

2 **E2SHB 2798** - S AMD

3 By Senators Rinehart and Talmadge

4

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 **PART III. REFOCUSING JOBS**

30 **Sec. 5.** RCW 74.25.010 and 1991 c 126 s 5 are each amended to read
31 as follows:

32 The legislature establishes as state policy the goal of economic
33 self-sufficiency for employable recipients of public assistance,
34 through employment, training, and education. In furtherance of this

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

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

28 (2) The legislature also recognizes that aid to families with
29 dependent children recipients must be acknowledged as active
30 participants in self-sufficiency planning under the program. The
31 legislature finds that the department of social and health services
32 should communicate concepts of the importance of work and how
33 performance and effort directly affect future career and educational
34 opportunities and economic well-being, as well as personal empowerment,
35 self-motivation, and self-esteem to program participants. The
36 legislature further recognizes that informed choice is consistent with
37 individual responsibility, and that parents should be given a range of
38 options for available child care while participating in the program.

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

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

11 ~~((4))~~ (5) The legislature further finds that the objectives of
12 this program are to assure that aid to families with dependent children
13 recipients gain experience in the labor force and thereby enhance their
14 long-term ability to achieve financial stability and an adequate
15 standard of living at wages that will meet family needs.

16 **Sec. 6.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to read
17 as follows:

18 (1) The department of social and health services is authorized to
19 contract with public and private employment and training agencies and
20 other public service entities to provide services prescribed or allowed
21 under the federal social security act, as amended, to carry out the
22 purposes of the jobs training program. In contracting for job
23 placement, job search, and other job opportunities and basic skills
24 services, the department is encouraged to structure payments to the
25 contractor on a performance basis. The department of social and health
26 services has sole authority and responsibility to carry out the job
27 opportunities and basic skills training program. No contracting entity
28 shall have the authority to review, change, or disapprove any
29 administrative decision, or otherwise substitute its judgment for that
30 of the department of social and health services as to the application
31 of policies and rules adopted by the department of social and health
32 services. The department shall maximize the federal matching funds
33 available for the job opportunities and basic skills program by
34 aggressively seeking private and public funds as match for federal
35 funds.

36 (2) To the extent feasible under federal law, the department of
37 social and health services and all entities contracting with it shall
38 ~~((give first priority of service to individuals volunteering for~~

1 program participation)) require nonexempt parents to actively
2 participate in the JOBS program, with an emphasis on job readiness
3 activities and vocational education. Social services shall be offered
4 to participants in accordance with federal law. The department shall
5 adopt appropriate sanctions to ensure compliance with the requirement
6 and policies of this chapter.

7 (3) To the extent feasible under federal law, the department of
8 social and health services and all entities contracting with it shall
9 ensure that long-term recipients of aid to families with dependent
10 children or those who are potentially long-term recipients as
11 identified in federal job opportunities and basic skills (JOBS) target
12 populations shall receive first priority for JOBS services. Federal
13 JOBS targets are: (a) Applicants for assistance who have received such
14 aid for thirty-six of the preceding sixty months; (b) recipients who
15 have received assistance for thirty-six of the preceding sixty months;
16 (c) custodial parents under the age of twenty-four who have not
17 completed high school or its equivalent; (d) custodial parents under
18 the age of twenty-four with little or no recent work experience; and
19 (e) members of families in which the youngest child is within two years
20 of being ineligible for assistance because of age.

21 (4) The department shall prioritize JOBS service delivery according
22 to the categories within the existing federal target groups as follows:
23 (a) Custodial parents under the age of twenty-four with little or no
24 recent work experience; (b) custodial parents under the age of twenty-
25 four who have not completed high school or its equivalent may be
26 required to do so; (c) recipients who have received assistance for
27 thirty-six of the preceding sixty months; and (d) at least one parent
28 in an aid to families with dependent children-employable household
29 shall be required to participate in one of the following JOBS
30 components for a minimum of sixteen hours per week: (i) Community work
31 experience; (ii) work experience; (iii) on-the-job training; (iv) work
32 supplementation; (v) those under the age of twenty-four who have not
33 completed high school or its equivalent may be required to do so.

