

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 3901

Chapter 58, Laws of 1997

(partial veto)

55th Legislature
1997 Regular Session

FEDERAL PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY
RECONCILIATION ACT OF 1996--IMPLEMENTATION

EFFECTIVE DATE: Sections 801-887, 889, & 890 become effective 7/1/97; sections 701-704 become effective 1/1/98; and section 944 becomes effective 10/1/98

Passed by the House April 10, 1997
Yeas 56 Nays 42

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1997
Yeas 25 Nays 22

BOB MORTON
President of the Senate

Approved April 17, 1997, with the exception of sections or subsections 1, 105(3), 109, 202, 203, 205, 206, 207, 306, 312, 318, 319, 320, 328, 329, 402, 504, 706, 802(7)(f), 886, 887, and 1013(1), which are vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 3901** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 17, 1997 - 7:56 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 3901

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By Representatives Cooke, Boldt, McDonald, Alexander, Bush, Smith, Mielke, Talcott, Cairnes, Reams, Johnson, Huff, Lambert, Sheahan, Mulliken, Parlette, Backlund, Koster, D. Sommers, D. Schmidt, Schoesler, Wensman and Skinner

By Senators Deccio, Wood, Benton, Stevens, Rossi, Zarelli, Swecker, Long, McCaslin, Strannigan, Hochstatter, Oke, Horn, Newhouse, Johnson, Sellar, McDonald, Hale, Prince, Morton, Anderson, Roach, Finkbeiner, Winsley, Schow and West

Read first time 03/14/97. (Introduced with Senate sponsors.)

1 AN ACT Relating to implementing the federal personal responsibility
2 and work opportunity reconciliation act of 1996; amending RCW
3 74.08.025, 74.08.340, 74.09.510, 74.09.800, 74.08.331, 28A.630.876,
4 74.04.050, 41.06.380, 74.12A.020, 74.13.0903, 74.25.040, 74.12.255,
5 74.04.0052, 13.34.160, 74.12.250, 74.12.410, 74.20A.020, 46.20.291,
6 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050,
7 18.96.120, 18.104.110, 18.130.150, 18.160.080, 18.165.160, 18.170.170,
8 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120,
9 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050,
10 19.166.040, 21.20.110, 67.08.100, 19.02.100, 43.24.080, 43.24.110,
11 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040,
12 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.28.010, 26.09.160,
13 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090, 74.20A.100,
14 26.23.045, 26.23.030, 74.20A.080, 26.23.120, 26.04.160, 26.09.170,
15 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255,
16 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580,
17 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330,
18 70.58.080, 26.26.040, 74.20A.055, 26.23.040, 26.23.040, 26.26.130,
19 70.58.055, 50.13.060, and 74.04.062; reenacting and amending RCW
20 74.04.005, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, 26.09.020,
21 and 26.26.100; adding new sections to chapter 74.12 RCW; adding new

1 sections to chapter 74.04 RCW; adding a new section to chapter 28A.630
2 RCW; adding a new section to chapter 43.30 RCW; adding a new section to
3 chapter 43.330 RCW; adding a new section to chapter 44.28 RCW; adding
4 new sections to chapter 74.20A RCW; adding a new section to chapter
5 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new
6 section to chapter 18.04 RCW; adding a new section to chapter 18.08
7 RCW; adding a new section to chapter 18.16 RCW; adding a new section to
8 chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a
9 new section to chapter 18.39 RCW; adding a new section to chapter 18.43
10 RCW; adding a new section to chapter 18.44 RCW; adding a new section to
11 chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a
12 new section to chapter 18.85 RCW; adding a new section to chapter
13 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new
14 section to chapter 18.140 RCW; adding a new section to chapter 18.145
15 RCW; adding a new section to chapter 18.165 RCW; adding a new section
16 to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW;
17 adding a new section to chapter 18.185 RCW; adding a new section to
18 chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW; adding
19 a new section to chapter 48.17 RCW; adding a new section to chapter
20 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a new
21 section to chapter 71.12 RCW; adding a new section to chapter 66.20
22 RCW; adding a new section to chapter 66.24 RCW; adding a new section to
23 chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a
24 new section to chapter 70.95B RCW; adding a new section to chapter
25 75.25 RCW; adding a new section to chapter 77.32 RCW; adding a new
26 section to chapter 75.28 RCW; adding a new section to chapter 75.30
27 RCW; adding a new section to chapter 26.09 RCW; adding new sections to
28 chapter 74.20 RCW; adding new sections to chapter 26.23 RCW; adding new
29 sections to chapter 26.21 RCW; adding a new section to chapter 26.26
30 RCW; adding a new section to chapter 26.18 RCW; adding a new section to
31 chapter 43.20A RCW; adding a new chapter to Title 74 RCW; creating new
32 sections; repealing RCW 74.12.420, 74.12.425, 74.04.660, 74.25.010,
33 74.25.020, 74.25.030, 74.25.900, 74.25.901, 74.08.120, and 74.08.125;
34 providing effective dates; providing an expiration date; and declaring
35 an emergency.

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

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16 ***NEW SECTION.** *Sec. 1. LEGISLATIVE INTENT AND FINDINGS. The*

17 *legislature finds that the federal personal responsibility and work*

18 *opportunity reconciliation act of 1996 presents both opportunities and*

19 *challenges for the states as they develop methods of moving families in*

20 *poverty from welfare to work. The legislature further finds that,*

21 *although many of the goals of the federal act coincide with Washington*

22 *state's vision for enabling families to achieve eventual economic self-*

23 *sufficiency through private, unsubsidized employment, the treatment of*

24 *legal immigrants under the federal act does not reflect Washington's*

25 *commitment to those legal immigrants within Washington's borders who*

26 *have played by the rules, and who live in our communities and*

27 *participate in the American way of life, providing economic and*

28 *cultural enrichment to Washington state's population.*

1 The legislature finds that at least one-third of public assistance
2 recipients have experience in the work force and sufficient training to
3 enable them to obtain unsubsidized employment. The legislature intends
4 to put a priority on finding jobs, which may include on-the-job
5 training, for this group of public assistance recipients. The
6 legislature intends that state agencies involved in welfare reform
7 shall reorganize to accomplish this priority. The legislature intends
8 that state agencies solicit from businesses information about job
9 opportunities and make the information available to public assistance
10 recipients.

11 The legislature intends that legal immigrants who obey the laws of
12 Washington, and who were granted permission to immigrate by the federal
13 government, should be treated as equitably as possible under the
14 state's enactment and implementation of public assistance programs.

15 The legislature finds that Washington state's goals in implementing
16 the federal act include promoting the American values of work,
17 education, and responsibility, including responsible childbearing and
18 dedication by both parents to protecting, supporting, and bringing up
19 children to become responsible, productive Americans. This has been
20 the goal and the dream of generations of Americans, whether native born
21 or naturalized citizens.

22 The legislature finds that it is necessary, to enable people to
23 leave welfare, to encourage a new alliance of state and local
24 government, business, churches, nonprofit organizations, and
25 individuals to dedicate themselves, within the letter and the spirit of
26 the law, to helping families in poverty overcome barriers, obtain
27 support, direction, and encouragement, and become contributors to the
28 American way of life.

29 The legislature finds that, in pursuance of these goals, it is also
30 necessary to establish policy that recognizes our moral imperative to
31 protect children when their parents or other adults in a child's life
32 are unable or unwilling to do so, and to continue our commitment to the
33 elderly, frail, and vulnerable for whom work is not an option.

34 The legislature reaffirms its commitment to provide medical
35 services to eligible legal immigrants under the children's health
36 program established under RCW 74.09.405. The legislature affirms its
37 commitment to provide the benefits of the maternity care access program
38 under RCW 74.09.800 to documented and undocumented immigrants who
39 qualify.

1 the state in which the person resided immediately before Washington,
2 using the eligibility rules and other definitions established under
3 this chapter, that was obtainable on the date of application in
4 Washington state, if the benefit level of the prior state is lower than
5 the level provided to similarly situated applicants in Washington
6 state. The benefit level under this subsection shall be in effect for
7 the first twelve months a recipient is on temporary assistance for
8 needy families in Washington state.

9 (3) Any person otherwise qualified for temporary assistance for
10 needy families who is assessed through the state alcohol and substance
11 abuse program as drug or alcohol-dependent and requiring treatment to
12 become employable shall be required by the department to participate in
13 a drug or alcohol treatment program as a condition of benefit receipt.

14 (4) In order to be eligible for temporary assistance for needy
15 families and food stamp program benefits, any applicant with a felony
16 conviction after August 21, 1996, involving drug use or possession,
17 must: (a) Have been assessed as chemically dependent by a chemical
18 dependency program approved under chapter 70.96A RCW and be
19 participating in or have completed a coordinated rehabilitation plan
20 consisting of chemical dependency treatment and vocational services;
21 and (b) have not been convicted of a felony involving drug use or
22 possession in the three years prior to the most current conviction.

23 **Sec. 102.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
24 to read as follows:

25 All assistance granted under this title shall be deemed to be
26 granted and to be held subject to the provisions of any amending or
27 repealing act that may hereafter be enacted, and no recipient shall
28 have any claim for compensation, or otherwise, by reason of his
29 assistance being affected in any way by such amending or repealing act.
30 There is no legal entitlement to public assistance.

31 NEW SECTION. Sec. 103. TIME LIMITS. (1) A family that includes an
32 adult who has received temporary assistance for needy families for
33 sixty months after the effective date of this section shall be
34 ineligible for further temporary assistance for needy families
35 assistance.

36 (2) For the purposes of applying the rules of this section, the
37 department shall count any month in which an adult family member

1 received a temporary assistance for needy families cash assistance
2 grant unless the assistance was provided when the family member was a
3 minor child and not the head of the household or married to the head of
4 the household.

5 (3) The department shall refer recipients who require specialized
6 assistance to appropriate department programs, crime victims' programs
7 through the department of community, trade, and economic development,
8 or the crime victims' compensation program of the department of labor
9 and industries.

10 (4) The department may exempt a recipient and the recipient's
11 family from the application of subsection (1) of this section by reason
12 of hardship or if the recipient meets the family violence options of
13 section 402(A)(7) of Title IVA of the federal social security act as
14 amended by P.L. 104-193. The number of recipients and their families
15 exempted from subsection (1) of this section for a fiscal year shall
16 not exceed twenty percent of the average monthly number of recipients
17 and their families to which assistance is provided under the temporary
18 assistance for needy families program.

19 (5) The department shall not exempt a recipient and his or her
20 family from the application of subsection (1) of this section until
21 after the recipient has received fifty-two months of assistance under
22 this chapter.

23 NEW SECTION. **Sec. 104.** ELECTRONIC BENEFIT TRANSFER. By October
24 2002, the department shall develop and implement an electronic benefit
25 transfer system to be used for the delivery of public assistance
26 benefits, including without limitation, food assistance.

27 The department shall comply with P.L. 104-193, and shall cooperate
28 with relevant federal agencies in the design and implementation of the
29 electronic benefit transfer system.

30 *NEW SECTION. **Sec. 105.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 74.12.420 and 1994 c 299 s 9;

33 (2) RCW 74.12.425 and 1994 c 299 s 10; and

34 (3) *RCW 74.04.660 and 1994 c 296 s 1, 1993 c 63 s 1, 1989 c 11 s*
35 *26, 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6.*

36 *Sec. 105 was partially vetoed. See message at end of chapter.

1 NEW SECTION. **Sec. 106.** (1) The department shall allow religiously
2 affiliated organizations to provide services to families receiving
3 temporary assistance for needy families on the same basis as any other
4 nongovernmental provider, without impairing the religious character of
5 such organizations, and without diminishing the religious freedom of
6 beneficiaries of assistance funded under chapter 74.12 RCW.

7 (2) The department shall adopt rules implementing this section, and
8 the applicable sections of P.L. 104-193 related to services provided by
9 charitable, religious, or private organizations.

10 NEW SECTION. **Sec. 107.** A new section is added to chapter 74.12
11 RCW to read as follows:

12 The department shall (1) provide eligible Indian tribes ongoing,
13 meaningful opportunities to participate in the development, oversight,
14 and operation of the state temporary assistance for needy families
15 program; (2) certify annually that it is providing equitable access to
16 the state temporary assistance for needy families program to Indian
17 people whose tribe is not administering a tribal temporary assistance
18 for needy families program; (3) coordinate and cooperate with eligible
19 Indian tribes that elect to operate a tribal temporary assistance for
20 needy families program as provided for in P.L. 104-193; (4) upon
21 approval by the secretary of the federal department of health and human
22 services of a tribal temporary assistance for needy families program,
23 transfer a fair and equitable amount of the state maintenance of effort
24 funds to the eligible Indian tribe; and (5) establish rules related to
25 the operation of this section and section 108 of this act, covering, at
26 a minimum, appropriate uses of state maintenance of effort funds and
27 annual reports on program operations. The legislature shall specify
28 the amount of state maintenance of effort funds to be transferred in
29 the biennial appropriations act.

30 NEW SECTION. **Sec. 108.** A new section is added to chapter 74.12
31 RCW to read as follows:

32 An eligible Indian tribe exercising its authority under P.L.
33 104-193 to operate a tribal temporary assistance for needy families
34 program shall operate the program on a state fiscal year basis. If a
35 tribe decides to cancel a tribal temporary assistance for needy
36 families program, it shall notify the department no later than ninety
37 days prior to the start of the state fiscal year.

1 ***NEW SECTION.** Sec. 109. A new section is added to chapter 74.12
2 *RCW to read as follows:*

3 **WRITTEN MATERIAL.** All forms, letters, and documents sent to
4 recipients of assistance shall be easy to read and comprehend. The
5 department shall ensure that all forms, letters, and documents covered
6 by this section shall be written at an eighth grade comprehension
7 level.

8 *Sec. 109 was vetoed. See message at end of chapter.

9 **NEW SECTION.** Sec. 110. A new section is added to chapter 74.12
10 *RCW to read as follows:*

11 **FOOD STAMP WORK REQUIREMENTS.** Single adults without dependents
12 between eighteen and fifty years of age shall comply with federal food
13 stamp work requirements as a condition of eligibility. The department
14 may exempt any counties or subcounty areas from the federal food stamp
15 work requirements in P.L. 104-193, unless the department receives
16 written evidence of official action by a county or subcounty governing
17 entity, taken after noticed consideration, that indicates that a county
18 or subcounty area chooses not to use an exemption to the federal food
19 stamp work requirements.

20 **II. IMMIGRANT PROTECTION**

21 **Sec. 201.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to
22 read as follows:

23 Medical assistance may be provided in accordance with eligibility
24 requirements established by the department (~~((of social and health~~
25 ~~services))), as defined in the social security Title XIX state plan for
26 mandatory categorically needy persons and: (1) Individuals who would
27 be eligible for cash assistance except for their institutional status;
28 (2) individuals who are under twenty-one years of age, who would be
29 eligible for (~~(aid to families with dependent children))~~ temporary
30 assistance for needy families, but do not qualify as dependent children
31 and who are in (a) foster care, (b) subsidized adoption, (c) a nursing
32 facility or an intermediate care facility for the mentally retarded, or
33 (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled
34 who: (a) Receive only a state supplement, or (b) would not be eligible
35 for cash assistance if they were not institutionalized; (4)
36 categorically eligible individuals who (~~(would be eligible for but~~~~

1 ~~choose not to receive cash assistance~~) meet the income and resource
2 requirements of the cash assistance programs; (5) individuals who are
3 enrolled in managed health care systems, who have otherwise lost
4 eligibility for medical assistance, but who have not completed a
5 current six-month enrollment in a managed health care system, and who
6 are eligible for federal financial participation under Title XIX of the
7 social security act; (6) children and pregnant women allowed by federal
8 statute for whom funding is appropriated; (~~and~~) (7) other individuals
9 eligible for medical services under RCW 74.09.035 and 74.09.700 for
10 whom federal financial participation is available under Title XIX of
11 the social security act; and (8) persons allowed by section 1931 of the
12 social security act for whom funding is appropriated.

13 ***NEW SECTION.** *Sec. 202. IMMIGRANTS--ELIGIBILITY. It is the*
14 *intent of the legislature that all legal immigrants who resided in the*
15 *United States before August 22, 1996, retain eligibility for assistance*
16 *programs the same as or similar to those from which they lost benefits*
17 *as a result of P.L. 104-193. The legislature also intends that*
18 *sponsors' incomes continue to be deemed for these individuals in the*
19 *same manner it was addressed prior to August 22, 1996.*

20 *Accordingly, the state shall exercise its option under P.L. 104-193*
21 *to continue services to legal immigrants under temporary assistance for*
22 *needy families, medicaid, and social services block grant programs.*
23 *Legal immigrants who lose benefits under the supplemental security*
24 *income program as a result of P.L. 104-193 are immediately eligible to*
25 *apply for benefits under the state's general assistance-unemployable*
26 *program. The department shall redetermine income and resource*
27 *eligibility at least annually, in accordance with existing state*
28 *policy. It is the policy of the legislature to distinguish between*
29 *legal immigrants living in the United States prior to August 22, 1996,*
30 *and those who immigrated on or after the enactment of P.L. 104-193.*
31 *The postenactment legal immigrants are subject to a five-year benefit*
32 *exclusion for means-tested public assistance programs and are subject*
33 *to the sponsor-deeming provisions of section 206 of this act, which*
34 *shall be strictly construed in favor of benefit denial.*

35 **Sec. 202 was vetoed. See message at end of chapter.*

36 ***NEW SECTION.** *Sec. 203. INCOME AVERAGING--BENEFIT DETERMINATION.*
37 *In the case of applicants for temporary assistance for needy families*

1 *whose principal source of earned income is seasonal employment, the*
2 *department shall determine eligibility and benefit levels by*
3 *retrospectively considering the applicant's earned income for the*
4 *twelve-month period immediately preceding the application for*
5 *assistance. The earned income shall be prorated on an annual basis,*
6 *and the prorated amount used for eligibility and benefit determination*
7 *in the prospective month. Assistance shall be denied until the*
8 *applicant's prorated prior twelve months of income equals a monthly*
9 *amount at or below the eligibility level. The intent of the*
10 *legislature is to ensure that persons with seasonal earned income that,*
11 *if prorated on an annual basis, would have exceeded the level*
12 *qualifying them for assistance will be denied assistance until such*
13 *time as they qualify on a prorated basis.*

14 **Sec. 203 was vetoed. See message at end of chapter.*

15 NEW SECTION. **Sec. 204.** NATURALIZATION FACILITATION. The
16 department shall make an affirmative effort to identify and proactively
17 contact legal immigrants receiving public assistance to facilitate
18 their applications for naturalization. The department shall obtain a
19 complete list of legal immigrants in Washington who are receiving
20 correspondence regarding their eligibility from the social security
21 administration. The department shall inform immigrants regarding how
22 citizenship may be attained. In order to facilitate the citizenship
23 process, the department shall coordinate and contract, to the extent
24 necessary, with existing public and private resources and shall, within
25 available funds, ensure that those immigrants who qualify to apply for
26 naturalization are referred to or otherwise offered classes. The
27 department shall assist eligible immigrants in obtaining appropriate
28 test exemptions, and other exemptions in the naturalization process, to
29 the extent permitted under federal law. The department shall report
30 annually by December 15th to the legislature regarding the progress and
31 barriers of the immigrant naturalization facilitation effort. It is
32 the intent of the legislature that persons receiving naturalization
33 assistance be facilitated in obtaining citizenship within two years of
34 their eligibility to apply.

35 *NEW SECTION. **Sec. 205.** SPONSOR DEEMING. (1) *Except as provided*
36 *in subsection (5) of this section, qualified aliens and aliens*
37 *permanently residing under color of law who are recipients of public*

1 assistance under this title as of August 22, 1996, shall have their
2 eligibility for assistance redetermined.

3 (2) Qualified aliens who enter the United States of America after
4 August 22, 1996, are ineligible to receive public assistance under this
5 title for a period of five years, except as provided in subsection (6)
6 of this section. Following their period of ineligibility, their
7 eligibility for public assistance shall be determined as provided for
8 in this section.

9 (3) In determining the eligibility and the amount of benefits of a
10 qualified alien or an alien permanently residing under color of law for
11 public assistance under this title, the income and resources of the
12 alien shall be deemed to include the income and resources of any person
13 and his or her spouse who executed an affidavit of support pursuant to
14 section 213A of the federal immigration and naturalization act on
15 behalf of the alien. The deeming provisions of this subsection shall
16 be waived if the sponsor dies or is permanently incapacitated during
17 the period the affidavit of support is valid.

18 (4) As used in this section, "qualified alien" has the meaning
19 provided it in P.L. 104-193.

20 (5)(a) Qualified aliens specified under sections 403, 412, and 552
21 (e) and (f), subtitle B, Title IV, of P.L. 104-193 and in P.L. 104-208,
22 are exempt from this section.

23 (b) Qualified aliens who served in the armed forces of an allied
24 country, or were employed by an agency of the federal government,
25 during a military conflict between the United States of America and a
26 military adversary are exempt from the provisions of this section.

27 (c) Qualified aliens who are victims of domestic violence and
28 petition for legal status under the federal violence against women act
29 are exempt from the provisions of this section.

30 (d) Until January 1, 1999, a qualified alien whose sponsor dies or
31 is permanently incapacitated is exempt from this section.

32 (6) Subsection (2) of this section does not apply to the following
33 state benefits:

34 (a) Assistance described in P.L. 104-193 sections 403(c)(H) through
35 (K), 411(b)(1), 421(b), and P.L. 104-208;

36 (b) Short-term, noncash, in-kind emergency disaster relief;

37 (c) Programs comparable to assistance or benefits under the federal
38 national school lunch act;

1 (d) Programs comparable to assistance or benefits under the federal
2 child nutrition act of 1966;

3 (e) Public health assistance for immunizations with respect to
4 immunizable diseases and for testing and treatment of symptoms of
5 communicable diseases whether or not the symptoms are caused by a
6 communicable disease;

7 (f) Payments for foster care and adoption assistance;

8 (g) Programs, services, or assistance where eligibility is not
9 determined by employees of the department of social and health
10 services;

11 (h) Programs, services, or assistance such as meals from a soup
12 kitchen, crisis counseling and intervention, and short-term shelter,
13 specified by the attorney general, after consultation with appropriate
14 agencies and departments, that:

15 (i) Deliver in-kind services at the community level, including
16 through public or private nonprofit agencies;

17 (ii) Do not condition the provision of assistance, the amount of
18 assistance provided, or the cost of assistance provided on the
19 individual recipient's income or resources; and

20 (iii) Are necessary for the protection of life or safety.

21 *Sec. 205 was vetoed. See message at end of chapter.

22 *NEW SECTION. Sec. 206. A new section is added to chapter 74.04
23 RCW to read as follows:

24 **FOOD ASSISTANCE.** (1) The department may establish a food
25 assistance program for persons whose immigrant status meets the
26 eligibility requirements of the federal food stamp program as of August
27 21, 1996, but who are no longer eligible solely due to their immigrant
28 status under P.L. 104-193.

29 (2) The rules for the state food assistance program shall follow
30 exactly the rules of the federal food stamp program except for the
31 provisions pertaining to immigrant status under P.L. 104-193.

32 (3) The benefit under the state food assistance program shall be
33 established by the legislature in the biennial operating budget.

34 (4) The department may enter into a contract with the United States
35 department of agriculture to use the existing federal food stamp
36 program coupon system for the purposes of administering the state food
37 assistance program.

1 (5) In the event the department is unable to enter into a contract
2 with the United States department of agriculture, the department may
3 issue vouchers to eligible households for the purchase of eligible
4 foods at participating retailers.

5 *Sec. 206 was vetoed. See message at end of chapter.

6 *Sec. 207. RCW 74.09.800 and 1993 c 407 s 10 are each amended to
7 read as follows:

8 The department shall, consistent with the state budget act, develop
9 a maternity care access program designed to ensure healthy birth
10 outcomes as follows:

11 (1) Provide maternity care services to low-income pregnant women
12 and health care services to children in poverty to the maximum extent
13 allowable under the medical assistance program, Title XIX of the
14 federal social security act;

15 (2) Provide maternity care services to low-income women who are not
16 eligible to receive such services under the medical assistance program,
17 Title XIX of the federal social security act;

18 (3) By January 1, 1990, have the following procedures in place to
19 improve access to maternity care services and eligibility
20 determinations for pregnant women applying for maternity care services
21 under the medical assistance program, Title XIX of the federal social
22 security act:

23 (a) Use of a shortened and simplified application form;

24 (b) Outstationing department staff to make eligibility
25 determinations;

26 (c) Establishing local plans at the county and regional level,
27 coordinated by the department; and

28 (d) Conducting an interview for the purpose of determining medical
29 assistance eligibility within five working days of the date of an
30 application by a pregnant woman and making an eligibility determination
31 within fifteen working days of the date of application by a pregnant
32 woman;

33 (4) Establish a maternity care case management system that shall
34 assist at-risk eligible persons with obtaining medical assistance
35 benefits and receiving maternity care services, including
36 transportation and child care services;

37 (5) Within available resources, establish appropriate reimbursement
38 levels for maternity care providers;

1 (6) Implement a broad-based public education program that stresses
2 the importance of obtaining maternity care early during pregnancy;

3 (7) Refer persons eligible for maternity care services under the
4 program established by this section to persons, agencies, or
5 organizations with maternity care service practices that primarily
6 emphasize healthy birth outcomes;

7 (8) Provide family planning services including information about
8 the synthetic progestin capsule implant form of contraception, for
9 twelve months immediately following a pregnancy to women who were
10 eligible for medical assistance under the maternity care access program
11 during that pregnancy or who were eligible only for emergency labor and
12 delivery services during that pregnancy; and

13 (9) Within available resources, provide family planning services to
14 women who meet the financial eligibility requirements for services
15 under subsections (1) and (2) of this section.

16 The legislature reaffirms its commitment to provide health care
17 services under this section to eligible immigrants, regardless of
18 documented or undocumented status.

19 *Sec. 207 was vetoed. See message at end of chapter.

20 III. WASHINGTON WORKFIRST PROGRAM

21 NEW SECTION. **Sec. 301.** It is the intent of the legislature that
22 all applicants to the Washington WorkFirst program shall be focused on
23 obtaining paid, unsubsidized employment. The focus of the Washington
24 WorkFirst program shall be work for all recipients.

25 NEW SECTION. **Sec. 302.** DIVERSION ASSISTANCE. (1) In order to
26 prevent some families from developing dependency on temporary
27 assistance for needy families, the department shall make available to
28 qualifying applicants a diversion program designed to provide brief,
29 emergency assistance for families in crisis whose income and assets
30 would otherwise qualify them for temporary assistance for needy
31 families.

32 (2) Diversion assistance may include cash or vouchers in payment
33 for the following needs:

34 (a) Child care;

35 (b) Housing assistance;

36 (c) Transportation-related expenses;

- 1 (d) Food;
2 (e) Medical costs for the recipient's immediate family;
3 (f) Employment-related expenses which are necessary to keep or
4 obtain paid unsubsidized employment.

5 (3) Diversion assistance is available once in each twelve-month
6 period for each adult applicant. Recipients of diversion assistance
7 are not included in the temporary assistance for needy families
8 program.

9 (4) Diversion assistance may not exceed one thousand five hundred
10 dollars for each instance.

11 (5) To be eligible for diversion assistance, a family must
12 otherwise be eligible for temporary assistance for needy families.

13 (6) Families ineligible for temporary assistance for needy families
14 or general assistance due to sanction, noncompliance, the lump sum
15 income rule, or any other reason are not eligible for diversion
16 assistance.

17 (7) Families must provide evidence showing that a bona fide need
18 exists according to subsection (2) of this section in order to be
19 eligible for diversion assistance.

20 An adult applicant may receive diversion assistance of any type no
21 more than once per twelve-month period. If the recipient of diversion
22 assistance is placed on the temporary assistance for needy families
23 program within twelve months of receiving diversion assistance, the
24 prorated dollar value of the assistance shall be treated as a loan from
25 the state, and recovered by deduction from the recipient's cash grant.

26 **Sec. 303.** RCW 74.08.331 and 1992 c 7 s 59 are each amended to read
27 as follows:

28 Any person who by means of a willfully false statement, or
29 representation, or impersonation, or a willful failure to reveal any
30 material fact, condition or circumstance affecting eligibility ((~~of~~
31 ~~for~~)) or need for assistance, including medical care, surplus
32 commodities and food stamps, as required by law, or a willful failure
33 to promptly notify the county office in writing as required by law or
34 any change in status in respect to resources, or income, or need, or
35 family composition, money contribution and other support, from whatever
36 source derived, including unemployment insurance, or any other change
37 in circumstances affecting the person's eligibility or need for
38 assistance, or other fraudulent device, obtains, or attempts to obtain,

1 or aids or abets any person to obtain any public assistance to which
2 the person is not entitled or greater public assistance than that to
3 which he or she is justly entitled shall be guilty of grand larceny and
4 upon conviction thereof shall be punished by imprisonment in a state
5 correctional facility for not more than fifteen years.

6 Any person who by means of a willfully false statement or
7 representation or by impersonation or other fraudulent device aids or
8 abets in buying, selling, or in any other way disposing of the real
9 property of a recipient of public assistance without the consent of the
10 secretary shall be guilty of a gross misdemeanor and upon conviction
11 thereof shall be punished by imprisonment for not more than one year in
12 the county jail or a fine of not to exceed one thousand dollars or by
13 both.

14 NEW SECTION. **Sec. 304.** A new section is added to chapter 28A.630
15 RCW to read as follows:

16 SCHOOL-TO-WORK TRANSITIONS. (1) The legislature finds that
17 students who do not prepare for postsecondary education, training, and
18 employment are more likely to become dependent on state assistance
19 programs than those who do make such preparation and that long-term
20 employment and earning outcomes for youth can be significantly improved
21 through school-to-work transition efforts, particularly through work-
22 based learning experiences. The legislature intends that every effort
23 be made to involve all youth in preparation for postsecondary
24 education, training, and employment, including out-of-school youth.

25 (2) Washington is engaged in developing school-to-work transitions
26 for all youth, which involves preparation for postsecondary education,
27 training, and employment and requires outreach to out-of-school youth.
28 All school-to-work transition projects in the state, therefore, whether
29 funded by state or federal funds, shall contain an outreach component
30 directed toward school-age youth not currently enrolled in school and
31 demonstrate the involvement of all in-school youth in preparation for
32 postsecondary education or training or employment. At the time a
33 school-to-work grant is made, the superintendent of public instruction
34 shall withhold twenty percent of the grant award and release the funds
35 upon a showing that the project has satisfactorily included outreach to
36 out-of-school youth and progress in involving students not
37 traditionally engaged in preparation for postsecondary education,
38 training, or employment.

1 (3) The office of the superintendent of public instruction shall
2 provide technical assistance to ensure that school districts establish
3 and operate outreach efforts under this section, and to include out-of-
4 school youth in school-to-work efforts within available funds.

5 **Sec. 305.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall report to the
8 education committees of the legislature and committees of the
9 legislature handling economic development and social welfare issues on
10 the progress of the schools for the school-to-work transitions program
11 by December 15 of each odd-numbered year.

12 (2) Each school district selected to participate in the ((~~academic~~
13 ~~and vocational integration development~~)) school-to-work transitions
14 program shall submit an annual report to the superintendent of public
15 instruction on the progress of the project as a condition of receipt of
16 continued funding.

17 ****NEW SECTION. Sec. 306. A new section is added to chapter 43.30***
18 ***RCW to read as follows:***

19 ***JOBS FOR THE ENVIRONMENT PROGRAMS. In any jobs for the environment***
20 ***program designed to train and employ displaced natural resource workers***
21 ***and operated by the department of natural resources, recipients of***
22 ***temporary assistance for needy families from natural resource areas who***
23 ***are engaged in work search activities are eligible for training and***
24 ***employment on the same basis as displaced natural resource workers***
25 ***within available funds.***

26 ****Sec. 306 was vetoed. See message at end of chapter.***

27 **NEW SECTION. Sec. 307. INDIVIDUAL DEVELOPMENT ACCOUNTS.** The
28 department shall carry out a program to fund individual development
29 accounts established by recipients eligible for assistance under the
30 temporary assistance for needy families program.

31 (1) An individual development account may be established by or on
32 behalf of a recipient eligible for assistance provided under the
33 temporary assistance for needy families program operated under this
34 title for the purpose of enabling the recipient to accumulate funds for
35 a qualified purpose described in subsection (2) of this section.

1 (2) A qualified purpose as described in this subsection is one or
2 more of the following, as provided by the qualified entity providing
3 assistance to the individual:

4 (a) Postsecondary expenses paid from an individual development
5 account directly to an eligible educational institution;

6 (b) Qualified acquisition costs with respect to a qualified
7 principal residence for a qualified first-time home buyer, if paid from
8 an individual development account directly to the persons to whom the
9 amounts are due;

10 (c) Amounts paid from an individual development account directly to
11 a business capitalization account which is established in a federally
12 insured financial institution and is restricted to use solely for
13 qualified business capitalization expenses.

14 (3) A recipient may only contribute to an individual development
15 account such amounts as are derived from earned income, as defined in
16 section 911(d)(2) of the internal revenue code of 1986.

17 (4) The department shall establish rules to ensure funds held in an
18 individual development account are only withdrawn for a qualified
19 purpose as provided in this section.

20 (5) An individual development account established under this
21 section shall be a trust created or organized in the United States and
22 funded through periodic contributions by the establishing recipient and
23 matched by or through a qualified entity for a qualified purpose as
24 provided in this section.

25 (6) For the purpose of determining eligibility for any assistance
26 provided under this title, all funds in an individual development
27 account under this section shall be disregarded for such purpose with
28 respect to any period during which such individual maintains or makes
29 contributions into such an account.

30 (7) The department shall adopt rules authorizing the use of
31 organizations using microcredit and microenterprise approaches to
32 assisting low-income families to become financially self-sufficient.

33 (8) The department shall adopt rules implementing the use of
34 individual development accounts by recipients of temporary assistance
35 for needy families.

36 (9) For the purposes of this section, "eligible educational
37 institution," "postsecondary educational expenses," "qualified
38 acquisition costs," "qualified business," "qualified business
39 capitalization expenses," "qualified expenditures," "qualified

1 first-time home buyer," "date of acquisition," "qualified plan," and
2 "qualified principal residence" include the meanings provided for them
3 in P.L. 104-193.

4 NEW SECTION. **Sec. 308.** EARNINGS DISREGARDS AND EARNED INCOME
5 CUTOFFS. (1) In addition to their monthly benefit payment, a family
6 may earn and keep one-half of its earnings during every month it is
7 eligible to receive assistance under this section.

8 (2) In no event may a family be eligible for temporary assistance
9 for needy families if its monthly gross earned income exceeds the
10 maximum earned income level as set by the department. In calculating
11 a household's gross earnings, the department shall disregard the
12 earnings of a minor child who is:

13 (a) A full-time student; or

14 (b) A part-time student carrying at least half the normal school
15 load and working fewer than thirty-five hours per week.

16 **Sec. 309.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
17 each reenacted and amended to read as follows:

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

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

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

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

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

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

36 (6)(a) "General assistance"«Aid to persons in need who:

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

5 (ii) Meet one of the following conditions:

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

13 (B) Subject to chapter 165, Laws of 1992, incapacitated from
14 gainful employment by reason of bodily or mental infirmity that will
15 likely continue for a minimum of ninety days as determined by the
16 department.

17 (C) Persons who are unemployable due to alcohol or drug addiction
18 are not eligible for general assistance. Persons receiving general
19 assistance on July 26, 1987, or becoming eligible for such assistance
20 thereafter, due to an alcohol or drug-related incapacity, shall be
21 referred to appropriate assessment, treatment, shelter, or supplemental
22 security income referral services as authorized under chapter 74.50
23 RCW. Referrals shall be made at the time of application or at the time
24 of eligibility review. Alcoholic and drug addicted clients who are
25 receiving general assistance on July 26, 1987, may remain on general
26 assistance if they otherwise retain their eligibility until they are
27 assessed for services under chapter 74.50 RCW. Subsection
28 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
29 department from granting general assistance benefits to alcoholics and
30 drug addicts who are incapacitated due to other physical or mental
31 conditions that meet the eligibility criteria for the general
32 assistance program;

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

36 (iv) Have furnished the department their social security account
37 number. If the social security account number cannot be furnished
38 because it has not been issued or is not known, an application for a
39 number shall be made prior to authorization of assistance, and the

1 social security number shall be provided to the department upon
2 receipt.

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

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

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

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

27 (i) First failure: One week;

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

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

30 (d) Persons found eligible for general assistance based on
31 incapacity from gainful employment may, if otherwise eligible, receive
32 general assistance pending application for federal supplemental
33 security income benefits. Any general assistance that is subsequently
34 duplicated by the person's receipt of supplemental security income for
35 the same period shall be considered a debt due the state and shall by
36 operation of law be subject to recovery through all available legal
37 remedies.

38 (e) The department shall adopt by rule medical criteria for general
39 assistance eligibility to ensure that eligibility decisions are

1 consistent with statutory requirements and are based on clear,
2 objective medical information.

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

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

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

28 (8) "Recipient"«Any person receiving assistance and in addition
29 those dependents whose needs are included in the recipient's
30 assistance.

31 (9) "Standards of assistance"«The level of income required by an
32 applicant or recipient to maintain a level of living specified by the
33 department.

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

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

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

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

23 (d) A motor vehicle necessary to transport a physically disabled
24 household member. This exclusion is limited to one vehicle per
25 physically disabled person.

26 (e) All other resources, including any excess of values exempted,
27 not to exceed one thousand dollars or other limit as set by the
28 department, to be consistent with limitations on resources and
29 exemptions necessary for federal aid assistance. The department shall
30 also allow recipients of temporary assistance for needy families to
31 exempt savings accounts with combined balances of up to an additional
32 three thousand dollars.

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

37 (~~f~~) (g) If an applicant for or recipient of public assistance
38 possesses property and belongings in excess of the ceiling value, such
39 value shall be used in determining the need of the applicant or

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

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

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

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

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

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

1 though the total exceeds the exemptions or resources granted to
2 applicants and recipients of public assistance, but consistent with
3 federal requirements. In formulating rules and regulations pursuant to
4 this chapter, the department shall define income and resources and the
5 availability thereof, consistent with federal requirements. All
6 resources and income not specifically exempted, and any income or other
7 economic benefit derived from the use of, or appreciation in value of,
8 exempt resources, shall be considered in determining the need of an
9 applicant or recipient of public assistance.

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

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

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

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

31 NEW SECTION. **Sec. 310.** NONCUSTODIAL PARENTS IN WORK PROGRAMS.
32 The department may provide Washington WorkFirst activities or make
33 cross-referrals to existing programs to qualifying noncustodial parents
34 of children receiving temporary assistance for needy families who are
35 unable to meet their child support obligations. Services authorized
36 under this section shall be provided within available funds.

1 NEW SECTION. **Sec. 311.** DEFINITIONS. Unless the context clearly
2 requires otherwise, as used in this chapter, "work activity" means:

3 (1) Unsubsidized paid employment in the private or public sector;

4 (2) Subsidized paid employment in the private or public sector;

5 (3) Work experience, including work associated with the
6 refurbishing of publicly assisted housing, if sufficient paid
7 employment is not available;

8 (4) On-the-job training;

9 (5) Job search and job readiness assistance;

10 (6) Community service programs;

11 (7) Vocational educational training, not to exceed twelve months
12 with respect to any individual;

13 (8) Job skills training directly related to employment;

14 (9) Education directly related to employment, in the case of a
15 recipient who has not received a high school diploma or a GED;

16 (10) Satisfactory attendance at secondary school or in a course of
17 study leading to a GED, in the case of a recipient who has not
18 completed secondary school or received such a certificate;

19 (11) The provision of child care services to an individual who is
20 participating in a community service program; and

21 (12) Services required by the recipient under RCW 74.08.025(3) and
22 74.--.---(3) (section 103(3) of this act) to become employable.

23 ****NEW SECTION. Sec. 312. JOB SEARCH OR WORK ACTIVITY. (1) There***
24 ***is established in the department the Washington WorkFirst program. The***
25 ***department shall administer the program consistent with the temporary***
26 ***assistance for needy families provisions of P.L. 104-193. In operating***
27 ***the WorkFirst program the department shall meet the minimum work***
28 ***participation rates specified in federal law, and shall require***
29 ***recipients of assistance to engage in job search and work activities as***
30 ***an ongoing condition of eligibility.***

31 ***(2) Upon application to the temporary assistance for needy families***
32 ***program, each recipient shall be placed in the job search component.***
33 ***For recipients who have been approved for assistance before the***
34 ***effective date of this section, the job search component shall be***
35 ***completed no later than one hundred eighty days after the effective***
36 ***date of this section.***

37 ***(3) The Washington WorkFirst program shall include a job search***
38 ***component in which each nonexempt recipient of temporary assistance for***

1 *needy families shall participate. The job search component may not*
2 *last more than four weeks for each recipient. Each recipient shall be*
3 *required to attend job search component activities at least thirty-six*
4 *hours per week. Failure to participate in the job search component*
5 *shall result in sanctions under section 313 of this act. The job*
6 *search component shall serve as the assessment tool to comply with*
7 *federal law. If a recipient fails to find paid employment during the*
8 *job search component, the department may refer the recipient to those*
9 *work activities that are directly related to improving the recipient's*
10 *employability.*

11 (4) *As used in this section, "job search component" means an*
12 *activity in which nonexempt recipients engage each weekday upon*
13 *entering the Washington WorkFirst program. The component shall provide*
14 *at least three hours per weekday of classroom instruction on how to*
15 *secure a job and at least three hours per weekday of individual job*
16 *search activities.*

17 *Sec. 312 was vetoed. See message at end of chapter.

18 NEW SECTION. **Sec. 313.** PLACEMENT INTO WORK ACTIVITY. Recipients
19 who have not obtained paid, unsubsidized employment by the end of the
20 job search component authorized in section 312 of this act shall be
21 referred to a work activity.

22 (1) Each recipient shall be assessed immediately upon completion of
23 the job search component. Assessments shall be based upon factors that
24 are critical to obtaining employment, including but not limited to
25 education, employment strengths, and employment history. Assessments
26 may be performed by the department or by a contracted entity. The
27 assessment shall be based on a uniform, consistent, transferable format
28 that will be accepted by all agencies and organizations serving the
29 recipient. Based on the assessment, an individual responsibility plan
30 shall be prepared that: (a) Sets forth an employment goal and a plan
31 for moving the recipient immediately into employment; (b) contains the
32 obligation of the recipient to become and remain employed; (c) moves
33 the recipient into whatever employment the recipient is capable of
34 handling as quickly as possible; and (d) describes the services
35 available to the recipient to enable the recipient to obtain and keep
36 employment.

37 (2) Recipients who are not engaged in work and work activities, and
38 do not qualify for a good cause exemption under section 314 of this

1 act, shall engage in self-directed service as provided in section 326
2 of this act.

3 (3) If a recipient refuses to engage in work and work activities
4 required by the department, the family's grant shall be reduced by the
5 recipient's share, and may, if the department determines it
6 appropriate, be terminated.

7 (4) The department may waive the penalties required under
8 subsection (3) of this section, subject to a finding that the recipient
9 refused to engage in work for good cause provided in section 314 of
10 this act.

11 (5) In implementing this section, the department shall assign the
12 highest priority to the most employable clients, including adults in
13 two-parent families and parents in single-parent families that include
14 older preschool or school age children to be engaged in work
15 activities.

16 (6) In consultation with the recipient, the department or
17 contractor shall place the recipient into a work activity that is
18 available in the local area where the recipient resides.

19 NEW SECTION. **Sec. 314.** GOOD CAUSE. Good cause reasons for
20 failure to participate in WorkFirst program components include: (1)
21 Situations where the recipient is a parent or other relative personally
22 providing care for a child under the age of six years, and formal or
23 informal child care, or day care for an incapacitated individual living
24 in the same home as a dependent child, is necessary for an individual
25 to participate or continue participation in the program or accept
26 employment, and such care is not available, and the department fails to
27 provide such care; or (2) until June 30, 1999, if the recipient is a
28 parent with a child under the age of one year. A parent may only
29 receive this exemption for a total of twelve months, which may be
30 consecutive or nonconsecutive; or (3) after June 30, 1999, if the
31 recipient is a parent with a child under three months of age.

32 NEW SECTION. **Sec. 315.** WORKFIRST--GOALS--CONTRACTS--SERVICE
33 AREAS--PLANS. (1) The legislature finds that moving those eligible for
34 assistance to self-sustaining employment is a goal of the WorkFirst
35 program. It is the intent of WorkFirst to aid a participant's progress
36 to self-sufficiency by allowing flexibility within the state-wide
37 program to reflect community resources, the local characteristics of

1 the labor market, and the composition of the caseload. Program success
2 will be enhanced through effective coordination at regional and local
3 levels, involving employers, labor representatives, educators,
4 community leaders, local governments, and social service providers.

