

2 **E2SHB 2798** - S AMD

3 By Senators Rinehart and Talmadge

4 ADOPTED AS AMENDED 3/9/94

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that lengthy stays on  
8 welfare, lack of access to vocational education and training, the  
9 inadequate emphasis on employment by the social welfare system, and  
10 teen pregnancy are obstacles to achieving economic independence.  
11 Therefore, the legislature intends that:

12 (1) Income and employment assistance programs emphasize the  
13 temporary nature of welfare and set goals of responsibility, work, and  
14 independence;

15 (2) State institutions take an active role in preventing pregnancy  
16 in young teens;

17 (3) Family planning assistance be readily available to welfare  
18 recipients;

19 (4) Support enforcement be more effective and the level of  
20 responsibility of noncustodial parents be significantly increased; and

21 (5) Job search, job skills training, and vocational education  
22 resources are to be used in the most cost-effective manner possible.

23 **PART I. EMPHASIZING WORK AND FAMILY PLANNING IN PUBLIC ASSISTANCE**

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.12 RCW  
25 to read as follows:

26 The department shall train financial services and social work staff  
27 who provide direct service to recipients of aid to families with  
28 dependent children to:

29 (1) Effectively communicate the transitional nature of aid to  
30 families with dependent children and the expectation that recipients  
31 will enter employment;

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

1 (3) Provide social services needed to overcome obstacles to  
2 employability; and

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

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.12 RCW  
7 to read as follows:

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

13 **PART II. TEEN PREGNANCY PREVENTION**

14 NEW SECTION. **Sec. 4.** For the 1994-95 school year, the office of  
15 the superintendent of public instruction shall administer a program  
16 that provides grants to school districts for media campaigns promoting  
17 sexual abstinence and addressing the importance of delaying sexual  
18 activity, pregnancy, and childbearing until individuals are ready to  
19 nurture and support their children. The messages shall be distributed  
20 in the school and community where produced. Grants to the school  
21 districts shall be for projects that are substantially designed and  
22 produced by students. The grants shall require a local private sector  
23 match equal to the state grant, which may include in-kind contribution  
24 of technical or other assistance from consultants or firms involved in  
25 public relations, advertising, broadcasting, and graphics or video  
26 production or other related fields. For purposes of evaluating the  
27 impact of the campaigns, applicants shall estimate student pregnancy  
28 and birth rates over the prior three to five years.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.190 RCW  
30 to read as follows:

31 The community network's plan may include funding for a student  
32 designed media and community campaign promoting sexual abstinence and  
33 addressing the importance of delaying sexual activity and pregnancy or  
34 male parenting until individuals are ready to nurture and support their  
35 children. Under the campaign, which shall be substantially designed

1 and produced by students, the same messages shall be distributed in  
2 schools, through the media, and in the community where the campaign is  
3 targeted. The campaign shall require local private sector matching  
4 funds equal to state funds. Local private sector funds may include in-  
5 kind contributions of technical or other assistance from consultants or  
6 firms involved in public relations, advertising, broadcasting, and  
7 graphics or video production or other related fields. The campaign  
8 shall be evaluated using the outcomes required of community networks  
9 under this chapter, in particular reductions in the number or rate of  
10 teen pregnancies and teen male parentage over a three to five year  
11 period.

12 **PART III. REFOCUSING JOBS**

13 **Sec. 6.** RCW 74.25.010 and 1991 c 126 s 5 are each amended to read  
14 as follows:

15 The legislature establishes as state policy the goal of economic  
16 self-sufficiency for employable recipients of public assistance,  
17 through employment, training, and education. In furtherance of this  
18 policy, the legislature intends to comply with the requirements of the  
19 federal social security act, as amended, by creating a job  
20 opportunities and basic skills training program for applicants and  
21 recipients of aid to families with dependent children. The purpose of  
22 this program is to provide recipients of aid to families with dependent  
23 children the opportunity to obtain ((a full range of necessary))  
24 appropriate education, training, skills, and supportive services,  
25 including child care, consistent with their needs, that will help them  
26 enter or reenter gainful employment, thereby avoiding long-term welfare  
27 dependence and achieving economic self-sufficiency. The program shall  
28 be operated by the department of social and health services in  
29 conformance with federal law and consistent with the following  
30 legislative findings:

31 (1) The legislature finds that the well-being of children depends  
32 not only on meeting their material needs, but also on the ability of  
33 parents to become economically self-sufficient. The job opportunities  
34 and basic skills training program is specifically directed at  
35 increasing the labor force participation and household earnings of aid  
36 to families with dependent children recipients, through the removal of  
37 barriers preventing them from achieving self-sufficiency. These

1 barriers include, but are not limited to, the lack of recent work  
2 experience, supportive services such as affordable and reliable child  
3 care, adequate transportation, appropriate counseling, and necessary  
4 job-related tools, equipment, books, clothing, and supplies, the  
5 absence of basic literacy skills, the lack of educational attainment  
6 sufficient to meet labor market demands for career employees, and the  
7 nonavailability of useful labor market assessments.

