plan.

3 NEW SECTION. **Sec. 12.** (1) Except for section 3 of this act,
4 chapter 74.-- RCW (sections 2, 3, 5, 6, and 8 through 10 of this act)
5 shall not be implemented before July 1, 1994, and shall not be
6 implemented until specifically authorized by the legislature.

7 (2) The department of social and health services shall develop an
8 implementation plan for all the provisions of chapter 74.-- RCW
9 (sections 2, 3, 5, 6, and 8 through 10 of this act). The department
10 shall submit this plan to the legislative task force on welfare reform
11 on October 1, 1993.

12 (3) The governor shall report to the legislative task force on
13 welfare reform at least once each quarter of fiscal year 1994 on the
14 progress of the department of social and health services's efforts to
15 secure federal approval of the provision of chapter 74.-- RCW (sections
16 2, 3, 5, 6, and 8 through 10 of this act).

17 (4) The governor shall seek congressional and federal agency action
18 on any federal legislation or federal regulation necessary to implement
19 chapter 74.-- RCW (sections 2, 3, 5, 6, and 8 through 10 of this act).

20 (5) The legislature reserves the right to amend, repeal, or propose
21 new language related to the proposals contained in chapter 74.-- RCW
22 (sections 2, 3, 5, 6, and 8 through 10 of this act).

23 NEW SECTION. **Sec. 13.** Sections 2, 3, 5, 6, and 8 through 10 of
24 this act shall constitute a new chapter in Title 74 RCW."

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