5 (2) The department, through its regional offices, shall collaborate
6 with employers, recipients, frontline workers, educational
7 institutions, labor, private industry councils, the work force training
8 and education coordinating board, community rehabilitation employment
9 programs, employment and training agencies, local governments, the
10 employment security department, and community action agencies to
11 develop work programs that are effective and work in their communities.
12 For planning purposes, the department shall collect and make accessible
13 to regional offices successful work program models from around the
14 United States, including the employment partnership program,
15 apprenticeship programs, microcredit, microenterprise, self-employment,
16 and W-2 Wisconsin works. Work programs shall incorporate local
17 volunteer citizens in their planning and implementation phases to
18 ensure community relevance and success.

19 (3) To reduce administrative costs and to ensure equal state-wide
20 access to services, the department may develop contracts for state-wide
21 welfare-to-work services. These state-wide contracts shall support
22 regional flexibility and ensure that resources follow local labor
23 market opportunities and recipients' needs.

24 (4) The secretary shall establish WorkFirst service areas for
25 purposes of planning WorkFirst programs and for distributing WorkFirst
26 resources. Service areas shall reflect department regions.

27 (5) By July 31st of each odd-numbered year, a plan for the
28 WorkFirst program shall be developed for each region. The plan shall
29 be prepared in consultation with local and regional sources, adapting
30 the state-wide WorkFirst program to achieve maximum effect for the
31 participants and the communities within which they reside. Local
32 consultation shall include to the greatest extent possible input from
33 local and regional planning bodies for social services and work force
34 development. The regional and local administrator shall consult with
35 employers of various sizes, labor representatives, training and
36 education providers, program participants, economic development
37 organizations, community organizations, tribes, and local governments
38 in the preparation of the service area plan.

1 (6) The secretary has final authority in plan approval or
2 modification. Regional program implementation may deviate from the
3 state-wide program if specified in a service area plan, as approved by
4 the secretary.

5 NEW SECTION. **Sec. 316.** WORK PROGRAM CONTRACTS. (1) It is the
6 intent of the legislature that the department is authorized to engage
7 in competitive contracting using performance-based contracts to provide
8 all work activities authorized in chapter . . . , Laws of 1997 (this
9 act), including the job search component authorized in section 312 of
10 this act.

11 (2) The department may use competitive performance-based
12 contracting to select which vendors will participate in the WorkFirst
13 program. Performance-based contracts shall be awarded based on factors
14 that include but are not limited to the criteria listed in section 702
15 of this act, past performance of the contractor, demonstrated ability
16 to perform the contract effectively, financial strength of the
17 contractor, and merits of the proposal for services submitted by the
18 contractor. Contracts shall be made without regard to whether the
19 contractor is a public or private entity.

20 (3) The department may contract for an evaluation of the
21 competitive contracting practices and outcomes to be performed by an
22 independent entity with expertise in government privatization and
23 competitive strategies. The evaluation shall include quarterly
24 progress reports to the fiscal committees of the legislature and to the
25 governor, starting at the first quarter after the effective date of the
26 first competitive contract and ending two years after the effective
27 date of the first competitive contract.

28 (4) The department shall seek independent assistance in developing
29 contracting strategies to implement this section. Assistance may
30 include but is not limited to development of contract language, design
31 of requests for proposal, developing full cost information on
32 government services, evaluation of bids, and providing for equal
33 competition between private and public entities.

34 NEW SECTION. **Sec. 317.** PLACEMENT BONUSES. In the case of service
35 providers that are not public agencies, initial placement bonuses of no
36 greater than five hundred dollars may be provided by the department for
37 service entities responsible for placing recipients in an unsubsidized

1 job for a minimum of twelve weeks, and the following additional bonuses
2 shall also be provided:

3 (1) A percent of the initial bonus if the job pays double the
4 minimum wage;

5 (2) A percent of the initial bonus if the job provides health care;

6 (3) A percent of the initial bonus if the job includes employer-
7 provided child care needed by the recipient; and

8 (4) A percent of the initial bonus if the recipient is continuously
9 employed for two years.

10 ****NEW SECTION. Sec. 318. No collective bargaining agreement may be***
11 ***entered into, extended, or renewed after the effective date of this***
12 ***section that prevents or restricts the authority of the department of***
13 ***social and health services to exercise the powers granted under***
14 ***sections 312 through 317 of this act and RCW 74.04.050.***

15 **Sec. 318 was vetoed. See message at end of chapter.*

16 **Sec. 319. RCW 74.04.050 and 1981 1st ex.s. c 6 s 3 are each*
17 *amended to read as follows:*

18 *(1) The department shall serve as the single state agency to*
19 *administer public assistance. The department is hereby empowered and*
20 *authorized to cooperate in the administration of such federal laws,*
21 *consistent with the public assistance laws of this state, as may be*
22 *necessary to qualify for federal funds for:*

23 *~~((1))~~ (a) Medical assistance;*

24 *~~((2) Aid to dependent children)~~ (b) Temporary assistance for*
25 *needy families;*

26 *~~((3))~~ (c) Child welfare services; and*

27 *~~((4))~~ (d) Any other programs of public assistance for which*
28 *provision for federal grants or funds may from time to time be made.*

29 *(2) The state hereby accepts and assents to all the present*
30 *provisions of the federal law under which federal grants or funds,*
31 *goods, commodities and services are extended to the state for the*
32 *support of programs administered by the department, and to such*
33 *additional legislation as may subsequently be enacted as is not*
34 *inconsistent with the purposes of this title, authorizing public*
35 *welfare and assistance activities. The provisions of this title shall*
36 *be so administered as to conform with federal requirements with respect*
37 *to eligibility for the receipt of federal grants or funds.*

1 The department shall periodically make application for federal
2 grants or funds and submit such plans, reports and data, as are
3 required by any act of congress as a condition precedent to the receipt
4 of federal funds for such assistance. The department shall make and
5 enforce such rules and regulations as shall be necessary to insure
6 compliance with the terms and conditions of such federal grants or
7 funds.

8 (3) The department may contract with public and private entities
9 for administrative services for the following programs and functions:
10 (a) Temporary assistance for needy families; (b) general assistance;
11 (c) refugee services; (d) facilitation of eligibility for federal
12 supplemental security income benefits; (e) medical assistance
13 eligibility; and (f) food stamps.

14 *Sec. 319 was vetoed. See message at end of chapter.

15 *Sec. 320. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
16 to read as follows:

17 (1) Nothing contained in this chapter shall prohibit any
18 department, as defined in RCW 41.06.020, from purchasing services by
19 contract with individuals or business entities if such services were
20 regularly purchased by valid contract by such department prior to April
21 23, 1979: PROVIDED, That no such contract may be executed or renewed
22 if it would have the effect of terminating classified employees or
23 classified employee positions existing at the time of the execution or
24 renewal of the contract.

25 (2) Nothing in this chapter shall be construed to prohibit the
26 department of social and health services from carrying out the
27 provisions of sections 312 through 318 of this act and RCW 74.04.050.

28 *Sec. 320 was vetoed. See message at end of chapter.

29 NEW SECTION. Sec. 321. FUNDING RESTRICTIONS. The department of
30 social and health services shall operate the Washington WorkFirst
31 program authorized under sections 301, 302, 307, 308, 310 through 318,
32 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and
33 74.25.040, and chapter 74.12 RCW within the following constraints:

34 (1) The full amount of the temporary assistance for needy families
35 block grant, plus qualifying state expenditures as appropriated in the
36 biennial operating budget, shall be appropriated to the department each
37 year in the biennial appropriations act to carry out the provisions of
38 the program authorized in sections 301, 302, 307, 308, 310 through 318,

1 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and
2 74.25.040, and chapter 74.12 RCW.

3 (2) The department may expend funds defined in subsection (1) of
4 this section in any manner that will effectively accomplish the outcome
5 measures defined in section 702 of this act. No more than fifteen
6 percent of the amount provided in subsection (1) of this section may be
7 spent for administrative purposes. For the purpose of this subsection,
8 "administrative purposes" does not include expenditures for information
9 technology and computerization needed for tracking and monitoring
10 required by P.L. 104-193. The department shall not increase grant
11 levels to recipients of the program authorized in sections 301, 302,
12 307, 308, 310 through 318, and 323 through 326 of this act and chapter
13 74.12 RCW.

14 (3) The department shall implement strategies that accomplish the
15 outcome measures identified in section 702 of this act that are within
16 the funding constraints in this section. Specifically, the department
17 shall implement strategies that will cause the number of cases in the
18 program authorized in sections 301, 302, 307, 308, 310 through 318, and
19 323 through 326 of this act and chapter 74.12 RCW to decrease by at
20 least fifteen percent during the 1997-99 biennium and by at least five
21 percent in the subsequent biennium. The department may transfer
22 appropriation authority between funding categories within the economic
23 services program in order to carry out the requirements of this
24 subsection.

25 (4) The department shall monitor expenditures against the
26 appropriation levels provided for in subsection (1) of this section.
27 The department shall quarterly make a determination as to whether
28 expenditure levels will exceed available funding and communicate its
29 finding to the legislature. If the determination indicates that
30 expenditures will exceed funding at the end of the fiscal year, the
31 department shall take all necessary actions to ensure that all services
32 provided under this chapter shall be made available only to the extent
33 of the availability and level of appropriation made by the legislature.

34 NEW SECTION. **Sec. 322.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;

37 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126
38 s 6;

- 1 (3) RCW 74.25.030 and 1991 c 126 s 7;
2 (4) RCW 74.25.900 and 1991 c 126 s 8; and
3 (5) RCW 74.25.901 and 1991 c 126 s 9.

4 NEW SECTION. **Sec. 323.** A new section is added to chapter 43.330
5 RCW to read as follows:

6 ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND
7 ECONOMIC DEVELOPMENT. (1) The department shall ensure that none of its
8 rules or practices act to exclude recipients of temporary assistance
9 for needy families from any small business loan opportunities or
10 entrepreneurial assistance it makes available through its community
11 development block grant program or otherwise provides using state or
12 federal resources. The department shall encourage local administrators
13 of microlending programs using public funds to conduct outreach
14 activities to encourage recipients of temporary assistance for needy
15 families to explore self-employment as an option. The department shall
16 compile information on private and public sources of entrepreneurial
17 assistance and loans for start-up businesses and provide the department
18 of social and health services with the information for dissemination to
19 recipients of temporary assistance for needy families.

20 (2) The department shall, as part of its industrial recruitment
21 efforts, work with the work force training and education coordinating
22 board to identify the skill sets needed by companies locating in the
23 state. The department shall provide the department of social and
24 health services with the information about the companies' needs in
25 order that recipients of public assistance and service providers
26 assisting such recipients through training and placement programs may
27 be informed and respond accordingly. The department shall work with
28 the state board for community and technical colleges, the job skills
29 program, the employment security department, and other employment and
30 training programs to facilitate the inclusion of recipients of
31 temporary assistance for needy families in relevant training that would
32 make them good employees for recruited firms.

33 (3) The department shall perform the duties under this section
34 within available funds.

35 NEW SECTION. **Sec. 324.** JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND
36 HEALTH SERVICES. The department shall:

1 (1) Notify recipients of temporary assistance for needy families
2 that self-employment is one method of leaving state assistance. The
3 department shall provide its regional offices, recipients of temporary
4 assistance for needy families, and any contractors providing job
5 search, training, or placement services notification of programs
6 available in the state for entrepreneurial training, technical
7 assistance, and loans available for start-up businesses;

8 (2) Provide recipients of temporary assistance for needy families
9 and service providers assisting such recipients through training and
10 placement programs with information it receives about the skills and
11 training required by firms locating in the state;

12 (3) Encourage recipients of temporary assistance for needy families
13 that are in need of basic skills to seek out programs that integrate
14 basic skills training with occupational training and workplace
15 experience.

16 NEW SECTION. **Sec. 325.** WAGE SUBSIDY PROGRAM. The department
17 shall establish a wage subsidy program for recipients of temporary
18 assistance for needy families. The department shall give preference in
19 job placements to private sector employers that have agreed to
20 participate in the wage subsidy program. The department shall identify
21 characteristics of employers who can meet the employment goals stated
22 in section 702 of this act. The department shall use these
23 characteristics in identifying which employers may participate in the
24 program. The department shall adopt rules for the participation of
25 recipients of temporary assistance for needy families in the wage
26 subsidy program. Participants in the program established under this
27 section may not be employed if: (1) The employer has terminated the
28 employment of any current employee or otherwise caused an involuntary
29 reduction of its work force in order to fill the vacancy so created
30 with the participant; or (2) the participant displaces or partially
31 displaces current employees. Employers providing positions created
32 under this section shall meet the requirements of chapter 49.46 RCW.
33 This section shall not diminish or result in the infringement of
34 obligations or rights under chapters 41.06, 41.56, and 49.36 RCW and
35 the national labor relations act, 29 U.S.C. Ch. 7. The department
36 shall establish such local and state-wide advisory boards, including
37 business and labor representatives, as it deems appropriate to assist

1 in the implementation of the wage subsidy program. Once the recipient
2 is hired, the wage subsidy shall be authorized for up to nine months.

3 NEW SECTION. **Sec. 326.** COMMUNITY SERVICE PROGRAM. The department
4 shall establish the community service program to provide the experience
5 of work for recipients of public assistance. The program is intended
6 to promote a strong work ethic for participating public assistance
7 recipients. Under this program, public assistance recipients are
8 required to volunteer to work for charitable nonprofit organizations
9 and public agencies, or engage in another activity designed to benefit
10 the recipient, the recipient's family, or the recipient's community, as
11 determined by the department on a case-by-case basis. Participants in
12 a community service or work experience program established by this
13 chapter are deemed employees for the purpose of chapter 49.17 RCW. The
14 cost of premiums under Title 51 RCW shall be paid for by the department
15 for participants in a community service or work experience program.
16 Participants in a community service or work experience program may not
17 be placed if: (1) An employer has terminated the employment of any
18 current employee or otherwise caused an involuntary reduction of its
19 work force in order to fill the vacancy so created with the
20 participant; or (2) the participant displaces or partially displaces
21 current employees.

22 **Sec. 327.** RCW 74.12A.020 and 1993 c 312 s 8 are each amended to
23 read as follows:

24 The department (~~may~~) shall provide grants to community action
25 agencies or other local nonprofit organizations to provide job
26 opportunities and basic skills training program participants with
27 transitional support services, one-to-one assistance, case management,
28 and job retention services.

29 ***NEW SECTION.** **Sec. 328.** *A new section is added to chapter 74.12*
30 *RCW to read as follows:*

31 *A grant provided under the temporary assistance for needy families*
32 *program shall be provided on a pro rata basis to the extent the*
33 *recipient complies with mandated work and work activity requirements.*

34 **Sec. 328 was vetoed. See message at end of chapter.*

1 for family size, the monthly copay shall be twenty-nine percent of
2 earned income in excess of seventy-four percent of the federal poverty
3 level adjusted for family size. For families with income between one
4 hundred thirty-one and one hundred seventy-five percent of the federal
5 poverty level adjusted for family size, the copay shall be fifty
6 percent of earned income above one hundred percent of the federal
7 poverty level adjusted for family size.

8 (4) All compensable child care services authorized in this section
9 shall be paid for through vouchers. Vouchers shall be provided to
10 recipients and may only be used to purchase child care through the
11 program created in this section.

12 *Sec. 402 was vetoed. See message at end of chapter.

13 NEW SECTION. **Sec. 403.** (1) The legislature finds that to comply
14 with P.L. 104-193 section 407(e)(2), Washington is obligated to provide
15 appropriate and affordable child care for recipients of temporary
16 assistance for needy families. To comply with this federal requirement
17 and to avoid possible fiscal sanctions, the legislature intends to
18 determine what constitutes affordable, accessible child care in
19 Washington.

20 (2) The Washington institute for public policy shall conduct a
21 study of reasonable, affordable child care subsidy rates that are
22 realistic for low-income working families. The institute for public
23 policy shall review child care subsidy rates in use in other
24 jurisdictions and shall model the economic impact of child care subsidy
25 rates on low-income families. The institute for public policy shall
26 report its findings and recommendations to the legislature no later
27 than December 15, 1997.

28 **Sec. 404.** RCW 74.13.0903 and 1993 c 453 s 2 are each amended to
29 read as follows:

30 The office of child care policy is established to operate under the
31 authority of the department of social and health services. The duties
32 and responsibilities of the office include, but are not limited to, the
33 following, within appropriated funds:

34 (1) Staff and assist the child care coordinating committee in the
35 implementation of its duties under RCW 74.13.090;

36 (2) Work in conjunction with the state-wide child care resource and
37 referral network as well as local governments, nonprofit organizations,

1 businesses, and community child care advocates to create local child
2 care resource and referral organizations. These organizations may
3 carry out needs assessments, resource development, provider training,
4 technical assistance, and parent information and training;

5 (3) Actively seek public and private money for distribution as
6 grants to the state-wide child care resource and referral network and
7 to existing or potential local child care resource and referral
8 organizations;

9 (4) Adopt rules regarding the application for and distribution of
10 grants to local child care resource and referral organizations. The
11 rules shall, at a minimum, require an applicant to submit a plan for
12 achieving the following objectives:

13 (a) Provide parents with information about child care resources,
14 including location of services and subsidies;

15 (b) Carry out child care provider recruitment and training
16 programs, including training under RCW 74.25.040;

17 (c) Offer support services, such as parent and provider seminars,
18 toy-lending libraries, and substitute banks;

19 (d) Provide information for businesses regarding child care supply
20 and demand;

21 (e) Advocate for increased public and private sector resources
22 devoted to child care; ~~((and))~~

23 (f) Provide technical assistance to employers regarding employee
24 child care services; and

25 (g) Serve recipients of temporary assistance for needy families and
26 working parents with incomes at or below household incomes of one
27 hundred seventy-five percent of the federal poverty line;

28 (5) Provide staff support and technical assistance to the state-
29 wide child care resource and referral network and local child care
30 resource and referral organizations;

31 (6) Maintain a state-wide child care licensing data bank and work
32 with department of social and health services licensors to provide
33 information to local child care resource and referral organizations
34 about licensed child care providers in the state;

35 (7) Through the state-wide child care resource and referral network
36 and local resource and referral organizations, compile data about local
37 child care needs and availability for future planning and development;

38 (8) Coordinate with the state-wide child care resource and referral
39 network and local child care resource and referral organizations for

1 the provision of training and technical assistance to child care
2 providers; and

3 (9) Collect and assemble information regarding the availability of
4 insurance and of federal and other child care funding to assist state
5 and local agencies, businesses, and other child care providers in
6 offering child care services.

7 **Sec. 405.** RCW 74.25.040 and 1994 c 299 s 8 are each amended to
8 read as follows:

9 (1) Recipients of ~~((aid to families with dependent children))~~
10 temporary assistance for needy families who are ~~((not))~~ employed or
11 participating in ((an education or work training program)) a work
12 activity under section 312 of this act may volunteer ~~((to))~~ or work in
13 a licensed child care facility~~((, or other willing volunteer work~~
14 ~~site))~~. Licensed child care facilities participating in this effort
15 shall provide care for the recipient's children and provide for the
16 development of positive child care skills.

17 (2) The department shall train two hundred fifty recipients of
18 temporary assistance for needy families to become family child care
19 providers or child care center teachers. The department shall offer
20 the training in rural and urban communities. The department shall
21 adopt rules to implement the child care training program in this
22 section.

23 (3) Recipients trained under this section shall provide child care
24 services to clients of the department for two years following the
25 completion of their child care training.

26 V. TEEN PARENTS

27 A. PERMISSIBLE LIVING SITUATIONS

28 **Sec. 501.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to
29 read as follows:

30 (1) The department shall determine, after consideration of all
31 relevant factors and in consultation with the applicant, the most
32 appropriate living situation for applicants under eighteen years of
33 age, unmarried, and either pregnant or having a dependent child or
34 children in the applicant's care. An appropriate living situation~~((s))~~
35 shall include a place of residence that is maintained by the
36 applicant's parents, parent, legal guardian, or other adult relative as

1 their or his or her own home~~((, or other))~~ and that the department
2 finds would provide an appropriate supportive living arrangement
3 ~~((supervised by an adult where feasible and consistent with federal~~
4 ~~regulations under 45 C.F.R. chapter II, section 233.107))~~. It also
5 includes a living situation maintained by an agency that is licensed
6 under chapter 74.15 RCW that the department finds would provide an
7 appropriate supportive living arrangement. Grant assistance shall not
8 be provided under this chapter if the applicant does not reside in the
9 most appropriate living situation, as determined by the department.

10 (2) ~~((An applicant under eighteen years of age who is either~~
11 ~~pregnant or has a dependent child and is not living in a situation~~
12 ~~described in subsection (1) of this section shall be))~~ An unmarried
13 minor parent or pregnant minor applicant residing in the most
14 appropriate living situation, as provided under subsection (1) of this
15 section, is presumed to be unable to manage adequately the funds paid
16 to the minor or on behalf of the dependent child or children and,
17 unless the ~~((teenage custodial parent demonstrates otherwise))~~ minor
18 provides sufficient evidence to rebut the presumption, shall be subject
19 to the protective payee requirements provided for under RCW 74.12.250
20 and 74.08.280.

21 (3) The department shall consider any statements or opinions by
22 either parent of the ~~((teen recipient))~~ unmarried minor parent or
23 pregnant minor applicant as to an appropriate living situation for the
24 ~~((teen))~~ minor and his or her children, whether in the parental home or
25 other situation. If the parents or a parent of the ~~((teen head of~~
26 ~~household applicant for assistance))~~ minor request, they or he or she
27 shall be entitled to a hearing in juvenile court regarding ~~((the~~
28 ~~fitness and suitability of their home as the top priority choice))~~
29 designation of the parental home or other relative placement as the
30 most appropriate living situation for the pregnant or parenting ~~((teen~~
31 ~~applicant for assistance))~~ minor.

32 The department shall provide the parents ~~((shall have))~~ or parent
33 with the opportunity to make a showing ~~((, based on the preponderance of~~
34 ~~the evidence,))~~ that the parental home, or home of the other relative
35 placement, is the most appropriate living situation. It shall be
36 presumed in any administrative or judicial proceeding conducted under
37 this subsection that the parental home or other relative placement
38 requested by the parents or parent is the most appropriate living
39 situation. This presumption is rebuttable.

1 (4) In cases in which the (~~head of household is under eighteen~~
2 ~~years of age,~~) minor is unmarried(~~)~~ and unemployed, (~~and requests~~
3 ~~information on adoption,~~) the department shall, as part of the
4 determination of the appropriate living situation, make an affirmative
5 effort to provide current and positive information about adoption
6 including referral to community-based organizations for counseling and
7 provide information about the manner in which adoption works, its
8 benefits for unmarried, unemployed minor parents and their children,
9 and the meaning and availability of open adoption.

10 (5) For the purposes of this section, "most appropriate living
11 situation" shall not include a living situation including an adult male
12 who fathered the qualifying child and is found to meet the elements of
13 rape of a child as set forth in RCW 9A.44.079.

14 **Sec. 502.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to
15 read as follows:

16 (1) The department shall determine, after consideration of all
17 relevant factors and in consultation with the applicant, the most
18 appropriate living situation for applicants under eighteen years of
19 age, unmarried, and pregnant who are eligible for general assistance as
20 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living
21 situation(~~s~~) shall include a place of residence that is maintained by
22 the applicant's parents, parent, legal guardian, or other adult
23 relative as their or his or her own home(~~, or other~~) and that the
24 department finds would provide an appropriate supportive living
25 arrangement (~~(supervised by an adult where feasible and consistent with~~
26 ~~federal regulations under 45 C.F.R. chapter II, section 233.107)~~). It
27 also includes a living situation maintained by an agency that is
28 licensed under chapter 74.15 RCW that the department finds would
29 provide an appropriate supportive living arrangement. Grant assistance
30 shall not be provided under this chapter if the applicant does not
31 reside in the most appropriate living situation, as determined by the
32 department.

33 (2) (~~An applicant under eighteen years of age who is pregnant and~~
34 ~~is not living in a situation described in subsection (1) of this~~
35 ~~section shall be)) A pregnant minor residing in the most appropriate
36 living situation, as provided under subsection (1) of this section, is
37 presumed to be unable to manage adequately the funds paid to the minor
38 or on behalf of the dependent child or children and, unless the~~

1 (~~teenage custodial parent demonstrates otherwise~~) minor provides
2 sufficient evidence to rebut the presumption, shall be subject to the
3 protective payee requirements provided for under RCW 74.12.250 and
4 74.08.280.

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

16 The department shall provide the parents (~~shall have~~) or parent
17 with the opportunity to make a showing(~~(, based on the preponderance of~~
18 ~~the evidence,)~~) that the parental home, or home of the other relative
19 placement, is the most appropriate living situation. It shall be
20 presumed in any administrative or judicial proceeding conducted under
21 this subsection that the parental home or other relative placement
22 requested by the parents or parent is the most appropriate living
23 situation. This presumption is rebuttable.

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

30 (5) For the purposes of this section, "most appropriate living
31 situation" shall not include a living situation including an adult male
32 who fathered the qualifying child and is found to meet the elements of
33 rape of a child as set forth in RCW 9A.44.079.

34 NEW SECTION. Sec. 503. TEEN PARENT REQUIREMENTS. All applicants
35 under the age of eighteen years who are approved for assistance and,
36 within one hundred eighty days after the date of federal certification
37 of the Washington temporary assistance for needy families program, all
38 unmarried minor parents or pregnant minor applicants shall, as a

1 condition of receiving benefits, actively progress toward the
2 completion of a high school diploma or a GED.

3 **B. GRANDPARENT LIABILITY**

4 ****NEW SECTION. Sec. 504. UNMARRIED MINOR PARENT--ELIGIBILITY. The***
5 ***unmarried minor parent and the minor's child shall be considered to be***
6 ***part of the household of the minor's parents or parent for purposes of***
7 ***determining eligibility for temporary assistance for needy families and***
8 ***general assistance for pregnant women as defined in RCW***
9 ***74.04.005(6)(a)(ii)(A); and as such, the income and resources of the***
10 ***entire household are considered to be available to support the***
11 ***unmarried minor and his or her child.***

12 ****Sec. 504 was vetoed. See message at end of chapter.***

13 **Sec. 505.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to
14 read as follows:

15 (1) In an action brought under this chapter, the court may inquire
16 into the ability of the parent or parents of the child to pay child
17 support and may enter an order of child support as set forth in chapter
18 26.19 RCW. The court may enforce the same by execution, or in any way
19 in which a court of equity may enforce its decrees. All child support
20 orders entered pursuant to this chapter shall be in compliance with the
21 provisions of RCW 26.23.050.

22 (2) For purposes of this section, if a dependent child's parent is
23 an unmarried minor parent or pregnant minor applicant, then the parent
24 or parents of the minor shall also be deemed a parent or parents of the
25 dependent child. However, liability for child support under this
26 subsection only exists if the parent or parents of the unmarried minor
27 parent or pregnant minor applicant are provided the opportunity for a
28 hearing on their ability to provide support. Any child support order
29 requiring such a parent or parents to provide support for the minor
30 parent's child may be effective only until the minor parent reaches
31 eighteen years of age.

32 **Sec. 506.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to
33 read as follows:

34 If the department, after investigation, finds that any applicant
35 for assistance under this chapter or any recipient of funds under ((an

1 ~~aid to families with dependent children grant~~) this chapter would not
2 use, or is not utilizing, the grant adequately for the needs of ((the))
3 his or her child or children or would dissipate the grant or is
4 ((otherwise)) dissipating such grant, or would be or is unable to
5 manage adequately the funds paid on behalf of said child and that to
6 provide or continue ((said)) payments to ((him)) the applicant or
7 recipient would be contrary to the welfare of the child, the department
8 may make such payments to another individual who is interested in or
9 concerned with the welfare of such child and relative: PROVIDED, That
10 the department shall provide such counseling and other services as are
11 available and necessary to develop greater ability on the part of the
12 relative to manage funds in such manner as to protect the welfare of
13 the family. Periodic review of each case shall be made by the
14 department to determine if said relative is able to resume management
15 of the assistance grant. If after a reasonable period of time the
16 payments to the relative cannot be resumed, the department may request
17 the attorney general to file a petition in the superior court for the
18 appointment of a guardian for the child or children. Such petition
19 shall set forth the facts warranting such appointment. Notice of the
20 hearing on such petition shall be served upon the recipient and the
21 department not less than ten days before the date set for such hearing.
22 Such petition may be filed with the clerk of superior court and all
23 process issued and served without payment of costs. If upon the
24 hearing of such petition the court is satisfied that it is for the best
25 interest of the child or children, and all parties concerned, that a
26 guardian be appointed, he shall order the appointment, and may require
27 the guardian to render to the court a detailed itemized account of
28 expenditures of such assistance payments at such time as the court may
29 deem advisable.

30 It is the intention of this section that the guardianship herein
31 provided for shall be a special and limited guardianship solely for the
32 purpose of safeguarding the assistance grants made to dependent
33 children. Such guardianship shall terminate upon the termination of
34 such assistance grant, or sooner on order of the court, upon good cause
35 shown.

36 **VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION**

1 **Sec. 601.** RCW 74.12.410 and 1994 c 299 s 3 are each amended to
2 read as follows:

3 (1) At time of application or reassessment under this chapter the
4 department shall offer or contract for family planning information and
5 assistance, including alternatives to abortion, and any other available
6 locally based teen pregnancy prevention programs, to prospective and
7 current recipients of aid to families with dependent children.

8 (2) The department shall work in cooperation with the
9 superintendent of public instruction to reduce the rate of illegitimate
10 births and abortions in Washington state.

11 (3) The department of health shall maximize federal funding by
12 timely application for federal funds available under P.L. 104-193 and
13 Title V of the federal social security act, 42 U.S.C. 701 et seq., as
14 amended, for the establishment of qualifying abstinence education and
15 motivation programs. The department of health shall contract, by
16 competitive bid, with entities qualified to provide abstinence
17 education and motivation programs in the state.

18 (4) The department of health shall seek and accept local matching
19 funds to the maximum extent allowable from qualified abstinence
20 education and motivation programs.

21 (5)(a) For purposes of this section, "qualifying abstinence
22 education and motivation programs" are those bidders with experience in
23 the conduct of the types of abstinence education and motivation
24 programs set forth in Title V of the federal social security act, 42
25 U.S.C. Sec. 701 et seq., as amended.

26 (b) The application for federal funds, contracting for abstinence
27 education and motivation programs and performance of contracts under
28 this section are subject to review and oversight by a joint committee
29 of the legislature, composed of four legislative members, appointed by
30 each of the two caucuses in each house.

31 **VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY**

32 NEW SECTION. Sec. 701. It is the intent of the legislature that
33 the Washington WorkFirst program focus on work and on personal
34 responsibility for recipients. The program shall be evaluated among
35 other evaluations, through a limited number of outcome measures
36 designed to hold each community service office and economic services
37 region accountable for program success.

1 NEW SECTION. **Sec. 702.** OUTCOME MEASURES. (1) The WorkFirst
2 program shall develop outcome measures for use in evaluating the
3 WorkFirst program authorized in chapter . . . , Laws of 1997 (this act),
4 which may include but are not limited to:

5 (a) Caseload reduction;

6 (b) Recidivism to caseload after two years;

7 (c) Job retention;

8 (d) Earnings;

9 (e) Reduction in average grant through increased recipient
10 earnings; and

11 (f) Placement of recipients into private sector, unsubsidized jobs.

12 (2) The department shall require that contractors for WorkFirst
13 services collect outcome measure information and report outcome
14 measures to the department regularly. The department shall develop
15 benchmarks that compare outcome measure information from all
16 contractors to provide a clear indication of the most effective
17 contractors. Benchmark information shall be published quarterly and
18 provided to the legislature, the governor, and all contractors for
19 WorkFirst services.

20 NEW SECTION. **Sec. 703.** EVALUATION. Every WorkFirst office,
21 region, contract, employee, and contractor shall be evaluated using the
22 criteria in section 702 of this act. The department shall award
23 contracts to the highest performing entities according to the criteria
24 in section 702 of this act. The department may provide for bonuses to
25 offices, regions, and employees with the best outcomes according to
26 measures in section 702 of this act.

27 NEW SECTION. **Sec. 704.** OUTCOME MEASURES--REPORT. The department
28 shall provide a report to the appropriate committees of the legislature
29 on achievement of the outcome measures by region and contract on an
30 annual basis, no later than January 15th of each year, beginning in
31 1999. The report shall include how the department is using the outcome
32 measure information obtained under section 702 of this act to manage
33 the WorkFirst program.

34 NEW SECTION. **Sec. 705.** A new section is added to chapter 44.28
35 RCW to read as follows:

1 WORKFIRST PROGRAM STUDY. (1) The joint legislative audit and
2 review committee shall conduct an evaluation of the effectiveness of
3 the WorkFirst program described in chapter . . . , Laws of 1997 (this
4 act), including the job opportunities and basic skills training program
5 and any approved private, county, or local government WorkFirst
6 program. The evaluation shall assess the success of the program in
7 assisting clients to become employed and to reduce their use of
8 temporary assistance for needy families. The study shall include but
9 not be limited to the following:

10 (a) An assessment of employment outcomes, including hourly wages,
11 hours worked, and total earnings, for clients;

12 (b) A comparison of temporary assistance for needy families
13 outcomes, including grant amounts and program exits, for clients; and

14 (c) An audit of the performance-based contract for each private
15 nonprofit contractor for job opportunities and basic skills training
16 program services. The joint legislative audit and review committee may
17 contract with the Washington institute for public policy for
18 appropriate portions of the evaluation required by this section.

19 (2) Administrative data shall be provided by the department of
20 social and health services, the employment security department, the
21 state board for community and technical colleges, local governments,
22 and private contractors. The department of social and health services
23 shall require contractors to provide administrative and outcome data
24 needed for this study as a condition of contract compliance.

25 ****NEW SECTION. Sec. 706. PATERNITY ESTABLISHMENT. In order to be***
26 ***eligible for temporary assistance for needy families, applicants shall,***
27 ***at the time of application for assistance, provide the names of both***
28 ***parents of their child or children, whether born or unborn.***

29 ****Sec. 706 was vetoed. See message at end of chapter.***

30 VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT

31 A. LICENSE SUSPENSION

32 **NEW SECTION. Sec. 801.** It is the intent of the legislature to
33 provide a strong incentive for persons owing child support to make
34 timely payments, and to cooperate with the department of social and
35 health services to establish an appropriate schedule for the payment of
36 any arrears. To further ensure that child support obligations are met,

1 sections 801 through 890 of this act establish a program by which
2 certain licenses may be suspended or not renewed if a person is one
3 hundred eighty days or more in arrears on child support payments.

4 In the implementation and management of this program, it is the
5 legislature's intent that the objective of the department of social and
6 health services be to obtain payment in full of arrears, or where that
7 is not possible, to enter into agreements with delinquent obligors to
8 make timely support payments and make reasonable payments towards the
9 arrears. The legislature intends that if the obligor refuses to
10 cooperate in establishing a fair and reasonable payment schedule for
11 arrears or refuses to make timely support payments, the department
12 shall proceed with certification to a licensing entity or the
13 department of licensing that the person is not in compliance with a
14 child support order.

15 *NEW SECTION. **Sec. 802.** A new section is added to chapter 74.20A
16 RCW to read as follows:

17 (1) The department may serve upon a responsible parent a notice
18 informing the responsible parent of the department's intent to submit
19 the parent's name to the department of licensing and any appropriate
20 licensing entity as a licensee who is not in compliance with a child
21 support order. The department shall attach a copy of the responsible
22 parent's child support order to the notice. Service of the notice must
23 be by certified mail, return receipt requested. If service by
24 certified mail is not successful, service shall be by personal service.

25 (2) The notice of noncompliance must include the address and
26 telephone number of the department's division of child support office
27 that issues the notice and must inform the responsible parent that:

28 (a) The parent may request an adjudicative proceeding to contest
29 the issue of compliance with the child support order. The only issues
30 that may be considered at the adjudicative proceeding are whether the
31 parent is required to pay child support under a child support order and
32 whether the parent is in compliance with that order;

33 (b) A request for an adjudicative proceeding shall be in writing
34 and must be received by the department within twenty days of the date
35 of service of the notice;

36 (c) If the parent requests an adjudicative proceeding within twenty
37 days of service, the department will stay action to certify the parent
38 to the department of licensing and any licensing entity for

1 noncompliance with a child support order pending entry of a written
2 decision after the adjudicative proceeding;

3 (d) If the parent does not request an adjudicative proceeding
4 within twenty days of service and remains in noncompliance with a child
5 support order, the department will certify the parent's name to the
6 department of licensing and any appropriate licensing entity for
7 noncompliance with a child support order;

8 (e) The department will stay action to certify the parent to the
9 department of licensing and any licensing entity for noncompliance if
10 the parent agrees to make timely payments of current support and agrees
11 to a reasonable payment schedule for payment of the arrears. It is the
12 parent's responsibility to contact in person or by mail the
13 department's division of child support office indicated on the notice
14 within twenty days of service of the notice to arrange for a payment
15 schedule. The department may stay certification for up to thirty days
16 after contact from a parent to arrange for a payment schedule;

17 (f) If the department certifies the responsible parent to the
18 department of licensing and a licensing entity for noncompliance with
19 a child support order, the licensing entity will suspend or not renew
20 the parent's license and the department of licensing will suspend or
21 not renew any driver's license that the parent holds until the parent
22 provides the department of licensing and the licensing entity with a
23 release from the department stating that the responsible parent is in
24 compliance with the child support order;

25 (g) If the department certifies the responsible parent as a person
26 who is in noncompliance with a child support order, the department of
27 fish and wildlife will suspend the fishing license, hunting license,
28 commercial fishing license, or any other license issued under chapters
29 77.32, 77.28, and 75.25 RCW that the responsible parent may possess.
30 Notice from the department of licensing that a responsible parent's
31 driver's license has been suspended shall serve as notice of the
32 suspension of a license issued under chapters 77.32 and 75.25 RCW;

33 (h) Suspension of a license will affect insurability if the
34 responsible parent's insurance policy excludes coverage for acts
35 occurring after the suspension of a license;

36 (i) If after receiving the notice of noncompliance with a child
37 support order, the responsible parent files a motion to modify support
38 with the court or requests the department to amend a support obligation
39 established by an administrative decision, or if a motion for

1 modification of a court or administrative order for child support is
2 pending, the department or the court may stay action to certify the
3 parent to the department of licensing and any licensing entity for
4 noncompliance with a child support order. A stay shall not exceed six
5 months unless the department finds good cause. The responsible parent
6 has the obligation to notify the department that a modification
7 proceeding is pending and provide a copy of the motion or request for
8 modification; and

9 (j) If the responsible parent subsequently becomes in compliance
10 with the child support order, the department will promptly provide the
11 parent with a release stating that the parent is in compliance with the
12 order, and the parent may request that the licensing entity or the
13 department of licensing reinstate the suspended license.

14 (3) A responsible parent may request an adjudicative proceeding
15 upon service of the notice described in subsection (1) of this section.
16 The request for an adjudicative proceeding must be received by the
17 department within twenty days of service. The request must be in
18 writing and indicate the current mailing address and daytime phone
19 number, if available, of the responsible parent. The proceedings under
20 this subsection shall be conducted in accordance with the requirements
21 of chapter 34.05 RCW. The issues that may be considered at the
22 adjudicative proceeding are limited to whether:

23 (a) The person named as the responsible parent is the responsible
24 parent;

25 (b) The responsible parent is required to pay child support under
26 a child support order; and

27 (c) The responsible parent is in compliance with the order.

28 (4) The decision resulting from the adjudicative proceeding must be
29 in writing and inform the responsible parent of his or her rights to
30 review. The parent's copy of the decision may be sent by regular mail
31 to the parent's most recent address of record.

32 (5) If a responsible parent contacts the department's division of
33 child support office indicated on the notice of noncompliance within
34 twenty days of service of the notice and requests arrangement of a
35 payment schedule, the department shall stay the certification of
36 noncompliance during negotiation of the schedule for payment of
37 arrears. In no event shall the stay continue for more than thirty days
38 from the date of contact by the parent. The department shall establish
39 a schedule for payment of arrears that is fair and reasonable, and that

1 considers the financial situation of the responsible parent and the
2 needs of all children who rely on the responsible parent for support.
3 At the end of the thirty days, if no payment schedule has been agreed
4 to in writing and the department has acted in good faith, the
5 department shall proceed with certification of noncompliance.

6 (6) If a responsible parent timely requests an adjudicative
7 proceeding pursuant to subsection (4) of this section, the department
8 may not certify the name of the parent to the department of licensing
9 or a licensing entity for noncompliance with a child support order
10 unless the adjudicative proceeding results in a finding that the
11 responsible parent is not in compliance with the order.

12 (7) The department may certify to the department of licensing and
13 any appropriate licensing entity the name of a responsible parent who
14 is not in compliance with a child support order or a residential or
15 visitation order if:

16 (a) The responsible parent does not timely request an adjudicative
17 proceeding upon service of a notice issued under subsection (1) of this
18 section and is not in compliance with a child support order twenty-one
19 days after service of the notice;

20 (b) An adjudicative proceeding results in a decision that the
21 responsible parent is not in compliance with a child support order;

22 (c) The court enters a judgment on a petition for judicial review
23 that finds the responsible parent is not in compliance with a child
24 support order;

25 (d) The department and the responsible parent have been unable to
26 agree on a fair and reasonable schedule of payment of the arrears;

27 (e) The responsible parent fails to comply with a payment schedule
28 established pursuant to subsection (5) of this section; or

29 ***(f) The department is ordered to certify the responsible parent by***
30 ***a court order under section 887 of this act.***

31 The department shall send by regular mail a copy of any
32 certification of noncompliance filed with the department of licensing
33 or a licensing entity to the responsible parent at the responsible
34 parent's most recent address of record.

35 (8) The department of licensing and a licensing entity shall,
36 without undue delay, notify a responsible parent certified by the
37 department under subsection (7) of this section that the parent's
38 driver's license or other license has been suspended because the
39 parent's name has been certified by the department as a responsible

1 parent who is not in compliance with a child support order or a
2 residential or visitation order.

3 (9) When a responsible parent who is served notice under subsection
4 (1) of this section subsequently complies with the child support order,
5 or when the department receives a court order under section 886 of this
6 act stating that the parent is in compliance with a residential or
7 visitation order, the department shall promptly provide the parent with
8 a release stating that the responsible parent is in compliance with the
9 order. A copy of the release shall be transmitted by the department to
10 the appropriate licensing entities.

11 (10) The department may adopt rules to implement and enforce the
12 requirements of this section. The department shall deliver a copy of
13 rules adopted to implement and enforce this section to the legislature
14 by June 30, 1998.

15 (11) Nothing in this section prohibits a responsible parent from
16 filing a motion to modify support with the court or from requesting the
17 department to amend a support obligation established by an
18 administrative decision. If there is a reasonable likelihood that a
19 pending motion or request will significantly change the amount of the
20 child support obligation, the department or the court may stay action
21 to certify the responsible parent to the department of licensing and
22 any licensing entity for noncompliance with a child support order. A
23 stay shall not exceed six months unless the department finds good cause
24 to extend the stay. The responsible parent has the obligation to
25 notify the department that a modification proceeding is pending and
26 provide a copy of the motion or request for modification.

27 (12) The department of licensing and a licensing entity may renew,
28 reinstate, or otherwise extend a license in accordance with the
29 licensing entity's or the department of licensing's rules after the
30 licensing entity or the department of licensing receives a copy of the
31 release specified in subsection (9) of this section. The department of
32 licensing and a licensing entity may waive any applicable requirement
33 for reissuance, renewal, or other extension if it determines that the
34 imposition of that requirement places an undue burden on the person and
35 that waiver of the requirement is consistent with the public interest.

36 (13) The procedures in chapter . . . , Laws of 1997 (this act),
37 constitute the exclusive administrative remedy for contesting the
38 establishment of noncompliance with a child support order and

1 suspension of a license under this section, and satisfy the
2 requirements of RCW 34.05.422.

3 ***Sec. 802 was partially vetoed. See message at end of chapter.**

4 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.20A
5 RCW to read as follows:

6 (1) The department and all of the various licensing entities
7 subject to section 802 of this act shall enter into such agreements as
8 are necessary to carry out the requirements of the license suspension
9 program established in section 802 of this act.

10 (2) The department and all licensing entities subject to section
11 802 of this act shall compare data to identify responsible parents who
12 may be subject to the provisions of chapter . . . , Laws of 1997 (this
13 act). The comparison may be conducted electronically, or by any other
14 means that is jointly agreeable between the department and the
15 particular licensing entity. The data shared shall be limited to those
16 items necessary to implementation of chapter . . . , Laws of 1997 (this
17 act). The purpose of the comparison shall be to identify current
18 licensees who are not in compliance with a child support order, and to
19 provide to the department the following information regarding those
20 licensees:

21 (a) Name;

22 (b) Date of birth;

23 (c) Address of record;

24 (d) Federal employer identification number and social security
25 number;

26 (e) Type of license;

27 (f) Effective date of license or renewal;

28 (g) Expiration date of license; and

29 (h) Active or inactive status.