8 (2) The legislature also recognizes that aid to families with  
9 dependent children recipients must be acknowledged as active  
10 participants in self-sufficiency planning under the program. The  
11 legislature finds that the department of social and health services  
12 should communicate concepts of the importance of work and how  
13 performance and effort directly affect future career and educational  
14 opportunities and economic well-being, as well as personal empowerment,  
15 self-motivation, and self-esteem to program participants. The  
16 legislature further recognizes that informed choice is consistent with  
17 individual responsibility, and that parents should be given a range of  
18 options for available child care while participating in the program.

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

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

29 ((+4)) (5) The legislature further finds that the objectives of  
30 this program are to assure that aid to families with dependent children  
31 recipients gain experience in the labor force and thereby enhance their  
32 long-term ability to achieve financial stability and an adequate  
33 standard of living at wages that will meet family needs.

34 **Sec. 7.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to read  
35 as follows:

36 (1) The department of social and health services is authorized to  
37 contract with public and private employment and training agencies and  
38 other public service entities to provide services prescribed or allowed

1 under the federal social security act, as amended, to carry out the  
2 purposes of the jobs training program. In contracting for job  
3 placement, job search, and other job opportunities and basic skills  
4 services, the department is encouraged to structure payments to the  
5 contractor on a performance basis. The department of social and health  
6 services has sole authority and responsibility to carry out the job  
7 opportunities and basic skills training program. No contracting entity  
8 shall have the authority to review, change, or disapprove any  
9 administrative decision, or otherwise substitute its judgment for that  
10 of the department of social and health services as to the application  
11 of policies and rules adopted by the department of social and health  
12 services. The department shall maximize the federal matching funds  
13 available for the job opportunities and basic skills program by  
14 aggressively seeking private and public funds as match for federal  
15 funds.

16 (2) To the extent feasible under federal law, the department of  
17 social and health services and all entities contracting with it shall  
18 ~~((give first priority of service to individuals volunteering for~~  
19 ~~program participation))~~ require nonexempt parents to actively  
20 participate in the JOBS program, with an emphasis on job readiness  
21 activities and vocational education. Social services shall be offered  
22 to participants in accordance with federal law. The department shall  
23 adopt appropriate sanctions to ensure compliance with the requirement  
24 and policies of this chapter.

25 (3) To the extent feasible under federal law, the department of  
26 social and health services and all entities contracting with it shall  
27 ensure that long-term recipients of aid to families with dependent  
28 children or those who are potentially long-term recipients as  
29 identified in federal job opportunities and basic skills (JOBS) target  
30 populations shall receive first priority for JOBS services. Federal  
31 JOBS targets are: (a) Applicants for assistance who have received such  
32 aid for thirty-six of the preceding sixty months; (b) recipients who  
33 have received assistance for thirty-six of the preceding sixty months;  
34 (c) custodial parents under the age of twenty-four who have not  
35 completed high school or its equivalent; (d) custodial parents under  
36 the age of twenty-four with little or no recent work experience; and  
37 (e) members of families in which the youngest child is within two years  
38 of being ineligible for assistance because of age.

1       (4) The department shall prioritize JOBS service delivery according  
2 to the categories within the existing federal target groups as follows:  
3 (a) Custodial parents under the age of twenty-four with little or no  
4 recent work experience; (b) custodial parents under the age of twenty-  
5 four who have not completed high school or its equivalent may be  
6 required to do so; (c) recipients who have received assistance for  
7 thirty-six of the preceding sixty months; and (d) at least one parent  
8 in an aid to families with dependent children-employable household  
9 shall be required to participate in one of the following JOBS  
10 components for a minimum of sixteen hours per week: (i) Community work  
11 experience; (ii) work experience; (iii) on-the-job training; (iv) work  
12 supplementation; (v) those under the age of twenty-four who have not  
13 completed high school or its equivalent may be required to do so.

14       (5) The department shall develop a realistic schedule for the  
15 phase-in of recipient participation in the JOBS program based on the  
16 availability of state, federal, and other relevant funding.

17       (6) All job search, skills training, and postsecondary education  
18 shall be oriented towards local labor force needs as determined by the  
19 department in consultation with the local private industry council and  
20 the employment security department. Education and skills training  
21 shall emphasize basic, secondary, and vocational education. Aid to  
22 families with dependent children grants shall be provided to  
23 individuals attending a four-year college or university only if it can  
24 be demonstrated that it provides the fastest and most efficient path to  
25 employment for a particular recipient. Aid to families with dependent  
26 children recipients are prohibited from undertaking a postsecondary  
27 course of study oriented primarily towards liberal arts.

28       (7) Job search assistance, whether provided by the department or an  
29 entity contracting with the department, shall include job development  
30 services. The services shall be provided by persons responsible for  
31 identifying existing and potential job openings and for developing  
32 relationships with existing and potential area employers.