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

37 (6) All job search, skills training, and postsecondary education
38 shall be oriented towards local labor force needs as determined by the
39 department in consultation with the local private industry council and

1 the employment security department. Education and skills training
2 shall emphasize basic, secondary, and vocational education. Aid to
3 families with dependent children grants shall be provided to
4 individuals attending a four-year college or university only if it can
5 be demonstrated that it provides the fastest and most efficient path to
6 employment for a particular recipient. Aid to families with dependent
7 children recipients are prohibited from undertaking a postsecondary
8 course of study oriented primarily towards liberal arts.

9 (7) Job search assistance, whether provided by the department or an
10 entity contracting with the department, shall include job development
11 services. The services shall be provided by persons responsible for
12 identifying existing and potential job openings and for developing
13 relationships with existing and potential area employers.

14 ~~((+3+))~~ (8) The department of social and health services shall
15 adopt rules under chapter 34.05 RCW establishing criteria constituting
16 circumstances of good cause for an individual failing or refusing to
17 participate in an assigned program component, or failing or refusing to
18 accept or retain employment. These criteria shall include, but not be
19 limited to, the following circumstances: (a) If the individual is a
20 parent or other relative personally providing care for a child under
21 age ~~((six years, and the employment would require the individual to~~
22 ~~work more than twenty hours per week))~~ three; (b) if child care, or day
23 care for an incapacitated individual living in the same home as a
24 dependent child, is necessary for an individual to participate or
25 continue participation in the program or accept employment, and such
26 care is not available, and the department of social and health services
27 fails to provide such care; (c) the employment would result in the
28 family of the participant experiencing a net loss of cash income; (d)
29 if the individual is engaged in at least fifteen hours per week of
30 unsubsidized employment; or ~~((+d+))~~ (e) circumstances that are beyond
31 the control of the individual's household, either on a short-term or on
32 an ongoing basis.

33 ~~((+4+))~~ (9) The department of social and health services shall
34 adopt rules under chapter 34.05 RCW as necessary to effectuate the
35 intent and purpose of this chapter.

36 NEW SECTION. Sec. 7. A new section is added to chapter 74.25 RCW
37 to read as follows:

1 Recipients of aid to families with dependent children who are not
2 participating in an education or work training program may volunteer to
3 work in a licensed child care facility, or other willing volunteer work
4 site. Licensed child care facilities participating in this effort
5 shall provide care for the recipient's children and provide for the
6 development of positive child care skills.

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

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

10 The department shall pay to all recipients of food stamps a cash
11 grant equal to the monthly food stamp benefit.

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

14 The legislature recognizes that long-term recipients of aid to
15 families with dependent children may require a period of several years
16 to attain economic self-sufficiency. To provide incentives for long-
17 term recipients to leave public assistance and accept paid employment,
18 the legislature finds that less punitive and onerous sanctions than
19 those required by the federal government are appropriate. The
20 legislature finds that a ten percent reduction in grants for long-term
21 recipients that may be replaced through earned income is a more
22 positive approach than sanctions required by the federal government for
23 long-term recipients who fail to comply with requirements of the job
24 opportunities and basic skills program. A long-term recipient shall
25 not be subject to two simultaneous sanctions for failure to comply with
26 the participation requirements of the job opportunities and basic
27 skills program and for exceeding the length of stay provisions of this
28 section.

29 (1) After forty-eight monthly benefit payments in a sixty-month
30 period, and after each additional twelve monthly benefit payments, the
31 aid to families with dependent children monthly benefit payment shall
32 be reduced by ten percent of the payment standard, except that after
33 forty-eight monthly payments in a sixty-month period, full monthly
34 benefit payments may be made if:

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

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

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

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

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

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

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

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

22 For purposes of determining the amount of monthly benefit payment
23 to recipients of aid to families with dependent children who are
24 subject to benefit reductions due to length of stay, all countable
25 nonexempt earned income shall be subtracted from an amount equal to the
26 payment standard.

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

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

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

34 The revisions to the aid to families with dependent children
35 program and job opportunities and basic skills training program shall

1 be implemented by the department of social and health services on a
2 state-wide basis.