30 NEW SECTION. **Sec. 804.** A new section is added to chapter 74.20A
31 RCW to read as follows:

32 (1) In furtherance of the public policy of increasing collection of
33 child support and to assist in evaluation of the program established in
34 section 802 of this act, the department shall report the following to
35 the legislature and the governor on December 1, 1998, and annually
36 thereafter:

1 (a) The number of responsible parents identified as licensees
2 subject to section 802 of this act;

3 (b) The number of responsible parents identified by the department
4 as not in compliance with a child support order;

5 (c) The number of notices of noncompliance served upon responsible
6 parents by the department;

7 (d) The number of responsible parents served a notice of
8 noncompliance who request an adjudicative proceeding;

9 (e) The number of adjudicative proceedings held, and the results of
10 the adjudicative proceedings;

11 (f) The number of responsible parents certified to the department
12 of licensing or licensing entities for noncompliance with a child
13 support order, and the number of each type of licenses that were
14 suspended;

15 (g) The costs incurred in the implementation and enforcement of
16 section 802 of this act and an estimate of the amount of child support
17 collected due to the department under section 802 of this act;

18 (h) Any other information regarding this program that the
19 department feels will assist in evaluation of the program;

20 (i) Recommendations for the addition of specific licenses in the
21 program or exclusion of specific licenses from the program, and reasons
22 for such recommendations; and

23 (j) Any recommendations for statutory changes necessary for the
24 cost-effective management of the program.

25 (2) To assist in evaluation of the program established in section
26 802 of this act, the office of the administrator for the courts shall
27 report the following to the legislature and the governor on December 1,
28 1998, and annually thereafter:

29 (a) The number of motions for contempt for violation of a
30 visitation or residential order filed under RCW 26.09.160(3);

31 (b) The number of parents found in contempt under RCW 26.09.160(3);
32 and

33 (c) The number of parents whose licenses were suspended under RCW
34 26.09.160(3).

35 (3) This section expires December 2, 2002.

36 **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
37 amended to read as follows:

1 Unless a different meaning is plainly required by the context, the
2 following words and phrases as hereinafter used in this chapter and
3 chapter 74.20 RCW shall have the following meanings:

4 (1) "Department" means the state department of social and health
5 services.

6 (2) "Secretary" means the secretary of the department of social and
7 health services, (~~his~~) the secretary's designee or authorized
8 representative.

9 (3) "Dependent child" means any person:

10 (a) Under the age of eighteen who is not self-supporting, married,
11 or a member of the armed forces of the United States; or

12 (b) Over the age of eighteen for whom a court order for support
13 exists.

14 (4) "Support obligation" means the obligation to provide for the
15 necessary care, support, and maintenance, including medical expenses,
16 of a dependent child or other person as required by statutes and the
17 common law of this or another state.

18 (5) "Superior court order" means any judgment, decree, or order of
19 the superior court of the state of Washington, or a court of comparable
20 jurisdiction of another state, establishing the existence of a support
21 obligation and ordering payment of a set or determinable amount of
22 support moneys to satisfy the support obligation. For purposes of RCW
23 74.20A.055, orders for support which were entered under the uniform
24 reciprocal enforcement of support act by a state where the responsible
25 parent no longer resides shall not preclude the department from
26 establishing an amount to be paid as current and future support.

27 (6) "Administrative order" means any determination, finding,
28 decree, or order for support pursuant to RCW 74.20A.055, or by an
29 agency of another state pursuant to a substantially similar
30 administrative process, establishing the existence of a support
31 obligation and ordering the payment of a set or determinable amount of
32 support moneys to satisfy the support obligation.

33 (7) "Responsible parent" means a natural parent, adoptive parent,
34 or stepparent of a dependent child or a person who has signed an
35 affidavit acknowledging paternity which has been filed with the state
36 office of vital statistics.

37 (8) "Stepparent" means the present spouse of the person who is
38 either the mother, father, or adoptive parent of a dependent child, and

1 such status shall exist until terminated as provided for in RCW
2 26.16.205.

3 (9) "Support moneys" means any moneys or in-kind providings paid to
4 satisfy a support obligation whether denominated as child support,
5 spouse support, alimony, maintenance, or any other such moneys intended
6 to satisfy an obligation for support of any person or satisfaction in
7 whole or in part of arrears or delinquency on such an obligation.

8 (10) "Support debt" means any delinquent amount of support moneys
9 which is due, owing, and unpaid under a superior court order or an
10 administrative order, a debt for the payment of expenses for the
11 reasonable or necessary care, support, and maintenance, including
12 medical expenses, of a dependent child or other person for whom a
13 support obligation is owed; or a debt under RCW 74.20A.100 or
14 74.20A.270. Support debt also includes any accrued interest, fees, or
15 penalties charged on a support debt, and attorneys fees and other costs
16 of litigation awarded in an action to establish and enforce a support
17 obligation or debt.

18 (11) "State" means any state or political subdivision, territory,
19 or possession of the United States, the District of Columbia, and the
20 Commonwealth of Puerto Rico.

21 (12) "Account" means a demand deposit account, checking or
22 negotiable withdrawal order account, savings account, time deposit
23 account, or money-market mutual fund account.

24 (13) "Child support order" means a superior court order or an
25 administrative order.

26 (14) "Financial institution" means:

27 (a) A depository institution, as defined in section 3(c) of the
28 federal deposit insurance act;

29 (b) An institution-affiliated party, as defined in section 3(u) of
30 the federal deposit insurance act;

31 (c) Any federal or state credit union, as defined in section 101 of
32 the federal credit union act, including an institution-affiliated party
33 of such credit union, as defined in section 206(r) of the federal
34 deposit insurance act; or

35 (d) Any benefit association, insurance company, safe deposit
36 company, money-market mutual fund, or similar entity.

37 (15) "License" means a license, certificate, registration, permit,
38 approval, or other similar document issued by a licensing entity to a
39 licensee evidencing admission to or granting authority to engage in a

1 profession, occupation, business, industry, recreational pursuit, or
2 the operation of a motor vehicle. "License" does not mean the tax
3 registration or certification issued under Title 82 RCW by the
4 department of revenue.

5 (16) "Licensee" means any individual holding a license,
6 certificate, registration, permit, approval, or other similar document
7 issued by a licensing entity evidencing admission to or granting
8 authority to engage in a profession, occupation, business, industry,
9 recreational pursuit, or the operation of a motor vehicle.

10 (17) "Licensing entity" includes any department, board, commission,
11 or other organization authorized to issue, renew, suspend, or revoke a
12 license authorizing an individual to engage in a business, occupation,
13 profession, industry, recreational pursuit, or the operation of a motor
14 vehicle, and includes the Washington state supreme court, to the extent
15 that a rule has been adopted by the court to implement suspension of
16 licenses related to the practice of law.

17 (18) "Noncompliance with a child support order" for the purposes of
18 the license suspension program authorized under section 802 of this act
19 means a responsible parent has:

20 (a) Accumulated arrears totaling more than six months of child
21 support payments;

22 (b) Failed to make payments pursuant to a written agreement with
23 the department towards a support arrearage in an amount that exceeds
24 six months of payments; or

25 (c) Failed to make payments required by a superior court order or
26 administrative order towards a support arrearage in an amount that
27 exceeds six months of payments.

28 (19) "Noncompliance with a residential or visitation order" means
29 that a court has found the parent in contempt of court under RCW
30 26.09.160(3) for failure to comply with a residential provision of a
31 court-ordered parenting plan.

32 **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
33 read as follows:

34 The department is authorized to suspend the license of a driver
35 upon a showing by its records or other sufficient evidence that the
36 licensee:

37 (1) Has committed an offense for which mandatory revocation or
38 suspension of license is provided by law;

1 (2) Has, by reckless or unlawful operation of a motor vehicle,
2 caused or contributed to an accident resulting in death or injury to
3 any person or serious property damage;

4 (3) Has been convicted of offenses against traffic regulations
5 governing the movement of vehicles, or found to have committed traffic
6 infractions, with such frequency as to indicate a disrespect for
7 traffic laws or a disregard for the safety of other persons on the
8 highways;

9 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
10 ((or))

11 (5) Has failed to respond to a notice of traffic infraction, failed
12 to appear at a requested hearing, violated a written promise to appear
13 in court, or has failed to comply with the terms of a notice of traffic
14 infraction or citation, as provided in RCW 46.20.289; ((or))

15 (6) Has committed one of the prohibited practices relating to
16 drivers' licenses defined in RCW 46.20.336; or

17 (7) Has been certified by the department of social and health
18 services as a person who is not in compliance with a child support
19 order or a residential or visitation order as provided in section 802
20 of this act.

21 **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
22 read as follows:

23 (1) The department shall not suspend a driver's license or
24 privilege to drive a motor vehicle on the public highways for a fixed
25 period of more than one year, except as specifically permitted under
26 RCW 46.20.342 or other provision of law. Except for a suspension under
27 RCW 46.20.289 ((and)), 46.20.291(5), or section 802 of this act,
28 whenever the license or driving privilege of any person is suspended by
29 reason of a conviction, a finding that a traffic infraction has been
30 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
31 or 46.20.308, the suspension shall remain in effect until the person
32 gives and thereafter maintains proof of financial responsibility for
33 the future as provided in chapter 46.29 RCW. If the suspension is the
34 result of a violation of RCW 46.61.502 or 46.61.504, the department
35 shall determine the person's eligibility for licensing based upon the
36 reports provided by the alcoholism agency or probation department
37 designated under RCW 46.61.5056 and shall deny reinstatement until
38 enrollment and participation in an approved program has been

1 established and the person is otherwise qualified. Whenever the
2 license or driving privilege of any person is suspended as a result of
3 certification of noncompliance with a child support order under chapter
4 74.20A RCW or a residential or visitation order, the suspension shall
5 remain in effect until the person provides a release issued by the
6 department of social and health services stating that the person is in
7 compliance with the order. The department shall not issue to the
8 person a new, duplicate, or renewal license until the person pays a
9 reissue fee of twenty dollars. If the suspension is the result of a
10 violation of RCW 46.61.502 or 46.61.504, or is the result of
11 administrative action under RCW 46.20.308, the reissue fee shall be
12 fifty dollars.

13 (2) Any person whose license or privilege to drive a motor vehicle
14 on the public highways has been revoked, unless the revocation was for
15 a cause which has been removed, is not entitled to have the license or
16 privilege renewed or restored until: (a) After the expiration of one
17 year from the date the license or privilege to drive was revoked; (b)
18 after the expiration of the applicable revocation period provided by
19 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
20 persons convicted of vehicular homicide; or (d) after the expiration of
21 the applicable revocation period provided by RCW 46.20.265. After the
22 expiration of the appropriate period, the person may make application
23 for a new license as provided by law together with a reissue fee in the
24 amount of twenty dollars, but if the revocation is the result of a
25 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
26 shall be fifty dollars. If the revocation is the result of a violation
27 of RCW 46.61.502 or 46.61.504, the department shall determine the
28 person's eligibility for licensing based upon the reports provided by
29 the alcoholism agency or probation department designated under RCW
30 46.61.5056 and shall deny reissuance of a license, permit, or privilege
31 to drive until enrollment and participation in an approved program has
32 been established and the person is otherwise qualified. Except for a
33 revocation under RCW 46.20.265, the department shall not then issue a
34 new license unless it is satisfied after investigation of the driving
35 ability of the person that it will be safe to grant the privilege of
36 driving a motor vehicle on the public highways, and until the person
37 gives and thereafter maintains proof of financial responsibility for
38 the future as provided in chapter 46.29 RCW. For a revocation under
39 RCW 46.20.265, the department shall not issue a new license unless it

1 is satisfied after investigation of the driving ability of the person
2 that it will be safe to grant that person the privilege of driving a
3 motor vehicle on the public highways.

4 (3) Whenever the driver's license of any person is suspended
5 pursuant to Article IV of the nonresident violators compact or RCW
6 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
7 to the person any new or renewal license until the person pays a
8 reissue fee of twenty dollars. If the suspension is the result of a
9 violation of the laws of this or any other state, province, or other
10 jurisdiction involving (a) the operation or physical control of a motor
11 vehicle upon the public highways while under the influence of
12 intoxicating liquor or drugs, or (b) the refusal to submit to a
13 chemical test of the driver's blood alcohol content, the reissue fee
14 shall be fifty dollars.

15 NEW SECTION. **Sec. 808.** A new section is added to chapter 48.22
16 RCW to read as follows:

17 In the event that the department of licensing suspends a driver's
18 license solely for the nonpayment of child support as provided in
19 chapter 74.20A RCW or for noncompliance with a residential or
20 visitation order as provided in chapter 26.09 RCW, any provision in the
21 driver's motor vehicle liability insurance policy excluding insurance
22 coverage for an unlicensed driver shall not apply to the driver for
23 ninety days from the date of suspension. When a driver's license is
24 suspended under chapter 74.20A RCW, the driving record for the
25 suspended driver shall include a notation that explains the reason for
26 the suspension.

27 NEW SECTION. **Sec. 809.** The legislature intends that the license
28 suspension program established in chapter 74.20A RCW be implemented
29 fairly to ensure that child support obligations are met and that
30 parents comply with residential and visitation orders. However, being
31 mindful of the separations of powers and responsibilities among the
32 branches of government, the legislature strongly encourages the state
33 supreme court to adopt rules providing for suspension and denial of
34 licenses related to the practice of law to those individuals who are in
35 noncompliance with a support order or a residential or visitation
36 order.

1 NEW SECTION. **Sec. 810.** A new section is added to chapter 2.48 RCW
2 to read as follows:

3 The Washington state supreme court may provide by rule that no
4 person who has been certified by the department of social and health
5 services as a person who is in noncompliance with a support order or a
6 residential or visitation order as provided in section 802 of this act
7 may be admitted to the practice of law in this state, and that any
8 member of the Washington state bar association who has been certified
9 by the department of social and health services as a person who is in
10 noncompliance with a support order or a residential or visitation order
11 as provided in section 802 of this act shall be immediately suspended
12 from membership. The court's rules may provide for review of an
13 application for admission or reinstatement of membership after the
14 department of social and health services has issued a release stating
15 that the person is in compliance with the order.

16 NEW SECTION. **Sec. 811.** A new section is added to chapter 18.04
17 RCW to read as follows:

18 The board shall immediately suspend the certificate or license of
19 a person who has been certified pursuant to section 802 of this act by
20 the department of social and health services as a person who is not in
21 compliance with a support order or a residential or visitation order.
22 If the person has continued to meet all other requirements for
23 reinstatement during the suspension, reissuance of the license or
24 certificate shall be automatic upon the board's receipt of a release
25 issued by the department of social and health services stating that the
26 licensee is in compliance with the order.

27 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
28 read as follows:

29 (1) Upon application in writing and after hearing pursuant to
30 notice, the board may:

31 ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or
32 license to, an individual whose certificate has been revoked or
33 suspended; or

34 ~~((2))~~ (b) Modify the suspension of, or reissue a license to a
35 firm whose license has been revoked, suspended, or which the board has
36 refused to renew.

1 (2) In the case of suspension for failure to comply with a support
2 order under chapter 74.20A RCW or a residential or visitation order
3 under chapter 26.09 RCW, if the person has continued to meet all other
4 requirements for reinstatement during the suspension, reissuance of a
5 certificate or license shall be automatic upon the board's receipt of
6 a release issued by the department of social and health services
7 stating that the individual is in compliance with the order.

8 **NEW SECTION. Sec. 813.** A new section is added to chapter 18.08
9 RCW to read as follows:

10 The board shall immediately suspend the certificate of registration
11 or certificate of authorization to practice architecture of a person
12 who has been certified pursuant to section 802 of this act by the
13 department of social and health services as a person who is not in
14 compliance with a support order or a residential or visitation order.
15 If the person has continued to meet other requirements for
16 reinstatement during the suspension, reissuance of the certificate
17 shall be automatic upon the board's receipt of a release issued by the
18 department of social and health services stating that the individual is
19 in compliance with the order.

20 **Sec. 814.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
21 read as follows:

22 (1) No license shall be issued by the department to any person who
23 has been convicted of forgery, embezzlement, obtaining money under
24 false pretenses, extortion, criminal conspiracy, fraud, theft,
25 receiving stolen goods, unlawful issuance of checks or drafts, or other
26 similar offense, or to any partnership of which the person is a member,
27 or to any association or corporation of which the person is an officer
28 or in which as a stockholder the person has or exercises a controlling
29 interest either directly or indirectly.

30 (2) The following shall be grounds for denial, suspension, or
31 revocation of a license, or imposition of an administrative fine by the
32 department:

33 (a) Misrepresentation or concealment of material facts in obtaining
34 a license;

35 (b) Underreporting to the department of sales figures so that the
36 auctioneer or auction company surety bond is in a lower amount than
37 required by law;

- 1 (c) Revocation of a license by another state;
- 2 (d) Misleading or false advertising;
- 3 (e) A pattern of substantial misrepresentations related to
4 auctioneering or auction company business;
- 5 (f) Failure to cooperate with the department in any investigation
6 or disciplinary action;
- 7 (g) Nonpayment of an administrative fine prior to renewal of a
8 license;
- 9 (h) Aiding an unlicensed person to practice as an auctioneer or as
10 an auction company; and
- 11 (i) Any other violations of this chapter.

12 (3) The department shall immediately suspend the license of a
13 person who has been certified pursuant to section 802 of this act by
14 the department of social and health services as a person who is not in
15 compliance with a support order or a residential or visitation order.
16 If the person has continued to meet all other requirements for
17 reinstatement during the suspension, reissuance of the license shall be
18 automatic upon the department's receipt of a release issued by the
19 department of social and health services stating that the licensee is
20 in compliance with the order.

21 NEW SECTION. Sec. 815. A new section is added to chapter 18.16
22 RCW to read as follows:

23 The department shall immediately suspend the license of a person
24 who has been certified pursuant to section 802 of this act by the
25 department of social and health services as a person who is not in
26 compliance with a support order or a residential or visitation order.
27 If the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of the license shall be
29 automatic upon the department's receipt of a release issued by the
30 department of social and health services stating that the licensee is
31 in compliance with the order.

32 NEW SECTION. Sec. 816. A new section is added to chapter 18.20
33 RCW to read as follows:

34 The department shall immediately suspend the license of a person
35 who has been certified pursuant to section 802 of this act by the
36 department of social and health services as a person who is not in
37 compliance with a support order or a residential or visitation order.

1 If the person has continued to meet all other requirements for
2 reinstatement during the suspension, reissuance of the license shall be
3 automatic upon the department's receipt of a release issued by the
4 department of social and health services stating that the licensee is
5 in compliance with the order.

6 **Sec. 817.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
7 amended to read as follows:

8 (1) A certificate of registration shall be valid for one year and
9 shall be renewed on or before the expiration date. The department
10 shall issue to the applicant a certificate of registration upon
11 compliance with the registration requirements of this chapter.

12 (2) If the department approves an application, it shall issue a
13 certificate of registration to the applicant. The certificate shall be
14 valid for:

15 (a) One year;

16 (b) Until the bond expires; or

17 (c) Until the insurance expires, whichever comes first. The
18 department shall place the expiration date on the certificate.

19 (3) A contractor may supply a short-term bond or insurance policy
20 to bring its registration period to the full one year.

21 (4) If a contractor's surety bond or other security has an
22 unsatisfied judgment against it or is canceled, or if the contractor's
23 insurance policy is canceled, the contractor's registration shall be
24 automatically suspended on the effective date of the impairment or
25 cancellation. The department shall give notice of the suspension to
26 the contractor.

27 (5) The department shall immediately suspend the certificate of
28 registration of a contractor who has been certified by the department
29 of social and health services as a person who is not in compliance with
30 a support order or a residential or visitation order as provided in
31 section 802 of this act. The certificate of registration shall not be
32 reissued or renewed unless the person provides to the department a
33 release from the department of social and health services stating that
34 he or she is in compliance with the order and the person has continued
35 to meet all other requirements for certification during the suspension.

36 NEW SECTION. **Sec. 818.** A new section is added to chapter 18.28
37 RCW to read as follows:

1 The department shall immediately suspend the license of a person
2 who has been certified pursuant to section 802 of this act by the
3 department of social and health services as a person who is not in
4 compliance with a support order or a residential or visitation order.
5 If the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of the license shall be
7 automatic upon the department's receipt of a release issued by the
8 department of social and health services stating that the licensee is
9 in compliance with the order.

10 **Sec. 819.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
11 read as follows:

12 The director shall have the following powers and duties:

13 (1) To issue all licenses provided for under this chapter;

14 (2) To renew licenses under this chapter;

15 (3) To collect all fees prescribed and required under this chapter;

16 ((and))

17 (4) To immediately suspend the license of a person who has been
18 certified pursuant to section 802 of this act by the department of
19 social and health services as a person who is not in compliance with a
20 support order or a residential or visitation order; and

21 (5) To keep general books of record of all official acts,
22 proceedings, and transactions of the department of licensing while
23 acting under this chapter.

24 NEW SECTION. **Sec. 820.** A new section is added to chapter 18.39
25 RCW to read as follows:

26 In the case of suspension for failure to comply with a support
27 order under chapter 74.20A RCW or a residential or visitation order
28 under chapter 26.09 RCW, if the person has continued to meet all other
29 requirements for reinstatement during the suspension, reissuance of a
30 license shall be automatic upon the director's receipt of a release
31 issued by the department of social and health services stating that the
32 individual is in compliance with the order.

33 NEW SECTION. **Sec. 821.** A new section is added to chapter 18.43
34 RCW to read as follows:

35 The board shall immediately suspend the registration of a person
36 who has been certified pursuant to section 802 of this act by the

1 department of social and health services as a person who is not in
2 compliance with a support order or a residential or visitation order.
3 If the person has continued to meet all other requirements for
4 membership during the suspension, reissuance of the certificate of
5 registration shall be automatic upon the board's receipt of a release
6 issued by the department of social and health services stating that the
7 person is in compliance with the order.

8 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.44
9 RCW to read as follows:

10 The department shall immediately suspend the certificate of
11 registration of a person who has been certified pursuant to section 802
12 of this act by the department of social and health services as a person
13 who is not in compliance with a support order or a residential or
14 visitation order. If the person has continued to meet all other
15 requirements for certification during the suspension, reissuance of the
16 certificate shall be automatic upon the department's receipt of a
17 release issued by the department of social and health services stating
18 that the person is in compliance with the order.

19 **Sec. 823.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
20 read as follows:

21 (1) The department may deny, suspend, or revoke a license in any
22 case in which it finds that there has been failure or refusal to comply
23 with the requirements established under this chapter or the rules
24 adopted under it.

25 (2) The department shall immediately suspend the license of a
26 person who has been certified pursuant to section 802 of this act by
27 the department of social and health services as a person who is not in
28 compliance with a support order or a residential or visitation order.
29 If the person has continued to meet all other requirements for
30 reinstatement during the suspension, reissuance of the license shall be
31 automatic upon the department's receipt of a release issued by the
32 department of social and health services stating that the person is in
33 compliance with the order.

34 RCW 43.70.115 governs notice of a license denial, revocation,
35 suspension, or modification and provides the right to an adjudicative
36 proceeding but shall not apply to actions taken under subsection (2) of
37 this section.

1 NEW SECTION. **Sec. 824.** A new section is added to chapter 18.51
2 RCW to read as follows:

3 The department shall immediately suspend the license of a person
4 who has been certified pursuant to section 802 of this act by the
5 department of social and health services, division of support, as a
6 person who is not in compliance with a child support order or a
7 residential or visitation order. If the person has continued to meet
8 all other requirements for reinstatement during the suspension,
9 reissuance of the license shall be automatic upon the department's
10 receipt of a release issued by the division of child support stating
11 that the person is in compliance with the order.

12 NEW SECTION. **Sec. 825.** A new section is added to chapter 18.76
13 RCW to read as follows:

14 The department shall immediately suspend the certification of a
15 poison center medical director or a poison information specialist who
16 has been certified pursuant to section 802 of this act by the
17 department of social and health services as a person who is not in
18 compliance with a support order or a residential or visitation order.
19 If the person has continued to meet all other requirements for
20 certification during the suspension, reissuance of the certification
21 shall be automatic upon the department's receipt of a release issued by
22 the department of social and health services stating that the person is
23 in compliance with the order.

24 NEW SECTION. **Sec. 826.** A new section is added to chapter 18.85
25 RCW to read as follows:

26 The director shall immediately suspend the license of a broker or
27 salesperson who has been certified pursuant to section 802 of this act
28 by the department of social and health services as a person who is not
29 in compliance with a support order or a residential or visitation
30 order. If the person has continued to meet all other requirements for
31 reinstatement during the suspension, reissuance of the license shall be
32 automatic upon the director's receipt of a release issued by the
33 department of social and health services stating that the person is in
34 compliance with the order.

35 **Sec. 827.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
36 to read as follows:

1 (1) The director may refuse to renew, or may suspend or revoke, a
2 certificate of registration to use the titles landscape architect,
3 landscape architecture, or landscape architectural in this state upon
4 the following grounds:

5 ~~((1))~~ (a) The holder of the certificate of registration is
6 impersonating a practitioner or former practitioner.

7 ~~((2))~~ (b) The holder of the certificate of registration is guilty
8 of fraud, deceit, gross negligence, gross incompetency or gross
9 misconduct in the practice of landscape architecture.

10 ~~((3))~~ (c) The holder of the certificate of registration permits
11 his seal to be affixed to any plans, specifications or drawings that
12 were not prepared by him or under his personal supervision by employees
13 subject to his direction and control.

14 ~~((4))~~ (d) The holder of the certificate has committed fraud in
15 applying for or obtaining a certificate.

16 (2) The director shall immediately suspend the certificate of
17 registration of a landscape architect who has been certified pursuant
18 to section 802 of this act by the department of social and health
19 services as a person who is not in compliance with a support order or
20 a residential or visitation order. If the person has continued to meet
21 all other requirements for certification during the suspension,
22 reissuance of the certificate of registration shall be automatic upon
23 the director's receipt of a release issued by the department of social
24 and health services stating that the person is in compliance with the
25 order.

26 **Sec. 828.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
27 read as follows:

28 (1) In cases other than those relating to the failure of a licensee
29 to renew a license, the director may suspend or revoke a license issued
30 pursuant to this chapter for any of the following reasons:

31 ~~((1))~~ (a) For fraud or deception in obtaining the license;

32 ~~((2))~~ (b) For fraud or deception in reporting under RCW
33 18.104.050;

34 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
35 lawful rule or regulation of the department or the department of
36 health.

37 (2) The director shall immediately suspend any license issued under
38 this chapter if the holder of the license has been certified pursuant

1 to section 802 of this act by the department of social and health
2 services as a person who is not in compliance with a support order or
3 a residential or visitation order. If the person has continued to meet
4 all other requirements for reinstatement during the suspension,
5 reissuance of the license shall be automatic upon the director's
6 receipt of a release issued by the department of social and health
7 services stating that the person is in compliance with the order.

8 (3) No license shall be suspended for more than six months, except
9 that a suspension under section 802 of this act shall continue until
10 the department receives a release issued by the department of social
11 and health services stating that the person is in compliance with the
12 order.

13 (4) No person whose license is revoked shall be eligible to apply
14 for a license for one year from the effective date of the final order
15 of revocation.

16 NEW SECTION. Sec. 829. A new section is added to chapter 18.106
17 RCW to read as follows:

18 The department shall immediately suspend any certificate of
19 competency issued under this chapter if the holder of the certificate
20 has been certified pursuant to section 802 of this act by the
21 department of social and health services as a person who is not in
22 compliance with a support order or a residential or visitation order.
23 If the person has continued to meet all other requirements for
24 certification during the suspension, reissuance of the certificate of
25 competency shall be automatic upon the department's receipt of a
26 release issued by the department of social and health services stating
27 that the person is in compliance with the order.

28 NEW SECTION. Sec. 830. A new section is added to chapter 18.130
29 RCW to read as follows:

30 The secretary shall immediately suspend the license of any person
31 subject to this chapter who has been certified by the department of
32 social and health services as a person who is not in compliance with a
33 support order or a residential or visitation order as provided in
34 section 802 of this act.

35 **Sec. 831.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
36 read as follows:

1 A person whose license has been suspended or revoked under this
2 chapter may petition the disciplining authority for reinstatement after
3 an interval as determined by the disciplining authority in the order.
4 The disciplining authority shall hold hearings on the petition and may
5 deny the petition or may order reinstatement and impose terms and
6 conditions as provided in RCW 18.130.160 and issue an order of
7 reinstatement. The disciplining authority may require successful
8 completion of an examination as a condition of reinstatement.

9 A person whose license has been suspended for noncompliance with a
10 support order or a residential or visitation order under section 802 of
11 this act may petition for reinstatement at any time by providing the
12 secretary a release issued by the department of social and health
13 services stating that the person is in compliance with the order. If
14 the person has continued to meet all other requirements for
15 reinstatement during the suspension, the secretary shall automatically
16 reissue the person's license upon receipt of the release, and payment
17 of a reinstatement fee, if any.

18 NEW SECTION. Sec. 832. A new section is added to chapter 18.140
19 RCW to read as follows:

20 The director shall immediately suspend any license or certificate
21 issued under this chapter if the holder has been certified pursuant to
22 section 802 of this act by the department of social and health services
23 as a person who is not in compliance with a support order or a
24 residential or visitation order. If the person has continued to meet
25 all other requirements for reinstatement during the suspension,
26 reissuance of the license or certificate shall be automatic upon the
27 director's receipt of a release issued by the department of social and
28 health services stating that the person is in compliance with the
29 order.

30 NEW SECTION. Sec. 833. A new section is added to chapter 18.145
31 RCW to read as follows:

32 The director shall immediately suspend any certificate issued under
33 this chapter if the holder has been certified pursuant to section 802
34 of this act by the department of social and health services as a person
35 who is not in compliance with a support order or a residential or
36 visitation order. If the person has continued to meet all other
37 requirements for certification during the suspension, reissuance of the

1 certificate shall be automatic upon the director's receipt of a release
2 issued by the department of social and health services stating that the
3 person is in compliance with the order.

4 **Sec. 834.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
5 read as follows:

6 (1) The state director of fire protection may refuse to issue or
7 renew or may suspend or revoke the privilege of a licensed fire
8 protection sprinkler system contractor or the certificate of a
9 certificate of competency holder to engage in the fire protection
10 sprinkler system business or in lieu thereof, establish penalties as
11 prescribed by Washington state law, for any of the following reasons:

12 (a) Gross incompetency or gross negligence in the preparation of
13 technical drawings, installation, repair, alteration, maintenance,
14 inspection, service, or addition to fire protection sprinkler systems;

15 (b) Conviction of a felony;

16 (c) Fraudulent or dishonest practices while engaging in the fire
17 protection sprinkler systems business;

18 (d) Use of false evidence or misrepresentation in an application
19 for a license or certificate of competency;

20 (e) Permitting his or her license to be used in connection with the
21 preparation of any technical drawings which have not been prepared by
22 him or her personally or under his or her immediate supervision, or in
23 violation of this chapter; or

24 (f) Knowingly violating any provisions of this chapter or the
25 regulations issued thereunder.

26 (2) The state director of fire protection shall revoke the license
27 of a licensed fire protection sprinkler system contractor or the
28 certificate of a certificate of competency holder who engages in the
29 fire protection sprinkler system business while the license or
30 certificate of competency is suspended.

31 (3) The state director of fire protection shall immediately suspend
32 any license or certificate issued under this chapter if the holder has
33 been certified pursuant to section 802 of this act by the department of
34 social and health services as a person who is not in compliance with a
35 support order or a residential or visitation order. If the person has
36 continued to meet all other requirements for issuance or reinstatement
37 during the suspension, issuance or reissuance of the license or
38 certificate shall be automatic upon the director's receipt of a release

1 issued by the department of social and health services stating that the
2 person is in compliance with the order.

3 (4) Any licensee or certificate of competency holder who is
4 aggrieved by an order of the state director of fire protection
5 suspending or revoking a license may, within thirty days after notice
6 of such suspension or revocation, appeal under chapter 34.05 RCW. This
7 subsection does not apply to actions taken under subsection (3) of this
8 section.

9 **Sec. 835.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
10 read as follows:

11 The following acts are prohibited and constitute grounds for
12 disciplinary action, assessing administrative penalties, or denial,
13 suspension, or revocation of any license under this chapter, as deemed
14 appropriate by the director:

15 (1) Knowingly violating any of the provisions of this chapter or
16 the rules adopted under this chapter;

17 (2) Knowingly making a material misstatement or omission in the
18 application for or renewal of a license or firearms certificate,
19 including falsifying requested identification information;

20 (3) Not meeting the qualifications set forth in RCW 18.165.030,
21 18.165.040, or 18.165.050;

22 (4) Failing to return immediately on demand a firearm issued by an
23 employer;

24 (5) Carrying a firearm in the performance of his or her duties if
25 not the holder of a valid armed private investigator license, or
26 carrying a firearm not meeting the provisions of this chapter while in
27 the performance of his or her duties;

28 (6) Failing to return immediately on demand company identification,
29 badges, or other items issued to the private investigator by an
30 employer;

31 (7) Making any statement that would reasonably cause another person
32 to believe that the private investigator is a sworn peace officer;

33 (8) Divulging confidential information obtained in the course of
34 any investigation to which he or she was assigned;

35 (9) Acceptance of employment that is adverse to a client or former
36 client and relates to a matter about which a licensee has obtained
37 confidential information by reason of or in the course of the
38 licensee's employment by the client;

1 (10) Conviction of a gross misdemeanor or felony or the commission
2 of any act involving moral turpitude, dishonesty, or corruption whether
3 the act constitutes a crime or not. If the act constitutes a crime,
4 conviction in a criminal proceeding is not a condition precedent to
5 disciplinary action. Upon such a conviction, however, the judgment and
6 sentence is conclusive evidence at the ensuing disciplinary hearing of
7 the guilt of the license holder or applicant of the crime described in
8 the indictment or information, and of the person's violation of the
9 statute on which it is based. For the purposes of this section,
10 conviction includes all instances in which a plea of guilty or nolo
11 contendere is the basis for the conviction and all proceedings in which
12 the sentence has been deferred or suspended;

13 (11) Advertising that is false, fraudulent, or misleading;

14 (12) Incompetence or negligence that results in injury to a person
15 or that creates an unreasonable risk that a person may be harmed;

16 (13) Suspension, revocation, or restriction of the individual's
17 license to practice the profession by competent authority in any state,
18 federal, or foreign jurisdiction, a certified copy of the order,
19 stipulation, or agreement being conclusive evidence of the revocation,
20 suspension, or restriction;

21 (14) Failure to cooperate with the director by:

22 (a) Not furnishing any necessary papers or documents requested by
23 the director for purposes of conducting an investigation for
24 disciplinary action, denial, suspension, or revocation of a license
25 under this chapter;

26 (b) Not furnishing in writing a full and complete explanation
27 covering the matter contained in a complaint filed with the department;
28 or

29 (c) Not responding to subpoenas issued by the director, whether or
30 not the recipient of the subpoena is the accused in the proceeding;

31 (15) Failure to comply with an order issued by the director or an
32 assurance of discontinuance entered into with the director;

33 (16) Aiding or abetting an unlicensed person to practice if a
34 license is required;

35 (17) Misrepresentation or fraud in any aspect of the conduct of the
36 business or profession;

37 (18) Failure to adequately supervise employees to the extent that
38 the public health or safety is at risk;

1 (19) Interference with an investigation or disciplinary proceeding
2 by willful misrepresentation of facts before the director or the
3 director's authorized representative, or by the use of threats or
4 harassment against any client or witness to prevent them from providing
5 evidence in a disciplinary proceeding or any other legal action;

6 (20) Assigning or transferring any license issued pursuant to the
7 provisions of this chapter, except as provided in RCW 18.165.050;

8 (21) Assisting a client to locate, trace, or contact a person when
9 the investigator knows that the client is prohibited by any court order
10 from harassing or contacting the person whom the investigator is being
11 asked to locate, trace, or contact, as it pertains to domestic
12 violence, stalking, or minor children;

13 (22) Failure to maintain bond or insurance; ((or))

14 (23) Failure to have a qualifying principal in place; or

15 (24) Being certified as not in compliance with a support order or
16 a residential or visitation order as provided in section 802 of this
17 act.

18 NEW SECTION. Sec. 836. A new section is added to chapter 18.165
19 RCW to read as follows:

20 The director shall immediately suspend a license issued under this
21 chapter if the holder has been certified pursuant to section 802 of
22 this act by the department of social and health services as a person
23 who is not in compliance with a support order or a residential or
24 visitation order. If the person has continued to meet all other
25 requirements for reinstatement during the suspension, reissuance of the
26 license shall be automatic upon the director's receipt of a release
27 issued by the department of social and health services stating that the
28 person is in compliance with the order.

29 **Sec. 837.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
30 read as follows:

31 In addition to the provisions of section 838 of this act, the
32 following acts are prohibited and constitute grounds for disciplinary
33 action, assessing administrative penalties, or denial, suspension, or
34 revocation of any license under this chapter, as deemed appropriate by
35 the director:

36 (1) Knowingly violating any of the provisions of this chapter or
37 the rules adopted under this chapter;

- 1 (2) Practicing fraud, deceit, or misrepresentation in any of the
2 private security activities covered by this chapter;
- 3 (3) Knowingly making a material misstatement or omission in the
4 application for a license or firearms certificate;
- 5 (4) Not meeting the qualifications set forth in RCW 18.170.030,
6 18.170.040, or 18.170.060;
- 7 (5) Failing to return immediately on demand a firearm issued by an
8 employer;
- 9 (6) Carrying a firearm in the performance of his or her duties if
10 not the holder of a valid armed private security guard license, or
11 carrying a firearm not meeting the provisions of this chapter while in
12 the performance of his or her duties;
- 13 (7) Failing to return immediately on demand any uniform, badge, or
14 other item of equipment issued to the private security guard by an
15 employer;
- 16 (8) Making any statement that would reasonably cause another person
17 to believe that the private security guard is a sworn peace officer;
- 18 (9) Divulging confidential information that may compromise the
19 security of any premises, or valuables shipment, or any activity of a
20 client to which he or she was assigned;
- 21 (10) Conviction of a gross misdemeanor or felony or the commission
22 of any act involving moral turpitude, dishonesty, or corruption whether
23 the act constitutes a crime or not. If the act constitutes a crime,
24 conviction in a criminal proceeding is not a condition precedent to
25 disciplinary action. Upon such a conviction, however, the judgment and
26 sentence is conclusive evidence at the ensuing disciplinary hearing of
27 the guilt of the license holder or applicant of the crime described in
28 the indictment or information, and of the person's violation of the
29 statute on which it is based. For the purposes of this section,
30 conviction includes all instances in which a plea of guilty or nolo
31 contendere is the basis for the conviction and all proceedings in which
32 the sentence has been deferred or suspended;
- 33 (11) Misrepresentation or concealment of a material fact in
34 obtaining a license or in reinstatement thereof;
- 35 (12) Advertising that is false, fraudulent, or misleading;
- 36 (13) Incompetence or negligence that results in injury to a person
37 or that creates an unreasonable risk that a person may be harmed;
- 38 (14) Suspension, revocation, or restriction of the individual's
39 license to practice the profession by competent authority in any state,

1 federal, or foreign jurisdiction, a certified copy of the order,
2 stipulation, or agreement being conclusive evidence of the revocation,
3 suspension, or restriction;

4 (15) Failure to cooperate with the director by:

5 (a) Not furnishing any necessary papers or documents requested by
6 the director for purposes of conducting an investigation for
7 disciplinary action, denial, suspension, or revocation of a license
8 under this chapter;

9 (b) Not furnishing in writing a full and complete explanation
10 covering the matter contained in a complaint filed with the department;
11 or

12 (c) Not responding to subpoenas issued by the director, whether or
13 not the recipient of the subpoena is the accused in the proceeding;

14 (16) Failure to comply with an order issued by the director or an
15 assurance of discontinuance entered into with the disciplining
16 authority;

17 (17) Aiding or abetting an unlicensed person to practice if a
18 license is required;

19 (18) Misrepresentation or fraud in any aspect of the conduct of the
20 business or profession;

21 (19) Failure to adequately supervise employees to the extent that
22 the public health or safety is at risk;

23 (20) Interference with an investigation or disciplinary proceeding
24 by willful misrepresentation of facts before the director or the
25 director's authorized representative, or by the use of threats or
26 harassment against a client or witness to prevent them from providing
27 evidence in a disciplinary proceeding or any other legal action;

28 (21) Assigning or transferring any license issued pursuant to the
29 provisions of this chapter, except as provided in RCW 18.170.060;

30 (22) Failure to maintain insurance; and

31 (23) Failure to have a qualifying principal in place.

32 NEW SECTION. **Sec. 838.** A new section is added to chapter 18.170
33 RCW to read as follows:

34 The director shall immediately suspend any license issued under
35 this chapter if the holder has been certified pursuant to section 802
36 of this act by the department of social and health services as a person
37 who is not in compliance with a support order or a residential or
38 visitation order. If the person has continued to meet all other

1 requirements for reinstatement during the suspension, reissuance of the
2 license shall be automatic upon the director's receipt of a release
3 issued by the department of social and health services stating that the
4 person is in compliance with the order.

5 NEW SECTION. **Sec. 839.** A new section is added to chapter 18.175
6 RCW to read as follows:

7 The director shall immediately suspend a certificate of
8 registration issued under this chapter if the holder has been certified
9 pursuant to section 802 of this act by the department of social and
10 health services as a person who is not in compliance with a support
11 order or a residential or visitation order. If the person has
12 continued to meet all other requirements for certification during the
13 suspension, reissuance of the certificate shall be automatic upon the
14 director's receipt of a release issued by the department of social and
15 health services stating that the person is in compliance with the
16 order.

17 NEW SECTION. **Sec. 840.** A new section is added to chapter 18.185
18 RCW to read as follows:

19 The director shall immediately suspend any license issued under
20 this chapter if the holder has been certified pursuant to section 802
21 of this act by the department of social and health services as a person
22 who is not in compliance with a support order or a residential or
23 visitation order. If the person has continued to meet all other
24 requirements for reinstatement during the suspension, reissuance of the
25 license shall be automatic upon the director's receipt of a release
26 issued by the department of social and health services stating that the
27 person is in compliance with the order.

28 **Sec. 841.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
29 read as follows:

30 This section governs the denial of an application for a license or
31 the suspension, revocation, or modification of a license by the
32 department.

33 (1) The department shall give written notice of the denial of an
34 application for a license to the applicant or his or her agent. The
35 department shall give written notice of revocation, suspension, or
36 modification of a license to the licensee or his or her agent. The

1 notice shall state the reasons for the action. The notice shall be
2 personally served in the manner of service of a summons in a civil
3 action or shall be given in ((an other)) another manner that shows
4 proof of receipt.

5 (2) Except as otherwise provided in this subsection and in
6 subsection (4) of this section, revocation, suspension, or modification
7 is effective twenty-eight days after the licensee or the agent receives
8 the notice.

9 (a) The department may make the date the action is effective later
10 than twenty-eight days after receipt. If the department does so, it
11 shall state the effective date in the written notice given the licensee
12 or agent.

13 (b) The department may make the date the action is effective sooner
14 than twenty-eight days after receipt when necessary to protect the
15 public health, safety, or welfare. When the department does so, it
16 shall state the effective date and the reasons supporting the effective
17 date in the written notice given to the licensee or agent.

18 (c) When the department has received certification pursuant to
19 chapter 74.20A RCW from the division of child support that the licensee
20 is a person who is not in compliance with a support order or an order
21 from court stating that the licensee is in noncompliance with a
22 residential or visitation order under chapter 26.09 RCW, the department
23 shall provide that the suspension is effective immediately upon receipt
24 of the suspension notice by the licensee.

25 (3) Except for licensees suspended for noncompliance with a support
26 order under chapter 74.20A RCW or a residential or visitation order
27 under chapter 26.09 RCW, a license applicant or licensee who is
28 aggrieved by a department denial, revocation, suspension, or
29 modification has the right to an adjudicative proceeding. The
30 proceeding is governed by the Administrative Procedure Act, chapter
31 34.05 RCW. The application must be in writing, state the basis for
32 contesting the adverse action, include a copy of the adverse notice, be
33 served on and received by the department within twenty-eight days of
34 the license applicant's or licensee's receiving the adverse notice, and
35 be served in a manner that shows proof of receipt.

36 (4)(a) If the department gives a licensee twenty-eight or more days
37 notice of revocation, suspension, or modification and the licensee
38 files an appeal before its effective date, the department shall not
39 implement the adverse action until the final order has been entered.

1 The presiding or reviewing officer may permit the department to
2 implement part or all of the adverse action while the proceedings are
3 pending if the appellant causes an unreasonable delay in the
4 proceeding, if the circumstances change so that implementation is in
5 the public interest, or for other good cause.