33       ~~((+3+))~~ (8) The department of social and health services shall  
34 adopt rules under chapter 34.05 RCW establishing criteria constituting  
35 circumstances of good cause for an individual failing or refusing to  
36 participate in an assigned program component, or failing or refusing to  
37 accept or retain employment. These criteria shall include, but not be  
38 limited to, the following circumstances: (a) If the individual is a  
39 parent or other relative personally providing care for a child under

1 age (~~six years, and the employment would require the individual to~~  
2 ~~work more than twenty hours per week~~) three; (b) if child care, or day  
3 care for an incapacitated individual living in the same home as a  
4 dependent child, is necessary for an individual to participate or  
5 continue participation in the program or accept employment, and such  
6 care is not available, and the department of social and health services  
7 fails to provide such care; (c) the employment would result in the  
8 family of the participant experiencing a net loss of cash income; (d)  
9 if the individual is engaged in at least fifteen hours per week of  
10 unsubsidized employment; or (~~(d)~~) (e) circumstances that are beyond  
11 the control of the individual's household, either on a short-term or on  
12 an ongoing basis.

13 (~~(4)~~) (9) The department of social and health services shall  
14 adopt rules under chapter 34.05 RCW as necessary to effectuate the  
15 intent and purpose of this chapter.

16 NEW SECTION. Sec. 8. A new section is added to chapter 74.25 RCW  
17 to read as follows:

18 Recipients of aid to families with dependent children who are not  
19 participating in an education or work training program may volunteer to  
20 work in a licensed child care facility, or other willing volunteer work  
21 site. Licensed child care facilities participating in this effort  
22 shall provide care for the recipient's children and provide for the  
23 development of positive child care skills.

24 **PART IV. ELIGIBILITY AND BENEFIT PAYMENT REVISIONS**

25 NEW SECTION. Sec. 9. A new section is added to chapter 74.12 RCW  
26 to read as follows:

27 The legislature recognizes that long-term recipients of aid to  
28 families with dependent children may require a period of several years  
29 to attain economic self-sufficiency. To provide incentives for long-  
30 term recipients to leave public assistance and accept paid employment,  
31 the legislature finds that less punitive and onerous sanctions than  
32 those required by the federal government are appropriate. The  
33 legislature finds that a ten percent reduction in grants for long-term  
34 recipients that may be replaced through earned income is a more  
35 positive approach than sanctions required by the federal government for  
36 long-term recipients who fail to comply with requirements of the job

1 opportunities and basic skills program. A long-term recipient shall  
2 not be subject to two simultaneous sanctions for failure to comply with  
3 the participation requirements of the job opportunities and basic  
4 skills program and for exceeding the length of stay provisions of this  
5 section.

6 (1) After forty-eight monthly benefit payments in a sixty-month  
7 period, and after each additional twelve monthly benefit payments, the  
8 aid to families with dependent children monthly benefit payment shall  
9 be reduced by ten percent of the payment standard, except that after  
10 forty-eight monthly payments in a sixty-month period, full monthly  
11 benefit payments may be made if:

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

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

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

17 (d) The person is cooperating in the development and implementation  
18 of an employability plan while receiving aid to families with dependent  
19 children and no present full-time, part-time, or unpaid work experience  
20 job is offered; or

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

24 (2) For purposes of determining the amount of the food stamp  
25 benefit for recipients subject to benefit reductions provided for in  
26 subsection (1) of this section, countable income from the aid to  
27 families with dependent children program shall be set at the payment  
28 standard.

29 (3) For purposes of determining monthly benefit payments for two-  
30 parent aid to families with dependent children households, the length  
31 of stay criterion will be applied to the parent with the longer history  
32 of public assistance receipt.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.12 RCW  
34 to read as follows:

35 For purposes of determining the amount of monthly benefit payment  
36 to recipients of aid to families with dependent children who are  
37 subject to benefit reductions due to length of stay, all countable



1 nonexempt earned income shall be subtracted from an amount equal to the  
2 payment standard.

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

5 The department shall amend the state plan to eliminate the one  
6 hundred hour work rule for recipients of aid to families with dependent  
7 children-employable.

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

10 The revisions to the aid to families with dependent children  
11 program and job opportunities and basic skills training program shall  
12 be implemented by the department of social and health services on a  
13 state-wide basis.

14 **PART V. CHILD SUPPORT**

15 NEW SECTION. **Sec. 13.** The department of social and health  
16 services shall make a substantial effort to determine the identity of  
17 the noncustodial parent through consistent implementation of RCW  
18 70.58.080. By December 1, 1994, the department of social and health  
19 services shall report to the fiscal committees of the legislature on  
20 the method for validating claims of good cause for refusing to  
21 establish paternity, the methods used in other states, and the national  
22 average rate of claims of good cause for refusing to establish  
23 paternity compared to the Washington state rate of claims of good cause  
24 for refusing to establish paternity, the reasons for differences in the  
25 rates, and steps that may be taken to reduce these differences.

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.20A  
27 RCW to read as follows:

28 (1) In each case within the jurisdiction of the office of support  
29 enforcement in which a child support obligation has been established,  
30 the secretary shall issue a letter, by mail, to the parent responsible  
31 for payment of the support obligation. The letter shall notify the  
32 parent that the fact and amount of the child support obligation will be  
33 reported to consumer reporting agencies, as defined in RCW 19.182.010,  
34 operating in the state of Washington.