3 **PART V. CHILD SUPPORT**

4 NEW SECTION. **Sec. 13.** The department of social and health
5 services shall make a substantial effort to determine the identity of
6 the noncustodial parent through consistent implementation of RCW
7 70.58.080. By December 1, 1994, the department of social and health
8 services shall report to the fiscal committees of the legislature on
9 the method for validating claims of good cause for refusing to
10 establish paternity, the methods used in other states, and the national
11 average rate of claims of good cause for refusing to establish
12 paternity compared to the Washington state rate of claims of good cause
13 for refusing to establish paternity, the reasons for differences in the
14 rates, and steps that may be taken to reduce these differences.

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

17 (1) In each case within the jurisdiction of the office of support
18 enforcement in which a child support obligation has been established,
19 the secretary shall issue a letter, by mail, to the parent responsible
20 for payment of the support obligation. The letter shall notify the
21 parent that the fact and amount of the child support obligation will be
22 reported to consumer reporting agencies, as defined in RCW 19.182.010,
23 operating in the state of Washington.

24 (2) Within thirty days following the date that a notice described
25 in subsection (1) of this section is mailed, the secretary shall report
26 the fact and amount of the child support obligation to consumer
27 reporting agencies, as defined in RCW 19.182.010, operating in the
28 state of Washington. Any modification in the amount of a child support
29 obligation for which a report has been made under this section, shall
30 be reported to consumer reporting agencies, as defined in RCW
31 19.182.010, operating in the state of Washington.

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

34 (1) The office of support enforcement shall contract with private
35 collection agencies to pursue collection of arrearages that might

1 otherwise consume a disproportionate share of the office's collection
2 efforts. In determining appropriate contract provisions, the
3 department shall consult with other state support enforcement agencies
4 which have successfully contracted with private collection agencies to
5 the extent allowed by federal regulations.

6 (2) The department shall solicit proposals and shall select
7 collection agencies that have computerized location and asset
8 information service capabilities.

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

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

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

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

18 The office of support enforcement shall, as a matter of policy, use
19 all available remedies for the enforcement of support obligations where
20 the obligor is a self-employed individual. The office of support
21 enforcement shall not discriminate in favor of certain obligors based
22 upon employment status.

23 **PART VI. EMPLOYMENT PARTNERSHIP PROGRAM**

24 **Sec. 17.** RCW 50.63.010 and 1986 c 172 s 1 are each amended to read
25 as follows:

26 The legislature finds that the restructuring in the Washington
27 economy has created rising public assistance caseloads and declining
28 real wages for Washington workers. There is a profound need to develop
29 partnership programs between the private and public sectors to create
30 new jobs with adequate salaries and promotional opportunities for
31 chronically unemployed and underemployed citizens of the state. Most
32 public assistance recipients want to become financially independent
33 through paid employment. A voluntary program which utilizes public
34 wage subsidies and employer matching salaries has provided a beneficial
35 financial incentive allowing public assistance recipients transition to
36 permanent full-time employment.

1 **Sec. 18.** RCW 50.63.020 and 1986 c 172 s 2 are each amended to read
2 as follows:

3 The employment partnership program is created to develop a series
4 of geographically distributed model projects to provide permanent full-
5 time employment for low-income and unemployed persons. The program
6 shall be ~~((a cooperative effort between the employment security
7 department and))~~ administered by the department of social and health
8 services. The department shall contract for the program through local
9 public or private nonprofit organizations. The goals of the program
10 are as follows:

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

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

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

18 (4) To improve partnerships between the public and private sectors
19 designed to move recipients of public assistance into productive
20 employment; and

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

24 **Sec. 19.** RCW 50.63.030 and 1986 c 172 s 3 are each amended to read
25 as follows:

26 The ~~((commissioner of employment security and the))~~ secretary of
27 the department of social and health services shall establish pilot
28 projects that enable grants to be used as a wage subsidy. The
29 department of social and health services ~~((is designated as the lead
30 agency for the purpose of complying))~~ shall comply with applicable
31 federal statutes and regulations ~~((The department)),~~ and shall seek
32 any waivers from the federal government necessary to operate the
33 employment partnership program. The projects shall be available on an
34 individual case-by-case basis or subject to the limitations outlined in
35 RCW 50.63.050 (as recodified by this act) for the start-up or reopening
36 of a plant under worker ownership. The projects shall be subject to
37 the following criteria:

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

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

5 (a) Displacement of current employees, including overtime currently
6 worked by these employees;

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

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

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

13 (e) The filling of a work assignment customarily performed by a
14 worker in a job classification within a recognized collective
15 bargaining unit in that specific work site, or the filling of a work
16 assignment in any bargaining unit in which funded positions are vacant
17 or in which regular employees are on layoff;

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

21 (g) Decertification of any collective bargaining unit.