6 (b) If the department gives a licensee less than twenty-eight days
7 notice of revocation, suspension, or modification and the licensee
8 timely files a sufficient appeal, the department may implement the
9 adverse action on the effective date stated in the notice. The
10 presiding or reviewing officer may order the department to stay
11 implementation of part or all of the adverse action while the
12 proceedings are pending if staying implementation is in the public
13 interest or for other good cause.

14 NEW SECTION. **Sec. 842.** A new section is added to chapter 28A.410
15 RCW to read as follows:

16 Any certificate or permit authorized under this chapter or chapter
17 28A.405 RCW shall be suspended by the authority authorized to grant the
18 certificate or permit if the department of social and health services
19 certifies that the person is not in compliance with a support order or
20 a residential or visitation order as provided in section 802 of this
21 act. If the person continues to meet other requirements for
22 reinstatement during the suspension, reissuance of the certificate or
23 permit shall be automatic after the person provides the authority a
24 release issued by the department of social and health services stating
25 that the person is in compliance with the order.

26 **Sec. 843.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
27 read as follows:

28 This section governs the denial of an application for a license or
29 the suspension, revocation, or modification of a license by the
30 department. This section does not govern actions taken under chapter
31 18.130 RCW.

32 (1) The department shall give written notice of the denial of an
33 application for a license to the applicant or his or her agent. The
34 department shall give written notice of revocation, suspension, or
35 modification of a license to the licensee or his or her agent. The
36 notice shall state the reasons for the action. The notice shall be
37 personally served in the manner of service of a summons in a civil

1 action or shall be given in (~~(an other [another])~~) another manner that
2 shows proof of receipt.

3 (2) Except as otherwise provided in this subsection and in
4 subsection (4) of this section, revocation, suspension, or modification
5 is effective twenty-eight days after the licensee or the agent receives
6 the notice.

7 (a) The department may make the date the action is effective later
8 than twenty-eight days after receipt. If the department does so, it
9 shall state the effective date in the written notice given the licensee
10 or agent.

11 (b) The department may make the date the action is effective sooner
12 than twenty-eight days after receipt when necessary to protect the
13 public health, safety, or welfare. When the department does so, it
14 shall state the effective date and the reasons supporting the effective
15 date in the written notice given to the licensee or agent.

16 (c) When the department has received certification pursuant to
17 chapter 74.20A RCW from the department of social and health services
18 that the licensee is a person who is not in compliance with a child
19 support order or an order from a court stating that the licensee is in
20 noncompliance with a residential or visitation order under chapter
21 26.09 RCW, the department shall provide that the suspension is
22 effective immediately upon receipt of the suspension notice by the
23 licensee.

24 (3) Except for licensees suspended for noncompliance with a child
25 support order under chapter 74.20A RCW or noncompliance with a
26 residential or visitation order under chapter 26.09 RCW, a license
27 applicant or licensee who is aggrieved by a department denial,
28 revocation, suspension, or modification has the right to an
29 adjudicative proceeding. The proceeding is governed by the
30 Administrative Procedure Act, chapter 34.05 RCW. The application must
31 be in writing, state the basis for contesting the adverse action,
32 include a copy of the adverse notice, be served on and received by the
33 department within twenty-eight days of the license applicant's or
34 licensee's receiving the adverse notice, and be served in a manner that
35 shows proof of receipt.

36 (4)(a) If the department gives a licensee twenty-eight or more days
37 notice of revocation, suspension, or modification and the licensee
38 files an appeal before its effective date, the department shall not
39 implement the adverse action until the final order has been entered.

1 The presiding or reviewing officer may permit the department to
2 implement part or all of the adverse action while the proceedings are
3 pending if the appellant causes an unreasonable delay in the
4 proceeding, if the circumstances change so that implementation is in
5 the public interest, or for other good cause.

6 (b) If the department gives a licensee less than twenty-eight days
7 notice of revocation, suspension, or modification and the licensee
8 timely files a sufficient appeal, the department may implement the
9 adverse action on the effective date stated in the notice. The
10 presiding or reviewing officer may order the department to stay
11 implementation of part or all of the adverse action while the
12 proceedings are pending if staying implementation is in the public
13 interest or for other good cause.

14 **Sec. 844.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
15 read as follows:

16 (1) The department has the power, in case of serious noncompliance
17 with the provisions of this chapter, to revoke or suspend for such a
18 period as it determines, any electrical contractor license or
19 electrical contractor administrator certificate issued under this
20 chapter. The department shall notify the holder of the license or
21 certificate of the revocation or suspension by certified mail. A
22 revocation or suspension is effective twenty days after the holder
23 receives the notice. Any revocation or suspension is subject to review
24 by an appeal to the board. The filing of an appeal stays the effect of
25 a revocation or suspension until the board makes its decision. The
26 appeal shall be filed within twenty days after notice of the revocation
27 or suspension is given by certified mail sent to the address of the
28 holder of the license or certificate as shown on the application for
29 the license or certificate, and shall be effected by filing a written
30 notice of appeal with the department, accompanied by a certified check
31 for two hundred dollars, which shall be returned to the holder of the
32 license or certificate if the decision of the department is not
33 sustained by the board. The hearing shall be conducted in accordance
34 with chapter 34.05 RCW. If the board sustains the decision of the
35 department, the two hundred dollars shall be applied by the department
36 to the payment of the per diem and expenses of the members of the board
37 incurred in the matter, and any balance remaining after payment of per
38 diem and expenses shall be paid into the electrical license fund.

1 (2) The department shall immediately suspend the license or
2 certificate of a person who has been certified pursuant to section 802
3 of this act by the department of social and health services as a person
4 who is not in compliance with a support order or a residential or
5 visitation order. If the person has continued to meet all other
6 requirements for reinstatement during the suspension, reissuance of the
7 license or certificate shall be automatic upon the department's receipt
8 of a release issued by the department of social and health services
9 stating that the licensee is in compliance with the order.

10 **Sec. 845.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
11 read as follows:

12 (1) The department may revoke any certificate of competency upon
13 the following grounds:

14 (a) The certificate was obtained through error or fraud;

15 (b) The holder thereof is judged to be incompetent to work in the
16 electrical construction trade as a journeyman electrician or specialty
17 electrician;

18 (c) The holder thereof has violated any of the provisions of RCW
19 19.28.510 through 19.28.620 or any rule adopted under this chapter.

20 (2) Before any certificate of competency shall be revoked, the
21 holder shall be given written notice of the department's intention to
22 do so, mailed by registered mail, return receipt requested, to the
23 holder's last known address. The notice shall enumerate the
24 allegations against the holder, and shall give the holder the
25 opportunity to request a hearing before the board. At the hearing, the
26 department and the holder may produce witnesses and give testimony.
27 The hearing shall be conducted in accordance with chapter 34.05 RCW.
28 The board shall render its decision based upon the testimony and
29 evidence presented, and shall notify the parties immediately upon
30 reaching its decision. A majority of the board shall be necessary to
31 render a decision.

32 (3) The department shall immediately suspend the license or
33 certificate of a person who has been certified pursuant to section 802
34 of this act by the department of social and health services as a person
35 who is not in compliance with a support order or a residential or
36 visitation order. If the person has continued to meet all other
37 requirements for reinstatement during the suspension, reissuance of the
38 license or certificate shall be automatic upon the department's receipt

1 of a release issued by the department of social and health services
2 stating that the licensee is in compliance with the order.

3 **Sec. 846.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
4 read as follows:

5 Any person may protest the grant or renewal of a license under this
6 section. The director may revoke, suspend, or refuse to issue or renew
7 any license when it is shown that:

8 (1) The farm labor contractor or any agent of the contractor has
9 violated or failed to comply with any of the provisions of this
10 chapter;

11 (2) The farm labor contractor has made any misrepresentations or
12 false statements in his or her application for a license;

13 (3) The conditions under which the license was issued have changed
14 or no longer exist;

15 (4) The farm labor contractor, or any agent of the contractor, has
16 violated or wilfully aided or abetted any person in the violation of,
17 or failed to comply with, any law of the state of Washington regulating
18 employment in agriculture, the payment of wages to farm employees, or
19 the conditions, terms, or places of employment affecting the health and
20 safety of farm employees, which is applicable to the business
21 activities, or operations of the contractor in his or her capacity as
22 a farm labor contractor;

23 (5) The farm labor contractor or any agent of the contractor has in
24 recruiting farm labor solicited or induced the violation of any then
25 existing contract of employment of such laborers; or

26 (6) The farm labor contractor or any agent of the contractor has an
27 unsatisfied judgment against him or her in any state or federal court,
28 arising out of his or her farm labor contracting activities.

29 The director shall immediately suspend the license or certificate
30 of a person who has been certified pursuant to section 802 of this act
31 by the department of social and health services as a person who is not
32 in compliance with a support order or a residential or visitation
33 order. If the person has continued to meet all other requirements for
34 reinstatement during the suspension, reissuance of the license or
35 certificate shall be automatic upon the director's receipt of a release
36 issued by the department of social and health services stating that the
37 licensee is in compliance with the order.

1 **Sec. 847.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
2 read as follows:

3 In addition to other provisions of this chapter, any license issued
4 pursuant to this chapter or any application therefor may be denied, not
5 renewed, revoked, or suspended, or in lieu of or in addition to
6 suspension a licensee may be assessed a civil, monetary penalty in an
7 amount not to exceed one thousand dollars:

8 (1) If an individual applicant or licensee is less than eighteen
9 years of age or is not a resident of this state.

10 (2) If an applicant or licensee is not authorized to do business in
11 this state.

12 (3) If the application or renewal forms required by this chapter
13 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
14 applicable, have not been paid, and the surety bond or cash deposit or
15 other negotiable security acceptable to the director required by RCW
16 19.16.190, if applicable, has not been filed or renewed or is canceled.

17 (4) If any individual applicant, owner, officer, director, or
18 managing employee of a nonindividual applicant or licensee:

19 (a) Shall have knowingly made a false statement of a material fact
20 in any application for a collection agency license or an out-of-state
21 collection agency license or renewal thereof, or in any data attached
22 thereto and two years have not elapsed since the date of such
23 statement;

24 (b) Shall have had a license to engage in the business of a
25 collection agency or out-of-state collection agency denied, not
26 renewed, suspended, or revoked by this state, any other state, or
27 foreign country, for any reason other than the nonpayment of licensing
28 fees or failure to meet bonding requirements: PROVIDED, That the terms
29 of this subsection shall not apply if:

30 (i) Two years have elapsed since the time of any such denial,
31 nonrenewal, or revocation; or

32 (ii) The terms of any such suspension have been fulfilled;

33 (c) Has been convicted in any court of any felony involving
34 forgery, embezzlement, obtaining money under false pretenses, larceny,
35 extortion, or conspiracy to defraud and is incarcerated for that
36 offense or five years have not elapsed since the date of such
37 conviction;

38 (d) Has had any judgment entered against him in any civil action
39 involving forgery, embezzlement, obtaining money under false pretenses,

1 larceny, extortion, or conspiracy to defraud and five years have not
2 elapsed since the date of the entry of the final judgment in said
3 action: PROVIDED, That in no event shall a license be issued unless
4 the judgment debt has been discharged;

5 (e) Has had his license to practice law suspended or revoked and
6 two years have not elapsed since the date of such suspension or
7 revocation, unless he has been relicensed to practice law in this
8 state;

9 (f) Has had any judgment entered against him or it under the
10 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
11 violations of RCW 19.86.020 and two years have not elapsed since the
12 entry of the final judgment: PROVIDED, That in no event shall a
13 license be issued unless the terms of such judgment, if any, have been
14 fully complied with: PROVIDED FURTHER, That said judgment shall not be
15 grounds for denial, suspension, nonrenewal, or revocation of a license
16 unless the judgment arises out of and is based on acts of the
17 applicant, owner, officer, director, managing employee, or licensee
18 while acting for or as a collection agency or an out-of-state
19 collection agency;

20 (g) Has petitioned for bankruptcy, and two years have not elapsed
21 since the filing of said petition;

22 (h) Shall be insolvent in the sense that his or its liabilities
23 exceed his or its assets or in the sense that he or it cannot meet his
24 or its obligations as they mature;

25 (i) Has failed to pay any civil, monetary penalty assessed in
26 accordance with RCW 19.16.351 or 19.16.360 within ten days after the
27 assessment becomes final;

28 (j) Has knowingly failed to comply with, or violated any provisions
29 of this chapter or any rule or regulation issued pursuant to this
30 chapter, and two years have not elapsed since the occurrence of said
31 noncompliance or violation; or

32 (k) Has been found by a court of competent jurisdiction to have
33 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
34 1692 et seq., or the Washington state consumer protection act, chapter
35 19.86 RCW, and two years have not elapsed since that finding.

36 Except as otherwise provided in this section, any person who is
37 engaged in the collection agency business as of January 1, 1972 shall,
38 upon filing the application, paying the fees, and filing the surety
39 bond or cash deposit or other negotiable security in lieu of bond

1 required by this chapter, be issued a license (~~hereunder~~) under this
2 chapter.

3 The director shall immediately suspend the license or certificate
4 of a person who has been certified pursuant to section 802 of this act
5 by the department of social and health services as a person who is not
6 in compliance with a support order or a residential or visitation
7 order. If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the director's receipt of a release
10 issued by the department of social and health services stating that the
11 licensee is in compliance with the order.

12 **Sec. 848.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
13 to read as follows:

14 (1) In accordance with the provisions of chapter 34.05 RCW as now
15 or as hereafter amended, the director may by order deny, suspend or
16 revoke the license of any employment agency if he finds that the
17 applicant or licensee:

18 ~~((1+))~~ (a) Was previously the holder of a license issued under
19 this chapter, which was revoked for cause and never reissued by the
20 director, or which license was suspended for cause and the terms of the
21 suspension have not been fulfilled;

22 ~~((2+))~~ (b) Has been found guilty of any felony within the past
23 five years involving moral turpitude, or for any misdemeanor concerning
24 fraud or conversion, or suffering any judgment in any civil action
25 involving wilful fraud, misrepresentation or conversion;

26 ~~((3+))~~ (c) Has made a false statement of a material fact in his
27 application or in any data attached thereto;

28 ~~((4+))~~ (d) Has violated any provisions of this chapter, or failed
29 to comply with any rule or regulation issued by the director pursuant
30 to this chapter.

31 (2) The director shall immediately suspend the license or
32 certificate of a person who has been certified pursuant to section 802
33 of this act by the department of social and health services as a person
34 who is not in compliance with a support order or a residential or
35 visitation order. If the person has continued to meet all other
36 requirements for reinstatement during the suspension, reissuance of the
37 license or certificate shall be automatic upon the director's receipt

1 of a release issued by the department of social and health services
2 stating that the licensee is in compliance with the order.

3 **Sec. 849.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
4 read as follows:

5 (1) The director of agriculture may cancel or suspend any such
6 license if he finds after proper investigation that (a) the licensee
7 has violated any provision of this chapter or of any other law of this
8 state relating to the operation of refrigerated lockers or of the sale
9 of any human food in connection therewith, or any regulation effective
10 under any act the administration of which is in the charge of the
11 department of agriculture, or (b) the licensed refrigerated locker
12 premises or any equipment used therein or in connection therewith is in
13 an unsanitary condition and the licensee has failed or refused to
14 remedy the same within ten days after receipt from the director of
15 agriculture of written notice to do so.

16 (2) No license shall be revoked or suspended by the director
17 without delivery to the licensee of a written statement of the charge
18 involved and an opportunity to answer such charge within ten days from
19 the date of such notice.

20 (3) Any order made by the director suspending or revoking any
21 license may be reviewed by certiorari in the superior court of the
22 county in which the licensed premises are located, within ten days from
23 the date notice in writing of the director's order revoking or
24 suspending such license has been served upon him.

25 (4) The director shall immediately suspend the license or
26 certificate of a person who has been certified pursuant to section 802
27 of this act by the department of social and health services as a person
28 who is not in compliance with a support order or a residential or
29 visitation order. If the person has continued to meet all other
30 requirements for reinstatement during the suspension, reissuance of the
31 license or certificate shall be automatic upon the director's receipt
32 of a release issued by the department of social and health services
33 stating that the licensee is in compliance with the order.

34 **Sec. 850.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
35 read as follows:

1 (1) A registration or an application for registration of camping
2 resort contracts or renewals thereof may by order be denied, suspended,
3 or revoked if the director finds that:

4 (a) The advertising, sales techniques, or trade practices of the
5 applicant, registrant, or its affiliate or agent have been or are
6 deceptive, false, or misleading;

7 (b) The applicant or registrant has failed to file copies of the
8 camping resort contract form under RCW 19.105.360;

9 (c) The applicant, registrant, or affiliate has failed to comply
10 with any provision of this chapter, the rules adopted or the conditions
11 of a permit granted under this chapter, or a stipulation or final order
12 previously entered into by the operator or issued by the department
13 under this chapter;

14 (d) The applicant's, registrant's, or affiliate's offering of
15 camping resort contracts has worked or would work a fraud upon
16 purchasers or owners of camping resort contracts;

17 (e) The camping resort operator or any officer, director, or
18 affiliate of the camping resort operator has been within the last five
19 years convicted of or pleaded nolo contendere to any misdemeanor or
20 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
21 has been enjoined from or had any civil penalty assessed for a finding
22 of dishonest dealing or fraud in a civil suit, or been found to have
23 engaged in any violation of any act designed to protect consumers, or
24 has been engaged in dishonest practices in any industry involving sales
25 to consumers;

26 (f) The applicant or registrant has represented or is representing
27 to purchasers in connection with the offer or sale of a camping resort
28 contract that a camping resort property, facility, amenity camp site,
29 or other development is planned, promised, or required, and the
30 applicant or registrant has not provided the director with a security
31 or assurance of performance as required by this chapter;

32 (g) The applicant or registrant has not provided or is no longer
33 providing the director with the necessary security arrangements to
34 assure future availability of titles or properties as required by this
35 chapter or agreed to in the permit to market;

36 (h) The applicant or registrant is or has been employing
37 unregistered salespersons or offering or proposing a membership
38 referral program not in compliance with this chapter;

1 (i) The applicant or registrant has breached any escrow, impound,
2 reserve account, or trust arrangement or the conditions of an order or
3 permit to market required by this chapter;

4 (j) The applicant or registrant has breached any stipulation or
5 order entered into in settlement of the department's filing of a
6 previous administrative action;

7 (k) The applicant or registrant has filed or caused to be filed
8 with the director any document or affidavit, or made any statement
9 during the course of a registration or exemption procedure with the
10 director, that is materially untrue or misleading;

11 (l) The applicant or registrant has engaged in a practice of
12 failing to provide the written disclosures to purchasers or prospective
13 purchasers as required under this chapter;

14 (m) The applicant, registrant, or any of its officers, directors,
15 or employees, if the operator is other than a natural person, have
16 wilfully done, or permitted any of their salespersons or agents to do,
17 any of the following:

18 (i) Engage in a pattern or practice of making untrue or misleading
19 statements of a material fact, or omitting to state a material fact;

20 (ii) Employ any device, scheme, or artifice to defraud purchasers
21 or members;

22 (iii) Engage in a pattern or practice of failing to provide the
23 written disclosures to purchasers or prospective purchasers as required
24 under this chapter;

25 (n) The applicant or registrant has failed to provide a bond,
26 letter of credit, or other arrangement to assure delivery of promised
27 gifts, prizes, awards, or other items of consideration, as required
28 under this chapter, breached such a security arrangement, or failed to
29 maintain such a security arrangement in effect because of a resignation
30 or loss of a trustee, impound, or escrow agent;

31 (o) The applicant or registrant has engaged in a practice of
32 selling contracts using material amendments or codicils that have not
33 been filed or are the consequences of breaches or alterations in
34 previously filed contracts;

35 (p) The applicant or registrant has engaged in a practice of
36 selling or proposing to sell contracts in a ratio of contracts to sites
37 available in excess of that filed in the affidavit required by this
38 chapter;

1 (q) The camping resort operator has withdrawn, has the right to
2 withdraw, or is proposing to withdraw from use all or any portion of
3 any camping resort property devoted to the camping resort program,
4 unless:

5 (i) Adequate provision has been made to provide within a reasonable
6 time thereafter a substitute property in the same general area that is
7 at least as desirable for the purpose of camping and outdoor
8 recreation;

9 (ii) The property is withdrawn because, despite good faith efforts
10 by the camping resort operator, a nonaffiliate of the camping resort
11 has exercised a right of withdrawal from use by the camping resort
12 (such as withdrawal following expiration of a lease of the property to
13 the camping resort) and the terms of the withdrawal right have been
14 disclosed in writing to all purchasers at or prior to the time of any
15 sales of camping resort contracts after the camping resort has
16 represented to purchasers that the property is or will be available for
17 camping or recreation purposes;

18 (iii) The specific date upon which the withdrawal becomes effective
19 has been disclosed in writing to all purchasers and members prior to
20 the time of any sales of camping resort contracts after the camping
21 resort has represented to purchasers that the property is or will be
22 available for camping or recreation purposes;

23 (iv) The rights of members and owners of the camping resort
24 contracts under the express terms of the camping resort contract have
25 expired, or have been specifically limited, upon the lapse of a stated
26 or determinable period of time, and the director by order has found
27 that the withdrawal is not otherwise inconsistent with the protection
28 of purchasers or the desire of the majority of the owners of camping
29 resort contracts, as expressed in their previously obtained vote of
30 approval;

31 (r) The format, form, or content of the written disclosures
32 provided therein is not complete, full, or materially accurate, or
33 statements made therein are materially false, misleading, or deceptive;

34 (s) The applicant or registrant has failed or declined to respond
35 to any subpoena lawfully issued and served by the department under this
36 chapter;

37 (t) The applicant or registrant has failed to file an amendment for
38 a material change in the manner or at the time required under this
39 chapter or its implementing rules;

1 (u) The applicant or registrant has filed voluntarily or been
2 placed involuntarily into a federal bankruptcy or is proposing to do
3 so; or

4 (v) A camping resort operator's rights or interest in a campground
5 has been terminated by foreclosure or the operations in a camping
6 resort have been terminated in a manner contrary to contract
7 provisions.

8 (2) Any applicant or registrant who has violated subsection (1)(a),
9 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be
10 fined by the director in an amount not to exceed one thousand dollars
11 for each such violation. Proceedings seeking such fines shall be held
12 in accordance with chapter 34.05 RCW and may be filed either separately
13 or in conjunction with other administrative proceedings to deny,
14 suspend, or revoke registrations authorized under this chapter. Fines
15 collected from such proceedings shall be deposited in the state general
16 fund.

17 (3) An operator, registrant, or applicant against whom
18 administrative or legal proceedings have been filed shall be
19 responsible for and shall reimburse the state, by payment into the
20 general fund, for all administrative and legal costs actually incurred
21 by the department in issuing, processing, and conducting any such
22 administrative or legal proceeding authorized under this chapter that
23 results in a final legal or administrative determination of any type or
24 degree in favor of the department.

25 (4) No order may be entered under this section without appropriate
26 prior notice to the applicant or registrant of opportunity for a
27 hearing and written findings of fact and conclusions of law, except
28 that the director may by order summarily deny an application for
29 registration or renewal under any of the above subsections and may
30 summarily suspend or revoke a registration under subsection (1)(d),
31 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine
32 may be imposed by summary order.

33 (5) The proceedings to deny an application or renewal, suspend or
34 revoke a registration or permit, whether summarily or otherwise, or
35 impose a fine shall be held in accordance with chapter 34.05 RCW.

36 (6) The director may enter into assurances of discontinuance in
37 lieu of issuing a statement of charges or a cease and desist order or
38 conducting a hearing under this chapter. The assurances shall consist
39 of a statement of the law in question and an agreement not to violate

1 the stated provision. The applicant or registrant shall not be
2 required to admit to any violation of the law, nor shall the assurance
3 be construed as such an admission. Violating or breaching an assurance
4 under this subsection is grounds for suspension or revocation of
5 registration or imposition of a fine.

6 (7) The director shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to section 802
8 of this act by the department of social and health services as a person
9 who is not in compliance with a support order or a residential or
10 visitation order. If the person has continued to meet all other
11 requirements for reinstatement during the suspension, reissuance of the
12 license or certificate shall be automatic upon the director's receipt
13 of a release issued by the department of social and health services
14 stating that the licensee is in compliance with the order.

15 **Sec. 851.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
16 read as follows:

17 (1) A salesperson may apply for registration by filing in a
18 complete and readable form with the director an application form
19 provided by the director which includes the following:

20 (a) A statement whether or not the applicant within the past five
21 years has been convicted of, pleaded nolo contendere to, or been ordered
22 to serve probation for a period of a year or more for any misdemeanor
23 or felony involving conversion, embezzlement, theft, fraud, or
24 dishonesty or the applicant has been enjoined from, had any civil
25 penalty assessed for, or been found to have engaged in any violation of
26 any act designed to protect consumers;

27 (b) A statement fully describing the applicant's employment history
28 for the past five years and whether or not any termination of
29 employment during the last five years was the result of any theft,
30 fraud, or act of dishonesty;

31 (c) A consent to service comparable to that required of operators
32 under this chapter; and

33 (d) Required filing fees.

34 (2) The director may by order deny, suspend, or revoke a camping
35 resort salesperson's registration or application for registration under
36 this chapter or the person's license or application under chapter 18.85
37 RCW, or impose a fine on such persons not exceeding two hundred dollars
38 per violation, if the director finds that the order is necessary for

1 the protection of purchasers or owners of camping resort contracts and
2 the applicant or registrant is guilty of:

3 (a) Obtaining registration by means of fraud, misrepresentation, or
4 concealment, or through the mistake or inadvertence of the director;

5 (b) Violating any of the provisions of this chapter or any lawful
6 rules adopted by the director pursuant thereto;

7 (c) Being convicted in a court of competent jurisdiction of this or
8 any other state, or federal court, of forgery, embezzlement, obtaining
9 money under false pretenses, bribery, larceny, extortion, conspiracy to
10 defraud, or any similar offense or offenses. For the purposes of this
11 section, "being convicted" includes all instances in which a plea of
12 guilty or nolo contendere is the basis for the conviction, and all
13 proceedings in which the sentence has been deferred or suspended;

14 (d) Making, printing, publishing, distributing, or causing,
15 authorizing, or knowingly permitting the making, printing, publication,
16 or distribution of false statements, descriptions, or promises of such
17 character as to reasonably induce any person to act thereon, if the
18 statements, descriptions, or promises purport to be made or to be
19 performed by either the applicant or registrant and the applicant or
20 registrant then knew or, by the exercise of reasonable care and
21 inquiry, could have known, of the falsity of the statements,
22 descriptions, or promises;

23 (e) Knowingly committing, or being a party to, any material fraud,
24 misrepresentation, concealment, conspiracy, collusion, trick, scheme,
25 or device whereby any other person lawfully relies upon the work,
26 representation, or conduct of the applicant or registrant;

27 (f) Failing, upon demand, to disclose to the director or the
28 director's authorized representatives acting by authority of law any
29 information within his or her knowledge or to produce for inspection
30 any document, book or record in his or her possession, which is
31 material to the salesperson's registration or application for
32 registration;

33 (g) Continuing to sell camping resort contracts in a manner whereby
34 the interests of the public are endangered, if the director has, by
35 order in writing, stated objections thereto;

36 (h) Committing any act of fraudulent or dishonest dealing or a
37 crime involving moral turpitude, and a certified copy of the final
38 holding of any court of competent jurisdiction in such matter shall be
39 conclusive evidence in any hearing under this chapter;

1 (i) Misrepresentation of membership in any state or national
2 association; or

3 (j) Discrimination against any person in hiring or in sales
4 activity on the basis of race, color, creed, or national origin, or
5 violating any state or federal antidiscrimination law.

6 (3) No order may be entered under this section without appropriate
7 prior notice to the applicant or registrant of opportunity for a
8 hearing and written findings of fact and conclusions of law, except
9 that the director may by order summarily deny an application for
10 registration under this section.

11 (4) The proceedings to deny an application or renewal, suspend or
12 revoke a registration or permit, whether summarily or otherwise, or
13 impose a fine shall be held in accordance with chapter 34.05 RCW.

14 (5) The director, subsequent to any complaint filed against a
15 salesperson or pursuant to an investigation to determine violations,
16 may enter into stipulated assurances of discontinuances in lieu of
17 issuing a statement of charges or a cease and desist order or
18 conducting a hearing. The assurance shall consist of a statement of
19 the law in question and an agreement not to violate the stated
20 provision. The salesperson shall not be required to admit to any
21 violation of the law, nor shall the assurance be construed as such an
22 admission. Violation of an assurance under this subsection is grounds
23 for a disciplinary action, a suspension of registration, or a fine not
24 to exceed one thousand dollars.

25 (6) The director may by rule require such further information or
26 conditions for registration as a camping resort salesperson, including
27 qualifying examinations and fingerprint cards prepared by authorized
28 law enforcement agencies, as the director deems necessary to protect
29 the interests of purchasers.

30 (7) Registration as a camping resort salesperson shall be effective
31 for a period of one year unless the director specifies otherwise or the
32 salesperson transfers employment to a different registrant.
33 Registration as a camping resort salesperson shall be renewed annually,
34 or at the time of transferring employment, whichever occurs first, by
35 the filing of a form prescribed by the director for that purpose.

36 (8) It is unlawful for a registrant of camping resort contracts to
37 employ or a person to act as a camping resort salesperson covered under
38 this section unless the salesperson has in effect with the department
39 and displays a valid registration in a conspicuous location at each of

1 the sales offices at which the salesperson is employed. It is the
2 responsibility of both the operator and the salesperson to notify the
3 department when and where a salesperson is employed, his or her
4 responsibilities and duties, and when the salesperson's employment or
5 reported duties are changed or terminated.

6 (9) The director shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to section 802
8 of this act by the department of social and health services as a person
9 who is not in compliance with a support order or a residential or
10 visitation order. If the person has continued to meet all other
11 requirements for reinstatement during the suspension, reissuance of the
12 license or certificate shall be automatic upon the director's receipt
13 of a release issued by the department of social and health services
14 stating that the licensee is in compliance with the order.

15 **Sec. 852.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
16 read as follows:

17 (1) The director may deny, suspend, or revoke the registration of
18 a seller of travel if the director finds that the applicant:

19 (a) Was previously the holder of a registration issued under this
20 chapter, and the registration was revoked for cause and never reissued
21 by the director, or the registration was suspended for cause and the
22 terms of the suspension have not been fulfilled;

23 (b) Has been found guilty of a felony within the past five years
24 involving moral turpitude, or of a misdemeanor concerning fraud or
25 conversion, or suffers a judgment in a civil action involving willful
26 fraud, misrepresentation, or conversion;

27 (c) Has made a false statement of a material fact in an application
28 under this chapter or in data attached to it;

29 (d) Has violated this chapter or failed to comply with a rule
30 adopted by the director under this chapter;

31 (e) Has failed to display the registration as provided in this
32 chapter;

33 (f) Has published or circulated a statement with the intent to
34 deceive, misrepresent, or mislead the public; or

35 (g) Has committed a fraud or fraudulent practice in the operation
36 and conduct of a travel agency business, including, but not limited to,
37 intentionally misleading advertising.

1 (2) If the seller of travel is found in violation of this chapter
2 or in violation of the consumer protection act, chapter 19.86 RCW, by
3 the entry of a judgment or by settlement of a claim, the director may
4 revoke the registration of the seller of travel, and the director may
5 reinstate the registration at the director's discretion.

6 (3) The director shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to section 802
8 of this act by the department of social and health services as a person
9 who is not in compliance with a support order or a residential or
10 visitation order. If the person has continued to meet all other
11 requirements for reinstatement during the suspension, reissuance of the
12 license or certificate shall be automatic upon the director's receipt
13 of a release issued by the department of social and health services
14 stating that the licensee is in compliance with the order.

15 **Sec. 853.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
16 read as follows:

17 (1) In order to maintain or defend a lawsuit or do any business in
18 this state, a commercial telephone solicitor must be registered with
19 the department of licensing. Prior to doing business in this state, a
20 commercial telephone solicitor shall register with the department of
21 licensing. Doing business in this state includes both commercial
22 telephone solicitation from a location in Washington and solicitation
23 of purchasers located in Washington.

24 (2) The department of licensing, in registering commercial
25 telephone solicitors, shall have the authority to require the
26 submission of information necessary to assist in identifying and
27 locating a commercial telephone solicitor, including past business
28 history, prior judgments, and such other information as may be useful
29 to purchasers.

30 (3) The department of licensing shall issue a registration number
31 to the commercial telephone solicitor.

32 (4) It is a violation of this chapter for a commercial telephone
33 solicitor to:

34 (a) Fail to maintain a valid registration;

35 (b) Advertise that one is registered as a commercial telephone
36 solicitor or to represent that such registration constitutes approval
37 or endorsement by any government or governmental office or agency;

1 (c) Provide inaccurate or incomplete information to the department
2 of licensing when making a registration application; or

3 (d) Represent that a person is registered or that such person has
4 a valid registration number when such person does not.

5 (5) An annual registration fee shall be assessed by the department
6 of licensing, the amount of which shall be determined at the discretion
7 of the director of the department of licensing, and which shall be
8 reasonably related to the cost of administering the provisions of this
9 chapter.

10 (6) The department shall immediately suspend the license or
11 certificate of a person who has been certified pursuant to section 802
12 of this act by the department of social and health services as a person
13 who is not in compliance with a support order or a residential or
14 visitation order. If the person has continued to meet all other
15 requirements for reinstatement during the suspension, reissuance of the
16 license or certificate shall be automatic upon the department's receipt
17 of a release issued by the department of social and health services
18 stating that the licensee is in compliance with the order.

19 **Sec. 854.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
20 read as follows:

21 (1) An application for registration as an international student
22 exchange visitor placement organization shall be submitted in the form
23 prescribed by the secretary of state. The application shall include:

24 (a) Evidence that the organization meets the standards established
25 by the secretary of state under RCW 19.166.050;

26 (b) The name, address, and telephone number of the organization,
27 its chief executive officer, and the person within the organization who
28 has primary responsibility for supervising placements within the state;

29 (c) The organization's unified business identification number, if
30 any;

31 (d) The organization's United States Information Agency number, if
32 any;

33 (e) Evidence of council on standards for international educational
34 travel listing, if any;

35 (f) Whether the organization is exempt from federal income tax; and

36 (g) A list of the organization's placements in Washington for the
37 previous academic year including the number of students placed, their

1 home countries, the school districts in which they were placed, and the
2 length of their placements.

3 (2) The application shall be signed by the chief executive officer
4 of the organization and the person within the organization who has
5 primary responsibility for supervising placements within Washington.
6 If the secretary of state determines that the application is complete,
7 the secretary of state shall file the application and the applicant is
8 registered.

9 (3) International student exchange visitor placement organizations
10 that have registered shall inform the secretary of state of any changes
11 in the information required under subsection (1) of this section within
12 thirty days of the change.

13 (4) Registration shall be renewed annually as established by rule
14 by the office of the secretary of state.

15 (5) The office of the secretary of state shall immediately suspend
16 the license or certificate of a person who has been certified pursuant
17 to section 802 of this act by the department of social and health
18 services as a person who is not in compliance with a support order or
19 a residential or visitation order. If the person has continued to meet
20 all other requirements for reinstatement during the suspension,
21 reissuance of the license or certificate shall be automatic upon the
22 office of the secretary of state's receipt of a release issued by the
23 department of social and health services stating that the licensee is
24 in compliance with the order.

25 NEW SECTION. Sec. 855. A new section is added to chapter 20.01
26 RCW to read as follows:

27 The director shall immediately suspend the license or certificate
28 of a person who has been certified pursuant to section 802 of this act
29 by the department of social and health services as a person who is not
30 in compliance with a support order or a residential or visitation
31 order. If the person has continued to meet all other requirements for
32 reinstatement during the suspension, reissuance of the license or
33 certificate shall be automatic upon the director's receipt of a release
34 issued by the department of social and health services stating that the
35 licensee is in compliance with the order.

36 **Sec. 856.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
37 read as follows:

1 The director may by order deny, suspend, or revoke registration of
2 any broker-dealer, salesperson, investment adviser representative, or
3 investment adviser; censure or fine the registrant or an officer,
4 director, partner, or person occupying similar functions for a
5 registrant; or restrict or limit a registrant's function or activity of
6 business for which registration is required in this state; if the
7 director finds that the order is in the public interest and that the
8 applicant or registrant or, in the case of a broker-dealer or
9 investment adviser, any partner, officer, or director:

10 (1) Has filed an application for registration under this section
11 which, as of its effective date, or as of any date after filing in the
12 case of an order denying effectiveness, was incomplete in any material
13 respect or contained any statement which was, in the light of the
14 circumstances under which it was made, false, or misleading with
15 respect to any material fact;

16 (2) Has willfully violated or willfully failed to comply with any
17 provision of this chapter or a predecessor act or any rule or order
18 under this chapter or a predecessor act, or any provision of chapter
19 21.30 RCW or any rule or order thereunder;

20 (3) Has been convicted, within the past five years, of any
21 misdemeanor involving a security, or a commodity contract or commodity
22 option as defined in RCW 21.30.010, or any aspect of the securities or
23 investment commodities business, or any felony involving moral
24 turpitude;

25 (4) Is permanently or temporarily enjoined by any court of
26 competent jurisdiction from engaging in or continuing any conduct or
27 practice involving any aspect of the securities or investment
28 commodities business;

29 (5) Is the subject of an order of the director denying, suspending,
30 or revoking registration as a broker-dealer, salesperson, investment
31 adviser, or investment adviser representative;

32 (6) Is the subject of an order entered within the past five years
33 by the securities administrator of any other state or by the federal
34 securities and exchange commission denying or revoking registration as
35 a broker-dealer or salesperson, or a commodity broker-dealer or sales
36 representative, or the substantial equivalent of those terms as defined
37 in this chapter or by the commodity futures trading commission denying
38 or revoking registration as a commodity merchant as defined in RCW
39 21.30.010, or is the subject of an order of suspension or expulsion

1 from membership in or association with a self-regulatory organization
2 registered under the securities exchange act of 1934 or the federal
3 commodity exchange act, or is the subject of a United States post
4 office fraud order; but (a) the director may not institute a revocation
5 or suspension proceeding under this clause more than one year from the
6 date of the order relied on, and (b) the director may not enter any
7 order under this clause on the basis of an order unless that order was
8 based on facts which would currently constitute a ground for an order
9 under this section;

10 (7) Has engaged in dishonest or unethical practices in the
11 securities or investment commodities business;

12 (8) Is insolvent, either in the sense that his or her liabilities
13 exceed his or her assets or in the sense that he or she cannot meet his
14 or her obligations as they mature; but the director may not enter an
15 order against a broker-dealer or investment adviser under this clause
16 without a finding of insolvency as to the broker-dealer or investment
17 adviser;

18 (9) Has not complied with a condition imposed by the director under
19 RCW 21.20.100, or is not qualified on the basis of such factors as
20 training, experience, or knowledge of the securities business; or

21 (10)(a) Has failed to supervise reasonably a salesperson or an
22 investment adviser representative. For the purposes of this
23 subsection, no person fails to supervise reasonably another person, if:

24 (i) There are established procedures, and a system for applying
25 those procedures, that would reasonably be expected to prevent and
26 detect, insofar as practicable, any violation by another person of this
27 chapter, or a rule or order under this chapter; and

28 (ii) The supervising person has reasonably discharged the duties
29 and obligations required by these procedures and system without
30 reasonable cause to believe that another person was violating this
31 chapter or rules or orders under this chapter.

32 (b) The director may issue a summary order pending final
33 determination of a proceeding under this section upon a finding that it
34 is in the public interest and necessary or appropriate for the
35 protection of investors. The director may not impose a fine under this
36 section except after notice and opportunity for hearing. The fine
37 imposed under this section may not exceed five thousand dollars for
38 each act or omission that constitutes the basis for issuing the order.

1 The director shall immediately suspend the license or certificate
2 of a person who has been certified pursuant to section 802 of this act
3 by the department of social and health services as a person who is not
4 in compliance with a support order or a residential or visitation
5 order. If the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of the license or
7 certificate shall be automatic upon the director's receipt of a release
8 issued by the department of social and health services stating that the
9 licensee is in compliance with the order.

10 NEW SECTION. Sec. 857. A new section is added to chapter 48.17
11 RCW to read as follows:

12 The commissioner shall immediately suspend the license or
13 certificate of a person who has been certified pursuant to section 802
14 of this act by the department of social and health services as a person
15 who is not in compliance with a support order or a residential or
16 visitation order. If the person has continued to meet all other
17 requirements for reinstatement during the suspension, reissuance of the
18 license or certificate shall be automatic upon the commissioner's
19 receipt of a release issued by the department of social and health
20 services stating that the licensee is in compliance with the order.

21 NEW SECTION. Sec. 858. A new section is added to chapter 74.15
22 RCW to read as follows:

23 The secretary shall immediately suspend the license or certificate
24 of a person who has been certified pursuant to section 802 of this act
25 by the department of social and health services as a person who is not
26 in compliance with a support order or a residential or visitation
27 order. If the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of the license or
29 certificate shall be automatic upon the secretary's receipt of a
30 release issued by the department of social and health services stating
31 that the licensee is in compliance with the order.

32 NEW SECTION. Sec. 859. A new section is added to chapter 47.68
33 RCW to read as follows:

34 The department shall immediately suspend the license or certificate
35 of a person who has been certified pursuant to section 802 of this act
36 by the department of social and health services as a person who is not

1 in compliance with a support order or a residential or visitation
2 order. If the person has continued to meet all other requirements for
3 reinstatement during the suspension, reissuance of the license or
4 certificate shall be automatic upon the department's receipt of a
5 release issued by the department of social and health services stating
6 that the licensee is in compliance with the order.

7 NEW SECTION. **Sec. 860.** A new section is added to chapter 71.12
8 RCW to read as follows:

9 The department of health shall immediately suspend the license or
10 certificate of a person who has been certified pursuant to section 802
11 of this act by the department of social and health services as a person
12 who is not in compliance with a support order or a residential or
13 visitation order. If the person has continued to meet all other
14 requirements for reinstatement during the suspension, reissuance of the
15 license or certificate shall be automatic upon the department of
16 health's receipt of a release issued by the department of social and
17 health services stating that the licensee is in compliance with the
18 order.

19 NEW SECTION. **Sec. 861.** A new section is added to chapter 66.20
20 RCW to read as follows:

21 The board shall immediately suspend the license of a person who has
22 been certified pursuant to section 802 of this act by the department of
23 social and health services as a person who is not in compliance with a
24 support order or a residential or visitation order. If the person has
25 continued to meet all other requirements for reinstatement during the
26 suspension, reissuance of the license shall be automatic upon the
27 board's receipt of a release issued by the department of social and
28 health services stating that the licensee is in compliance with the
29 order.

30 NEW SECTION. **Sec. 862.** A new section is added to chapter 66.24
31 RCW to read as follows:

32 The board shall immediately suspend the license of a person who has
33 been certified pursuant to section 802 of this act by the department of
34 social and health services as a person who is not in compliance with a
35 support order or a residential or visitation order. If the person has
36 continued to meet all other requirements for reinstatement during the

1 suspension, reissuance of the license shall be automatic upon the
2 board's receipt of a release issued by the department of social and
3 health services stating that the licensee is in compliance with the
4 order.

5 NEW SECTION. **Sec. 863.** A new section is added to chapter 88.02
6 RCW to read as follows:

7 The department shall immediately suspend the vessel registration or
8 vessel dealer's registration of a person who has been certified
9 pursuant to section 802 of this act by the department of social and
10 health services as a person who is not in compliance with a support
11 order or a residential or visitation order. If the person has
12 continued to meet all other requirements for reinstatement during the
13 suspension, reissuance of the registration shall be automatic upon the
14 department's receipt of a release issued by the department of social
15 and health services stating that the licensee is in compliance with the
16 order.

17 **Sec. 864.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
18 read as follows:

19 (1) The department may grant annual licenses upon application in
20 compliance with the rules and regulations prescribed by the director,
21 and the payment of the fees, the amount of which is to be set by the
22 director in accordance with RCW 43.24.086, prescribed to promoters,
23 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
24 provisions of this section shall not apply to contestants or
25 participants in strictly amateur contests and/or fraternal
26 organizations and/or veterans' organizations chartered by congress or
27 the defense department or any bona fide athletic club which is a member
28 of the Pacific northwest association of the amateur athletic union of
29 the United States, holding and promoting athletic contests and where
30 all funds are used primarily for the benefit of their members.

31 (2) Any such license may be revoked by the department for any cause
32 which it shall deem sufficient.

33 (3) No person shall participate or serve in any of the above
34 capacities unless licensed as provided in this chapter.

35 (4) The referee for any boxing contest shall be designated by the
36 department from among such licensed referees.

1 (5) The referee for any wrestling exhibition or show shall be
2 provided by the promoter and licensed by the department.