1 (2) Within thirty days following the date that a notice described  
2 in subsection (1) of this section is mailed, the secretary shall report  
3 the fact and amount of the child support obligation to consumer  
4 reporting agencies, as defined in RCW 19.182.010, operating in the  
5 state of Washington. Any modification in the amount of a child support  
6 obligation for which a report has been made under this section, shall  
7 be reported to consumer reporting agencies, as defined in RCW  
8 19.182.010, operating in the state of Washington.

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 74.20 RCW  
10 to read as follows:

11 (1) The office of support enforcement shall contract with private  
12 collection agencies to pursue collection of arrearages that might  
13 otherwise consume a disproportionate share of the office's collection  
14 efforts. Those cases considered to consume a disproportionate share  
15 of the offices collection efforts shall include those cases owing more  
16 than fifteen hundred dollars, cases where no payment has been received  
17 in the last six months towards any debt owed to the department, or  
18 cases where the last known address was outside of the state of  
19 Washington. In determining appropriate contract provisions, the  
20 department shall consult with other state support enforcement agencies  
21 which have successfully contracted with private collection agencies to  
22 the extent allowed by federal regulations.

23 (2) The department shall solicit proposals and shall select  
24 collection agencies that have computerized location and asset  
25 information service capabilities.

26 (3) The department shall monitor each case that it refers to a  
27 collection agency.

28 (4) The department shall evaluate the effectiveness of entering  
29 into contracts for services under this section.

30 (5) The department shall report to the fiscal committees of the  
31 legislature on the results of its analysis under subsections (3) and  
32 (4) of this section.

33 NEW SECTION. **Sec. 16.** A new section is added to chapter 74.20 RCW  
34 to read as follows:

35 The office of support enforcement shall, as a matter of policy, use  
36 all available remedies for the enforcement of support obligations where  
37 the obligor is a self-employed individual. The office of support

1 enforcement shall not discriminate in favor of certain obligors based  
2 upon employment status.

3 NEW SECTION. **Sec. 17.** The legislature finds that the reliable  
4 receipt of child support payments by custodial parents is essential to  
5 maintaining economic self-sufficiency. It is the intent of the  
6 legislature to ensure that child support payments received by custodial  
7 parents when such support is owed are retained by those parents  
8 regardless of future claims made against such payments.

9 **Sec. 18.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to  
10 read as follows:

11 (1) The department of social and health services shall adopt rules  
12 for the distribution of support money collected by the office of  
13 support enforcement. These rules shall:

14 (a) Comply with 42 U.S.C. Sec. 657;

15 (b) Direct the office of support enforcement to distribute support  
16 money within eight days of receipt, unless one of the following  
17 circumstances, or similar circumstances specified in the rules,  
18 prevents prompt distribution:

19 (i) The location of the custodial parent is unknown;

20 (ii) The support debt is in litigation;

21 (iii) The office of support enforcement cannot identify the  
22 responsible parent or the custodian;

23 (c) Provide for proportionate distribution of support payments if  
24 the responsible parent owes a support obligation or a support debt for  
25 two or more Title IV-D cases; and

26 (d) Authorize the distribution of support money, except money  
27 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to  
28 the IV-D custodian before the debt owed to the state when the custodian  
29 stops receiving a public assistance grant.

30 (2) The office of support enforcement may distribute support  
31 payments to the payee under the support order or to another person who  
32 has lawful physical custody of the child or custody with the payee's  
33 consent. The payee may file an application for an adjudicative  
34 proceeding to challenge distribution to such other person. Prior to  
35 distributing support payments to any person other than the payee, the  
36 registry shall:

1 (a) Obtain a written statement from the child's physical custodian,  
2 under penalty of perjury, that the custodian has lawful custody of the  
3 child or custody with the payee's consent;

4 (b) Mail to the responsible parent and to the payee at the payee's  
5 last known address a copy of the physical custodian's statement and a  
6 notice which states that support payments will be sent to the physical  
7 custodian; and

8 (c) File a copy of the notice with the clerk of the court that  
9 entered the original support order.

10 (3) If the Washington state support registry distributes a support  
11 payment to a person in error, the registry may obtain restitution by  
12 means of a set-off against future payments received on behalf of the  
13 person receiving the erroneous payment, or may act according to RCW  
14 74.20A.270 as deemed appropriate. Any set-off against future support  
15 payments shall be limited to amounts collected on the support debt and  
16 ten percent of amounts collected as current support.

17 (4) If the Washington state support registry distributes a support  
18 payment to a payee under a support order or to another person who has  
19 lawful physical custody of the child or custody with the payee's  
20 consent, and the negotiable instrument received for such payment from  
21 the payer under a child support order is returned for nonsufficient  
22 funds, the registry shall obtain restitution from the payer under the  
23 child support order.