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

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

32 (5) Job placements shall have promotional opportunities or
33 reasonable opportunities for wage increases;

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

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

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

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

6 **Sec. 20.** RCW 50.63.040 and 1986 c 172 s 4 are each amended to read
7 as follows:

8 An employer, before becoming eligible to fill a position under the
9 employment partnership program, shall certify to the (~~department of~~
10 ~~employment security~~) local employment partnership council that the
11 employment, offer of employment, or work activity complies with the
12 following conditions:

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

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

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

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

21 (5) The employment partnership program participants hired following
22 the completion of the program shall be provided benefits equal to those
23 provided to other employees including social security coverage, sick
24 leave, the opportunity to join a collective bargaining unit, and
25 medical benefits.

26 NEW SECTION. **Sec. 21.** A local employment partnership council
27 shall be established in each pilot project area to assist the
28 department of social and health services in the administration of this
29 chapter and to allow local flexibility in dealing with the particular
30 needs of each pilot project area. Each council shall be primarily
31 responsible for recruiting and encouraging participation of employment
32 providers in the project site. Each council shall be composed of nine
33 members who shall be appointed by the county legislative authority of
34 the county in which the pilot project operates. Councilmembers shall
35 be residents of or employers in the pilot project area in which they
36 are appointed and shall serve three-year terms. The council shall have
37 two members who are current or former recipients of the aid to families

1 with dependent children program or food stamp program, two members who
2 represent labor, and five members who represent the local business
3 community. In addition, one person representing the local community
4 service office of the department of social and health services, one
5 person representing a community action agency or other nonprofit
6 service provider, and one person from a local city or county government
7 shall serve as nonvoting members.

8 **Sec. 22.** RCW 50.63.060 and 1986 c 172 s 6 are each amended to read
9 as follows:

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

19 **Sec. 23.** RCW 50.63.090 and 1986 c 172 s 9 are each amended to read
20 as follows:

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

27 NEW SECTION. **Sec. 24.** RCW 50.63.010, 50.63.020, 50.63.030,
28 50.63.040, 50.63.050, 50.63.060, 50.63.070, 50.63.080, and 50.63.090
29 are each recodified as a new chapter in Title 74 RCW.

30 NEW SECTION. **Sec. 25.** The department of social and health
31 services shall report to the appropriate committees of the house of
32 representatives and senate on the implementation of this employment
33 partnership program for recipients of aid to families with dependent
34 children by October 1, 1995.

1 amount allowable is four thousand dollars. The department will provide
2 income assistance recipients with clear and simple information on how
3 to set up educational accounts, including how to assure that the
4 accounts comply with federal law by being adequately earmarked for
5 future educational use, and are irrevocable.

6 NEW SECTION. Sec. 29. RCW 74.12.360 and 1993 c 312 s 10 are each
7 repealed.

8 NEW SECTION. Sec. 30. A new section is added to chapter 74.12 RCW
9 to read as follows:

10 (1) The department shall determine, after consideration of all
11 relevant factors and in consultation with the applicant, the most
12 appropriate living situation for applicants under eighteen years of
13 age, unmarried, and either pregnant or having a dependent child in the
14 applicant's care. Appropriate living situations shall include a place
15 of residence maintained by the applicant's parent, legal guardian, or
16 other adult relative as their own home, or other appropriate supportive
17 living arrangement supervised by an adult where feasible and consistent
18 with federal regulations under 45 C.F.R. chapter II, section 233.107.

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

26 (3) In cases in which the head of household is under eighteen years
27 of age, unmarried, unemployed, and requests information on adoption,
28 the department shall, as part of the determination of the appropriate
29 living situation, provide information about adoption including referral
30 to community-based organizations for counseling.