3 (6) The department shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order or a residential or
7 visitation order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license or certificate shall be automatic upon the department's receipt
10 of a release issued by the department of social and health services
11 stating that the licensee is in compliance with the order.

12 **Sec. 865.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
13 as follows:

14 (1) The department shall not issue or renew a master license to any
15 person if:

16 (a) The person does not have a valid tax registration, if required;

17 (b) The person is a corporation delinquent in fees or penalties
18 owing to the secretary of state or is not validly registered under
19 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
20 now or hereafter adopted which gives corporate or business licensing
21 responsibilities to the secretary of state; or

22 (c) The person has not submitted the sum of all fees and deposits
23 required for the requested individual license endorsements, any
24 outstanding master license delinquency fee, or other fees and penalties
25 to be collected through the system.

26 (2) Nothing in this section shall prevent registration by the state
27 of an employer for the purpose of paying an employee of that employer
28 industrial insurance or unemployment insurance benefits.

29 (3) The department shall immediately suspend the license or
30 certificate of a person who has been certified pursuant to section 802
31 of this act by the department of social and health services as a person
32 who is not in compliance with a support order or a residential or
33 visitation order. If the person has continued to meet all other
34 requirements for reinstatement during the suspension, reissuance of the
35 license or certificate shall be automatic upon the department's receipt
36 of a release issued by the department of social and health services
37 stating that the licensee is in compliance with the order.

1 **Sec. 866.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
2 read as follows:

3 Except as provided in section 869 of this act, at the close of each
4 examination the department of licensing shall prepare the proper
5 licenses, where no further fee is required to be paid, and issue
6 licenses to the successful applicants signed by the director and notify
7 all successful applicants, where a further fee is required, of the fact
8 that they are entitled to receive such license upon the payment of such
9 further fee to the department of licensing and notify all applicants
10 who have failed to pass the examination of that fact.

11 **Sec. 867.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
12 read as follows:

13 Except as provided in section 869 of this act, whenever there is
14 filed in a matter under the jurisdiction of the director of licensing
15 any complaint charging that the holder of a license has been guilty of
16 any act or omission which by the provisions of the law under which the
17 license was issued would warrant the revocation thereof, verified in
18 the manner provided by law, the director of licensing shall request the
19 governor to appoint, and the governor shall appoint within thirty days
20 of the request, two qualified practitioners of the profession or
21 calling of the person charged, who, with the director or his duly
22 appointed representative, shall constitute a committee to hear and
23 determine the charges and, in case the charges are sustained, impose
24 the penalty provided by law. In addition, the governor shall appoint
25 a consumer member of the committee.

26 The decision of any three members of such committee shall be the
27 decision of the committee.

28 The appointed members of the committee shall be compensated in
29 accordance with RCW 43.03.240 and shall be reimbursed for their travel
30 expenses, in accordance with RCW 43.03.050 and 43.03.060.

31 **Sec. 868.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
32 read as follows:

33 Except as provided in section 869 of this act, any person feeling
34 aggrieved by the refusal of the director to issue a license, or to
35 renew one, or by the revocation or suspension of a license shall have
36 a right of appeal to superior court from the decision of the director

1 of licensing, which shall be taken, prosecuted, heard, and determined
2 in the manner provided in chapter 34.05 RCW.

3 The decision of the superior court may be reviewed by the supreme
4 court or the court of appeals in the same manner as other civil cases.

5 NEW SECTION. **Sec. 869.** A new section is added to chapter 43.24
6 RCW to read as follows:

7 The department shall immediately suspend any license issued by the
8 department of licensing of a person who has been certified pursuant to
9 section 802 of this act by the department of social and health services
10 as a person who is not in compliance with a support order or a
11 residential or visitation order. If the person has continued to meet
12 all other requirements for reinstatement during the suspension,
13 reissuance of the license shall be automatic upon the department's
14 receipt of a release issued by the department of social and health
15 services stating that the licensee is in compliance with the order.

16 **Sec. 870.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to
17 read as follows:

18 All persons engaged in the manufacture of explosives, or any
19 process involving explosives, or where explosives are used as a
20 component part in the manufacture of any article or device, on (~~the~~
21 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
22 shall within sixty days thereafter, and all persons engaging in the
23 manufacture of explosives, or any process involving explosives, or
24 where explosives are used as a component part in the manufacture of any
25 article or device after (~~this act takes effect~~) August 11, 1969,
26 shall, before so engaging, make an application in writing, subscribed
27 to by such person or his agent, to the department of labor and
28 industries, the application stating:

- 29 (1) Location of place of manufacture or processing;
30 (2) Kind of explosives manufactured, processed or used;
31 (3) The distance that such explosives manufacturing building is
32 located or intended to be located from the other factory buildings,
33 magazines, inhabited buildings, railroads and highways and public
34 utility transmission systems;
35 (4) The name and address of the applicant;
36 (5) The reason for desiring to manufacture explosives;
37 (6) The applicant's citizenship, if the applicant is an individual;

1 (7) If the applicant is a partnership, the names and addresses of
2 the partners, and their citizenship;

3 (8) If the applicant is an association or corporation, the names
4 and addresses of the officers and directors thereof, and their
5 citizenship; and

6 (9) Such other pertinent information as the director of labor and
7 industries shall require to effectuate the purpose of this chapter.

8 There shall be kept in the main office on the premises of each
9 explosives manufacturing plant a plan of said plant showing the
10 location of all explosives manufacturing buildings and the distance
11 they are located from other factory buildings where persons are
12 employed and from magazines, and these plans shall at all times be open
13 to inspection by duly authorized inspectors of the department of labor
14 and industries. The superintendent of each plant shall upon demand of
15 said inspector furnish the following information:

16 (a) The maximum amount and kind of explosive material which is or
17 will be present in each building at one time.

18 (b) The nature and kind of work carried on in each building and
19 whether or not said buildings are surrounded by natural or artificial
20 barricades.

21 Except as provided in RCW 70.74.370, the department of labor and
22 industries shall as soon as possible after receiving such application
23 cause an inspection to be made of the explosives manufacturing plant,
24 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
25 70.74.061, such department shall issue a license to the person applying
26 therefor showing compliance with the provisions of this chapter if the
27 applicant demonstrates that either the applicant or the officers,
28 agents or employees of the applicant are sufficiently experienced in
29 the manufacture of explosives and the applicant meets the
30 qualifications for a license under RCW 70.74.360. Such license shall
31 continue in full force and effect until expired, suspended, or revoked
32 by the department pursuant to this chapter.

33 **Sec. 871.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to
34 read as follows:

35 Every person desiring to engage in the business of dealing in
36 explosives shall apply to the department of labor and industries for a
37 license therefor. Said application shall state, among other things:

38 (1) The name and address of applicant;

1 (2) The reason for desiring to engage in the business of dealing in
2 explosives;

3 (3) Citizenship, if an individual applicant;

4 (4) If a partnership, the names and addresses of the partners and
5 their citizenship;

6 (5) If an association or corporation, the names and addresses of
7 the officers and directors thereof and their citizenship; and

8 (6) Such other pertinent information as the director of labor and
9 industries shall require to effectuate the purpose of this chapter.

10 Except as provided in RCW 70.74.370, the department of labor and
11 industries shall issue the license if the applicant demonstrates that
12 either the applicant or the principal officers, agents, or employees of
13 the applicant are experienced in the business of dealing in explosives,
14 possess suitable facilities therefor, have not been convicted of any
15 crime that would warrant revocation or nonrenewal of a license under
16 this chapter, and have never had an explosives-related license revoked
17 under this chapter or under similar provisions of any other state.

18 **Sec. 872.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
19 read as follows:

20 (1) The department of labor and industries shall revoke and not
21 renew the license of any person holding a manufacturer, dealer,
22 purchaser, user, or storage license upon conviction of any of the
23 following offenses, which conviction has become final:

24 (a) A violent offense as defined in RCW 9.94A.030;

25 (b) A crime involving perjury or false swearing, including the
26 making of a false affidavit or statement under oath to the department
27 of labor and industries in an application or report made pursuant to
28 this title;

29 (c) A crime involving bomb threats;

30 (d) A crime involving a schedule I or II controlled substance, or
31 any other drug or alcohol related offense, unless such other drug or
32 alcohol related offense does not reflect a drug or alcohol dependency.
33 However, the department of labor and industries may condition renewal
34 of the license to any convicted person suffering a drug or alcohol
35 dependency who is participating in an alcoholism or drug recovery
36 program acceptable to the department of labor and industries and has
37 established control of their alcohol or drug dependency. The

1 department of labor and industries shall require the licensee to
2 provide proof of such participation and control;

3 (e) A crime relating to possession, use, transfer, or sale of
4 explosives under this chapter or any other chapter of the Revised Code
5 of Washington.

6 (2) The department of labor and industries shall revoke the license
7 of any person adjudged to be mentally ill or insane, or to be
8 incompetent due to any mental disability or disease. The director
9 shall not renew the license until the person has been restored to
10 competency.

11 (3) The department of labor and industries is authorized to
12 suspend, for a period of time not to exceed six months, the license of
13 any person who has violated this chapter or the rules promulgated
14 pursuant to this chapter.

15 (4) The department of labor and industries may revoke the license
16 of any person who has repeatedly violated this chapter or the rules
17 promulgated pursuant to this chapter, or who has twice had his or her
18 license suspended under this chapter.

19 (5) The department of labor and industries shall immediately
20 suspend the license or certificate of a person who has been certified
21 pursuant to section 802 of this act by the department of social and
22 health services as a person who is not in compliance with a support
23 order or a residential or visitation order. If the person has
24 continued to meet all other requirements for reinstatement during the
25 suspension, reissuance of the license or certificate shall be automatic
26 upon the department of labor and industries' receipt of a release
27 issued by the department of social and health services stating that the
28 licensee is in compliance with the order.

29 (6) Upon receipt of notification by the department of labor and
30 industries of revocation or suspension, a licensee must surrender
31 immediately to the department any or all such licenses revoked or
32 suspended.

33 **Sec. 873.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
34 read as follows:

35 (1) Every license shall be issued in the name of the applicant, and
36 the holder thereof shall not allow any other person to use the license.

37 (2) For the purpose of considering any application for a license,
38 the board may cause an inspection of the premises to be made, and may

1 inquire into all matters in connection with the construction and
2 operation of the premises. For the purpose of reviewing any
3 application for a license and for considering the denial, suspension or
4 revocation of any license, the liquor control board may consider any
5 prior criminal conduct of the applicant and the provisions of RCW
6 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
7 board may, in its discretion, grant or refuse the license applied for.
8 Authority to approve an uncontested or unopposed license may be granted
9 by the board to any staff member the board designates in writing.
10 Conditions for granting such authority shall be adopted by rule. No
11 retail license of any kind may be issued to:

12 (a) A person who has not resided in the state for at least one
13 month prior to making application, except in cases of licenses issued
14 to dining places on railroads, boats, or aircraft;

15 (b) A copartnership, unless all of the members thereof are
16 qualified to obtain a license, as provided in this section;

17 (c) A person whose place of business is conducted by a manager or
18 agent, unless such manager or agent possesses the same qualifications
19 required of the licensee; or

20 (d) A corporation, unless it was created under the laws of the
21 state of Washington or holds a certificate of authority to transact
22 business in the state of Washington.

23 (3)(a) The board may, in its discretion, subject to the provisions
24 of RCW 66.08.150, suspend or cancel any license; and all rights of the
25 licensee to keep or sell liquor thereunder shall be suspended or
26 terminated, as the case may be.

27 (b) The board shall immediately suspend the license or certificate
28 of a person who has been certified pursuant to section 802 of this act
29 by the department of social and health services as a person who is not
30 in compliance with a support order or a residential or visitation
31 order. If the person has continued to meet all other requirements for
32 reinstatement during the suspension, reissuance of the license or
33 certificate shall be automatic upon the board's receipt of a release
34 issued by the department of social and health services stating that the
35 licensee is in compliance with the order.

36 (c) The board may request the appointment of administrative law
37 judges under chapter 34.12 RCW who shall have power to administer
38 oaths, issue subpoenas for the attendance of witnesses and the
39 production of papers, books, accounts, documents, and testimony,

1 examine witnesses, and to receive testimony in any inquiry,
2 investigation, hearing, or proceeding in any part of the state, under
3 such rules and regulations as the board may adopt.

4 (d) Witnesses shall be allowed fees and mileage each way to and
5 from any such inquiry, investigation, hearing, or proceeding at the
6 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
7 need not be paid in advance of appearance of witnesses to testify or to
8 produce books, records, or other legal evidence.

9 (e) In case of disobedience of any person to comply with the order
10 of the board or a subpoena issued by the board, or any of its members,
11 or administrative law judges, or on the refusal of a witness to testify
12 to any matter regarding which he or she may be lawfully interrogated,
13 the judge of the superior court of the county in which the person
14 resides, on application of any member of the board or administrative
15 law judge, shall compel obedience by contempt proceedings, as in the
16 case of disobedience of the requirements of a subpoena issued from said
17 court or a refusal to testify therein.

18 (4) Upon receipt of notice of the suspension or cancellation of a
19 license, the licensee shall forthwith deliver up the license to the
20 board. Where the license has been suspended only, the board shall
21 return the license to the licensee at the expiration or termination of
22 the period of suspension. The board shall notify all vendors in the
23 city or place where the licensee has its premises of the suspension or
24 cancellation of the license; and no employee may allow or cause any
25 liquor to be delivered to or for any person at the premises of that
26 licensee.

27 (5)(a) At the time of the original issuance of a class H license,
28 the board shall prorate the license fee charged to the new licensee
29 according to the number of calendar quarters, or portion thereof,
30 remaining until the first renewal of that license is required.

31 (b) Unless sooner canceled, every license issued by the board shall
32 expire at midnight of the thirtieth day of June of the fiscal year for
33 which it was issued. However, if the board deems it feasible and
34 desirable to do so, it may establish, by rule pursuant to chapter 34.05
35 RCW, a system for staggering the annual renewal dates for any and all
36 licenses authorized by this chapter. If such a system of staggered
37 annual renewal dates is established by the board, the license fees
38 provided by this chapter shall be appropriately prorated during the
39 first year that the system is in effect.

1 (6) Every license issued under this section shall be subject to all
2 conditions and restrictions imposed by this title or by the regulations
3 in force from time to time. All conditions and restrictions imposed by
4 the board in the issuance of an individual license shall be listed on
5 the face of the individual license along with the trade name, address,
6 and expiration date.

7 (7) Every licensee shall post and keep posted its license, or
8 licenses, in a conspicuous place on the premises.

9 (8) Before the board shall issue a license to an applicant it shall
10 give notice of such application to the chief executive officer of the
11 incorporated city or town, if the application be for a license within
12 an incorporated city or town, or to the county legislative authority,
13 if the application be for a license outside the boundaries of
14 incorporated cities or towns; and such incorporated city or town,
15 through the official or employee selected by it, or the county
16 legislative authority or the official or employee selected by it, shall
17 have the right to file with the board within twenty days after date of
18 transmittal of such notice, written objections against the applicant or
19 against the premises for which the license is asked, and shall include
20 with such objections a statement of all facts upon which such
21 objections are based, and in case written objections are filed, may
22 request and the liquor control board may in its discretion hold a
23 formal hearing subject to the applicable provisions of Title 34 RCW.
24 Upon the granting of a license under this title the board shall send a
25 duplicate of the license or written notification to the chief executive
26 officer of the incorporated city or town in which the license is
27 granted, or to the county legislative authority if the license is
28 granted outside the boundaries of incorporated cities or towns.

29 (9) Before the board issues any license to any applicant, it shall
30 give (a) due consideration to the location of the business to be
31 conducted under such license with respect to the proximity of churches,
32 schools, and public institutions and (b) written notice by certified
33 mail of the application to churches, schools, and public institutions
34 within five hundred feet of the premises to be licensed. The board
35 shall issue no beer retailer license class A, B, D, or E or wine
36 retailer license class C or F or class H license covering any premises
37 not now licensed, if such premises are within five hundred feet of the
38 premises of any tax-supported public elementary or secondary school
39 measured along the most direct route over or across established public

1 walks, streets, or other public passageway from the outer property line
2 of the school grounds to the nearest public entrance of the premises
3 proposed for license, and if, after receipt by the school or public
4 institution of the notice as provided in this subsection, the board
5 receives written notice, within twenty days after posting such notice,
6 from an official representative or representatives of the school within
7 five hundred feet of said proposed licensed premises, indicating to the
8 board that there is an objection to the issuance of such license
9 because of proximity to a school. For the purpose of this section,
10 church shall mean a building erected for and used exclusively for
11 religious worship and schooling or other activity in connection
12 therewith. No liquor license may be issued or reissued by the board to
13 any motor sports facility or licensee operating within the motor sports
14 facility unless the motor sports facility enforces a program reasonably
15 calculated to prevent alcohol or alcoholic beverages not purchased
16 within the facility from entering the facility and such program is
17 approved by local law enforcement agencies. It is the intent under
18 this subsection that a retail license shall not be issued by the board
19 where doing so would, in the judgment of the board, adversely affect a
20 private school meeting the requirements for private schools under Title
21 28A RCW, which school is within five hundred feet of the proposed
22 licensee. The board shall fully consider and give substantial weight
23 to objections filed by private schools. If a license is issued despite
24 the proximity of a private school, the board shall state in a letter
25 addressed to the private school the board's reasons for issuing the
26 license.

27 (10) The restrictions set forth in subsection (9) of this section
28 shall not prohibit the board from authorizing the assumption of
29 existing licenses now located within the restricted area by other
30 persons or licenses or relocations of existing licensed premises within
31 the restricted area. In no case may the licensed premises be moved
32 closer to a church or school than it was before the assumption or
33 relocation.

34 (11) Nothing in this section prohibits the board, in its
35 discretion, from issuing a temporary retail or wholesaler license to an
36 applicant assuming an existing retail or wholesaler license to continue
37 the operation of the retail or wholesaler premises during the period
38 the application for the license is pending and when the following
39 conditions exist:

1 (a) The licensed premises has been operated under a retail or
2 wholesaler license within ninety days of the date of filing the
3 application for a temporary license;

4 (b) The retail or wholesaler license for the premises has been
5 surrendered pursuant to issuance of a temporary operating license;

6 (c) The applicant for the temporary license has filed with the
7 board an application to assume the retail or wholesaler license at such
8 premises to himself or herself; and

9 (d) The application for a temporary license is accompanied by a
10 temporary license fee established by the board by rule.

11 A temporary license issued by the board under this section shall be
12 for a period not to exceed sixty days. A temporary license may be
13 extended at the discretion of the board for an additional sixty-day
14 period upon payment of an additional fee and upon compliance with all
15 conditions required in this section.

16 Refusal by the board to issue or extend a temporary license shall
17 not entitle the applicant to request a hearing. A temporary license
18 may be canceled or suspended summarily at any time if the board
19 determines that good cause for cancellation or suspension exists. RCW
20 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

21 Application for a temporary license shall be on such form as the
22 board shall prescribe. If an application for a temporary license is
23 withdrawn before issuance or is refused by the board, the fee which
24 accompanied such application shall be refunded in full.

25 **Sec. 874.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
26 read as follows:

27 (1) The department shall issue a certificate of manufactured home
28 installation to an applicant who has taken the training course, passed
29 the examination, paid the fees, and in all other respects (~~meet[s]~~)
30 meets the qualifications. The certificate shall bear the date of
31 issuance, a certification identification number, and is renewable every
32 three years upon application and completion of a continuing education
33 program as determined by the department. A renewal fee shall be
34 assessed for each certificate. If a person fails to renew a
35 certificate by the renewal date, the person must retake the examination
36 and pay the examination fee.

37 (2) The certificate of manufactured home installation provided for
38 in this chapter grants the holder the right to engage in manufactured

1 home installation throughout the state, without any other installer
2 certification.

3 (3) The department shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order or a residential or
7 visitation order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license or certificate shall be automatic upon the department's receipt
10 of a release issued by the department of social and health services
11 stating that the licensee is in compliance with the order.

12 **Sec. 875.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
13 read as follows:

14 (1) The department shall establish a process to certify incinerator
15 and landfill operators. To the greatest extent possible, the
16 department shall rely on the certification standards and procedures
17 developed by national organizations and the federal government.

18 (2) Operators shall be certified if they:

19 (a) Attend the required training sessions;

20 (b) Successfully complete required examinations; and

21 (c) Pay the prescribed fee.

22 (3) By January 1, 1991, the department shall adopt rules to require
23 incinerator and appropriate landfill operators to:

24 (a) Attend a training session concerning the operation of the
25 relevant type of landfill or incinerator;

26 (b) Demonstrate sufficient skill and competency for proper
27 operation of the incinerator or landfill by successfully completing an
28 examination prepared by the department; and

29 (c) Renew the certificate of competency at reasonable intervals
30 established by the department.

31 (4) The department shall provide for the collection of fees for the
32 issuance and renewal of certificates. These fees shall be sufficient
33 to recover the costs of the certification program.

34 (5) The department shall establish an appeals process for the
35 denial or revocation of a certificate.

36 (6) The department shall establish a process to automatically
37 certify operators who have received comparable certification from

1 another state, the federal government, a local government, or a
2 professional association.

3 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
4 operator of an incinerator or landfill may apply to the department for
5 interim certification. Operators shall receive interim certification
6 if they:

7 (a) Have received training provided by a recognized national
8 organization, educational institution, or the federal government that
9 is acceptable to the department; or

10 (b) Have received individualized training in a manner approved by
11 the department; and

12 (c) Have successfully completed any required examinations.

13 (8) No interim certification shall be valid after January 1, 1992,
14 and interim certification shall not automatically qualify operators for
15 certification pursuant to subsections (2) through (4) of this section.

16 (9) The department shall immediately suspend the license or
17 certificate of a person who has been certified pursuant to section 802
18 of this act by the department of social and health services as a person
19 who is not in compliance with a support order or a residential or
20 visitation order. If the person has continued to meet all other
21 requirements for reinstatement during the suspension, reissuance of the
22 license or certificate shall be automatic upon the department's receipt
23 of a release issued by the department of social and health services
24 stating that the licensee is in compliance with the order.

25 NEW SECTION. Sec. 876. A new section is added to chapter 70.95B
26 RCW to read as follows:

27 The director shall immediately suspend the license or certificate
28 of a person who has been certified pursuant to section 802 of this act
29 by the department of social and health services as a person who is not
30 in compliance with a support order or a residential or visitation
31 order. If the person has continued to meet all other requirements for
32 reinstatement during the suspension, reissuance of the license or
33 certificate shall be automatic upon the director's receipt of a release
34 issued by the department of social and health services stating that the
35 licensee is in compliance with the order.

36 **Sec. 877.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
37 read as follows:

1 Any license, permit, or certification provided for in this chapter
2 may be revoked or suspended, and any license, permit, or certification
3 application may be denied by the director for cause. If the director
4 suspends a license under this chapter with respect to activity of a
5 continuing nature under chapter 34.05 RCW, the director may elect to
6 suspend the license for a subsequent license year during a period that
7 coincides with the period commencing thirty days before and ending
8 thirty days after the date of the incident or incidents giving rise to
9 the violation.

10 The director shall immediately suspend the license or certificate
11 of a person who has been certified pursuant to section 802 of this act
12 by the department of social and health services as a person who is not
13 in compliance with a support order or a residential or visitation
14 order. If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the director's receipt of a release
17 issued by the department of social and health services stating that the
18 licensee is in compliance with the order.

19 **Sec. 878.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
20 read as follows:

21 (1) After January 1, 1991, a contractor may not perform
22 decontamination, demolition, or disposal work unless issued a
23 certificate by the state department of health. The department shall
24 establish performance standards for contractors by rule in accordance
25 with chapter 34.05 RCW, the administrative procedure act. The
26 department shall train and test, or may approve courses to train and
27 test, contractors and their employees on the essential elements in
28 assessing property used as an illegal drug manufacturing or storage
29 site to determine hazard reduction measures needed, techniques for
30 adequately reducing contaminants, use of personal protective equipment,
31 methods for proper demolition, removal, and disposal of contaminated
32 property, and relevant federal and state regulations. Upon successful
33 completion of the training, the contractor or employee shall be
34 certified.

35 (2) The department may require the successful completion of annual
36 refresher courses provided or approved by the department for the
37 continued certification of the contractor or employee.

1 (3) The department shall provide for reciprocal certification of
2 any individual trained to engage in decontamination, demolition, or
3 disposal work in another state when the prior training is shown to be
4 substantially similar to the training required by the department. The
5 department may require such individuals to take an examination or
6 refresher course before certification.

7 (4) The department may deny, suspend, or revoke a certificate for
8 failure to comply with the requirements of this chapter or any rule
9 adopted pursuant to this chapter. A certificate may be denied,
10 suspended, or revoked on any of the following grounds:

11 (a) Failing to perform decontamination, demolition, or disposal
12 work under the supervision of trained personnel;

13 (b) Failing to file a work plan;

14 (c) Failing to perform work pursuant to the work plan;

15 (d) Failing to perform work that meets the requirements of the
16 department; ~~((or))~~

17 (e) The certificate was obtained by error, misrepresentation, or
18 fraud; or

19 (f) If the person has been certified pursuant to section 802 of
20 this act by the department of social and health services as a person
21 who is not in compliance with a support order or a residential or
22 visitation order. If the person has continued to meet all other
23 requirements for reinstatement during the suspension, reissuance of the
24 license or certificate shall be automatic upon the department's receipt
25 of a release issued by the department of social and health services
26 stating that the person is in compliance with the order.

27 (5) A contractor who violates any provision of this chapter may be
28 assessed a fine not to exceed five hundred dollars for each violation.

29 (6) The department of health shall prescribe fees as provided for
30 in RCW 43.70.250 for the issuance and renewal of certificates, the
31 administration of examinations, and for the review of training courses.

32 (7) The decontamination account is hereby established in the state
33 treasury. All fees collected under this chapter shall be deposited in
34 this account. Moneys in the account may only be spent after
35 appropriation for costs incurred by the department in the
36 administration and enforcement of this chapter.

37 **Sec. 879.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
38 read as follows:

1 (1) The director shall enforce all laws and rules relating to the
2 licensing of mortgage brokers, grant or deny licenses to mortgage
3 brokers, and hold hearings.

4 (2) The director may impose the following sanctions:

5 (a) Deny applications for licenses for: (i) Violations of orders,
6 including cease and desist orders issued under this chapter; or (ii)
7 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

8 (b) Suspend or revoke licenses for:

9 (i) False statements or omission of material information on the
10 application that, if known, would have allowed the director to deny the
11 application for the original license;

12 (ii) Failure to pay a fee required by the director or maintain the
13 required bond;

14 (iii) Failure to comply with any directive or order of the
15 director; or

16 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
17 or (13), 19.146.205(3), or 19.146.265;

18 (c) Impose fines on the licensee, employee or loan originator of
19 the licensee, or other person subject to this chapter for:

20 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
21 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
22 19.146.265; or

23 (ii) Failure to comply with any directive or order of the director;

24 (d) Issue orders directing a licensee, its employee or loan
25 originator, or other person subject to this chapter to:

26 (i) Cease and desist from conducting business in a manner that is
27 injurious to the public or violates any provision of this chapter; or

28 (ii) Pay restitution to an injured borrower; or

29 (e) Issue orders removing from office or prohibiting from
30 participation in the conduct of the affairs of a licensed mortgage
31 broker, or both, any officer, principal, employee, or loan originator
32 of any licensed mortgage broker or any person subject to licensing
33 under this chapter for:

34 (i) Any violation of 19.146.0201 (1) through (9) or (13),
35 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
36 19.146.265; or

37 (ii) False statements or omission of material information on the
38 application that, if known, would have allowed the director to deny the
39 application for the original license;

1 (iii) Conviction of a gross misdemeanor involving dishonesty or
2 financial misconduct or a felony after obtaining a license; or

3 (iv) Failure to comply with any directive or order of the director.

4 (3) Each day's continuance of a violation or failure to comply with
5 any directive or order of the director is a separate and distinct
6 violation or failure.

7 (4) The director shall establish by rule standards for licensure of
8 applicants licensed in other jurisdictions. Every licensed mortgage
9 broker that does not maintain a physical office within the state must
10 maintain a registered agent within the state to receive service of any
11 lawful process in any judicial or administrative noncriminal suit,
12 action, or proceeding, against the licensed mortgage broker which
13 arises under this chapter or any rule or order under this chapter, with
14 the same force and validity as if served personally on the licensed
15 mortgage broker. Service upon the registered agent shall be effective
16 if the plaintiff, who may be the director in a suit, action, or
17 proceeding instituted by him or her, sends notice of the service and a
18 copy of the process by registered mail to the defendant or respondent
19 at the last address of the respondent or defendant on file with the
20 director. In any judicial action, suit, or proceeding arising under
21 this chapter or any rule or order adopted under this chapter between
22 the department or director and a licensed mortgage broker who does not
23 maintain a physical office in this state, venue shall be exclusively in
24 the superior court of Thurston county.

25 (5) The director shall immediately suspend the license or
26 certificate of a person who has been certified pursuant to section 802
27 of this act by the department of social and health services as a person
28 who is not in compliance with a support order or a residential or
29 visitation order. If the person has continued to meet all other
30 requirements for reinstatement during the suspension, reissuance of the
31 license or certificate shall be automatic upon the director's receipt
32 of a release issued by the department of social and health services
33 stating that the licensee is in compliance with the order.

34 NEW SECTION. Sec. 880. A new section is added to chapter 75.25
35 RCW to read as follows:

36 (1) Licenses issued pursuant to this chapter shall be invalid for
37 any period in which a person is certified by the department of social
38 and health services or a court of competent jurisdiction as a person in

1 noncompliance with a support order or residential or visitation order.
2 Fisheries patrol officers, ex officio fisheries patrol officers, and
3 authorized fisheries employees shall enforce this section through
4 checks of the department of licensing's computer data base. A listing
5 on the department of licensing's data base that an individual's license
6 is currently suspended pursuant to RCW 46.20.291(7) shall be prima
7 facie evidence that the individual is in noncompliance with a support
8 order or residential or visitation order. Presentation of a written
9 release issued by the department of social and health services or a
10 court stating that the person is in compliance with an order shall
11 serve as prima facie proof of compliance with a support order,
12 residential order, or visitation order.

13 (2) It is unlawful to purchase, obtain, or possess a license
14 required by this chapter during any period in which a license is
15 suspended.

16 NEW SECTION. **Sec. 881.** A new section is added to chapter 77.32
17 RCW to read as follows:

18 (1) Licenses, tags, and stamps issued pursuant to this chapter
19 shall be invalid for any period in which a person is certified by the
20 department of social and health services or a court of competent
21 jurisdiction as a person in noncompliance with a support order or
22 residential or visitation order. Wildlife agents and ex officio
23 wildlife agents shall enforce this section through checks of the
24 department of licensing's computer data base. A listing on the
25 department of licensing's data base that an individual's license is
26 currently suspended pursuant to RCW 46.20.291(7) shall be prima facie
27 evidence that the individual is in noncompliance with a support order
28 or residential or visitation order. Presentation of a written release
29 issued by the department of social and health services stating that the
30 person is in compliance with an order shall serve as prima facie proof
31 of compliance with a support order, residential order, or visitation
32 order.

33 (2) It is unlawful to purchase, obtain, or possess a license
34 required by this chapter during any period in which a license is
35 suspended.

36 NEW SECTION. **Sec. 882.** A new section is added to chapter 75.28
37 RCW to read as follows:

1 (1) The department shall immediately suspend the license of a
2 person who has been certified pursuant to section 402 of this act by
3 the department of social and health services as a person who is not in
4 compliance with a support order or a residential or visitation order.

5 (2) A listing on the department of licensing's data base that an
6 individual's license is currently suspended pursuant to RCW
7 46.20.291(7) shall be prima facie evidence that the individual is in
8 noncompliance with a support order or residential or visitation order.
9 Presentation of a written release issued by the department of social
10 and health services or a court stating that the person is in compliance
11 with an order shall serve as proof of compliance.

12 **Sec. 883.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to
13 read as follows:

14 (1) Except as otherwise provided by this title, it is unlawful to
15 engage in any of the following activities without a license or permit
16 issued by the director:

- 17 (a) Commercially fish for or take food fish or shellfish;
- 18 (b) Deliver food fish or shellfish taken in offshore waters;
- 19 (c) Operate a charter boat or commercial fishing vessel engaged in
20 a fishery;
- 21 (d) Engage in processing or wholesaling food fish or shellfish; or
- 22 (e) Act as a guide for salmon for personal use in freshwater rivers
23 and streams, other than that part of the Columbia river below the
24 bridge at Longview.

25 (2) No person may engage in the activities described in subsection
26 (1) of this section unless the licenses or permits required by this
27 title are in the person's possession, and the person is the named
28 license holder or an alternate operator designated on the license and
29 the person's license is not suspended.

30 (3) A valid Oregon license that is equivalent to a license under
31 this title is valid in the concurrent waters of the Columbia river if
32 the state of Oregon recognizes as valid the equivalent Washington
33 license. The director may identify by rule what Oregon licenses are
34 equivalent.

35 (4) No license or permit is required for the production or
36 harvesting of private sector cultured aquatic products as defined in
37 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
38 aquatic products. However, if a means of identifying such products is

1 required by rules adopted under RCW 15.85.060, the exemption from
2 licensing or permit requirements established by this subsection applies
3 only if the aquatic products are identified in conformance with those
4 rules.

5 NEW SECTION. **Sec. 884.** A new section is added to chapter 75.30
6 RCW to read as follows:

7 (1) A license renewed under the provisions of this chapter that has
8 been suspended under section 882 of this act shall be subject to the
9 following provisions:

10 (a) A license renewal fee shall be paid as a condition of
11 maintaining a current license; and

12 (b) The department shall waive any other license requirements,
13 unless the department determines that the license holder has had
14 sufficient opportunity to meet these requirements.

15 (2) The provisions of subsection (1) of this section shall apply
16 only to a license that has been suspended under section 882 of this act
17 for a period of twelve months or less. A license holder shall forfeit
18 a license subject to this chapter and may not recover any license
19 renewal fees previously paid if the license holder does not meet the
20 requirements of section 802(9) of this act within twelve months of
21 license suspension.

22 NEW SECTION. **Sec. 885.** (1) The director of the department of fish
23 and wildlife and the director of the department of information services
24 shall jointly develop a comprehensive, state-wide implementation plan
25 for the automated issuance, revocation, and general administration of
26 hunting, fishing, and recreational licenses administered under the
27 authority of the department of fish and wildlife to ensure compliance
28 with the license suspension requirements in section 802 of this act.

29 (2) The plan shall detail the implementation steps necessary to
30 effectuate the automated administration of hunting, fishing, and
31 recreational licenses and shall include recommendations regarding all
32 costs and equipment associated with the plan.

33 (3) The plan shall be submitted to the legislature for review by
34 September 1, 1997.

35 *NEW SECTION. **Sec. 886.** A new section is added to chapter 26.09
36 RCW to read as follows:

1 (1) Unless the context clearly requires otherwise, the definitions
2 in this section apply in this section.

3 (a) "License" means a license, certificate, registration, permit,
4 approval, or other similar document issued by a licensing entity
5 evidencing admission to or granting authority to engage in a
6 profession, occupation, business, or industry. "License" does not mean
7 the tax registration or certification issued under Title 82 RCW by the
8 department of revenue.

9 (b) "Licensee" means any individual holding a license, certificate,
10 registration, permit, approval, or other similar document issued by a
11 licensing entity evidencing admission to or granting authority to
12 engage in a profession, occupation, business, or industry.

13 (c) "Licensing entity" includes any department, board, commission,
14 or other organization of the state authorized to issue, renew, suspend,
15 or revoke a license authorizing an individual to engage in a business,
16 occupation, profession, or industry, and the Washington state bar
17 association.

18 (d) "Noncompliance with a residential or visitation order" means
19 that a court has found the parent in contempt of court, under RCW
20 26.09.160 for failure to comply with a residential provision of a
21 court-ordered parenting plan on two occasions within three years.

22 (e) "Residential or visitation order" means the residential
23 schedule or visitation schedule contained in a court-ordered parenting
24 plan.

25 (2) If a court determines under RCW 26.09.160 that a parent is not
26 in compliance with a provision of a residential or visitation order
27 under RCW 26.09.160, the court shall enter an order directed to the
28 department of social and health services to certify the parent as in
29 noncompliance with a residential or visitation order. The order shall
30 contain the noncomplying parent's name, address, and social security
31 number, and shall indicate whether the obligor is believed to be a
32 licensee of any licensing entity. The court clerk shall forward the
33 order to the department of social and health services.

34 (3) Once the parent whose license is suspended has complied with
35 the requirements of the court's order under RCW 26.09.160, or at an
36 earlier date if the court deems it appropriate, the parent whose
37 license is suspended may petition the court to set a review hearing to
38 determine whether the noncomplying parent is in compliance with the
39 residential or visitation order. If the court determines that the

1 parent is in compliance with the residential or visitation order, the
2 court shall enter an order directing the department of social and
3 health services to issue a release to the parent and to the appropriate
4 license entities.

5 *Sec. 886 was vetoed. See message at end of chapter.

6 *Sec. 887. RCW 26.09.160 and 1991 c 367 s 4 are each amended to
7 read as follows:

8 (1) The performance of parental functions and the duty to provide
9 child support are distinct responsibilities in the care of a child. If
10 a party fails to comply with a provision of a decree or temporary order
11 of injunction, the obligation of the other party to make payments for
12 support or maintenance or to permit contact with children is not
13 suspended. An attempt by a parent, in either the negotiation or the
14 performance of a parenting plan, to condition one aspect of the
15 parenting plan upon another, to condition payment of child support upon
16 an aspect of the parenting plan, to refuse to pay ordered child
17 support, to refuse to perform the duties provided in the parenting
18 plan, or to hinder the performance by the other parent of duties
19 provided in the parenting plan, shall be deemed bad faith and shall be
20 punished by the court by holding the party in contempt of court and by
21 awarding to the aggrieved party reasonable attorneys' fees and costs
22 incidental in bringing a motion for contempt of court.

23 (2)(a) A motion may be filed to initiate a contempt action to
24 coerce a parent to comply with an order establishing residential
25 provisions for a child. If the court finds there is reasonable cause
26 to believe the parent has not complied with the order, the court may
27 issue an order to show cause why the relief requested should not be
28 granted.

29 (b) If, based on all the facts and circumstances, the court finds
30 after hearing that the parent, in bad faith, has not complied with the
31 order establishing residential provisions for the child, the court
32 shall find the parent in contempt of court. Upon a finding of
33 contempt, the court shall order:

34 (i) The noncomplying parent to provide the moving party additional
35 time with the child. The additional time shall be equal to the time
36 missed with the child, due to the parent's noncompliance;

37 (ii) The parent to pay, to the moving party, all court costs and
38 reasonable attorneys' fees incurred as a result of the noncompliance,

1 and any reasonable expenses incurred in locating or returning a child;
2 and

3 (iii) The parent to pay, to the moving party, a civil penalty, not
4 less than the sum of one hundred dollars.

5 The court may also order the parent to be imprisoned in the county
6 jail, if the parent is presently able to comply with the provisions of
7 the court-ordered parenting plan and is presently unwilling to comply.
8 The parent may be imprisoned until he or she agrees to comply with the
9 order, but in no event for more than one hundred eighty days.

10 (3) On a second failure within three years to comply with a
11 residential provision of a court-ordered parenting plan, a motion may
12 be filed to initiate contempt of court proceedings according to the
13 procedure set forth in subsection (2) (a) and (b) of this section. On
14 a finding of contempt under this subsection, the court shall ~~((order))~~
15 enter any combination of the following orders:

16 (a) Order the noncomplying parent to provide the other parent or
17 party additional time with the child. The additional time shall be
18 twice the amount of the time missed with the child, due to the parent's
19 noncompliance;

20 (b) Order the noncomplying parent to pay, to the other parent or
21 party, all court costs and reasonable attorneys' fees incurred as a
22 result of the noncompliance, and any reasonable expenses incurred in
23 locating or returning a child; ~~((and))~~

24 (c) Order the noncomplying parent to pay, to the moving party, a
25 civil penalty of not less than two hundred fifty dollars; or

26 (d) Enter an order under section 886 of this act directed to the
27 department of social and health services to certify the parent as in
28 noncompliance for the purposes of section 802 of this act.

29 The court may also order the parent to be imprisoned in the county
30 jail, if the parent is presently able to comply with the provisions of
31 the court-ordered parenting plan and is presently unwilling to comply.
32 The parent may be imprisoned until he or she agrees to comply with the
33 order but in no event for more than one hundred eighty days.

34 (4) For purposes of subsections (1), (2), and (3) of this section,
35 the parent shall be deemed to have the present ability to comply with
36 the order establishing residential provisions unless he or she
37 establishes otherwise by a preponderance of the evidence. The parent
38 shall establish a reasonable excuse for failure to comply with the

1 residential provision of a court-ordered parenting plan by a
2 preponderance of the evidence.

3 (5) Any monetary award ordered under subsections (1), (2), and (3)
4 of this section may be enforced, by the party to whom it is awarded, in
5 the same manner as a civil judgment.

6 (6) Subsections (1), (2), and (3) of this section authorize the
7 exercise of the court's power to impose remedial sanctions for contempt
8 of court and is in addition to any other contempt power the court may
9 possess.

10 (7) Upon motion for contempt of court under subsections (1) through
11 (3) of this section, if the court finds the motion was brought without
12 reasonable basis, the court shall order the moving party to pay to the
13 nonmoving party, all costs, reasonable attorneys' fees, and a civil
14 penalty of not less than one hundred dollars.

15 *Sec. 887 was vetoed. See message at end of chapter.

16 **Sec. 888.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
17 read as follows:

18 (1) If the (~~office of support enforcement~~) division of child
19 support is providing support enforcement services under RCW 26.23.045,
20 or if a party is applying for support enforcement services by signing
21 the application form on the bottom of the support order, the superior
22 court shall include in all court orders that establish or modify a
23 support obligation:

24 (a) A provision that orders and directs the responsible parent to
25 make all support payments to the Washington state support registry;

26 (b) A statement that (~~a notice of payroll deduction may be issued,~~
27 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~
28 ~~may be taken~~) withholding action may be taken against wages, earnings,
29 assets, or benefits, and liens enforced against real and personal
30 property under the child support statutes of this or any other state,
31 without further notice to the responsible parent at any time after
32 entry of the court order, unless:

33 (i) One of the parties demonstrates, and the court finds, that
34 there is good cause not to require immediate income withholding and
35 that withholding should be delayed until a payment is past due; or

36 (ii) The parties reach a written agreement that is approved by the
37 court that provides for an alternate arrangement; (~~and~~)

1 (c) A statement that the receiving parent might be required to
2 submit an accounting of how the support is being spent to benefit the
3 child; and

4 (d) A statement that the responsible parent's privileges to obtain
5 and maintain a license, as defined in section 802 of this act, may not
6 be renewed, or may be suspended if the parent is not in compliance with
7 a support order as provided in section 802 of this act.

8 As used in this subsection and subsection (3) of this section,
9 "good cause not to require immediate income withholding" means a
10 written determination of why implementing immediate wage withholding
11 would not be in the child's best interests and, in modification cases,
12 proof of timely payment of previously ordered support.

13 (2) In all other cases not under subsection (1) of this section,
14 the court may order the responsible parent to make payments directly to
15 the person entitled to receive the payments, to the Washington state
16 support registry, or may order that payments be made in accordance with
17 an alternate arrangement agreed upon by the parties.

18 (a) The superior court shall include in all orders under this
19 subsection that establish or modify a support obligation:

20 (i) A statement that ~~((a notice of payroll deduction may be issued~~
21 ~~or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A~~
22 ~~RCW))~~ may be taken against wages, earnings, assets, or benefits, and
23 liens enforced against real and personal property under the child
24 support statutes of this or any other state, without further notice to
25 the responsible parent at any time after entry of the court order,
26 unless:

27 (A) One of the parties demonstrates, and the court finds, that
28 there is good cause not to require immediate income withholding and
29 that withholding should be delayed until a payment is past due; or

30 (B) The parties reach a written agreement that is approved by the
31 court that provides for an alternate arrangement; and

32 (ii) A statement that the receiving parent may be required to
33 submit an accounting of how the support is being spent to benefit the
34 child.

35 As used in this subsection, "good cause not to require immediate
36 income withholding" is any reason that the court finds appropriate.

37 (b) The superior court may order immediate or delayed income
38 withholding as follows:

1 (i) Immediate income withholding may be ordered if the responsible
2 parent has earnings. If immediate income withholding is ordered under
3 this subsection, all support payments shall be paid to the Washington
4 state support registry. The superior court shall issue a mandatory
5 wage assignment order as set forth in chapter 26.18 RCW when the
6 support order is signed by the court. The parent entitled to receive
7 the transfer payment is responsible for serving the employer with the
8 order and for its enforcement as set forth in chapter 26.18 RCW.