24 (5) If the Washington state support registry distributes funds  
25 collected under 42 U.S.C. Sec. 664 to a payee under a support order or  
26 to another person who has lawful physical custody of the child or  
27 custody with the payee's consent, and another person filing a joint  
28 return with the payer owing past due support under a child support  
29 order takes appropriate action to secure a share of the refund from  
30 which the withholding has been made, the registry shall obtain  
31 restitution from the payer under the child support order.

32 **PART VI. EMPLOYMENT PARTNERSHIP PROGRAM**

33 **Sec. 19.** RCW 50.63.010 and 1986 c 172 s 1 are each amended to read  
34 as follows:

35 The legislature finds that the restructuring in the Washington  
36 economy has created rising public assistance caseloads and declining  
37 real wages for Washington workers. There is a profound need to develop

1 partnership programs between the private and public sectors to create  
2 new jobs with adequate salaries and promotional opportunities for  
3 chronically unemployed and underemployed citizens of the state. Most  
4 public assistance recipients want to become financially independent  
5 through paid employment. A voluntary program which utilizes public  
6 wage subsidies and employer matching salaries has provided a beneficial  
7 financial incentive allowing public assistance recipients transition to  
8 permanent full-time employment.

9 **Sec. 20.** RCW 50.63.020 and 1986 c 172 s 2 are each amended to read  
10 as follows:

11 The employment partnership program is created to develop a series  
12 of geographically distributed model projects to provide permanent full-  
13 time employment for low-income and unemployed persons. The program  
14 shall be ~~((a cooperative effort between the employment security~~  
15 ~~department and))~~ administered by the department of social and health  
16 services. The department shall contract for the program through local  
17 public or private nonprofit organizations. The goals of the program  
18 are as follows:

19 (1) To reduce inefficiencies in administration and provide model  
20 coordination of agencies with responsibilities for employment and human  
21 service delivery to unemployed persons;

22 (2) To create voluntary financial incentives to simultaneously  
23 reduce unemployment and welfare caseloads; ~~((and))~~

24 (3) To provide other state and federal support services to the  
25 client population to enable economic independence;

26 (4) To improve partnerships between the public and private sectors  
27 designed to move recipients of public assistance into productive  
28 employment; and

29 (5) To provide employers with information on federal targeted jobs  
30 tax credit and other state and federal tax incentives for participation  
31 in the program.

32 **Sec. 21.** RCW 50.63.030 and 1986 c 172 s 3 are each amended to read  
33 as follows:

34 The ~~((commissioner of employment security and the))~~ secretary of  
35 the department of social and health services shall establish pilot  
36 projects that enable grants to be used as a wage subsidy. The  
37 department of social and health services ~~((is designated as the lead~~

1 ~~agency for the purpose of complying~~) shall comply with applicable  
2 federal statutes and regulations(~~(. The department)~~), and shall seek  
3 any waivers from the federal government necessary to operate the  
4 employment partnership program. The projects shall be available on an  
5 individual case-by-case basis or subject to the limitations outlined in  
6 RCW 50.63.050 (as recodified by this act) for the start-up or reopening  
7 of a plant under worker ownership. The projects shall be subject to  
8 the following criteria:

9 (1) It shall be a voluntary program and no person may have any  
10 sanction applied for failure to participate.

11 (2) Employment positions established by this chapter shall not be  
12 created as the result of, nor result in, any of the following:

13 (a) Displacement of current employees, including overtime currently  
14 worked by these employees;

15 (b) The filling of positions that would otherwise be promotional  
16 opportunities for current employees;

17 (c) The filling of a position, before compliance with applicable  
18 personnel procedures or provisions of collective bargaining agreements;

19 (d) The filling of a position created by termination, layoff, or  
20 reduction in workforce;

21 (e) The filling of a work assignment customarily performed by a  
22 worker in a job classification within a recognized collective  
23 bargaining unit in that specific work site, or the filling of a work  
24 assignment in any bargaining unit in which funded positions are vacant  
25 or in which regular employees are on layoff;

26 (f) A strike, lockout, or other bona fide labor dispute, or  
27 violation of any existing collective bargaining agreement between  
28 employees and employers;

29 (g) Decertification of any collective bargaining unit.

30 (3) Wages shall be paid at the usual and customary rate of  
31 comparable jobs and may include a training wage if permitted by  
32 applicable federal statutes and regulations;

33 (4) A recoupment process shall recover state supplemented wages  
34 from an employer when a job does not last six months following the  
35 subsidization period for reasons other than the employee voluntarily  
36 quitting or being fired for good cause as determined by the  
37 (~~commissioner of employment security~~) local employment partnership  
38 council under rules prescribed by the (~~commissioner pursuant to~~  
39 ~~chapter 50.20 RCW~~) secretary;

1 (5) Job placements shall have promotional opportunities or  
2 reasonable opportunities for wage increases;

3 (6) Other necessary support services such as training, day care,  
4 medical insurance, and transportation shall be provided to the extent  
5 possible;

6 (7) Employers shall provide monetary matching funds of at least  
7 fifty percent of total wages;

8 (8) Wages paid to participants shall be a minimum of five dollars  
9 an hour; and

10 (9) The projects shall target the (~~hardest to employ~~) populations  
11 in the priority and for the purposes set forth in RCW 74.25.020, to the  
12 extent that necessary support services are available.