31 NEW SECTION. Sec. 31. A new section is added to chapter 74.04 RCW
32 to read as follows:

33 (1) The department shall determine, after consideration of all
34 relevant factors and in consultation with the applicant, the most
35 appropriate living situation for applicants under eighteen years of
36 age, unmarried, and pregnant who are eligible for general assistance as

1 defined in RCW 74.04.005 (6)(a)(ii)(A). Appropriate living situations
2 shall include a place of residence maintained by the applicant's
3 parent, legal guardian, or other adult relative as their own home, or
4 other appropriate supportive living arrangement supervised by an adult
5 where feasible and consistent with federal regulations under 45 C.F.R.
6 chapter II, section 233.107.

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

13 (3) In cases in which the head of household is under eighteen years
14 of age, unmarried, unemployed, and requests information on adoption,
15 the department shall, as part of the determination of the appropriate
16 living situation, provide information about adoption including referral
17 to community-based organizations for counseling.

18 **PART IX. MISCELLANEOUS**

19 NEW SECTION. **Sec. 32.** A new section is added to chapter 74.12 RCW
20 to read as follows:

21 The department shall actively develop mechanisms for the income
22 assistance program, the medical assistance program, and the community
23 services administration to facilitate the enrollment in the federal
24 supplemental security income program of disabled persons currently part
25 of assistance units receiving aid to families with dependent children
26 benefits.

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

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

31 (2) As used in this section:

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

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

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

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

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

18 (f) "Grocery product" means a nonfood grocery product, including a
19 disposable paper or plastic product, household cleaning product,
20 laundry detergent, cleaning product, or miscellaneous household item.

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

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

27 (i) "Nonprofit organization" means an incorporated or
28 unincorporated entity that:

29 (i) Is operating for religious, charitable, or educational
30 purposes; and

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

34 (j) "Person" means an individual, corporation, partnership,
35 organization, association, or governmental entity, including a retail
36 grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer,
37 farmer, and nonprofit food distributor or hospital. In the case of a
38 corporation, partnership, organization, association, or governmental
39 entity, the term includes an officer, director, partner, deacon,

1 trustee, councilmember, or other elected or appointed individual
2 responsible for the governance of the entity.

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

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

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

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

28 (b) Agrees to recondition the donated food or grocery products to
29 comply with all the quality and labeling standards prior to
30 distribution; and

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

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

34 NEW SECTION. **Sec. 34.** RCW 69.80.030 and 1983 c 241 s 3 are each
35 repealed.

36 **Sec. 35.** RCW 69.80.900 and 1983 c 241 s 5 are each amended to read
37 as follows:

1 Nothing in this chapter may be construed to create any liability
2 of, or penalty against a donor or distributing organization except as
3 provided in ((RCW 69.80.030)) section 33 of this act.

4 NEW SECTION. Sec. 36. A new section is added to chapter 74.12 RCW
5 to read as follows:

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

12 NEW SECTION. Sec. 37. If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. Sec. 38. If any part of this act is found to be in
17 conflict with federal requirements that are a prescribed condition to
18 the allocation of federal funds to the state, the conflicting part of
19 this act is inoperative solely to the extent of the conflict and with
20 respect to the agencies directly affected, and this finding does not
21 affect the operation of the remainder of this act in its application to
22 the agencies concerned. The rules under this act shall meet federal
23 requirements that are a necessary condition to the receipt of federal
24 funds by the state.

25 NEW SECTION. Sec. 39. Sections 6 and 8 of this act shall take
26 effect July 1, 1995.

1 NEW SECTION. **Sec. 40.** 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

5

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 50.63.010, 50.63.020, 50.63.030, 50.63.040, 50.63.060, 50.63.090,
9 74.12.350, and 69.80.900; adding new sections to chapter 74.12 RCW;
10 adding a new section to chapter 74.25 RCW; adding a new section to
11 chapter 74.20A RCW; adding new sections to chapter 74.20 RCW; adding a
12 new section to chapter 43.70 RCW; adding a new section to chapter 74.04
13 RCW; adding a new section to chapter 69.80 RCW; adding a new chapter to
14 Title 74 RCW; creating new sections; recodifying RCW 50.63.010,
15 50.63.020, 50.63.030, 50.63.040, 50.63.050, 50.63.060, 50.63.070,
16 50.63.080, and 50.63.090; repealing RCW 74.12.360 and 69.80.030; and
17 providing an effective date."

--- END ---