9 (ii) If immediate income withholding is not ordered, the court
10 shall require that income withholding be delayed until a payment is
11 past due. The support order shall contain a statement that (~~a notice~~
12 ~~of payroll deduction may be issued, or other income withholding action~~
13 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may
14 be taken against wages, earnings, assets, or benefits, and liens
15 enforced against real and personal property under the child support
16 statutes of this or any other state, without further notice to the
17 responsible parent, after a payment is past due.

18 (c) If a mandatory wage withholding order under chapter 26.18 RCW
19 is issued under this subsection and the (~~office of support~~
20 ~~enforcement~~) division of child support provides support enforcement
21 services under RCW 26.23.045, the existing wage withholding assignment
22 is prospectively superseded upon the (~~office of support~~
23 ~~enforcement's~~) division of child support's subsequent service of an
24 income withholding notice.

25 (3) The office of administrative hearings and the department of
26 social and health services shall require that all support obligations
27 established as administrative orders include a provision which orders
28 and directs that the responsible parent shall make all support payments
29 to the Washington state support registry. All administrative orders
30 shall also state that the responsible parent's privileges to obtain and
31 maintain a license, as defined in section 802 of this act, may not be
32 renewed, or may be suspended if the parent is not in compliance with a
33 support order as provided in section 802 of this act. All
34 administrative orders shall also state that (~~a notice of payroll~~
35 deduction may be issued, or other income withholding action taken)
36 withholding action may be taken against wages, earnings, assets, or
37 benefits, and liens enforced against real and personal property under
38 the child support statutes of this or any other state without further

1 notice to the responsible parent at any time after entry of the order,
2 unless:

3 (a) One of the parties demonstrates, and the presiding officer
4 finds, that there is good cause not to require immediate income
5 withholding; or

6 (b) The parties reach a written agreement that is approved by the
7 presiding officer that provides for an alternate agreement.

8 (4) If the support order does not include the provision ordering
9 and directing that all payments be made to the Washington state support
10 registry and a statement that (~~a notice of payroll deduction may be~~
11 ~~issued~~) withholding action may be taken against wages, earnings,
12 assets, or benefits if a support payment is past due or at any time
13 after the entry of the order, or that a parent's licensing privileges
14 may not be renewed, or may be suspended, the (~~office of support~~
15 ~~enforcement~~) division of child support may serve a notice on the
16 responsible parent stating such requirements and authorizations.
17 Service may be by personal service or any form of mail requiring a
18 return receipt.

19 (5) Every support order shall state:

20 (a) The address where the support payment is to be sent;

21 (b) That (~~a notice of payroll deduction may be issued or other~~
22 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~
23 ~~taken~~) withholding action may be taken against wages, earnings,
24 assets, or benefits, and liens enforced against real and personal
25 property under the child support statutes of this or any other state,
26 without further notice to the responsible parent at any time after
27 entry of (~~an order by the court~~) a support order, unless:

28 (i) One of the parties demonstrates, and the court finds, that
29 there is good cause not to require immediate income withholding; or

30 (ii) The parties reach a written agreement that is approved by the
31 court that provides for an alternate arrangement;

32 (c) The income of the parties, if known, or that their income is
33 unknown and the income upon which the support award is based;

34 (d) The support award as a sum certain amount;

35 (e) The specific day or date on which the support payment is due;

36 (f) The social security number, residence address, date of birth,
37 telephone number, driver's license number, and name and address of the
38 employer of the responsible parent;

1 (g) The social security number and residence address of the
2 physical custodian except as provided in subsection (6) of this
3 section;

4 (h) The names, dates of birth, and social security numbers, if any,
5 of the dependent children;

6 (i) ~~((In cases requiring payment to the Washington state support
7 registry, that the parties are to notify the Washington state support
8 registry of any change in residence address. The responsible parent
9 shall notify the registry of the name and address of his or her current
10 employer,))~~ A provision requiring the responsible parent to keep the
11 Washington state support registry informed of whether he or she has
12 access to health insurance coverage at reasonable cost and, if so, the
13 health insurance policy information;

14 (j) That any parent owing a duty of child support shall be
15 obligated to provide health insurance coverage for his or her child if
16 coverage that can be extended to cover the child is or becomes
17 available to that parent through employment or is union-related as
18 provided under RCW 26.09.105;

19 (k) That if proof of health insurance coverage or proof that the
20 coverage is unavailable is not provided within twenty days, the obligee
21 or the department may seek direct enforcement of the coverage through
22 the obligor's employer or union without further notice to the obligor
23 as provided under chapter 26.18 RCW; ~~((and))~~

24 (l) The reasons for not ordering health insurance coverage if the
25 order fails to require such coverage; and

26 (m) That the responsible parent's privileges to obtain and maintain
27 a license, as defined in section 802 of this act, may not be renewed,
28 or may be suspended if the parent is not in compliance with a support
29 order as provided in section 802 of this act.

30 (6) The physical custodian's address:

31 (a) Shall be omitted from an order entered under the administrative
32 procedure act. When the physical custodian's address is omitted from
33 an order, the order shall state that the custodian's address is known
34 to the ~~((office of support enforcement))~~ division of child support.

35 (b) A responsible parent may request the physical custodian's
36 residence address by submission of a request for disclosure under RCW
37 26.23.120 to the ~~((office of support enforcement))~~ division of child
38 support.

1 (7) (~~The superior court clerk, the office of administrative~~
2 ~~hearings, and the department of social and health services shall,~~
3 ~~within five days of entry, forward to the Washington state support~~
4 ~~registry, a true and correct copy of all superior court orders or~~
5 ~~administrative orders establishing or modifying a support obligation~~
6 ~~which provide that support payments shall be made to the support~~
7 ~~registry. If a superior court order entered prior to January 1, 1988,~~
8 ~~directs the responsible parent to make support payments to the clerk,~~
9 ~~the clerk shall send a true and correct copy of the support order and~~
10 ~~the payment record to the registry for enforcement action when the~~
11 ~~clerk identifies that a payment is more than fifteen days past due.~~
12 ~~The office of support enforcement shall reimburse the clerk for the~~
13 ~~reasonable costs of copying and sending copies of court orders to the~~
14 ~~registry at the reimbursement rate provided in Title IV D of the social~~
15 ~~security act.~~

16 (8) ~~Receipt of a support order by the registry or other action~~
17 ~~under this section on behalf of a person or persons who have not made~~
18 ~~a written application for support enforcement services to the office of~~
19 ~~support enforcement and who are not recipients of public assistance is~~
20 ~~deemed to be a request for payment services only.~~

21 (9)) After the responsible parent has been ordered or notified to
22 make payments to the Washington state support registry under this
23 section, the responsible parent shall be fully responsible for making
24 all payments to the Washington state support registry and shall be
25 subject to payroll deduction or other income_withholding action. The
26 responsible parent shall not be entitled to credit against a support
27 obligation for any payments made to a person or agency other than to
28 the Washington state support registry except as provided under RCW
29 74.20.101. A civil action may be brought by the payor to recover
30 payments made to persons or agencies who have received and retained
31 support moneys paid contrary to the provisions of this section.

32 **Sec. 889.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
33 read as follows:

34 The wage assignment order shall be substantially in the following
35 form:

36 IN THE SUPERIOR COURT OF THE
37 STATE OF WASHINGTON IN AND FOR THE
38 COUNTY OF

1 ,
2 Obligee No.
3 vs.
4 , WAGE ASSIGNMENT
5 Obligor ORDER
6 ,
7 Employer

8 THE STATE OF WASHINGTON TO:
9 Employer

10 AND TO:
11 Obligor

12 The above-named obligee claims that the above-named obligor is
13 subject to a support order requiring immediate income withholding or is
14 more than fifteen days past due in either child support or spousal
15 maintenance payments, or both, in an amount equal to or greater than
16 the child support or spousal maintenance payable for one month. The
17 amount of the accrued child support or spousal maintenance debt as of
18 this date is dollars, the amount of arrearage payments
19 specified in the support or spousal maintenance order (if applicable)
20 is dollars per , and the amount of the current
21 and continuing support or spousal maintenance obligation under the
22 order is dollars per

23 You are hereby commanded to answer this order by filling in the
24 attached form according to the instructions, and you must mail or
25 deliver the original of the answer to the court, one copy to the
26 Washington state support registry, one copy to the obligee or obligee's
27 attorney, and one copy to the obligor within twenty days after service
28 of this wage assignment order upon you.

29 If you possess any earnings or other remuneration for employment
30 due and owing to the obligor, then you shall do as follows:

31 (1) Withhold from the obligor's earnings or remuneration each
32 month, or from each regular earnings disbursement, the lesser of:

33 (a) The sum of the accrued support or spousal maintenance debt and
34 the current support or spousal maintenance obligation;

35 (b) The sum of the specified arrearage payment amount and the
36 current support or spousal maintenance obligation; or

1 (c) Fifty percent of the disposable earnings or remuneration of the
2 obligor.

3 (2) The total amount withheld above is subject to the wage
4 assignment order, and all other sums may be disbursed to the obligor.

5 (3) Upon receipt of this wage assignment order you shall make
6 immediate deductions from the obligor's earnings or remuneration and
7 remit to the Washington state support registry or other address
8 specified below the proper amounts at each regular pay interval.

9 You shall continue to withhold the ordered amounts from nonexempt
10 earnings or remuneration of the obligor until notified by:

11 (a) The court that the wage assignment has been modified or
12 terminated; or

13 (b) The addressee specified in the wage assignment order under this
14 section that the accrued child support or spousal maintenance debt has
15 been paid.

16 You shall promptly notify the court and the addressee specified in
17 the wage assignment order under this section if and when the employee
18 is no longer employed by you, or if the obligor no longer receives
19 earnings or remuneration from you. If you no longer employ the
20 employee, the wage assignment order shall remain in effect for one year
21 after the employee has left your employment or you are no longer in
22 possession of any earnings or remuneration owed to the employee,
23 whichever is later. You shall continue to hold the wage assignment
24 order during that period. If the employee returns to your employment
25 during the one-year period you shall immediately begin to withhold the
26 employee's earnings according to the terms of the wage assignment
27 order. If the employee has not returned to your employment within one
28 year, the wage assignment will cease to have effect at the expiration
29 of the one-year period, unless you still owe the employee earnings or
30 other remuneration.

31 You shall deliver the withheld earnings or remuneration to the
32 Washington state support registry or other address stated below at each
33 regular pay interval.

34 You shall deliver a copy of this order to the obligor as soon as is
35 reasonably possible. This wage assignment order has priority over any
36 other wage assignment or garnishment, except for another wage
37 assignment or garnishment for child support or spousal maintenance, or
38 order to withhold or deliver under chapter 74.20A RCW.

1 possession of or owing any benefits from the unemployment compensation
2 fund to the responsible parent pursuant to Title 50 RCW (~~by personal~~
3 ~~service or by any form of mail requiring a return receipt~~):

4 (a) In the manner prescribed for the service of a summons in a
5 civil action;

6 (b) By certified mail, return receipt requested; or

7 (c) By electronic means if there is an agreement between the
8 secretary and the person, firm, corporation, association, political
9 subdivision, department of the state, or agency, subdivision, or
10 instrumentality of the United States to accept service by electronic
11 means.

12 (3) Service of a notice of payroll deduction upon an employer or
13 employment security department requires the employer or employment
14 security department to immediately make a mandatory payroll deduction
15 from the responsible parent's unpaid disposable earnings or
16 unemployment compensation benefits. The employer or employment
17 security department shall thereafter deduct each pay period the amount
18 stated in the notice divided by the number of pay periods per month.
19 The payroll deduction each pay period shall not exceed fifty percent of
20 the responsible parent's disposable earnings.

21 (4) A notice of payroll deduction for support shall have priority
22 over any wage assignment, garnishment, attachment, or other legal
23 process.

24 (5) The notice of payroll deduction shall be in writing and
25 include:

26 (a) The name and social security number of the responsible parent;

27 (b) The amount to be deducted from the responsible parent's
28 disposable earnings each month, or alternate amounts and frequencies as
29 may be necessary to facilitate processing of the payroll deduction;

30 (c) A statement that the total amount withheld shall not exceed
31 fifty percent of the responsible parent's disposable earnings; ((and))

32 (d) The address to which the payments are to be mailed or
33 delivered; and

34 (e) A notice to the responsible parent warning the responsible
35 parent that, despite the payroll deduction, the responsible parent's
36 privileges to obtain and maintain a license, as defined in section 802
37 of this act, may not be renewed, or may be suspended if the parent is
38 not in compliance with a support order as defined in section 802 of
39 this act.

1 (6) An informational copy of the notice of payroll deduction shall
2 be mailed to the last known address of the responsible parent by
3 regular mail.

4 (7) An employer or employment security department that receives a
5 notice of payroll deduction shall make immediate deductions from the
6 responsible parent's unpaid disposable earnings and remit proper
7 amounts to the Washington state support registry on each date the
8 responsible parent is due to be paid.

9 (8) An employer, or the employment security department, upon whom
10 a notice of payroll deduction is served, shall make an answer to the
11 (~~office of support enforcement~~) division of child support within
12 twenty days after the date of service. The answer shall confirm
13 compliance and institution of the payroll deduction or explain the
14 circumstances if no payroll deduction is in effect. The answer shall
15 also state whether the responsible parent is employed by or receives
16 earnings from the employer or receives unemployment compensation
17 benefits from the employment security department, whether the employer
18 or employment security department anticipates paying earnings or
19 unemployment compensation benefits and the amount of earnings. If the
20 responsible parent is no longer employed, or receiving earnings from
21 the employer, the answer shall state the present employer's name and
22 address, if known. If the responsible parent is no longer receiving
23 unemployment compensation benefits from the employment security
24 department, the answer shall state the present employer's name and
25 address, if known.

26 (9) The employer or employment security department may deduct a
27 processing fee from the remainder of the responsible parent's earnings
28 after withholding under the notice of payroll deduction, even if the
29 remainder is exempt under RCW 26.18.090. The processing fee may not
30 exceed: (a) Ten dollars for the first disbursement made to the
31 Washington state support registry; and (b) one dollar for each
32 subsequent disbursement to the registry.

33 (10) The notice of payroll deduction shall remain in effect until
34 released by the (~~office of support enforcement~~) division of child
35 support, the court enters an order terminating the notice and approving
36 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has
37 expired since the employer has employed the responsible parent or has
38 been in possession of or owing any earnings to the responsible parent

1 or the employment security department has been in possession of or
2 owing any unemployment compensation benefits to the responsible parent.

3 (11) The division of child support may use uniform interstate
4 withholding forms adopted by the United States department of health and
5 human services to take withholding actions under this section when the
6 responsible parent is receiving earnings or unemployment compensation
7 in another state.

8 **B. CHILD SUPPORT ENFORCEMENT**

9 **Sec. 891.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to
10 read as follows:

11 (1) Whenever the department (~~(of social and health services)~~)
12 receives an application for public assistance on behalf of a child, the
13 department shall take appropriate action under the provisions of this
14 chapter, chapter 74.20A RCW, or other appropriate statutes of this
15 state to establish or enforce support obligations against the parent or
16 other persons owing a duty to pay support moneys.

17 (2) The secretary may accept a request for support enforcement
18 services on behalf of persons who are not recipients of public
19 assistance and may take appropriate action to establish or enforce
20 support obligations against the parent or other persons owing a duty to
21 pay moneys. Requests accepted under this subsection may be conditioned
22 upon the payment of a fee as required through regulation issued by the
23 secretary. (~~Action may be taken under the provisions of chapter 74.20~~
24 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~
25 ~~statutes of this state, including but not limited to remedies~~
26 ~~established in chapter 74.20A RCW, to establish and enforce said~~
27 ~~support obligations.)) The secretary may establish by regulation,
28 reasonable standards and qualifications for support enforcement
29 services under this subsection.~~

30 (3) The secretary may accept requests for support enforcement
31 services from child support enforcement agencies in other states
32 operating child support programs under Title IV-D of the social
33 security act or from foreign countries, and may take appropriate action
34 to establish and enforce support obligations, or to enforce subpoenas,
35 information requests, orders for genetic testing, and collection
36 actions issued by the other agency against the parent or other person
37 owing a duty to pay support moneys, the parent or other person's

1 employer, or any other person or entity properly subject to child
2 support collection or information-gathering processes. The request
3 shall contain and be accompanied by such information and documentation
4 as the secretary may by rule require, and be signed by an authorized
5 representative of the agency. The secretary may adopt rules setting
6 forth the duration and nature of services provided under this
7 subsection.

8 (4) The department may take action to establish, enforce, and
9 collect a support obligation, including performing related services,
10 under this chapter and chapter 74.20A RCW, or through the attorney
11 general or prosecuting attorney for action under chapter 26.09, 26.18,
12 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common
13 law of this state.

14 (5) Whenever a support order is filed with the Washington state
15 support registry under chapter 26.23 RCW, the department may take
16 appropriate action under the provisions of this chapter, chapter 26.23
17 or 74.20A RCW, or other appropriate law of this state to establish or
18 enforce the support obligations contained in that order against the
19 responsible parent or other persons owing a duty to pay support moneys.

20 (6) The secretary may charge and collect a fee from the person
21 obligated to pay support to compensate the department for services
22 rendered in establishment of or enforcement of support obligations.
23 This fee shall be limited to not more than ten percent of any support
24 money collected as a result of action taken by the secretary. The fee
25 charged shall be in addition to the support obligation. In no event
26 may any moneys collected by the department (~~of social and health~~
27 ~~services~~) from the person obligated to pay support be retained as
28 satisfaction of fees charged until all current support obligations have
29 been satisfied. The secretary shall by regulation establish reasonable
30 fees for support enforcement services and said schedule of fees shall
31 be made available to any person obligated to pay support. The
32 secretary may, on showing of necessity, waive or defer any such fee.

33 (7) Fees, due and owing, may be collected as delinquent support
34 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter
35 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity
36 available to the department or any agencies with whom it has a
37 cooperative or contractual arrangement to establish, enforce, or
38 collect support moneys or support obligations.

1 (8) The secretary may waive the fee, or any portion thereof, as a
2 part of a compromise of disputed claims or may grant partial or total
3 charge off of said fee if the secretary finds there are no available,
4 practical, or lawful means by which said fee may be collected or to
5 facilitate payment of the amount of delinquent support moneys owed.

6 (9) The secretary shall adopt rules conforming to federal laws,
7 rules, and regulations required to be observed in maintaining the state
8 child support enforcement program required under Title IV-D of the
9 federal social security act. The adoption of these rules shall be
10 calculated to promote the cost-effective use of the agency's resources
11 and not otherwise cause the agency to divert its resources from its
12 essential functions.

13 NEW SECTION. Sec. 892. A new section is added to chapter 74.20A
14 RCW to read as follows:

15 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--
16 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to
17 child support payments wrongfully or negligently retains child support
18 payments owed to another or to the Washington state support registry,
19 those payments retain their character as child support payments and may
20 be collected by the division of child support using any remedy
21 available to the division of child support under Washington law for the
22 collection of child support.

23 (2) Child support moneys subject to collection under this section
24 may be collected for the duration of the statute of limitations as it
25 applies to the support order governing the support obligations, and any
26 legislative or judicial extensions thereto.

27 (3) This section applies to the following:

28 (a) Cases in which an employer or other entity obligated to
29 withhold child support payments from the parent's pay, bank, or escrow
30 account, or from any other asset or distribution of money to the
31 parent, has withheld those payments and failed to remit them to the
32 payee;

33 (b) Cases in which child support moneys have been paid to the wrong
34 person or entity in error;

35 (c) Cases in which child support recipients have retained child
36 support payments in violation of a child support assignment executed or
37 arising by operation of law in exchange for the receipt of public
38 assistance; and

1 (d) Any other case in which child support payments are retained by
2 a party not entitled to them.

3 (4) This section does not apply to fines levied under section
4 893(3)(b) of this act.

5 NEW SECTION. **Sec. 893.** A new section is added to chapter 74.20A
6 RCW to read as follows:

7 NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--
8 LIABILITY. (1) The division of child support may issue a notice of
9 noncompliance to any person, firm, entity, or agency of state or
10 federal government that the division believes is not complying with:

11 (a) A notice of payroll deduction issued under chapter 26.23 RCW;

12 (b) A lien, order to withhold and deliver, or assignment of
13 earnings issued under this chapter;

14 (c) Any other wage assignment, garnishment, attachment, or
15 withholding instrument properly served by the agency or firm providing
16 child support enforcement services for another state, under Title IV-D
17 of the federal social security act;

18 (d) A subpoena issued by the division of child support, or the
19 agency or firm providing child support enforcement for another state,
20 under Title IV-D of the federal social security act;

21 (e) An information request issued by the division of child support,
22 or the agency or firm providing child support enforcement for another
23 state under Title IV-D of the federal social security act, to an
24 employer or entity required to respond to such requests under section
25 897 of this act; or

26 (f) The duty to report newly hired employees imposed by RCW
27 26.23.040.

28 (2) Liability for noncompliance with a wage withholding,
29 garnishment, order to withhold and deliver, or any other lien or
30 attachment issued to secure payment of child support is governed by RCW
31 26.23.090 and 74.20A.100, except that liability for noncompliance with
32 remittance time frames is governed by subsection (3) of this section.

33 (3) The division of child support may impose fines of up to one
34 hundred dollars per occurrence for:

35 (a) Noncompliance with a subpoena or an information request issued
36 by the division of child support, or the agency or firm providing child
37 support enforcement services for another state under Title IV-D of the
38 federal social security act;

1 (b) Noncompliance with the required time frames for remitting
2 withheld support moneys to the Washington state support registry, or
3 the agency or firm providing child support enforcement services for
4 another state, except that no liability shall be established for
5 failure to make timely remittance unless the division of child support
6 has provided the person, firm, entity, or agency of state or federal
7 government with written warning:

8 (i) Explaining the duty to remit withheld payments promptly;

9 (ii) Explaining the potential for fines for delayed submission; and

10 (iii) Providing a contact person within the division of child
11 support with whom the person, firm, entity, or agency of state or
12 federal government may seek assistance with child support withholding
13 issues.

14 (4) The division of child support may assess fines according to RCW
15 26.23.040 for failure to comply with employer reporting requirements.

16 (5) The division of child support may suspend licenses for failure
17 to comply with a subpoena issued under section 898 of this act.

18 (6) The division of child support may serve a notice of
19 noncompliance by personal service or by any method of mailing requiring
20 a return receipt.

21 (7) The liability asserted by the division of child support in the
22 notice of noncompliance becomes final and collectible on the twenty-
23 first day after the date of service, unless within that time the
24 person, firm, entity, or agency of state or federal government:

25 (a) Initiates an action in superior court to contest the notice of
26 noncompliance;

27 (b) Requests a hearing by delivering a hearing request to the
28 division of child support in accordance with rules adopted by the
29 secretary under this section; or

30 (c) Contacts the division of child support and negotiates an
31 alternate resolution to the asserted noncompliance or demonstrates that
32 the person, firm, entity, or agency of state or federal government has
33 complied with the child support processes.

34 (8) The notice of noncompliance shall contain:

35 (a) A full and fair disclosure of the rights and obligations
36 created by this section; and

37 (b) Identification of the:

38 (i) Child support process with respect to which the division of
39 child support is alleging noncompliance; and

1 (ii) State child support enforcement agency issuing the original
2 child support process.

3 (9) In an administrative hearing convened under subsection (7)(b)
4 of this section, the presiding officer shall determine whether or not,
5 and to what extent, liability for noncompliance exists under this
6 section, and shall enter an order containing these findings. If
7 liability does exist, the presiding officer shall include language in
8 the order advising the parties to the proceeding that the liability may
9 be collected by any means available to the division of child support
10 under subsection (12) of this section without further notice to the
11 liable party.

12 (10) Hearings under this section are governed by the administrative
13 procedure act, chapter 34.05 RCW.

14 (11) After the twenty days following service of the notice, the
15 person, firm, entity, or agency of state or federal government may
16 petition for a late hearing. A petition for a late hearing does not
17 stay any collection action to recover the debt. A late hearing is
18 available upon a showing of any of the grounds stated in civil rule 60
19 for the vacation of orders.

20 (12) The division of child support may collect any obligation
21 established under this section using any of the remedies available
22 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the
23 collection of child support.

24 (13) The division of child support may enter agreements for the
25 repayment of obligations under this section. Agreements may:

26 (a) Suspend the obligation imposed by this section conditioned on
27 future compliance with child support processes. Such suspension shall
28 end automatically upon any failure to comply with a child support
29 process. Amounts suspended become fully collectible without further
30 notice automatically upon failure to comply with a child support
31 process;

32 (b) Resolve amounts due under this section and provide for
33 repayment.

34 (14) The secretary may adopt rules to implement this section.

35 **Sec. 894.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to
36 read as follows:

37 (1) The employer shall be liable to the Washington state support
38 registry, or to the agency or firm providing child support enforcement

1 for another state, under Title IV-D of the federal social security act
2 and issuing a notice, garnishment, or wage assignment attaching wages
3 or earnings in satisfaction of a support obligation, for one hundred
4 percent of the amount of the support debt, or the amount of support
5 moneys which should have been withheld from the employee's earnings,
6 whichever is the lesser amount, if the employer:

7 (a) Fails or refuses, after being served with a notice of payroll
8 deduction, or substantially similar action issued by the agency or firm
9 providing child support enforcement for another state, under Title IV-D
10 of the federal social security act, to deduct and promptly remit from
11 unpaid earnings the amounts of money required in the notice;

12 (b) Fails or refuses to submit an answer to the notice of payroll
13 deduction, or substantially similar action issued by the agency or firm
14 providing child support enforcement for another state, under Title IV-D
15 of the federal social security act, after being served; or

16 (c) Is unwilling to comply with the other requirements of RCW
17 26.23.060.

18 (2) Liability may be established in superior court or may be
19 established pursuant to ~~((RCW 74.20A.270))~~ section 893 of this act.
20 Awards in superior court and in actions pursuant to ~~((RCW 74.20A.270))~~
21 section 893 of this act shall include costs, interest under RCW
22 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs
23 as a part of the award. Debts established pursuant to this section may
24 be collected ~~((pursuant to chapter 74.20A RCW utilizing any of the~~
25 remedies contained in that chapter)) by the division of child support
26 using any of the remedies available under chapter 26.09, 26.18, 26.21,
27 26.23, 74.20, or 74.20A RCW for the collection of child support.

28 **Sec. 895.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
29 read as follows:

30 (1) Any person, firm, corporation, association, political
31 subdivision or department of the state shall be liable to the
32 department, or to the agency or firm providing child support
33 enforcement for another state, under Title IV-D of the federal social
34 security act and issuing a notice, garnishment, or wage assignment
35 attaching wages or earnings in satisfaction of a support obligation, in
36 an amount equal to one hundred percent of the value of the debt which
37 is the basis of the lien, order to withhold and deliver, distraint, or
38 assignment of earnings, or the amount that should have been withheld,

1 whichever amount is less, together with costs, interest, and reasonable
2 attorney fees if that person or entity:

3 (a) Fails to answer an order to withhold and deliver, or
4 substantially similar action issued by the agency or firm providing
5 child support enforcement for another state, under Title IV-D of the
6 federal social security act, within the time prescribed herein;

7 (b) Fails or refuses to deliver property pursuant to said order;

8 (c) After actual notice of filing of a support lien, pays over,
9 releases, sells, transfers, or conveys real or personal property
10 subject to a support lien to or for the benefit of the debtor or any
11 other person;

12 (d) Fails or refuses to surrender property distrained under RCW
13 74.20A.130 upon demand; or

14 (e) Fails or refuses to honor an assignment of earnings presented
15 by the secretary.

16 (2) The secretary is authorized to issue a notice of ((debt
17 pursuant to RCW 74.20A.040 and to take appropriate action to collect
18 the debt under this chapter if:

19 (a) A judgment has been entered as the result of an action in
20 superior court against a person, firm, corporation, association,
21 political subdivision, or department of the state based on a violation
22 of this section; or

23 (b) ~~Liability has been established under RCW 74.20A.270))~~
24 noncompliance under section 893 of this act or to proceed in superior
25 court to obtain a judgment for noncompliance under this section.

26 **Sec. 896.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156
27 are each reenacted and amended to read as follows:

28 (1) The secretary may issue a notice of ((~~noncompliance~~)) retained
29 support or notice to recover a support payment to any person((~~, firm,~~
30 corporation, association, or political subdivision of the state of
31 Washington or any officer or agent thereof who has violated chapter
32 26.18 RCW, RCW 74.20A.100, or 26.23.040,))):

33 (a) Who is in possession of support moneys, or who has had support
34 moneys in his or her possession at some time in the past, which support
35 moneys were or are claimed by the department as the property of the
36 department by assignment, subrogation, or by operation of law or legal
37 process under chapter 74.20A RCW((~~, if the support moneys have not been~~
38 remitted to the department as required by law))):

1 (b) Who has received a support payment erroneously directed to the
2 wrong payee, or issued by the department in error; or

3 (c) Who is in possession of a support payment obtained through the
4 internal revenue service tax refund offset process, which payment was
5 later reclaimed from the department by the internal revenue service as
6 a result of an amended tax return filed by the obligor or the obligor's
7 spouse.

8 ~~(2) The notice shall ((describe the claim of the department,~~
9 ~~stating)) state the legal basis for the claim and shall provide~~
10 ~~sufficient detail to enable the person((, firm, corporation,~~
11 ~~association, or political subdivision or officer or agent thereof upon~~
12 ~~whom service is made)) to identify the support moneys in issue ((or the~~
13 ~~specific violation of RCW 74.20A.100 that has occurred. The notice may~~
14 ~~also make inquiry as to relevant facts necessary to the resolution of~~
15 ~~the issue)).~~

16 ~~(3) The department shall serve the notice ((may be served)) by~~
17 ~~certified mail, return receipt requested, or in the manner of a summons~~
18 ~~in a civil action. ((Upon service of the notice all moneys not yet~~
19 ~~disbursed or spent or like moneys to be received in the future are~~
20 ~~deemed to be impounded and shall be held in trust pending answer to the~~
21 ~~notice and any adjudicative proceeding.))~~

22 ~~(4) The amounts claimed in the notice ((shall be answered under~~
23 ~~oath and in writing within twenty days of the date of service, which~~
24 ~~answer shall include true answers to the matters inquired of in the~~
25 ~~notice. The answer shall also either acknowledge)) shall become~~
26 ~~assessed, determined, and subject to collection twenty days from the~~
27 ~~date of service of the notice unless within those twenty days the~~
28 ~~person in possession of the support moneys:~~

29 ~~(a) Acknowledges the department's right to the moneys ((or~~
30 ~~application for)) and executes an agreed settlement providing for~~
31 ~~repayment of the moneys; or~~

32 ~~(b) Requests an adjudicative proceeding to ((contest the allegation~~
33 ~~that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been~~
34 ~~violated, or)) determine the rights to ownership of the support moneys~~
35 ~~in issue. The hearing shall be held pursuant to this section, chapter~~
36 ~~34.05 RCW, the Administrative Procedure Act, and the rules of the~~
37 ~~department. The burden of proof to establish ownership of the support~~
38 ~~moneys claimed((, including but not limited to moneys not yet disbursed~~
39 ~~or spent,)) is on the department.~~

1 ((If no answer is made within the twenty days, the department's
2 claim shall be assessed and determined and subject to collection action
3 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW
4 26.23.040. Any such debtor))

5 (5) After the twenty-day period, a person served with a notice
6 under this section may, at any time within one year from the date of
7 service of the notice of support debt, petition the secretary or the
8 secretary's designee for an adjudicative proceeding upon a showing of
9 any of the grounds enumerated in RCW 4.72.010 or superior court civil
10 rule 60. A copy of the petition shall also be served on the
11 department. The filing of the petition shall not stay any collection
12 action being taken, but the debtor may petition the secretary or the
13 secretary's designee for an order staying collection action pending the
14 final administrative order. Any such moneys held and/or taken by
15 collection action ~~((prior to))~~ after the date of any such stay ~~((and~~
16 ~~any support moneys claimed by the department, including moneys to be~~
17 ~~received in the future to which the department may have a claim,))~~
18 shall be held ~~((in trust))~~ by the department pending the final order,
19 to be disbursed in accordance with the final order. ~~((The secretary or~~
20 ~~the secretary's designee shall condition the stay to provide for the~~
21 ~~trust.~~

22 ~~If the petition is granted the issue in the proceeding is limited~~
23 ~~to the determination of the ownership of the moneys claimed in the~~
24 ~~notice of debt. The right to an adjudicative proceeding is conditioned~~
25 ~~upon holding of any funds not yet disbursed or expended or to be~~
26 ~~received in the future in trust pending the final order in these~~
27 ~~proceedings. The presiding or reviewing officer shall enter an~~
28 ~~appropriate order providing for the terms of the trust.))~~

29 (6) If the debtor fails to attend or participate in the hearing or
30 other stage of an adjudicative proceeding, the presiding officer shall,
31 upon showing of valid service, enter an order declaring the amount of
32 support moneys, as claimed in the notice, to be assessed and determined
33 and subject to collection action.

34 (7) The department may take action to collect an obligation
35 established under this section using any remedy available under this
36 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection
37 of child support.

38 (8) If, at any time, the superior court enters judgment for an
39 amount of debt at variance with the amount determined by the final

1 order in an adjudicative proceeding, the judgment shall supersede the
2 final administrative order. (~~Any debt determined by the superior~~
3 ~~court in excess of the amount determined by the final administrative~~
4 ~~order shall be the property of the department as assigned under 42~~
5 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~
6 ~~74.20.330.)) The department may(~~(, despite any final administrative~~
7 ~~order,~~)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain
8 such a judgment or to collect moneys determined by such a judgment to
9 be due and owing.~~

10 (~~If public assistance moneys have been paid to a parent for the~~
11 ~~benefit of that parent's minor dependent children, debt under this~~
12 ~~chapter shall not be incurred by nor at any time be collected from that~~
13 ~~parent because of that payment of assistance. Nothing in this section~~
14 ~~prohibits or limits the department from acting pursuant to RCW~~
15 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~
16 ~~recipient for receipt of support moneys paid in satisfaction of the~~
17 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~
18 ~~department but were received by a recipient or ex-recipient from~~
19 ~~another responsible parent and not remitted to the department. To~~
20 ~~collect these wrongfully retained funds from the recipient, the~~
21 ~~department may not take collection action in excess of ten percent of~~
22 ~~the grant payment standard during any month the public assistance~~
23 ~~recipient remains in that status unless required by federal law.)) (9)
24 If a person owing a debt established under this section is receiving
25 public assistance, the department may collect the debt by offsetting up
26 to ten percent of the grant payment received by the person. No
27 collection action may be taken against the earnings of a person
28 receiving cash public assistance to collect a debt assessed under this
29 section.~~

30 (10) Payments not credited against the department's debt pursuant
31 to RCW 74.20.101 may not be assessed or collected under this section.

32 NEW SECTION. Sec. 897. A new section is added to chapter 74.20A
33 RCW to read as follows:

34 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)
35 Notwithstanding any other provision of Washington law, the division of
36 child support, the Washington state support registry, or the agency or
37 firm providing child support enforcement services for another state
38 under Title IV-D of the federal social security act may access records

1 of the following nature, in the possession of any agency or entity
2 listed in this section:

3 (a) Records of state and local agencies, including but not limited
4 to:

5 (i) The state registrar, including but not limited to records of
6 birth, marriage, and death;

7 (ii) Tax and revenue records, including, but not limited to,
8 information on residence addresses, employers, and assets;

9 (iii) Records concerning real and titled personal property;

10 (iv) Records of occupational, professional, and recreational
11 licenses and records concerning the ownership and control of
12 corporations, partnerships, and other business entities;

13 (v) Employment security records;

14 (vi) Records of agencies administering public assistance programs;
15 and

16 (vii) Records of the department of corrections, and of county and
17 municipal correction or confinement facilities;

18 (b) Records of public utilities and cable television companies
19 relating to persons who owe or are owed support, or against whom a
20 support obligation is sought, including names and addresses of the
21 individuals, and employers' names and addresses pursuant to section 898
22 of this act and RCW 74.20A.120; and

23 (c) Records held by financial institutions, pursuant to section 899
24 of this act.

25 (2) Upon the request of the division of child support, the
26 Washington state support registry, or the agency or firm providing
27 child support enforcement services for another state under Title IV-D
28 of the social security act, any employer shall provide information as
29 to the employment, earnings, benefits, and residential address and
30 phone number of any employee.

31 (3) Entities in possession of records described in subsection
32 (1)(a) and (c) of this section must provide information and records
33 upon the request of the division of child support, the Washington state
34 support registry, or the agency or firm providing child support
35 enforcement services for another state under Title IV-D of the federal
36 social security act. The division of child support may enter into
37 agreements providing for electronic access to these records.

38 (4) Public utilities and cable television companies must provide
39 the information in response to a judicial or administrative subpoena

1 issued by the division of child support, the Washington state support
2 registry, or the agency or firm providing child support enforcement
3 services for another state under Title IV-D of the federal social
4 security act.

5 (5) Entities responding to information requests and subpoenas under
6 this section are not liable for disclosing information pursuant to the
7 request or subpoena.

8 (6) The division of child support shall maintain all information
9 gathered under this section confidential and shall only disclose this
10 information as provided under RCW 26.23.120.

11 (7) The division of child support may impose fines for
12 noncompliance with this section using the notice of noncompliance under
13 section 893 of this act.

14 NEW SECTION. **Sec. 898.** A new section is added to chapter 74.20
15 RCW to read as follows:

16 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of
17 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the
18 secretary and other duly authorized officers of the department may
19 subpoena witnesses, take testimony, and compel the production of such
20 papers, books, records, and documents as they may deem relevant to the
21 performance of their duties. The division of child support may enforce
22 subpoenas issued under this power according to section 893 of this act.

23 NEW SECTION. **Sec. 899.** A new section is added to chapter 74.20A
24 RCW to read as follows:

25 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter
26 financial institutions doing business in the state of Washington shall
27 report to the department the name, record address, social security
28 number or other taxpayer identification number, and other information
29 determined necessary by the department for each individual who
30 maintains an account at such institution and is identified by the
31 department as owing a support debt.

32 (2) The department and financial institutions shall enter into
33 agreements to develop and operate a data match system, using automated
34 data exchanges to the extent feasible, to minimize the cost of
35 providing information required under subsection (1) of this section.

1 (3) The department may pay a reasonable fee to a financial
2 institution for conducting the data match not to exceed the actual
3 costs incurred.

4 (4) A financial institution is not liable for any disclosure of
5 information to the department under this section.

6 (5) The division of child support shall maintain all information
7 gathered under this section confidential and shall only disclose this
8 information as provided under RCW 26.23.120.

9 **Sec. 900.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
10 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
11 follows:

12 (1) The following are exempt from public inspection and copying:

13 (a) Personal information in any files maintained for students in
14 public schools, patients or clients of public institutions or public
15 health agencies, or welfare recipients.

16 (b) Personal information in files maintained for employees,
17 appointees, or elected officials of any public agency to the extent
18 that disclosure would violate their right to privacy.

19 (c) Information required of any taxpayer in connection with the
20 assessment or collection of any tax if the disclosure of the
21 information to other persons would (i) be prohibited to such persons by
22 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
23 in unfair competitive disadvantage to the taxpayer.

24 (d) Specific intelligence information and specific investigative
25 records compiled by investigative, law enforcement, and penology
26 agencies, and state agencies vested with the responsibility to
27 discipline members of any profession, the nondisclosure of which is
28 essential to effective law enforcement or for the protection of any
29 person's right to privacy.

30 (e) Information revealing the identity of persons who are witnesses
31 to or victims of crime or who file complaints with investigative, law
32 enforcement, or penology agencies, other than the public disclosure
33 commission, if disclosure would endanger any person's life, physical
34 safety, or property. If at the time a complaint is filed the
35 complainant, victim or witness indicates a desire for disclosure or
36 nondisclosure, such desire shall govern. However, all complaints filed
37 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

3 (f) Test questions, scoring keys, and other examination data used
4 to administer a license, employment, or academic examination.

5 (g) Except as provided by chapter 8.26 RCW, the contents of real
6 estate appraisals, made for or by any agency relative to the
7 acquisition or sale of property, until the project or prospective sale
8 is abandoned or until such time as all of the property has been
9 acquired or the property to which the sale appraisal relates is sold,
10 but in no event shall disclosure be denied for more than three years
11 after the appraisal.

12 (h) Valuable formulae, designs, drawings, and research data
13 obtained by any agency within five years of the request for disclosure
14 when disclosure would produce private gain and public loss.

15 (i) Preliminary drafts, notes, recommendations, and intra-agency
16 memorandums in which opinions are expressed or policies formulated or
17 recommended except that a specific record shall not be exempt when
18 publicly cited by an agency in connection with any agency action.

19 (j) Records which are relevant to a controversy to which an agency
20 is a party but which records would not be available to another party
21 under the rules of pretrial discovery for causes pending in the
22 superior courts.

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

26 (l) Any library record, the primary purpose of which is to maintain
27 control of library materials, or to gain access to information, which
28 discloses or could be used to disclose the identity of a library user.

29 (m) Financial information supplied by or on behalf of a person,
30 firm, or corporation for the purpose of qualifying to submit a bid or
31 proposal for (i) a ferry system construction or repair contract as
32 required by RCW 47.60.680 through 47.60.750 or (ii) highway
33 construction or improvement as required by RCW 47.28.070.

34 (n) Railroad company contracts filed prior to July 28, 1991, with
35 the utilities and transportation commission under RCW 81.34.070, except
36 that the summaries of the contracts are open to public inspection and
37 copying as otherwise provided by this chapter.

38 (o) Financial and commercial information and records supplied by
39 private persons pertaining to export services provided pursuant to

1 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
2 export projects pursuant to RCW 43.23.035.

3 (p) Financial disclosures filed by private vocational schools under
4 chapters 28B.85 and 28C.10 RCW.

5 (q) Records filed with the utilities and transportation commission
6 or attorney general under RCW 80.04.095 that a court has determined are
7 confidential under RCW 80.04.095.

8 (r) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
11 or during application for economic development loans or program
12 services provided by any local agency.

13 (s) Membership lists or lists of members or owners of interests of
14 units in timeshare projects, subdivisions, camping resorts,
15 condominiums, land developments, or common-interest communities
16 affiliated with such projects, regulated by the department of
17 licensing, in the files or possession of the department.

18 (t) All applications for public employment, including the names of
19 applicants, resumes, and other related materials submitted with respect
20 to an applicant.

21 (u) The residential addresses and residential telephone numbers of
22 employees or volunteers of a public agency which are held by the agency
23 in personnel records, employment or volunteer rosters, or mailing lists
24 of employees or volunteers.

25 (v) The residential addresses and residential telephone numbers of
26 the customers of a public utility contained in the records or lists
27 held by the public utility of which they are customers, except that
28 this information may be released to the division of child support or
29 the agency or firm providing child support enforcement for another
30 state under Title IV-D of the federal social security act, for the
31 establishment, enforcement, or modification of a support order.

32 (w)(i) The federal social security number of individuals governed
33 under chapter 18.130 RCW maintained in the files of the department of
34 health, except this exemption does not apply to requests made directly
35 to the department from federal, state, and local agencies of
36 government, and national and state licensing, credentialing,
37 investigatory, disciplinary, and examination organizations; (ii) the
38 current residential address and current residential telephone number of
39 a health care provider governed under chapter 18.130 RCW maintained in

1 the files of the department, if the provider requests that this
2 information be withheld from public inspection and copying, and
3 provides to the department an accurate alternate or business address
4 and business telephone number. On or after January 1, 1995, the
5 current residential address and residential telephone number of a
6 health care provider governed under RCW 18.130.140 maintained in the
7 files of the department shall automatically be withheld from public
8 inspection and copying unless the provider specifically requests the
9 information be released, and except as provided for under RCW
10 42.17.260(9).

11 (x) Information obtained by the board of pharmacy as provided in
12 RCW 69.45.090.

13 (y) Information obtained by the board of pharmacy or the department
14 of health and its representatives as provided in RCW 69.41.044,
15 69.41.280, and 18.64.420.

16 (z) Financial information, business plans, examination reports, and
17 any information produced or obtained in evaluating or examining a
18 business and industrial development corporation organized or seeking
19 certification under chapter 31.24 RCW.

20 (aa) Financial and commercial information supplied to the state
21 investment board by any person when the information relates to the
22 investment of public trust or retirement funds and when disclosure
23 would result in loss to such funds or in private loss to the providers
24 of this information.

25 (bb) Financial and valuable trade information under RCW 51.36.120.

26 (cc) Client records maintained by an agency that is a domestic
27 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
28 crisis center as defined in RCW 70.125.030.

29 (dd) Information that identifies a person who, while an agency
30 employee: (i) Seeks advice, under an informal process established by
31 the employing agency, in order to ascertain his or her rights in
32 connection with a possible unfair practice under chapter 49.60 RCW
33 against the person; and (ii) requests his or her identity or any
34 identifying information not be disclosed.