13 **Sec. 22.** RCW 50.63.040 and 1986 c 172 s 4 are each amended to read  
14 as follows:

15 An employer, before becoming eligible to fill a position under the  
16 employment partnership program, shall certify to the (~~department of~~  
17 ~~employment security~~) local employment partnership council that the  
18 employment, offer of employment, or work activity complies with the  
19 following conditions:

20 (1) The conditions of work are reasonable and not in violation of  
21 applicable federal, state, or local safety and health standards;

22 (2) The assignments are not in any way related to political,  
23 electoral, or partisan activities;

24 (3) The employer shall provide industrial insurance coverage as  
25 required by Title 51 RCW;

26 (4) The employer shall provide unemployment compensation coverage  
27 as required by Title 50 RCW;

28 (5) The employment partnership program participants hired following  
29 the completion of the program shall be provided benefits equal to those  
30 provided to other employees including social security coverage, sick  
31 leave, the opportunity to join a collective bargaining unit, and  
32 medical benefits.

33 NEW SECTION. **Sec. 23.** A local employment partnership council  
34 shall be established in each pilot project area to assist the  
35 department of social and health services in the administration of this  
36 chapter and to allow local flexibility in dealing with the particular  
37 needs of each pilot project area. Each council shall be primarily

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

15 **Sec. 24.** RCW 50.63.060 and 1986 c 172 s 6 are each amended to read  
16 as follows:

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

26 **Sec. 25.** RCW 50.63.090 and 1986 c 172 s 9 are each amended to read  
27 as follows:

28 The department of social and health services shall seek any federal  
29 funds available for implementation of this chapter, including, but not  
30 limited to, funds available under Title IV of the federal social  
31 security act (42 U.S.C. Sec. 601 et seq.) for the ~~((work incentive  
32 demonstration program, and the employment search program))~~ job  
33 opportunities and basic skills program.

34 NEW SECTION. **Sec. 26.** RCW 50.63.010, 50.63.020, 50.63.030,  
35 50.63.040, 50.63.050, 50.63.060, 50.63.070, 50.63.080, and 50.63.090  
36 are each recodified as a new chapter in Title 74 RCW.





1 identification of destroyed and unused amounts of vaccine, and (3) an  
2 evaluation of the department of health's program to increase the rate  
3 of vaccination of children two years old and under. The department of  
4 health shall allocate \$40,000 or so much thereof as may be necessary  
5 from its 1993-95 general fund -- state appropriation to the legislative  
6 budget committee for the purposes of the program performance audit  
7 required by this section.

8 **PART VIII. CHILD'S RESOURCES**

9 **Sec. 31.** RCW 74.12.350 and 1979 c 141 s 354 are each amended to  
10 read as follows:

11 The department of social and health services is hereby authorized  
12 to promulgate rules and regulations in conformity with the provisions  
13 of Public Law 87-543 to allow all or any portion of a dependent child's  
14 earned or other income to be set aside for the identifiable future  
15 needs of the dependent child which will make possible the realization  
16 of the child's maximum potential as an independent and useful citizen.

17 The transfer into, or accumulation of, a child's income or  
18 resources in an irrevocable trust account is hereby allowed. The  
19 amount allowable is four thousand dollars. The department will provide  
20 income assistance recipients with clear and simple information on how  
21 to set up educational accounts, including how to assure that the  
22 accounts comply with federal law by being adequately earmarked for  
23 future educational use, and are irrevocable.

24 NEW SECTION. **Sec. 32.** RCW 74.12.360 and 1993 c 312 s 10 are each  
25 repealed.

26 NEW SECTION. **Sec. 33.** A new section is added to chapter 74.12 RCW  
27 to read as follows:

28 (1) The department shall determine, after consideration of all  
29 relevant factors and in consultation with the applicant, the most  
30 appropriate living situation for applicants under eighteen years of  
31 age, unmarried, and either pregnant or having a dependent child in the  
32 applicant's care. Appropriate living situations shall include a place  
33 of residence maintained by the applicant's parent, legal guardian, or  
34 other adult relative as their own home, or other appropriate supportive

1 living arrangement supervised by an adult where feasible and consistent  
2 with federal regulations under 45 C.F.R. chapter II, section 233.107.

3 (2) An applicant under eighteen years of age who is either pregnant  
4 or has a dependent child and is not living in a situation described in  
5 subsection (1) of this section shall be presumed to be unable to manage  
6 adequately the funds paid on behalf of the dependent child and, unless  
7 the teenage custodial parent demonstrates otherwise, shall be subject  
8 to the protective payee requirements provided for under RCW 74.12.250  
9 and 74.08.280.

10 (3) The department shall consider any statements or opinions by  
11 either parent of the teen recipient as to an appropriate living  
12 situation for the teen, whether in the parental home or other  
13 situation. If the parents of the teen head of household applicant for  
14 assistance request, they shall be entitled to a hearing in juvenile  
15 court regarding the fitness and suitability of their home as the top  
16 priority choice for the pregnant or parenting teen applicant for  
17 assistance.

18 The parents shall have the opportunity to make a showing, based on  
19 the preponderance of the evidence, that the parental home is the most  
20 appropriate living situation.

21 (4) In cases in which the head of household is under eighteen years  
22 of age, unmarried, unemployed, and requests information on adoption,  
23 the department shall, as part of the determination of the appropriate  
24 living situation, provide information about adoption including referral  
25 to community-based organizations for counseling.

26 NEW SECTION. **Sec. 34.** A new section is added to chapter 74.04 RCW  
27 to read as follows:

28 (1) The department shall determine, after consideration of all  
29 relevant factors and in consultation with the applicant, the most  
30 appropriate living situation for applicants under eighteen years of  
31 age, unmarried, and pregnant who are eligible for general assistance as  
32 defined in RCW 74.04.005 (6)(a)(ii)(A). Appropriate living situations  
33 shall include a place of residence maintained by the applicant's  
34 parent, legal guardian, or other adult relative as their own home, or  
35 other appropriate supportive living arrangement supervised by an adult  
36 where feasible and consistent with federal regulations under 45 C.F.R.  
37 chapter II, section 233.107.

1 (2) An applicant under eighteen years of age who is pregnant and is  
2 not living in a situation described in subsection (1) of this section  
3 shall be presumed to be unable to manage adequately the funds paid on  
4 behalf of the dependent child and, unless the teenage custodial parent  
5 demonstrates otherwise, shall be subject to the protective payee  
6 requirements provided for under RCW 74.12.250 and 74.08.280.

7 (3) The department shall consider any statements or opinions by  
8 either parent of the teen recipient as to an appropriate living  
9 situation for the teen, whether in the parental home or other  
10 situation. If the parents of the teen head of household applicant for  
11 assistance request, they shall be entitled to a hearing in juvenile  
12 court regarding the fitness and suitability of their home as the top  
13 priority choice for the pregnant or parenting teen applicant for  
14 assistance.

15 The parents shall have the opportunity to make a showing, based on  
16 the preponderance of the evidence, that the parental home is the most  
17 appropriate living situation.

18 (4) In cases in which the head of household is under eighteen years  
19 of age, unmarried, unemployed, and requests information on adoption,  
20 the department shall, as part of the determination of the appropriate  
21 living situation, provide information about adoption including referral  
22 to community-based organizations for counseling.

23 **PART IX. MISCELLANEOUS**

24 NEW SECTION. **Sec. 35.** A new section is added to chapter 74.12 RCW  
25 to read as follows:

26 The department shall actively develop mechanisms for the income  
27 assistance program, the medical assistance program, and the community  
28 services administration to facilitate the enrollment in the federal  
29 supplemental security income program of disabled persons currently part  
30 of assistance units receiving aid to families with dependent children  
31 benefits.

32 NEW SECTION. **Sec. 36.** A new section is added to chapter 69.80 RCW  
33 to read as follows:

34 (1) This section may be cited as the "Good Samaritan Food Donation  
35 Act."

36 (2) As used in this section:

1 (a) "Apparently fit grocery product" means a grocery product that  
2 meets all quality and labeling standards imposed by federal, state, and  
3 local laws and regulations even though the product may not be readily  
4 marketable due to appearance, age, freshness, grade, size, surplus, or  
5 other conditions.

6 (b) "Apparently wholesome food" means food that meets all quality  
7 and labeling standards imposed by federal, state, and local laws and  
8 regulations even though the food may not be readily marketable due to  
9 appearance, age, freshness, grade, size, surplus, or other conditions.

10 (c) "Donate" means to give without requiring anything of monetary  
11 value from the recipient, except that the term shall include giving by  
12 a nonprofit organization to another nonprofit organization,  
13 notwithstanding that the donor organization has charged a nominal fee  
14 to the donee organization, if the ultimate recipient or user is not  
15 required to give anything of monetary value.

16 (d) "Food" means a raw, cooked, processed, or prepared edible  
17 substance, ice, beverage, or ingredient used or intended for use in  
18 whole or in part for human consumption.

19 (e) "Gleaner" means a person who harvests for free distribution to  
20 the needy, or for donation to a nonprofit organization for ultimate  
21 distribution to the needy, an agricultural crop that has been donated  
22 by the owner.

23 (f) "Grocery product" means a nonfood grocery product, including a  
24 disposable paper or plastic product, household cleaning product,  
25 laundry detergent, cleaning product, or miscellaneous household item.

26 (g) "Gross negligence" means voluntary and conscious conduct by a  
27 person with knowledge, at the time of the conduct, that the conduct is  
28 likely to be harmful to the health or well-being of another person.

29 (h) "Intentional misconduct" means conduct by a person with  
30 knowledge, at the time of the conduct, that the conduct is harmful to  
31 the health or well-being of another person.

32 (i) "Nonprofit organization" means an incorporated or  
33 unincorporated entity that:

34 (i) Is operating for religious, charitable, or educational  
35 purposes; and

36 (ii) Does not provide net earnings to, or operate in any other  
37 manner that inures to the benefit of, any officer, employee, or  
38 shareholder of the entity.