35 (ee) Investigative records compiled by an employing agency
36 conducting a current investigation of a possible unfair practice under
37 chapter 49.60 RCW or of a possible violation of other federal, state,
38 or local laws prohibiting discrimination in employment.

1 (ff) Business related information protected from public inspection
2 and copying under RCW 15.86.110.

3 (gg) Financial, commercial, operations, and technical and research
4 information and data submitted to or obtained by the clean Washington
5 center in applications for, or delivery of, program services under
6 chapter 70.95H RCW.

7 (hh) Information and documents created specifically for, and
8 collected and maintained by a quality improvement committee pursuant to
9 RCW 43.70.510, regardless of which agency is in possession of the
10 information and documents.

11 (ii) Personal information in files maintained in a data base
12 created under RCW 43.07.360.

13 (2) Except for information described in subsection (1)(c)(i) of
14 this section and confidential income data exempted from public
15 inspection pursuant to RCW 84.40.020, the exemptions of this section
16 are inapplicable to the extent that information, the disclosure of
17 which would violate personal privacy or vital governmental interests,
18 can be deleted from the specific records sought. No exemption may be
19 construed to permit the nondisclosure of statistical information not
20 descriptive of any readily identifiable person or persons.

21 (3) Inspection or copying of any specific records exempt under the
22 provisions of this section may be permitted if the superior court in
23 the county in which the record is maintained finds, after a hearing
24 with notice thereof to every person in interest and the agency, that
25 the exemption of such records is clearly unnecessary to protect any
26 individual's right of privacy or any vital governmental function.

27 (4) Agency responses refusing, in whole or in part, inspection of
28 any public record shall include a statement of the specific exemption
29 authorizing the withholding of the record (or part) and a brief
30 explanation of how the exemption applies to the record withheld.

31 NEW SECTION. **Sec. 901.** A new section is added to chapter 74.20
32 RCW to read as follows:

33 **ORDERS FOR GENETIC TESTING.** (1) The division of child support may
34 issue an order for genetic testing when providing services under this
35 chapter and Title IV-D of the federal social security act if genetic
36 testing:

37 (a) Is appropriate in an action under chapter 26.26 RCW, the
38 uniform parentage act;

1 (b) Is appropriate in an action to establish support under RCW
2 74.20A.056; or

3 (c) Would assist the parties or the division of child support in
4 determining whether it is appropriate to proceed with an action to
5 establish or disestablish paternity.

6 (2) The order for genetic testing shall be served on the alleged
7 parent or parents and the legal parent by personal service or by any
8 form of mail requiring a return receipt.

9 (3) Within twenty days of the date of service of an order for
10 genetic testing, any party required to appear for genetic testing, the
11 child, or a guardian on the child's behalf, may petition in superior
12 court under chapter 26.26 RCW to bar or postpone genetic testing.

13 (4) The order for genetic testing shall contain:

14 (a) An explanation of the right to proceed in superior court under
15 subsection (3) of this section;

16 (b) Notice that if no one proceeds under subsection (3) of this
17 section, the agency issuing the order will schedule genetic testing and
18 will notify the parties of the time and place of testing by regular
19 mail;

20 (c) Notice that the parties must keep the agency issuing the order
21 for genetic testing informed of their residence address and that
22 mailing a notice of time and place for genetic testing to the last
23 known address of the parties by regular mail constitutes valid service
24 of the notice of time and place;

25 (d) Notice that the order for genetic testing may be enforced
26 through:

27 (i) Public assistance grant reduction for noncooperation, pursuant
28 to agency rule, if the child and custodian are receiving public
29 assistance;

30 (ii) Termination of support enforcement services under Title IV-D
31 of the federal social security act if the child and custodian are not
32 receiving public assistance;

33 (iii) A referral to superior court for an appropriate action under
34 chapter 26.26 RCW; or

35 (iv) A referral to superior court for remedial sanctions under RCW
36 7.21.060.

37 (5) The department may advance the costs of genetic testing under
38 this section.

1 (6) If an action is pending under chapter 26.26 RCW, a judgment for
2 reimbursement of the cost of genetic testing may be awarded under RCW
3 26.26.100.

4 (7) If no action is pending in superior court, the department may
5 impose an obligation to reimburse costs of genetic testing according to
6 rules adopted by the department to implement RCW 74.20A.056.

7 **Sec. 902.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to
8 read as follows:

9 (1) The ~~((office of support enforcement))~~ division of child
10 support, Washington state support registry, shall provide support
11 enforcement services under the following circumstances:

12 (a) Whenever public assistance under RCW 74.20.330 is paid;

13 ~~((Whenever a request for nonassistance support enforcement~~
14 ~~services under RCW 74.20.040(2) is received;~~

15 ~~(e))~~ Whenever a request for support enforcement services under RCW
16 74.20.040~~((+3))~~ is received;

17 ~~((+d))~~ (c) When a support order which contains language directing
18 a responsible parent to make support payments to the Washington state
19 support registry under RCW 26.23.050 is submitted and the division of
20 child support receives a written application for services or is already
21 providing services;

22 ~~((e) When a support order is forwarded to the Washington state~~
23 ~~support registry by the clerk of a superior court under RCW~~
24 ~~26.23.050(5);~~

25 ~~(f))~~ (d) When the obligor submits a support order or support
26 payment, and an application, to the Washington state support registry.

27 (2) The ~~((office of support enforcement))~~ division of child support
28 shall continue to provide support enforcement services for so long as
29 and under such conditions as the department shall establish by
30 regulation or until the superior court enters an order removing the
31 requirement that the obligor make support payments to the Washington
32 state support registry as provided for in RCW 26.23.050~~((+2))~~.

33 NEW SECTION. **Sec. 903.** A new section is added to chapter 26.23
34 RCW to read as follows:

35 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of
36 child support, Washington state support registry shall operate a state

1 case registry containing records of all orders establishing or
2 modifying a support order that are entered after October 1, 1998.

3 (2) The superior court clerk, the office of administrative
4 hearings, and the department of social and health services shall,
5 within five days of entry, forward to the Washington state support
6 registry, a true and correct copy of all superior court orders or
7 administrative orders establishing or modifying a support obligation
8 that provide that support payments shall be made to the support
9 registry.

10 (3) The division of child support shall reimburse the clerk for the
11 reasonable costs of copying and sending copies of court orders to the
12 registry at the reimbursement rate provided in Title IV-D of the
13 federal social security act.

14 (4) Effective October 1, 1998, the superior court clerk, the office
15 of administrative hearings, and the department of social and health
16 services shall, within five days of entry, forward to the Washington
17 state support registry a true and correct copy of all superior court
18 orders or administrative orders establishing or modifying a support
19 obligation.

20 (5) Receipt of a support order by the registry or other action
21 under this section on behalf of a person or persons who have not made
22 a written application for support enforcement services to the division
23 of child support and who are not recipients of public assistance is
24 deemed to be:

25 (a) A request for payment services only if the order requires
26 payment to the Washington state support registry;

27 (b) A submission for inclusion in the state case registry if the
28 order does not require that support payments be made to the Washington
29 state support registry.

30 NEW SECTION. **Sec. 904.** A new section is added to chapter 26.23
31 RCW to read as follows:

32 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO
33 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or
34 child support proceeding must provide the court and the Washington
35 state child support registry with his or her:

36 (a) Social security number;

37 (b) Current residential address;

38 (c) Date of birth;

- 1 (d) Telephone number;
2 (e) Driver's license number; and
3 (f) Employer's name, address, and telephone number.

4 (2) Each party to an order entered in a child support or paternity
5 proceeding shall update the information required under subsection (1)
6 of this section promptly after any change in the information. The duty
7 established under this section continues as long as any monthly support
8 or support debt remains due under the support order.

9 (3) In any proceeding to establish, enforce, or modify the child
10 support order between the parties, a party may demonstrate to the
11 presiding officer that he or she has diligently attempted to locate the
12 other party. Upon a showing of diligent efforts to locate, the
13 presiding officer may allow, or accept as adequate, service of process
14 for the action by delivery of written notice to the address most
15 recently provided by the party under this section.

16 (4) All support orders shall contain notice to the parties of the
17 obligations established by this section and possibility of service of
18 process according to subsection (3) of this section.

19 **Sec. 905.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to
20 read as follows:

21 (1) There is created a Washington state support registry within the
22 (~~office of support enforcement~~) division of child support as the
23 agency designated in Washington state to administer the child support
24 program under Title IV-D of the federal social security act. The
25 registry shall:

26 (a) Provide a central unit for collection of support payments made
27 to the registry;

28 (b) Account for and disburse all support payments received by the
29 registry;

30 (~~(b)~~) (c) Maintain the necessary records including, but not
31 limited to, information on support orders, support debts, the date and
32 amount of support due; the date and amount of payments; and the names,
33 social security numbers, and addresses of the parties;

34 (~~(e)~~) (d) Develop procedures for providing information to the
35 parties regarding action taken by, and support payments collected and
36 distributed by the registry; and

1 (e) Maintain a state child support case registry to compile and
2 maintain records on all child support orders entered in the state of
3 Washington.

4 (2) The (~~office of support enforcement~~) division of child support
5 may assess and collect interest at the rate of twelve percent per year
6 on unpaid child support that has accrued under any support order
7 entered into the registry. This interest rate shall not apply to those
8 support orders already specifying an interest assessment at a different
9 rate.

10 (3) The secretary of social and health services shall adopt rules
11 for the maintenance and retention of records of support payments and
12 for the archiving and destruction of such records when the support
13 obligation terminates or is satisfied. When a support obligation
14 established under court order entered in a superior court of this state
15 has been satisfied, a satisfaction of judgment form shall be prepared
16 by the registry and filed with the clerk of the court in which the
17 order was entered.

18 **Sec. 906.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153
19 are each reenacted and amended to read as follows:

20 (1) The secretary may assert a lien upon the real or personal
21 property of a responsible parent:

22 (a) When a support payment is past due, if the parent's support
23 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains
24 notice that liens may be enforced against real and personal property,
25 or notice that action may be taken under this chapter;

26 (b) Twenty-one days after service of a notice of support debt under
27 RCW 74.20A.040;

28 (c) Twenty-one days after service of a notice and finding of
29 financial responsibility under RCW 74.20A.055;

30 (d) Twenty-one days after service of a notice and finding of
31 parental responsibility;

32 (e) Twenty-one days after service of a notice of support owed under
33 RCW 26.23.110; or

34 (f) When appropriate under RCW 74.20A.270.

35 (2) The division of child support may use uniform interstate lien
36 forms adopted by the United States department of health and human
37 services to assert liens on a responsible parent's real and personal
38 property located in another state.

1 (3) The claim of the department for a support debt, not paid when
2 due, shall be a lien against all property of the debtor with priority
3 of a secured creditor. This lien shall be separate and apart from, and
4 in addition to, any other lien created by, or provided for, in this
5 title. The lien shall attach to all real and personal property of the
6 debtor on the date of filing of such statement with the county auditor
7 of the county in which such property is located.

8 (~~((+3))~~) (4) Whenever a support lien has been filed and there is in
9 the possession of any person, firm, corporation, association, political
10 subdivision or department of the state having notice of said lien any
11 property which may be subject to the support lien, such property shall
12 not be paid over, released, sold, transferred, encumbered or conveyed,
13 except as provided for by the exemptions contained in RCW 74.20A.090
14 and 74.20A.130, unless:

15 (a) A written release or waiver signed by the secretary has been
16 delivered to said person, firm, corporation, association, political
17 subdivision or department of the state; or

18 (b) A determination has been made in an adjudicative proceeding
19 pursuant to RCW 74.20A.055 or by a superior court ordering release of
20 said support lien on the basis that no debt exists or that the debt has
21 been satisfied.

22 **Sec. 907.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
23 read as follows:

24 (1) The secretary may issue to any person, firm, corporation,
25 association, political subdivision, department of the state, or agency,
26 subdivision, or instrumentality of the United States, an order to
27 withhold and deliver property of any kind, including but not restricted
28 to earnings which are or might become due, owing, or belonging to the
29 debtor, when the secretary has reason to believe that there is in the
30 possession of such person, firm, corporation, association, political
31 subdivision, department of the state, or agency, subdivision, or
32 instrumentality of the United States property which is or might become
33 due, owing, or belonging to said debtor. Such order to withhold and
34 deliver may be issued:

35 (a) (~~((When a support payment is past due))~~) At any time, if a
36 responsible parent's support order:

37 (i) Contains (~~((language directing the parent to make support
38 payments to the Washington state support registry; and))~~) notice that

1 withholding action may be taken against earnings, wages, or assets
2 without further notice to the parent; or

3 (ii) Includes a statement that other income-withholding action
4 under this chapter may be taken without further notice to the
5 responsible parent(~~(, as provided for in RCW 26.23.050(1))~~);

6 (b) Twenty-one days after service of a notice of support debt under
7 RCW 74.20A.040;

8 (c) Twenty-one days after service of a notice and finding of
9 parental responsibility under RCW 74.20A.056;

10 (d) Twenty-one days after service of a notice of support owed under
11 RCW 26.23.110;

12 (e) Twenty-one days after service of a notice and finding of
13 financial responsibility under RCW 74.20A.055; or

14 (f) When appropriate under RCW 74.20A.270.

15 (2) The order to withhold and deliver shall:

16 (a) State the amount to be withheld on a periodic basis if the
17 order to withhold and deliver is being served to secure payment of
18 monthly current support;

19 (b) State the amount of the support debt accrued;

20 (~~(b)~~) (c) State in summary the terms of RCW 74.20A.090 and
21 74.20A.100;

22 (~~(e)~~) (d) Be served in the manner prescribed for the service of
23 a summons in a civil action or by certified mail, return receipt
24 requested.

25 (3) The division of child support may use uniform interstate
26 withholding forms adopted by the United States department of health and
27 human services to take withholding actions under this section when the
28 responsible parent is owed money or property that is located in another
29 state.

30 (4) Any person, firm, corporation, association, political
31 subdivision, department of the state, or agency, subdivision, or
32 instrumentality of the United States upon whom service has been made is
33 hereby required to:

34 (a) Answer said order to withhold and deliver within twenty days,
35 exclusive of the day of service, under oath and in writing, and shall
36 make true answers to the matters inquired of therein; and

37 (b) Provide further and additional answers when requested by the
38 secretary.

1 (~~(4)~~) (5) Any such person, firm, corporation, association,
2 political subdivision, department of the state, or agency, subdivision,
3 or instrumentality of the United States in possession of any property
4 which may be subject to the claim of the department (~~(of social and~~
5 ~~health services)~~) shall:

6 (a)(i) Immediately withhold such property upon receipt of the order
7 to withhold and deliver; and

8 (ii) Immediately deliver the property to the secretary as soon as
9 the twenty-day answer period expires;

10 (iii) Continue to withhold earnings payable to the debtor at each
11 succeeding disbursement interval as provided for in RCW 74.20A.090, and
12 deliver amounts withheld from earnings to the secretary on the date
13 earnings are payable to the debtor;

14 (iv) Deliver amounts withheld from periodic payments to the
15 secretary on the date the payments are payable to the debtor;

16 (v) Inform the secretary of the date the amounts were withheld as
17 requested under this section; or

18 (b) Furnish to the secretary a good and sufficient bond,
19 satisfactory to the secretary, conditioned upon final determination of
20 liability.

21 (~~(5)~~) (6) An order to withhold and deliver served under this
22 section shall not expire until:

23 (a) Released in writing by the (~~(office of support enforcement)~~)
24 division of child support;

25 (b) Terminated by court order; or

26 (c) The person or entity receiving the order to withhold and
27 deliver does not possess property of or owe money to the debtor for any
28 period of twelve consecutive months following the date of service of
29 the order to withhold and deliver.

30 (~~(6)~~) (7) Where money is due and owing under any contract of
31 employment, express or implied, or is held by any person, firm,
32 corporation, or association, political subdivision, or department of
33 the state, or agency, subdivision, or instrumentality of the United
34 States subject to withdrawal by the debtor, such money shall be
35 delivered by remittance payable to the order of the secretary.

36 (~~(7)~~) (8) Delivery to the secretary of the money or other
37 property held or claimed shall satisfy the requirement and serve as
38 full acquittance of the order to withhold and deliver.

1 ~~((+8))~~ (9) A person, firm, corporation, or association, political
2 subdivision, department of the state, or agency, subdivision, or
3 instrumentality of the United States that complies with the order to
4 withhold and deliver under this chapter is not civilly liable to the
5 debtor for complying with the order to withhold and deliver under this
6 chapter.

7 ~~((+9))~~ (10) The secretary may hold the money or property delivered
8 under this section in trust for application on the indebtedness
9 involved or for return, without interest, in accordance with final
10 determination of liability or nonliability.

11 ~~((+10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to
12 orders to withhold and deliver issued under this section.

13 ~~((+11))~~ (12) The secretary shall also, on or before the date of
14 service of the order to withhold and deliver, mail or cause to be
15 mailed a copy of the order to withhold and deliver to the debtor at the
16 debtor's last known post office address, or, in the alternative, a copy
17 of the order to withhold and deliver shall be served on the debtor in
18 the same manner as a summons in a civil action on or before the date of
19 service of the order or within two days thereafter. The copy of the
20 order shall be mailed or served together with a concise explanation of
21 the right to petition for judicial review. This requirement is not
22 jurisdictional, but, if the copy is not mailed or served as in this
23 section provided, or if any irregularity appears with respect to the
24 mailing or service, the superior court, in its discretion on motion of
25 the debtor promptly made and supported by affidavit showing that the
26 debtor has suffered substantial injury due to the failure to mail the
27 copy, may set aside the order to withhold and deliver and award to the
28 debtor an amount equal to the damages resulting from the secretary's
29 failure to serve on or mail to the debtor the copy.

30 ~~((+12))~~ (13) An order to withhold and deliver issued in accordance
31 with this section has priority over any other wage assignment,
32 garnishment, attachment, or other legal process(~~(, except for another~~
33 ~~wage assignment, garnishment, attachment, or other legal process for~~
34 ~~child support)~~).

35 ~~((+13))~~ (14) The ~~((office of support enforcement))~~ division of
36 child support shall notify any person, firm, corporation, association,
37 or political subdivision, department of the state, or agency,
38 subdivision, or instrumentality of the United States required to
39 withhold and deliver the earnings of a debtor under this action that

1 they may deduct a processing fee from the remainder of the debtor's
2 earnings, even if the remainder would otherwise be exempt under RCW
3 74.20A.090. The processing fee shall not exceed ten dollars for the
4 first disbursement to the department and one dollar for each subsequent
5 disbursement under the order to withhold and deliver.

6 **Sec. 908.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to
7 read as follows:

8 (1) Any information or records concerning individuals who owe a
9 support obligation or for whom support enforcement services are being
10 provided which are obtained or maintained by the Washington state
11 support registry, the ~~((office of support enforcement))~~ division of
12 child support, or under chapter 74.20 RCW shall be private and
13 confidential and shall only be subject to public disclosure as provided
14 in subsection (2) of this section.

15 (2) The secretary of the department of social and health services
16 ~~((shall))~~ may adopt rules ~~((which))~~ :

17 (a) That specify what information is confidential;

18 (b) That specify the individuals or agencies to whom this
19 information and these records may be disclosed((τ))i

20 (c) Limiting the purposes for which the information may be
21 disclosed((τ and the))i

22 (d) Establishing procedures to obtain the information or records;
23 or

24 (e) Establishing safeguards necessary to comply with federal law
25 requiring safeguarding of information.

26 (3) The rules adopted under subsection (2) of this section shall
27 provide for disclosure of the information and records, under
28 appropriate circumstances, which shall include, but not be limited to:

29 (a) When authorized or required by federal statute or regulation
30 governing the support enforcement program;

31 (b) To the person the subject of the records or information, unless
32 the information is exempt from disclosure under RCW 42.17.310;

33 (c) To government agencies, whether state, local, or federal, and
34 including federally recognized tribes, law enforcement agencies,
35 prosecuting agencies, and the executive branch, if the disclosure is
36 necessary for child support enforcement purposes or required under
37 Title IV-D of the federal social security act;

1 (d) To the parties in a judicial or adjudicative proceeding upon a
2 specific written finding by the presiding officer that the need for the
3 information outweighs any reason for maintaining the privacy and
4 confidentiality of the information or records;

5 (e) To private persons, federally recognized tribes, or
6 organizations if the disclosure is necessary to permit private
7 contracting parties to assist in the management and operation of the
8 department;

9 (f) Disclosure of address and employment information to the parties
10 to an action for purposes relating to a child support order, subject to
11 the limitations in subsections (4) and (5) of this section;

12 (g) Disclosure of information or records when necessary to the
13 efficient administration of the support enforcement program or to the
14 performance of functions and responsibilities of the support registry
15 and the ~~((office of support enforcement))~~ division of child support as
16 set forth in state and federal statutes; or

17 (h) Disclosure of the information or records when authorized under
18 RCW 74.04.060.

19 ~~((+3+))~~ (4) Prior to disclosing the ((physical custodian's address
20 under subsection (2)(f) of this section)) whereabouts of a parent or a
21 party to a support order to the other parent or party, a notice shall
22 be mailed, if appropriate under the circumstances, to the ((physical
23 eustodian)) parent or other party whose whereabouts are to be
24 disclosed, at ((the physical custodian's)) that person's last known
25 address. The notice shall advise the ((physical custodian)) parent or
26 party that a request for disclosure has been made and will be complied
27 with unless the department;

28 (a) Receives a copy of a court order within thirty days which
29 enjoins the disclosure of the information or restricts or limits the
30 requesting party's right to contact or visit the ((physical custodian))
31 parent or party whose address is to be disclosed or the child((, or the
32 custodial parent requests a hearing to contest the disclosure));

33 (b) Receives a hearing request within thirty days under subsection
34 (5) of this section; or

35 (c) Has reason to believe that the release of the information may
36 result in physical or emotional harm to the party whose whereabouts are
37 to be released, or to the child.

38 (5) A person receiving notice under subsection (4) of this section
39 may request an adjudicative proceeding under chapter 34.05 RCW, at

1 which the person may show that there is reason to believe that release
2 of the information may result in physical or emotional harm to the
3 person or the child. The administrative law judge shall determine
4 whether the ~~((address))~~ whereabouts of the ~~((custodial parent))~~ person
5 should be disclosed based on ~~((the same standard as a claim of "good~~
6 ~~cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c))~~ subsection (4)(c)
7 of this section, however no hearing is necessary if the department has
8 in its possession a protective order or an order limiting visitation or
9 contact.

10 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting
11 or restricting the effect of RCW 42.17.260~~((+6))~~ (9). Nothing in this
12 section shall be construed to prevent the disclosure of information and
13 records if all details identifying an individual are deleted or the
14 individual consents to the disclosure.

15 ~~((+5))~~ (7) It shall be unlawful for any person or agency in
16 violation of this section to solicit, publish, disclose, receive, make
17 use of, or to authorize, knowingly permit, participate in or acquiesce
18 in the use of any lists of names for commercial or political purposes
19 or the use of any information for purposes other than those purposes
20 specified in this section. A violation of this section shall be a
21 gross misdemeanor as provided in chapter 9A.20 RCW.

22 **Sec. 909.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
23 read as follows:

24 (1) Application for a marriage license must be made and filed with
25 the appropriate county auditor upon blanks to be provided by the county
26 auditor for that purpose, which application shall be under the oath of
27 each of the applicants, and each application shall state the name,
28 address at the time of execution of application, age, social security
29 number, birthplace, whether single, widowed or divorced, and whether
30 under control of a guardian, residence during the past six months:
31 PROVIDED, That each county may require such other and further
32 information on said application as it shall deem necessary.

33 (2) The county legislative authority may impose an additional fee
34 up to fifteen dollars on a marriage license for the purpose of funding
35 family services such as family support centers.

36 **Sec. 910.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to
37 read as follows:

1 (1) Except as otherwise provided in subsection (7) of RCW
2 26.09.070, the provisions of any decree respecting maintenance or
3 support may be modified: (a) Only as to installments accruing
4 subsequent to the petition for modification or motion for adjustment
5 except motions to compel court-ordered adjustments, which shall be
6 effective as of the first date specified in the decree for implementing
7 the adjustment; and, (b) except as otherwise provided in subsections
8 (4), (5), (8), and (9) of this section, only upon a showing of a
9 substantial change of circumstances. The provisions as to property
10 disposition may not be revoked or modified, unless the court finds the
11 existence of conditions that justify the reopening of a judgment under
12 the laws of this state.

13 (2) Unless otherwise agreed in writing or expressly provided in the
14 decree the obligation to pay future maintenance is terminated upon the
15 death of either party or the remarriage of the party receiving
16 maintenance.

17 (3) Unless otherwise agreed in writing or expressly provided in the
18 decree, provisions for the support of a child are terminated by
19 emancipation of the child or by the death of the parent obligated to
20 support the child.

21 (4) An order of child support may be modified one year or more
22 after it has been entered without showing a substantial change of
23 circumstances:

24 (a) If the order in practice works a severe economic hardship on
25 either party or the child;

26 (b) If a party requests an adjustment in an order for child support
27 which was based on guidelines which determined the amount of support
28 according to the child's age, and the child is no longer in the age
29 category on which the current support amount was based;

30 (c) If a child is still in high school, upon a finding that there
31 is a need to extend support beyond the eighteenth birthday to complete
32 high school; or

33 (d) To add an automatic adjustment of support provision consistent
34 with RCW 26.09.100.

35 (5) An order or decree entered prior to June 7, 1984, may be
36 modified without showing a substantial change of circumstances if the
37 requested modification is to:

38 (a) Require health insurance coverage for a child named therein; or

39 (b) Modify an existing order for health insurance coverage.

1 (6) An obligor's voluntary unemployment or voluntary
2 underemployment, by itself, is not a substantial change of
3 circumstances.

4 (7) The department of social and health services may file an action
5 to modify an order of child support if public assistance money is being
6 paid to or for the benefit of the child and the child support order is
7 twenty-five percent or more below the appropriate child support amount
8 set forth in the standard calculation as defined in RCW 26.19.011 and
9 reasons for the deviation are not set forth in the findings of fact or
10 order. The determination of twenty-five percent or more shall be based
11 on the current income of the parties and the department shall not be
12 required to show a substantial change of circumstances if the reasons
13 for the deviations were not set forth in the findings of fact or order.

14 (8)(a) All child support decrees may be adjusted once every twenty-
15 four months based upon changes in the income of the parents without a
16 showing of substantially changed circumstances. Either party may
17 initiate the adjustment by filing a motion and child support
18 worksheets.

19 (b) A party may petition for modification in cases of substantially
20 changed circumstances under subsection (1) of this section at any time.
21 However, if relief is granted under subsection (1) of this section,
22 twenty-four months must pass before a motion for an adjustment under
23 (a) of this subsection may be filed.

24 (c) If, pursuant to (a) of this subsection or subsection (9) of
25 this section, the court adjusts or modifies a child support obligation
26 by more than thirty percent and the change would cause significant
27 hardship, the court may implement the change in two equal increments,
28 one at the time of the entry of the order and the second six months
29 from the entry of the order. Twenty-four months must pass following
30 the second change before a motion for an adjustment under (a) of this
31 subsection may be filed.

32 (d) A parent who is receiving transfer payments who receives a wage
33 or salary increase may not bring a modification action pursuant to
34 subsection (1) of this section alleging that increase constitutes a
35 substantial change of circumstances.

36 (e) The department of social and health services may file an action
37 at any time to modify an order of child support in cases of
38 substantially changed circumstances if public assistance money is being
39 paid to or for the benefit of the child. The determination of the

1 existence of substantially changed circumstances by the department that
2 lead to the filing of an action to modify the order of child support is
3 not binding upon the court.

4 (9) An order of child support may be adjusted twenty-four months
5 from the date of the entry of the decree or the last adjustment or
6 modification, whichever is later, based upon changes in the economic
7 table or standards in chapter 26.19 RCW.

8 **Sec. 911.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to
9 read as follows:

10 In this chapter:

11 (1) "Child" means an individual, whether over or under the age of
12 majority, who is or is alleged to be owed a duty of support by the
13 individual's parent or who is or is alleged to be the beneficiary of a
14 support order directed to the parent.

15 (2) "Child support order" means a support order for a child,
16 including a child who has attained the age of majority under the law of
17 the issuing state.

18 (3) "Duty of support" means an obligation imposed or imposable by
19 law to provide support for a child, spouse, or former spouse, including
20 an unsatisfied obligation to provide support.

21 (4) "Home state" means the state in which a child lived with a
22 parent or a person acting as parent for at least six consecutive months
23 immediately preceding the time of filing of a petition or comparable
24 pleading for support and, if a child is less than six months old, the
25 state in which the child lived from birth with any of them. A period
26 of temporary absence of any of them is counted as part of the six-month
27 or other period.

28 (5) "Income" includes earnings or other periodic entitlements to
29 money from any source and any other property subject to withholding for
30 support under the law of this state.

31 (6) "Income-withholding order" means an order or other legal
32 process directed to an obligor's employer or other debtor, as defined
33 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income
34 of the obligor.

35 (7) "Initiating state" means a state (~~in~~) from which a proceeding
36 is forwarded or in which a proceeding is filed for forwarding to a
37 responding state under this chapter or a law or procedure substantially
38 similar to this chapter, the Uniform Reciprocal Enforcement of Support

1 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~
2 ~~filed for forwarding to a responding state~~)).

3 (8) "Initiating tribunal" means the authorized tribunal in an
4 initiating state.

5 (9) "Issuing state" means the state in which a tribunal issues a
6 support order or renders a judgment determining parentage.

7 (10) "Issuing tribunal" means the tribunal that issues a support
8 order or renders a judgment determining parentage.

9 (11) "Law" includes decisional and statutory law and rules and
10 regulations having the force of law.

11 (12) "Obligee" means:

12 (a) An individual to whom a duty of support is or is alleged to be
13 owed or in whose favor a support order has been issued or a judgment
14 determining parentage has been rendered;

15 (b) A state or political subdivision to which the rights under a
16 duty of support or support order have been assigned or which has
17 independent claims based on financial assistance provided to an
18 individual obligee; or

19 (c) An individual seeking a judgment determining parentage of the
20 individual's child.

21 (13) "Obligor" means an individual, or the estate of a decedent:

22 (a) Who owes or is alleged to owe a duty of support;

23 (b) Who is alleged but has not been adjudicated to be a parent of
24 a child; or

25 (c) Who is liable under a support order.

26 (14) "Register" means to record or file in the appropriate location
27 for the recording or filing of foreign judgments generally or foreign
28 support orders specifically, a support order or judgment determining
29 parentage.

30 (15) "Registering tribunal" means a tribunal in which a support
31 order is registered.

32 (16) "Responding state" means a state (~~to~~) in which a proceeding
33 is filed or to which a proceeding is forwarded for filing from an
34 initiating state under this chapter or a law or procedure substantially
35 similar to this chapter, the Uniform Reciprocal Enforcement of Support
36 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

37 (17) "Responding tribunal" means the authorized tribunal in a
38 responding state.

1 (18) "Spousal support order" means a support order for a spouse or
2 former spouse of the obligor.

3 (19) "State" means a state of the United States, the District of
4 Columbia, (~~the Commonwealth of~~) Puerto Rico, the United States Virgin
5 Islands, or any territory or insular possession subject to the
6 jurisdiction of the United States. The term ("~~state~~") includes:

7 (i) An Indian tribe (~~and includes~~); and

8 (ii) A foreign jurisdiction that has enacted a law or established
9 procedures for issuance and enforcement of support orders (~~that~~)
10 which are substantially similar to the procedures under this chapter,
11 the Uniform Reciprocal Enforcement of Support Act, or the Revised
12 Uniform Reciprocal Enforcement of Support Act.

13 (20) "Support enforcement agency" means a public official or agency
14 authorized to seek:

15 (a) Enforcement of support orders or laws relating to the duty of
16 support;

17 (b) Establishment or modification of child support;

18 (c) Determination of parentage; or

19 (d) Location of obligors or their assets.

20 (21) "Support order" means a judgment, decree, or order, whether
21 temporary, final, or subject to modification, for the benefit of a
22 child, a spouse, or a former spouse, that provides for monetary
23 support, health care, arrearages, or reimbursement, and may include
24 related costs and fees, interest, income withholding, attorneys' fees,
25 and other relief.

26 (22) "Tribunal" means a court, administrative agency, or quasi-
27 judicial entity authorized to establish, enforce, or modify support
28 orders or to determine parentage.

29 **Sec. 912.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
30 read as follows:

31 (1) A tribunal of this state issuing a support order consistent
32 with the law of this state has continuing, exclusive jurisdiction over
33 a child support order:

34 (a) As long as this state remains the residence of the obligor, the
35 individual obligee, or the child for whose benefit the support order is
36 issued; or

37 (b) Until (~~each individual party has~~) all of the parties who are
38 individuals have filed written consents with the tribunal of this state

1 for a tribunal of another state to modify the order and assume
2 continuing, exclusive jurisdiction.

3 (2) A tribunal of this state issuing a child support order
4 consistent with the law of this state may not exercise its continuing
5 jurisdiction to modify the order if the order has been modified by a
6 tribunal of another state pursuant to this chapter or a law
7 substantially similar to this chapter.

8 (3) If a child support order of this state is modified by a
9 tribunal of another state pursuant to this chapter or a law
10 substantially similar to this chapter, a tribunal of this state loses
11 its continuing, exclusive jurisdiction with regard to prospective
12 enforcement of the order issued in this state, and may only:

13 (a) Enforce the order that was modified as to amounts accruing
14 before the modification;

15 (b) Enforce nonmodifiable aspects of that order; and

16 (c) Provide other appropriate relief for violations of that order
17 which occurred before the effective date of the modification.

18 (4) A tribunal of this state shall recognize the continuing,
19 exclusive jurisdiction of a tribunal of another state that has issued
20 a child support order pursuant to this chapter or a law substantially
21 similar to this chapter.

22 (5) A temporary support order issued ex parte or pending resolution
23 of a jurisdictional conflict does not create continuing, exclusive
24 jurisdiction in the issuing tribunal.

25 (6) A tribunal of this state issuing a support order consistent
26 with the law of this state has continuing, exclusive jurisdiction over
27 a spousal support order throughout the existence of the support
28 obligation. A tribunal of this state may not modify a spousal support
29 order issued by a tribunal of another state having continuing,
30 exclusive jurisdiction over that order under the law of that state.

31 **Sec. 913.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to
32 read as follows:

33 (1) If a proceeding is brought under this chapter and only one
34 tribunal has issued a child support order, the order of that tribunal
35 controls and must be so recognized.

36 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two
37 or more child support orders have been issued ~~((in))~~ by tribunals of
38 this state or another state with regard to ~~((an))~~ the same obligor and

1 ((a)) child, a tribunal of this state shall apply the following rules
2 in determining which order to recognize for purposes of continuing,
3 exclusive jurisdiction:

4 (a) If only one of the tribunals (~~has issued a child support~~
5 ~~order~~) would have continuing, exclusive jurisdiction under this
6 chapter, the order of that tribunal controls and must be so recognized.

7 (b) (~~If two or more tribunals have issued child support orders for~~
8 ~~the same obligor and child, and only one of the tribunals would have~~
9 ~~continuing, exclusive jurisdiction under this chapter, the order of~~
10 ~~that tribunal must be recognized.~~

11 (c)) If (~~two or more tribunals have issued child support orders~~
12 ~~for the same obligor and child, and~~) more than one of the tribunals
13 would have continuing, exclusive jurisdiction under this chapter, an
14 order issued by a tribunal in the current home state of the child
15 controls and must be so recognized, but if an order has not been issued
16 in the current home state of the child, the order most recently issued
17 controls and must be so recognized.

18 (~~(d) If two or more tribunals have issued child support orders for~~
19 ~~the same obligor and child, and none of the tribunals would have~~
20 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~
21 ~~this state may issue a child support order, which must be recognized.~~

22 (2) ~~The tribunal that has issued an order recognized under~~
23 ~~subsection (1) of this section is the tribunal having continuing,~~
24 ~~exclusive jurisdiction.))~~

25 (c) If none of the tribunals would have continuing, exclusive
26 jurisdiction under this chapter, the tribunal of this state having
27 jurisdiction over the parties shall issue a child support order, which
28 controls and must be so recognized.

29 (3) If two or more child support orders have been issued for the
30 same obligor and child and if the obligor or the individual obligee
31 resides in this state, a party may request a tribunal of this state to
32 determine which order controls and must be so recognized under
33 subsection (2) of this section. The request must be accompanied by a
34 certified copy of every support order in effect. The requesting party
35 shall give notice of the request to each party whose rights may be
36 affected by the determination.

37 (4) The tribunal that issued the controlling order under subsection
38 (1), (2), or (3) of this section is the tribunal that has continuing,
39 exclusive jurisdiction under RCW 26.21.115.

1 (5) A tribunal of this state which determines by order the identity
2 of the controlling order under subsection (2)(a) or (b) of this section
3 or which issues a new controlling order under subsection (2)(c) of this
4 section shall state in that order the basis upon which the tribunal
5 made its determination.

6 (6) Within thirty days after issuance of an order determining the
7 identity of the controlling order, the party obtaining the order shall
8 file a certified copy of it with each tribunal that issued or
9 registered an earlier order of child support. A party who obtains the
10 order and fails to file a certified copy is subject to appropriate
11 sanctions by a tribunal in which the issue of failure to file arises.
12 The failure to file does not affect the validity or enforceability of
13 the controlling order.

14 **Sec. 914.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to
15 read as follows:

16 (1) Upon the filing of a petition authorized by this chapter, an
17 initiating tribunal of this state shall forward three copies of the
18 petition and its accompanying documents:

19 ~~((1))~~ (a) To the responding tribunal or appropriate support
20 enforcement agency in the responding state; or

21 ~~((2))~~ (b) If the identity of the responding tribunal is unknown,
22 to the state information agency of the responding state with a request
23 that they be forwarded to the appropriate tribunal and that receipt be
24 acknowledged.

25 (2) If a responding state has not enacted the Uniform Interstate
26 Family Support Act or a law or procedure substantially similar to the
27 Uniform Interstate Family Support Act, a tribunal of this state may
28 issue a certificate or other document and make findings required by the
29 law of the responding state. If the responding state is a foreign
30 jurisdiction, the tribunal may specify the amount of support sought and
31 provide other documents necessary to satisfy the requirements of the
32 responding state.

33 **Sec. 915.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to
34 read as follows:

35 (1) When a responding tribunal of this state receives a petition or
36 comparable pleading from an initiating tribunal or directly pursuant to
37 RCW 26.21.205(3), it shall cause the petition or pleading to be filed

1 and notify the petitioner (~~((by first class mail))~~) where and when it was
2 filed.

3 (2) A responding tribunal of this state, to the extent otherwise
4 authorized by law, may do one or more of the following:

5 (a) Issue or enforce a support order, modify a child support order,
6 or render a judgment to determine parentage;

7 (b) Order an obligor to comply with a support order, specifying the
8 amount and the manner of compliance;

9 (c) Order income withholding;

10 (d) Determine the amount of any arrearages, and specify a method of
11 payment;

12 (e) Enforce orders by civil or criminal contempt, or both;

13 (f) Set aside property for satisfaction of the support order;

14 (g) Place liens and order execution on the obligor's property;

15 (h) Order an obligor to keep the tribunal informed of the obligor's
16 current residential address, telephone number, employer, address of
17 employment, and telephone number at the place of employment;

18 (i) Issue a bench warrant or writ of arrest for an obligor who has
19 failed after proper notice to appear at a hearing ordered by the
20 tribunal and enter the bench warrant or writ of arrest in any local and
21 state computer systems for criminal warrants;

22 (j) Order the obligor to seek appropriate employment by specified
23 methods;

24 (k) Award reasonable attorneys' fees and other fees and costs; and

25 (l) Grant any other available remedy.

26 (3) A responding tribunal of this state shall include in a support
27 order issued under this chapter, or in the documents accompanying the
28 order, the calculations on which the support order is based.

29 (4) A responding tribunal of this state may not condition the
30 payment of a support order issued under this chapter upon compliance by
31 a party with provisions for visitation.

32 (5) If a responding tribunal of this state issues an order under
33 this chapter, the tribunal shall send a copy of the order (~~((by first
34 class mail))~~) to the petitioner and the respondent and to the initiating
35 tribunal, if any.

36 **Sec. 916.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to
37 read as follows:

1 If a petition or comparable pleading is received by an
2 inappropriate tribunal of this state, it shall forward the pleading and
3 accompanying documents to an appropriate tribunal in this state or
4 another state and notify the petitioner (~~by first class mail~~) where
5 and when the pleading was sent.

6 **Sec. 917.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to
7 read as follows:

8 (1) A support enforcement agency of this state, upon request, shall
9 provide services to a petitioner in a proceeding under this chapter.

10 (2) A support enforcement agency that is providing services to the
11 petitioner as appropriate shall:

12 (a) Take all steps necessary to enable an appropriate tribunal in
13 this state or another state to obtain jurisdiction over the respondent;

14 (b) Request an appropriate tribunal to set a date, time, and place
15 for a hearing;

16 (c) Make a reasonable effort to obtain all relevant information,
17 including information as to income and property of the parties;

18 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
19 legal holidays, after receipt of a written notice from an initiating,
20 responding, or registering tribunal, send a copy of the notice (~~by~~
21 ~~first class mail~~) to the petitioner;

22 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
23 legal holidays, after receipt of a written communication from the
24 respondent or the respondent's attorney, send a copy of the
25 communication (~~by first class mail~~) to the petitioner; and

26 (f) Notify the petitioner if jurisdiction over the respondent
27 cannot be obtained.

28 (3) This chapter does not create or negate a relationship of
29 attorney and client or other fiduciary relationship between a support
30 enforcement agency or the attorney for the agency and the individual
31 being assisted by the agency.

32 **Sec. 918.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to
33 read as follows:

34 (~~(1)~~) An income-withholding order issued in another state may be
35 sent (~~by first class mail~~) to the person or entity defined as the
36 obligor's employer under (~~chapter 6.27~~) RCW 50.04.080 without first
37 filing a petition or comparable pleading or registering the order with

1 a tribunal of this state. (~~Upon receipt of the order, the employer~~
2 ~~shall:~~

3 ~~(a) Treat an income withholding order issued in another state that~~
4 ~~appears regular on its face as if it had been issued by a tribunal of~~
5 ~~this state;~~

6 ~~(b) Immediately provide a copy of the order to the obligor; and~~

7 ~~(c) Distribute the funds as directed in the income withholding~~
8 ~~order.~~

9 ~~(2) An obligor may contest the validity or enforcement of an~~
10 ~~income withholding order issued in another state in the same manner as~~
11 ~~if the order had been issued by a tribunal of this state. — RCW~~
12 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~
13 ~~contest to any support enforcement agency providing services to the~~
14 ~~obligee and to:~~

15 ~~(a) The person or agency designated to receive payments in the~~
16 ~~income withholding order; or~~

17 ~~(b) If no person or agency is designated, the obligee.)~~

18 NEW SECTION. Sec. 919. A new section is added to chapter 26.21
19 RCW to read as follows:

20 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER
21 STATE. (1) Upon receipt of an income-withholding order, the obligor's
22 employer shall immediately provide a copy of the order to the obligor.

23 (2) The employer shall treat an income-withholding order issued in
24 another state that appears regular on its face as if it had been issued
25 by a tribunal of this state.

26 (3) Except as provided in subsection (4) of this section and
27 section 920 of this act, the employer shall withhold and distribute the
28 funds as directed in the withholding order by complying with the terms
29 of the order which specify:

30 (a) The duration and amount of periodic payments of current child
31 support, stated as a sum certain;

32 (b) The person or agency designated to receive payments and the
33 address to which the payments are to be forwarded;

34 (c) Medical support, whether in the form of periodic cash payment,
35 stated as sum certain, or ordering the obligor to provide health
36 insurance coverage for the child under a policy available through the
37 obligor's employment;

1 (d) The amount of periodic payments of fees and costs for a support
2 enforcement agency, the issuing tribunal, and the obligee's attorney,
3 stated as sum certain; and

4 (e) The amount of periodic payments of arrearages and interest on
5 arrearages, stated as sum certain.

6 (4) The employer shall comply with the law of the state of the
7 obligor's principal place of employment for withholding from income
8 with respect to:

9 (a) The employer's fee for processing an income withholding order;

10 (b) The maximum amount permitted to be withheld from the obligor's
11 income; and

12 (c) The times within which the employer must implement the
13 withholding order and forward the child support payment.

14 NEW SECTION. Sec. 920. A new section is added to chapter 26.21
15 RCW to read as follows:

16 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an
17 obligor's employer receives multiple income-withholding orders with
18 respect to the earnings of the same obligor, the employer satisfies the
19 terms of the multiple orders if the employer complies with the law of
20 the state of the obligor's principal place of employment to establish
21 the priorities for withholding and allocating income withheld for
22 multiple child support obligees.