1 (j) "Person" means an individual, corporation, partnership,  
2 organization, association, or governmental entity, including a retail  
3 grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer,  
4 farmer, and nonprofit food distributor or hospital. In the case of a  
5 corporation, partnership, organization, association, or governmental  
6 entity, the term includes an officer, director, partner, deacon,  
7 trustee, councilmember, or other elected or appointed individual  
8 responsible for the governance of the entity.

9 (3) A person or gleaner is not subject to civil or criminal  
10 liability arising from the nature, age, packaging, or condition of  
11 apparently wholesome food or an apparently fit grocery product that the  
12 person or gleaner donates in good faith to a nonprofit organization for  
13 ultimate distribution to needy individuals, except that this subsection  
14 does not apply to an injury to or death of an ultimate user or  
15 recipient of the food or grocery product that results from an act or  
16 omission of the donor constituting gross negligence or intentional  
17 misconduct.

18 (4) A person who allows the collection or gleaning of donations on  
19 property owned or occupied by the person by gleaners, or paid or unpaid  
20 representatives of a nonprofit organization, for ultimate distribution  
21 to needy individuals is not subject to civil or criminal liability that  
22 arises due to the injury or death of the gleaner or representative,  
23 except that this subsection does not apply to an injury or death that  
24 results from an act or omission of the person constituting gross  
25 negligence or intentional misconduct.

26 (5) If some or all of the donated food and grocery products do not  
27 meet all quality and labeling standards imposed by federal, state, and  
28 local laws and regulations, the person or gleaner who donates the food  
29 and grocery products is not subject to civil or criminal liability in  
30 accordance with this section if the nonprofit organization that  
31 receives the donated food or grocery products:

32 (a) Is informed by the donor of the distressed or defective  
33 condition of the donated food or grocery products;

34 (b) Agrees to recondition the donated food or grocery products to  
35 comply with all the quality and labeling standards prior to  
36 distribution; and

37 (c) Is knowledgeable of the standards to properly recondition the  
38 donated food or grocery product.

39 (6) This section may not be construed to create liability.

1        NEW SECTION.    **Sec. 37.**    RCW 69.80.030 and 1983 c 241 s 3 are each  
2 repealed.

3        **Sec. 38.**    RCW 69.80.900 and 1983 c 241 s 5 are each amended to read  
4 as follows:

5        Nothing in this chapter may be construed to create any liability  
6 of, or penalty against a donor or distributing organization except as  
7 provided in ((RCW 69.80.030)) section 36 of this act.

8        NEW SECTION.    **Sec. 39.**    A new section is added to chapter 74.12 RCW  
9 to read as follows:

10        By October 1, 1994, the department shall request the governor to  
11 seek congressional action on any federal legislation that may be  
12 necessary to implement any sections of chapter . . . , Laws of 1994  
13 (this act). By October 1, 1994, the department shall request the  
14 governor to seek federal agency action on any federal regulation that  
15 may require a federal waiver.

16        NEW SECTION.    **Sec. 40.**    If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20        NEW SECTION.    **Sec. 41.**    If any part of this act is found to be in  
21 conflict with federal requirements that are a prescribed condition to  
22 the allocation of federal funds to the state, the conflicting part of  
23 this act is inoperative solely to the extent of the conflict and with  
24 respect to the agencies directly affected, and this finding does not  
25 affect the operation of the remainder of this act in its application to  
26 the agencies concerned. The rules under this act shall meet federal  
27 requirements that are a necessary condition to the receipt of federal  
28 funds by the state.

29        NEW SECTION.    **Sec. 42.**    Section 7 of this act shall take effect  
30 July 1, 1995.

1        NEW SECTION.    **Sec. 43.**    Part headings as used in this act  
2 constitute no part of the law."

3    **E2SHB 2798** - S AMD  
4        By Senator Rinehart and Talmadge

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ADOPTED AS AMENDED 3/9/94

6        On page 1, line 1 of the title, after "reform;" strike the  
7 remainder of the title and insert "amending RCW 74.25.010, 74.25.020,  
8 26.23.035, 50.63.010, 50.63.020, 50.63.030, 50.63.040, 50.63.060,  
9 50.63.090, 74.12.350, and 69.80.900; adding new sections to chapter  
10 74.12 RCW; adding a new section to chapter 70.190 RCW; adding a new  
11 section to chapter 74.25 RCW; adding a new section to chapter 74.20A  
12 RCW; adding new sections to chapter 74.20 RCW; adding a new section to  
13 chapter 43.70 RCW; adding a new section to chapter 74.04 RCW; adding a  
14 new section to chapter 69.80 RCW; adding a new chapter to Title 74 RCW;  
15 creating new sections; recodifying RCW 50.63.010, 50.63.020, 50.63.030,  
16 50.63.040, 50.63.050, 50.63.060, 50.63.070, 50.63.080, and 50.63.090;  
17 repealing RCW 74.12.360 and 69.80.030; and providing an effective  
18 date."

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