23 NEW SECTION. Sec. 921. A new section is added to chapter 26.21
24 RCW to read as follows:

25 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an
26 income-withholding order issued in another state in accordance with
27 this article is not subject to civil liability to an individual or
28 agency with regard to the employer's withholding of child support from
29 the obligor's income.

30 NEW SECTION. Sec. 922. A new section is added to chapter 26.21
31 RCW to read as follows:

32 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to
33 comply with an income-withholding order issued by another state and
34 received for enforcement is subject to the same penalties that may be
35 imposed for noncompliance with an order issued by a tribunal of this
36 state.

1 NEW SECTION. **Sec. 923.** A new section is added to chapter 26.21
2 RCW to read as follows:

3 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or
4 enforcement of an income-withholding order issued in another state and
5 received directly by an employer in this state in the same manner as if
6 the order had been issued by a tribunal of this state. RCW 26.21.510
7 applies to the contest.

8 (2) The obligor shall give notice of the contest to:

9 (a) A support enforcement agency providing services to the obligee;

10 (b) Each employer that has directly received an income-withholding
11 order; and

12 (c) The person or agency designated to receive payments in the
13 income-withholding order, or if no person or agency is designated, to
14 the obligee.

15 **Sec. 924.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to
16 read as follows:

17 (1) A support order or income-withholding order of another state
18 may be registered in this state by sending the following documents and
19 information to the support enforcement agency of this state or to the
20 superior court of any county in this state where the obligor resides,
21 works, or has property:

22 (a) A letter of transmittal to the tribunal requesting registration
23 and enforcement;

24 (b) Two copies, including one certified copy, of all orders to be
25 registered, including any modification of an order;

26 (c) A sworn statement by the party seeking registration or a
27 certified statement by the custodian of the records showing the amount
28 of any arrearage;

29 (d) The name of the obligor and, if known:

30 (i) The obligor's address and social security number;

31 (ii) The name and address of the obligor's employer and any other
32 source of income of the obligor; and

33 (iii) A description and the location of property of the obligor in
34 this state not exempt from execution; and

35 (e) The name and address of the obligee and, if applicable, the
36 agency or person to whom support payments are to be remitted.

37 (2) On receipt of a request for registration, the registering
38 tribunal shall cause the order to be filed as a foreign judgment,

1 together with one copy of the documents and information, regardless of
2 their form.

3 (3) A petition or comparable pleading seeking a remedy that must be
4 affirmatively sought under other law of this state may be filed at the
5 same time as the request for registration or later. The pleading must
6 specify the grounds for the remedy sought.

7 **Sec. 925.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to
8 read as follows:

9 (1) When a support order or income-withholding order issued in
10 another state is registered, the registering tribunal shall notify the
11 nonregistering party. (~~Notice must be given by certified or~~
12 ~~registered mail or by any means of personal service authorized by the~~
13 ~~law of this state.~~) The notice must be accompanied by a copy of the
14 registered order and the documents and relevant information
15 accompanying the order.

16 (2) The notice must inform the nonregistering party:

17 (a) That a registered order is enforceable as of the date of
18 registration in the same manner as an order issued by a tribunal of
19 this state;

20 (b) That a hearing to contest the validity or enforcement of the
21 registered order must be requested within twenty days after the date of
22 receipt by certified or registered mail or personal service of the
23 notice given to a nonregistering party within the state and within
24 sixty days after the date of receipt by certified or registered mail or
25 personal service of the notice on a nonregistering party outside of the
26 state;

27 (c) That failure to contest the validity or enforcement of the
28 registered order in a timely manner will result in confirmation of the
29 order and enforcement of the order and the alleged arrearages and
30 precludes further contest of that order with respect to any matter that
31 could have been asserted; and

32 (d) Of the amount of any alleged arrearages.

33 (3) Upon registration of an income-withholding order for
34 enforcement, the registering tribunal shall notify the obligor's
35 employer pursuant to the income-withholding law of this state.

36 **Sec. 926.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to
37 read as follows:

1 (1) A nonregistering party seeking to contest the validity or
2 enforcement of a registered order in this state shall request a hearing
3 within twenty days after the date of receipt of certified or registered
4 mail or the date of personal service of notice of the registration on
5 the nonmoving party within this state, or, within sixty days after the
6 receipt of certified or registered mail or personal service of the
7 notice on the nonmoving party outside of the state. The nonregistering
8 party may seek to vacate the registration, to assert any defense to an
9 allegation of noncompliance with the registered order, or to contest
10 the remedies being sought or the amount of any alleged arrearages
11 pursuant to RCW 26.21.540.

12 (2) If the nonregistering party fails to contest the validity or
13 enforcement of the registered order in a timely manner, the order is
14 confirmed by operation of law.

15 (3) If a nonregistering party requests a hearing to contest the
16 validity or enforcement of the registered order, the registering
17 tribunal shall schedule the matter for hearing and give notice to the
18 parties (~~by first class mail~~) of the date, time, and place of the
19 hearing.

20 **Sec. 927.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to
21 read as follows:

22 (1) After a child support order issued in another state has been
23 registered in this state, the responding tribunal of this state may
24 modify that order only if ~~((section 929 of this act does not apply))~~
25 and after notice and hearing ~~((it finds that:))~~

26 (a) The following requirements are met:

27 (i) The child, the individual obligee, and the obligor do not
28 reside in the issuing state;

29 (ii) A petitioner who is a nonresident of this state seeks
30 modification; and

31 (iii) The respondent is subject to the personal jurisdiction of the
32 tribunal of this state; or

33 (b) ~~((An individual party or))~~ The child, or a party who is an
34 individual, is subject to the personal jurisdiction of the tribunal of
35 this state and all of the ~~((individual))~~ parties who are individuals
36 have filed ~~((a))~~ written consents in the issuing tribunal ~~((providing~~
37 ~~that))~~ for a tribunal of this state ~~((may))~~ to modify the support order
38 and assume continuing, exclusive jurisdiction over the order. However,

1 if the issuing state is a foreign jurisdiction that has not enacted a
2 law or established procedures substantially similar to the procedures
3 under the Uniform Interstate Family Support Act, the consent otherwise
4 required of an individual residing in this state is not required for
5 the tribunal to assume jurisdiction to modify the child support order.

6 (2) Modification of a registered child support order is subject to
7 the same requirements, procedures, and defenses that apply to the
8 modification of an order issued by a tribunal of this state and the
9 order may be enforced and satisfied in the same manner.

10 (3) A tribunal of this state may not modify any aspect of a child
11 support order that may not be modified under the law of the issuing
12 state. If two or more tribunals have issued child support orders for
13 the same obligor and child, the order that controls and must be so
14 recognized under RCW 26.21.135 establishes the aspects of the support
15 order that are nonmodifiable.

16 (4) On issuance of an order modifying a child support order issued
17 in another state, a tribunal of this state becomes the tribunal ((of))
18 having continuing, exclusive jurisdiction.

19 ~~((5) Within thirty days after issuance of a modified child support~~
20 ~~order, the party obtaining the modification shall file a certified copy~~
21 ~~of the order with the issuing tribunal which had continuing, exclusive~~
22 ~~jurisdiction over the earlier order, and in each tribunal in which the~~
23 ~~party knows that earlier order has been registered.))~~

24 **Sec. 928.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to
25 read as follows:

26 A tribunal of this state shall recognize a modification of its
27 earlier child support order by a tribunal of another state that assumed
28 jurisdiction pursuant to the Uniform Interstate Family Support Act or
29 a law substantially similar to this chapter and, upon request, except
30 as otherwise provided in this chapter, shall:

31 (1) Enforce the order that was modified only as to amounts accruing
32 before the modification;

33 (2) Enforce only nonmodifiable aspects of that order;

34 (3) Provide other appropriate relief only for violations of that
35 order which occurred before the effective date of the modification;
36 and

37 (4) Recognize the modifying order of the other state, upon
38 registration, for the purpose of enforcement.

1 NEW SECTION. **Sec. 929.** A new section is added to chapter 26.21
2 RCW to read as follows:

3 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF
4 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who
5 are individuals reside in this state and the child does not reside in
6 the issuing state, a tribunal of this state has jurisdiction to enforce
7 and to modify the issuing state's child support order in a proceeding
8 to register that order.

9 (2) A tribunal of this state exercising jurisdiction under this
10 section shall apply the provisions of Articles 1 and 2, this article,
11 and the procedural and substantive law of this state to the proceeding
12 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this
13 chapter do not apply.

14 NEW SECTION. **Sec. 930.** A new section is added to chapter 26.21
15 RCW to read as follows:

16 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days
17 after issuance of a modified child support order, the party obtaining
18 the modification shall file a certified copy of the order with the
19 issuing tribunal that had continuing, exclusive jurisdiction over the
20 earlier order, and in each tribunal in which the party knows the
21 earlier order has been registered. A party who obtains the order and
22 fails to file a certified copy is subject to appropriate sanctions by
23 a tribunal in which the issue of failure to file arises. The failure
24 to file does not affect the validity or enforceability of the modified
25 order of the new tribunal having continuing, exclusive jurisdiction.

26 **Sec. 931.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to
27 read as follows:

28 (1) A tribunal of this state may serve as an initiating or
29 responding tribunal in a proceeding brought under this chapter or a law
30 or procedure substantially similar to this chapter, the Uniform
31 Reciprocal Enforcement of Support Act, or the Revised Uniform
32 Reciprocal Enforcement of Support Act to determine that the petitioner
33 is a parent of a particular child or to determine that a respondent is
34 a parent of that child.

35 (2) In a proceeding to determine parentage, a responding tribunal
36 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,

1 procedural and substantive law of this state, and the rules of this
2 state on choice of law.

3 NEW SECTION. **Sec. 932.** A new section is added to chapter 26.21
4 RCW to read as follows:

5 ADOPTION OF RULES. The secretary of the department of social and
6 health services shall issue such rules as necessary to act as the
7 administrative tribunal pursuant to RCW 26.21.015.

8 **Sec. 933.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to
9 read as follows:

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

13 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal
14 social security act as amended by the personal responsibility and work
15 opportunity reconciliation act of 1996;

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

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

21 (ii) The support debt is in litigation;

22 (iii) The (~~office of support enforcement~~) division of child
23 support cannot identify the responsible parent or the custodian;

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

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

31 (2) The (~~office of support enforcement~~) division of child support
32 may distribute support payments to the payee under the support order or
33 to another person who has lawful physical custody of the child or
34 custody with the payee's consent. The payee may file an application
35 for an adjudicative proceeding to challenge distribution to such other
36 person. Prior to distributing support payments to any person other
37 than the payee, the 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) The division of child support shall ensure that the fifty
18 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
19 the adoption of P.L. 104-193, is terminated immediately upon the
20 effective date of this section and all rules to the contrary adopted
21 before the effective date of this section are without force and effect.

22 **Sec. 934.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each
23 amended to read as follows:

24 (1) The department shall be subrogated to the right of any
25 dependent child or children or person having the care, custody, and
26 control of said child or children, if public assistance money is paid
27 to or for the benefit of the child under a state program funded under
28 Title IV-A of the federal social security act as amended by the
29 personal responsibility and work opportunity reconciliation act of
30 1996, to prosecute or maintain any support action or execute any
31 administrative remedy existing under the laws of the state of
32 Washington to obtain reimbursement of moneys expended, based on the
33 support obligation of the responsible parent established by a superior
34 court order or RCW 74.20A.055. Distribution of any support moneys
35 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

36 (2) The department may initiate, continue, maintain, or execute an
37 action to establish, enforce, and collect a support obligation,
38 including establishing paternity and performing related services, under

1 this chapter and chapter 74.20 RCW, or through the attorney general or
2 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
3 or 26.26 RCW or other appropriate statutes or the common law of this
4 state, for so long as and under such conditions as the department may
5 establish by regulation.

6 (3) Public assistance moneys shall be exempt from collection action
7 under this chapter except as provided in RCW 74.20A.270.

8 (4) No collection action shall be taken against parents of children
9 eligible for admission to, or children who have been discharged from a
10 residential habilitation center as defined by RCW 71A.10.020(7). For
11 the period July 1, 1993, through June 30, 1995, a collection action may
12 be taken against parents of children with developmental disabilities
13 who are placed in community-based residential care. The amount of
14 support the department may collect from the parents shall not exceed
15 one-half of the parents' support obligation accrued while the child was
16 in community-based residential care. The child support obligation
17 shall be calculated pursuant to chapter 26.19 RCW.

18 **Sec. 935.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended
19 to read as follows:

20 Whenever a custodian of children, or other person, receives support
21 moneys paid to them which moneys are paid in whole or in part in
22 satisfaction of a support obligation which has been assigned to the
23 department pursuant to (~~42 U.S.C. Sec. 602(A)(26)(a))~~) Title IV-A of
24 the federal social security act as amended by the personal
25 responsibility and work opportunity reconciliation act of 1996 or RCW
26 74.20.330 or to which the department is owed a debt pursuant to RCW
27 74.20A.030, the moneys shall be remitted to the department within eight
28 days of receipt by the custodian or other person. If not so remitted
29 the custodian or other person shall be indebted to the department as a
30 support debt in an amount equal to the amount of the support money
31 received and not remitted.

32 By not paying over the moneys to the department, a custodial parent
33 or other person is deemed, without the necessity of signing any
34 document, to have made an irrevocable assignment to the department of
35 any support delinquency owed which is not already assigned to the
36 department or to any support delinquency which may accrue in the future
37 in an amount equal to the amount of support money retained. The
38 department may utilize the collection procedures in chapter 74.20A RCW

1 to collect the assigned delinquency to effect recoupment and
2 satisfaction of the debt incurred by reason of the failure of the
3 custodial parent or other person to remit. The department is also
4 authorized to make a set-off to effect satisfaction of the debt by
5 deduction from support moneys in its possession or in the possession of
6 any clerk of the court or other forwarding agent which are paid to the
7 custodial parent or other person for the satisfaction of any support
8 delinquency. Nothing in this section authorizes the department to make
9 set-off as to current support paid during the month for which the
10 payment is due and owing.

11 **Sec. 936.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to
12 read as follows:

13 (1) Whenever public assistance is paid under (~~this title~~) a state
14 program funded under Title IV-A of the federal social security act as
15 amended by the personal responsibility and work opportunity
16 reconciliation act of 1996, each applicant or recipient is deemed to
17 have made assignment to the department of any rights to a support
18 obligation from any other person the applicant or recipient may have in
19 his or her own behalf or in behalf of any other family member for whom
20 the applicant or recipient is applying for or receiving public
21 assistance, including any unpaid support obligation or support debt
22 which has accrued at the time the assignment is made.

23 (2) Payment of public assistance under (~~this title~~) a state
24 program funded under Title IV-A of the federal social security act as
25 amended by the personal responsibility and work opportunity
26 reconciliation act of 1996 shall:

27 (a) Operate as an assignment by operation of law; and

28 (b) Constitute an authorization to the department to provide the
29 assistance recipient with support enforcement services.

30 **Sec. 937.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read
31 as follows:

32 (1) Within ten days after the birth of any child, the attending
33 physician, midwife, or his or her agent shall:

34 (a) Fill out a certificate of birth, giving all of the particulars
35 required, including: (i) The mother's name and date of birth, and (ii)
36 if the mother and father are married at the time of birth or the father

1 has signed an acknowledgment of paternity, the father's name and date
2 of birth; and

3 (b) File the certificate of birth together with the mother's and
4 father's social security numbers with the (~~local~~) state registrar of
5 (~~the district in which the birth occurred~~) vital statistics.

6 (2) The local registrar shall forward the birth certificate, any
7 signed affidavit acknowledging paternity, and the mother's and father's
8 social security numbers to the state office of vital statistics
9 pursuant to RCW 70.58.030.

10 (3) The state (~~office~~) registrar of vital statistics shall make
11 available to the (~~office of support enforcement~~) division of child
12 support the birth certificates, the mother's and father's social
13 security numbers and paternity affidavits.

14 (4) Upon the birth of a child to an unmarried woman, the attending
15 physician, midwife, or his or her agent shall:

16 (a) Provide an opportunity for the child's mother and natural
17 father to complete an affidavit acknowledging paternity. The completed
18 affidavit shall be filed with the (~~local~~) state registrar of vital
19 statistics. The affidavit shall contain or have attached:

20 (i) A sworn statement by the mother consenting to the assertion of
21 paternity and stating that this is the only possible father;

22 (ii) A statement by the father that he is the natural father of the
23 child;

24 (iii) A sworn statement signed by the mother and the putative
25 father that each has been given notice, both orally and in writing, of
26 the alternatives to, the legal consequences of, and the rights,
27 including, if one parent is a minor, any rights afforded due to
28 minority status, and responsibilities that arise from, signing the
29 affidavit acknowledging paternity;

30 (iv) Written information, furnished by the department of social and
31 health services, explaining the implications of signing, including
32 parental rights and responsibilities; and

33 (~~(iv)~~) (v) The social security numbers of both parents.

34 (b) Provide written information and oral information, furnished by
35 the department of social and health services, to the mother and the
36 father regarding the benefits of having (~~her~~) the child's paternity
37 established and of the availability of paternity establishment
38 services, including a request for support enforcement services. The
39 oral and written information shall also include information regarding

1 the alternatives to, the legal consequences of, and the rights,
2 including, if one parent is a minor any rights afforded due to minority
3 status, and responsibilities that arise from, signing the affidavit
4 acknowledging paternity.

5 (5) The physician or midwife or his or her agent is entitled to
6 reimbursement for reasonable costs, which the department shall
7 establish by rule, when an affidavit acknowledging paternity is filed
8 with the state (~~office~~) registrar of vital statistics.

9 (6) If there is no attending physician or midwife, the father or
10 mother of the child, householder or owner of the premises, manager or
11 superintendent of the public or private institution in which the birth
12 occurred, shall notify the local registrar, within ten days after the
13 birth, of the fact of the birth, and the local registrar shall secure
14 the necessary information and signature to make a proper certificate of
15 birth.

16 (7) When an infant is found for whom no certificate of birth is
17 known to be on file, a birth certificate shall be filed within the time
18 and in the form prescribed by the state board of health.

19 (8) When no putative father is named on a birth certificate of a
20 child born to an unwed mother the mother may give any surname she so
21 desires to her child but shall designate in space provided for father's
22 name on the birth certificate "None Named".

23 **Sec. 938.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to
24 read as follows:

25 (1) A man is presumed to be the natural father of a child for all
26 intents and purposes if:

27 (a) He and the child's natural mother are or have been married to
28 each other and the child is born during the marriage, or within three
29 hundred days after the marriage is terminated by death, annulment,
30 declaration of invalidity, divorce, or dissolution, or after a decree
31 of separation is entered by a court; or

32 (b) Before the child's birth, he and the child's natural mother
33 have attempted to marry each other by a marriage solemnized in apparent
34 compliance with law, although the attempted marriage is or could be
35 declared invalid, and the child is born within three hundred days after
36 the termination of cohabitation;

37 (c) After the child's birth, he and the child's natural mother have
38 married, or attempted to marry, each other by a marriage solemnized in

1 apparent compliance with law, although the attempted marriage is or
2 could be declared invalid, and

3 (i) He has acknowledged his paternity of the child in writing filed
4 with the state registrar of vital statistics,

5 (ii) With his consent, he is named as the child's father on the
6 child's birth certificate, or

7 (iii) He is obligated to support the child under a written
8 voluntary promise or by court order;

9 (d) While the child is under the age of majority, he receives the
10 child into his home and openly holds out the child as his child;

11 (e) He acknowledges his paternity of the child pursuant to RCW
12 70.58.080 or in a writing filed with the state (~~office~~) registrar of
13 vital statistics, which shall promptly inform the mother of the filing
14 of the acknowledgment, if she does not dispute the acknowledgment
15 within a reasonable time after being informed thereof, in a writing
16 filed with the state registrar of vital statistics. An acknowledgment
17 of paternity under RCW 70.58.080 shall be a legal finding of paternity
18 of the child sixty days after the acknowledgment is filed with the
19 center for health statistics unless the acknowledgment is sooner
20 rescinded or challenged. After the sixty-day period has passed, the
21 acknowledgment may be challenged in court only on the basis of fraud,
22 duress, or material mistake of fact, with the burden of proof upon the
23 challenger. Legal responsibilities of the challenger, including child
24 support obligations, may not be suspended during the challenge, except
25 for good cause shown. Judicial and administrative proceedings are
26 neither required nor permitted to ratify an unchallenged acknowledgment
27 of paternity filed after the effective date of this section. In order
28 to enforce rights of residential time, custody, and visitation, a man
29 presumed to be the father as a result of filing a written
30 acknowledgment must seek appropriate judicial orders under this title;

31 (f) The United States immigration and naturalization service made
32 or accepted a determination that he was the father of the child at the
33 time of the child's entry into the United States and he had the
34 opportunity at the time of the child's entry into the United States to
35 admit or deny the paternal relationship; or

36 (g) Genetic testing indicates a ninety-eight percent or greater
37 probability of paternity.

38 (2) A presumption under this section may be rebutted in an
39 appropriate action only by clear, cogent, and convincing evidence. If

1 two or more presumptions arise which conflict with each other, the
2 presumption which on the facts is founded on the weightier
3 considerations of policy and logic controls. The presumption is
4 rebutted by a court decree establishing paternity of the child by
5 another man.

6 NEW SECTION. **Sec. 939.** A new section is added to chapter 26.26
7 RCW to read as follows:

8 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all
9 actions brought under this chapter, bills for pregnancy, childbirth,
10 and genetic testing shall:

11 (1) Be admissible as evidence without requiring third-party
12 foundation testimony; and

13 (2) Constitute prima facie evidence of amounts incurred for such
14 services or for testing on behalf of the child.

15 **Sec. 940.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to
16 read as follows:

17 (1) The secretary may, in the absence of a superior court order, or
18 pursuant to an establishment of paternity under chapter 26.26 RCW,
19 serve on the responsible parent or parents a notice and finding of
20 financial responsibility requiring a responsible parent or parents to
21 appear and show cause in an adjudicative proceeding why the finding of
22 responsibility and/or the amount thereof is incorrect, should not be
23 finally ordered, but should be rescinded or modified. This notice and
24 finding shall relate to the support debt accrued and/or accruing under
25 this chapter and/or RCW 26.16.205, including periodic payments to be
26 made in the future. The hearing shall be held pursuant to this
27 section, chapter 34.05 RCW, the Administrative Procedure Act, and the
28 rules of the department.

29 (2) The notice and finding of financial responsibility shall be
30 served in the same manner prescribed for the service of a summons in a
31 civil action or may be served on the responsible parent by certified
32 mail, return receipt requested. The receipt shall be prima facie
33 evidence of service. The notice shall be served upon the debtor within
34 sixty days from the date the state assumes responsibility for the
35 support of the dependent child or children on whose behalf support is
36 sought. If the notice is not served within sixty days from such date,
37 the department shall lose the right to reimbursement of payments made

1 after the sixty-day period and before the date of notification:
2 PROVIDED, That if the department exercises reasonable efforts to locate
3 the debtor and is unable to do so the entire sixty-day period is tolled
4 until such time as the debtor can be located.

5 (3) The notice and finding of financial responsibility shall set
6 forth the amount the department has determined the responsible parent
7 owes, the support debt accrued and/or accruing, and periodic payments
8 to be made in the future. The notice and finding shall also include:

9 (a) A statement of the name of the recipient or custodian and the
10 name of the child or children for whom support is sought;

11 (b) A statement of the amount of periodic future support payments
12 as to which financial responsibility is alleged;

13 (c) A statement that the responsible parent may object to all or
14 any part of the notice and finding, and file an application for an
15 adjudicative proceeding to show cause why said responsible parent
16 should not be determined to be liable for any or all of the debt, past
17 and future;

18 ~~(d) ((A statement that the alleged responsible parent may challenge
19 the presumption of paternity;~~

20 ~~(e))~~ A statement that, if the responsible parent fails in timely
21 fashion to file an application for an adjudicative proceeding, the
22 support debt and payments stated in the notice and finding, including
23 periodic support payments in the future, shall be assessed and
24 determined and ordered by the department and that this debt and amounts
25 due under the notice shall be subject to collection action;

26 ~~((f))~~ (e) A statement that the property of the debtor, without
27 further advance notice or hearing, will be subject to lien and
28 foreclosure, distraint, seizure and sale, order to withhold and
29 deliver, notice of payroll deduction or other collection action to
30 satisfy the debt and enforce the support obligation established under
31 the notice.

32 (4) A responsible parent who objects to the notice and finding of
33 financial responsibility may file an application for an adjudicative
34 proceeding within twenty days of the date of service of the notice or
35 thereafter as provided under this subsection. An adjudicative
36 proceeding shall be held in the county of residence or other place
37 convenient to the responsible parent.

38 (a) If the responsible parent files the application within twenty
39 days, the department shall schedule an adjudicative proceeding to hear

1 the parent's objection and determine the parents' support obligation
2 for the entire period covered by the notice and finding of financial
3 responsibility. The filing of the application stays collection action
4 pending the entry of a final administrative order;

5 (b) If the responsible parent fails to file an application within
6 twenty days, the notice and finding shall become a final administrative
7 order. The amounts for current and future support and the support debt
8 stated in the notice are final and subject to collection, except as
9 provided under (c) and (d) of this subsection;

10 (c) If the responsible parent files the application more than
11 twenty days after, but within one year of the date of service, the
12 department shall schedule an adjudicative proceeding to hear the
13 parents' objection and determine the parent's support obligation for
14 the entire period covered by the notice and finding of financial
15 responsibility. The filing of the application does not stay further
16 collection action, pending the entry of a final administrative order,
17 and does not affect any prior collection action;

18 (d) If the responsible parent files the application more than one
19 year after the date of service, the department shall schedule an
20 adjudicative proceeding at which the responsible parent must show good
21 cause for failure to file a timely application. The filing of the
22 application does not stay future collection action and does not affect
23 prior collection action:

24 (i) If the presiding officer finds that good cause exists, the
25 presiding officer shall proceed to hear the parent's objection to the
26 notice and determine the parent's support obligation;

27 (ii) If the presiding officer finds that good cause does not exist,
28 the presiding officer shall treat the application as a petition for
29 prospective modification of the amount for current and future support
30 established under the notice and finding. In the modification
31 proceeding, the presiding officer shall set current and future support
32 under chapter 26.19 RCW. The responsible parent need show neither good
33 cause nor a substantial change of circumstances to justify modification
34 of current and future support;

35 (e) The department shall retain and/or shall not refund support
36 money collected more than twenty days after the date of service of the
37 notice. Money withheld as the result of collection action shall be
38 delivered to the department. The department shall distribute such
39 money, as provided in published rules.

1 (5)((+a)) If an application for an adjudicative proceeding is
2 filed, the presiding or reviewing officer shall determine the past
3 liability and responsibility, if any, of the alleged responsible parent
4 and shall also determine the amount of periodic payments to be made in
5 the future, which amount is not limited by the amount of any public
6 assistance payment made to or for the benefit of the child. If
7 deviating from the child support schedule in making these
8 determinations, the presiding or reviewing officer shall apply the
9 standards contained in the child support schedule and enter written
10 findings of fact supporting the deviation.

11 (~~(b) If a responsible parent provides credible evidence at an
12 adjudicative proceeding that would rebut the presumption of paternity
13 set forth in RCW 26.26.040, the presiding officer shall direct the
14 department to refer the issue for scheduling of an appropriate hearing
15 in superior court to determine whether the presumption should be
16 rebutted.~~)

17 (6) If the responsible parent fails to attend or participate in the
18 hearing or other stage of an adjudicative proceeding, upon a showing of
19 valid service, the presiding officer shall enter an administrative
20 order declaring the support debt and payment provisions stated in the
21 notice and finding of financial responsibility to be assessed and
22 determined and subject to collection action.

23 (7) The final administrative order establishing liability and/or
24 future periodic support payments shall be superseded upon entry of a
25 superior court order for support to the extent the superior court order
26 is inconsistent with the administrative order.

27 (8) Debts determined pursuant to this section, accrued and not
28 paid, are subject to collection action under this chapter without
29 further necessity of action by a presiding or reviewing officer.

30 **Sec. 941.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5
31 are each reenacted and amended to read as follows:

32 (1) If an alleged father has signed an affidavit acknowledging
33 paternity which has been filed with the state ((office)) registrar of
34 vital statistics before July 1, 1997, the ((office of support
35 enforcement)) division of child support may serve a notice and finding
36 of parental responsibility on him. Procedures for and responsibility
37 resulting from acknowledgments filed after July 1, 1997, are in
38 subsections (8) and (9) of this section. Service of the notice shall be

1 in the same manner as a summons in a civil action or by certified mail,
2 return receipt requested. The notice shall have attached to it a copy
3 of the affidavit or certification of birth record information advising
4 of the existence of a filed affidavit, provided by the (~~center for~~
5 ~~health~~) state registrar of vital statistics, and shall state that:

6 (a) The alleged father may file an application for an adjudicative
7 proceeding at which he will be required to appear and show cause why
8 the amount stated in the finding of financial responsibility as to
9 support is incorrect and should not be ordered;

10 (b) An alleged father may request that a blood or genetic test be
11 administered to determine whether such test would exclude him from
12 being a natural parent and, if not excluded, may subsequently request
13 that the (~~office of support enforcement~~) division of child support
14 initiate an action in superior court to determine the existence of the
15 parent-child relationship; and

16 (c) If the alleged father does not request that a blood or genetic
17 test be administered or file an application for an adjudicative
18 proceeding, the amount of support stated in the notice and finding of
19 parental responsibility shall become final, subject only to a
20 subsequent determination under RCW 26.26.060 that the parent-child
21 relationship does not exist.

22 (2) An alleged father who objects to the amount of support
23 requested in the notice may file an application for an adjudicative
24 proceeding up to twenty days after the date the notice was served. An
25 application for an adjudicative proceeding may be filed within one year
26 of service of the notice and finding of parental responsibility without
27 the necessity for a showing of good cause or upon a showing of good
28 cause thereafter. An adjudicative proceeding under this section shall
29 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
30 the accrued debt, the amount of the current and future support
31 obligation, and the reimbursement of the costs of blood or genetic
32 tests if advanced by the department.

33 (3) If the application for an adjudicative proceeding is filed
34 within twenty days of service of the notice, collection action shall be
35 stayed pending a final decision by the department. If no application
36 is filed within twenty days:

37 (a) The amounts in the notice shall become final and the debt
38 created therein shall be subject to collection action; and

1 (b) Any amounts so collected shall neither be refunded nor returned
2 if the alleged father is later found not to be a responsible parent.

3 (4) An alleged father who denies being a responsible parent may
4 request that a blood or genetic test be administered at any time. The
5 request for testing shall be in writing and served on the (~~office of~~
6 ~~support enforcement~~) division of child support personally or by
7 registered or certified mail. If a request for testing is made, the
8 department shall arrange for the test and, pursuant to rules adopted by
9 the department, may advance the cost of such testing. The department
10 shall mail a copy of the test results by certified mail, return receipt
11 requested, to the alleged father's last known address.

12 (5) If the test excludes the alleged father from being a natural
13 parent, the (~~office of support enforcement~~) division of child support
14 shall file a copy of the results with the state (~~office~~) registrar of
15 vital statistics and shall dismiss any pending administrative
16 collection proceedings based upon the affidavit in issue. The state
17 (~~office~~) registrar of vital statistics shall remove the alleged
18 father's name from the birth certificate and change the child's surname
19 to be the same as the mother's maiden name as stated on the birth
20 certificate, or any other name which the mother may select.

21 (6) The alleged father may, within twenty days after the date of
22 receipt of the test results, request the (~~office of support~~
23 ~~enforcement~~) division of child support to initiate an action under RCW
24 26.26.060 to determine the existence of the parent-child relationship.
25 If the (~~office of support enforcement~~) division of child support
26 initiates a superior court action at the request of the alleged father
27 and the decision of the court is that the alleged father is a natural
28 parent, the alleged father shall be liable for court costs incurred.

29 (7) If the alleged father does not request the (~~office of support~~
30 ~~enforcement~~) division of child support to initiate a superior court
31 action, or if the alleged father fails to appear and cooperate with
32 blood or genetic testing, the notice of parental responsibility shall
33 become final for all intents and purposes and may be overturned only by
34 a subsequent superior court order entered under RCW 26.26.060.

35 (8)(a) If an alleged father has signed an affidavit acknowledging
36 paternity that has been filed with the state registrar of vital
37 statistics after July 1, 1997, within sixty days from the date of
38 filing of the acknowledgment:

1 (i) The division of child support may serve a notice and finding of
2 parental responsibility on him as set forth under this section; and

3 (ii) The alleged father or any other signatory may rescind his
4 acknowledgment of paternity. The rescission shall be notarized and
5 delivered to the state registrar of vital statistics personally or by
6 registered or certified mail. The state registrar shall remove the
7 father's name from the birth certificate and change the child's surname
8 to be the same as the mother's maiden name as stated on the birth
9 certificate or any other name that the mother may select. The state
10 registrar shall file rescission notices in a sealed file. All future
11 paternity actions on behalf of the child in question shall be performed
12 under court order.

13 (b) If the alleged father does not file an application for an
14 adjudicative proceeding or rescind his acknowledgment of paternity, the
15 amount of support stated in the notice and finding of parental
16 responsibility becomes final, subject only to a subsequent
17 determination under RCW 26.26.060 that the parent-child relationship
18 does not exist.

19 (c) An alleged father who objects to the amount of support
20 requested in the notice may file an application for an adjudicative
21 proceeding up to twenty days after the date the notice was served. An
22 application for an adjudicative proceeding may be filed within one year
23 of service of the notice and finding of parental responsibility without
24 the necessity for a showing of good cause or upon a showing of good
25 cause thereafter. An adjudicative proceeding under this section shall
26 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
27 the accrued debt and the amount of the current and future support
28 obligation.

29 (i) If the application for an adjudicative proceeding is filed
30 within twenty days of service of the notice, collection action shall be
31 stayed pending a final decision by the department.

32 (ii) If the application for an adjudicative proceeding is not filed
33 within twenty days of the service of the notice, any amounts collected
34 under the notice shall be neither refunded nor returned if the alleged
35 father is later found not to be a responsible parent.

36 (d) If an alleged father makes a request for genetic testing, the
37 department shall proceed as set forth under section 901 of this act.

38 (e) If the alleged father does not request an adjudicative
39 proceeding, or if the alleged father fails to rescind his filed

1 acknowledgment of paternity, the notice of parental responsibility
2 becomes final for all intents and purposes and may be overturned only
3 by a subsequent superior court order entered under RCW 26.26.060.

4 (9) Affidavits acknowledging paternity that are filed after July 1,
5 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

6 (10) The department and the department of health may adopt rules to
7 implement the requirements under this section.

8 NEW SECTION. Sec. 942. A new section is added to chapter 26.18
9 RCW to read as follows:

10 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,
11 not paid when due, become liens by operation of law against all
12 property of the debtor with priority of a secured creditor. This lien
13 shall be separate and apart from, and in addition to, any other lien
14 created by, or provided for, in this title. The lien attaches to all
15 real and personal property of the debtor on the date of filing with the
16 county auditor of the county in which the property is located.

17 **Sec. 943.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to
18 read as follows:

19 (1) Except as provided in subsection (3) of this section, all
20 employers doing business in the state of Washington, and to whom the
21 department of employment security has assigned the standard industrial
22 classification sic codes listed in subsection (2) of this section,
23 shall report to the Washington state support registry:

24 (a) The hiring of any person who resides or works in this state to
25 whom the employer anticipates paying earnings; and

26 (b) The rehiring or return to work of any employee who was laid
27 off, furloughed, separated, granted a leave without pay, or terminated
28 from employment.

29 (2) Employers in the standard industrial classifications that shall
30 report to the Washington state support registry include:

31 (a) Construction industry sic codes: 15, general building; 16,
32 heavy construction; and 17, special trades;

33 (b) Manufacturing industry sic code 37, transportation equipment;

34 (c) Business services sic codes: 73, except sic code 7363
35 (temporary help supply services); and health services sic code 80.

36 (3) Employers are not required to report the hiring of any person
37 who:

- 1 (a) Will be employed for less than one months duration;
2 (b) Will be employed sporadically so that the employee will be paid
3 for less than three hundred fifty hours during a continuous six-month
4 period; or
5 (c) Will have gross earnings less than three hundred dollars in
6 every month.

7 The secretary of the department of social and health services may
8 adopt rules to establish additional exemptions if needed to reduce
9 unnecessary or burdensome reporting.

10 (4) Employers may report by mailing the employee's copy of the W-4
11 form, or other means authorized by the registry which will result in
12 timely reporting.

13 (5) Employers shall submit reports within thirty-five days of the
14 hiring, rehiring, or return to work of the employee. The report shall
15 contain:

16 (a) The employee's name, address, social security number, and date
17 of birth; and

18 (b) The employer's name, address, and employment security reference
19 number or unified business identifier number.

20 (6) An employer who fails to report as required under this section
21 shall be given a written warning for the first violation and shall be
22 subject to a civil penalty of up to two hundred dollars per month for
23 each subsequent violation after the warning has been given. All
24 violations within a single month shall be considered a single violation
25 for purposes of assessing the penalty. The penalty may be imposed and
26 collected by the ~~((office of support enforcement))~~ division of child
27 support under ~~((RCW 74.20A.270))~~ section 893 of this act.

28 ~~((The registry shall retain the information for a particular~~
29 ~~employee only if the registry is responsible for establishing,~~
30 ~~enforcing, or collecting a support obligation or debt of the employee.~~
31 ~~If the employee does not owe such an obligation or a debt, the registry~~
32 ~~shall not create a record regarding the employee and the information~~
33 ~~contained in the notice shall be promptly destroyed. Prior to the~~
34 ~~destruction of the notice, the department of social and health services~~
35 ~~shall make the information contained in the notice available to other~~
36 ~~state agencies, based upon the written request of an agency's director~~
37 ~~or chief executive, specifically for comparison with records or~~
38 ~~information possessed by the requesting agency to detect improper or~~
39 ~~fraudulent claims. If, after comparison, no such situation is found or~~

1 reasonably suspected to exist, the information shall be promptly
2 destroyed by the requesting agency. Requesting agencies that obtain
3 information from the department of social and health services under
4 this section shall maintain the confidentiality of the information
5 received, except as necessary to implement the agencies'
6 responsibilities.) The registry shall retain the information for a
7 particular employee only if the registry is responsible for
8 establishing, enforcing, or collecting a support debt of the employee.
9 The registry may, however, retain information for a particular employee
10 for as long as may be necessary to:

11 (a) Transmit the information to the national directory of new hires
12 as required under federal law; or

13 (b) Provide the information to other state agencies for comparison
14 with records or information possessed by those agencies as required by
15 law.

16 Information that is not permitted to be retained shall be promptly
17 destroyed. Agencies that obtain information from the department of
18 social and health services under this section shall maintain the
19 confidentiality of the information received, except as necessary to
20 implement the agencies' responsibilities.

21 **Sec. 944.** RCW 26.23.040 and 1997 c ... s 943 (section 943 of this
22 act) are each amended to read as follows:

23 ~~((Except as provided in subsection (3) of this section,))~~ All
24 employers doing business in the state of Washington, and to whom the
25 department of employment security has assigned ((the)) a standard
26 industrial classification sic code((s listed in subsection (2) of this
27 section,)) shall report to the Washington state support registry:

28 (a) The hiring of any person who resides or works in this state to
29 whom the employer anticipates paying earnings; and

30 (b) The rehiring or return to work of any employee who was laid
31 off, furloughed, separated, granted a leave without pay, or terminated
32 from employment.

33 ~~((2) Employers in the standard industrial classifications that
34 shall report to the Washington state support registry include:~~

35 ~~(a) Construction industry sic codes: 15, general building; 16,
36 heavy construction; and 17, special trades;~~

37 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~

1 ~~(c) Business services sic codes: 73, except sic code 7363~~
2 ~~(temporary help supply services); and health services sic code 80.~~
3 ~~(3) Employers are not required to report the hiring of any person~~
4 ~~who:~~
5 ~~(a) Will be employed for less than one months duration;~~
6 ~~(b) Will be employed sporadically so that the employee will be paid~~
7 ~~for less than three hundred fifty hours during a continuous six month~~
8 ~~period; or~~
9 ~~(c) Will have gross earnings less than three hundred dollars in~~
10 ~~every month.)~~

11 The secretary of the department of social and health services may
12 adopt rules to establish additional exemptions if needed to reduce
13 unnecessary or burdensome reporting.

14 ~~((+4))~~ (2) Employers may report by mailing the employee's copy of
15 the W-4 form, or other means authorized by the registry which will
16 result in timely reporting.

17 ~~((+5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~
18 twenty days of the hiring, rehiring, or return to work of the employee,
19 except as provided in subsection (4) of this section. The report shall
20 contain:

21 (a) The employee's name, address, social security number, and date
22 of birth; and

23 (b) The employer's name, address, ~~((and))~~ employment security
24 reference number ~~((or))~~, unified business identifier number and
25 identifying number assigned under section 6109 of the internal revenue
26 code of 1986.

27 ~~((+6))~~ (4) In the case of an employer transmitting reports
28 magnetically or electronically, the employer shall report newly hired
29 employees by two monthly transmissions, if necessary, not less than
30 twelve days nor more than sixteen days apart.

31 (5) An employer who fails to report as required under this section
32 shall be given a written warning for the first violation and shall be
33 subject to a civil penalty of up to two hundred dollars per month for
34 each subsequent violation after the warning has been given. All
35 violations within a single month shall be considered a single violation
36 for purposes of assessing the penalty. The penalty may be imposed and
37 collected by the division of child support under RCW 74.20A.---
38 (section 893 of this act).

1 (~~(7)~~) (6) The registry shall retain the information for a
2 particular employee only if the registry is responsible for
3 establishing, enforcing, or collecting a support debt of the employee.
4 The registry may, however, retain information for a particular employee
5 for as long as may be necessary to:

6 (a) Transmit the information to the national directory of new hires
7 as required under federal law; or

8 (b) Provide the information to other state agencies for comparison
9 with records or information possessed by those agencies as required by
10 law.

11 Information that is not permitted to be retained shall be promptly
12 destroyed. Agencies that obtain information from the department of
13 social and health services under this section shall maintain the
14 confidentiality of the information received, except as necessary to
15 implement the agencies' responsibilities.

16 **Sec. 945.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c
17 375 s 3 are each reenacted and amended to read as follows:

18 (1) A petition in a proceeding for dissolution of marriage, legal
19 separation, or for a declaration concerning the validity of a marriage,
20 shall allege the following:

21 (a) The last known residence of each party;

22 (b) The social security number of each party;

23 (c) The date and place of the marriage;

24 (~~(e)~~) (d) If the parties are separated the date on which the
25 separation occurred;

26 (~~(d)~~) (e) The names, ages, and addresses of any child dependent
27 upon either or both spouses and whether the wife is pregnant;

28 (~~(e)~~) (f) Any arrangements as to the residential schedule of,
29 decision making for, dispute resolution for, and support of the
30 children and the maintenance of a spouse;

31 (~~(f)~~) (g) A statement specifying whether there is community or
32 separate property owned by the parties to be disposed of;

33 (~~(g)~~) (h) The relief sought.

34 (2) Either or both parties to the marriage may initiate the
35 proceeding.

36 (3) The petitioner shall complete and file with the petition a
37 certificate under RCW 70.58.200 on the form provided by the department
38 of health.

1 **Sec. 946.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The court may, and upon request of a party shall, require the
4 child, mother, and any alleged or presumed father who has been made a
5 party to submit to blood tests or genetic tests of blood, tissues, or
6 other bodily fluids. If (~~(an alleged father)~~) a party objects to a
7 proposed order requiring (~~(him to submit to paternity)~~) blood or
8 genetic tests, the court (~~(may)~~) shall require the party making the
9 allegation of possible paternity to provide sworn testimony, by
10 affidavit or otherwise, stating the facts upon which the allegation is
11 based. The court shall order blood or genetic tests if it appears that
12 a reasonable possibility exists that the requisite sexual contact
13 occurred or where nonpaternity is alleged, that the requisite sexual
14 contact did not occur. The tests shall be performed by an expert in
15 paternity blood or genetic testing appointed by the court. The
16 expert's verified report identifying the blood or genetic
17 characteristics observed is admissible in evidence in any hearing or
18 trial in the parentage action, if (a) the alleged or presumed father
19 has had the opportunity to gain information about the security,
20 validity, and interpretation of the tests and the qualifications of any
21 experts, and (b) the report is accompanied by an affidavit from the
22 expert which describes the expert's qualifications as an expert and
23 analyzes and interprets the results. Verified documentation of the
24 chain of custody of the blood or genetic samples tested is admissible
25 to establish the chain of custody. The court may consider published
26 sources as aids to interpretation of the test results.

27 (2)(a) Any objection to genetic testing results must be made in
28 writing and served upon the opposing party, within twenty days before
29 any hearing at which such results may be introduced into evidence.

30 (b) If an objection is not made as provided in this subsection, the
31 test results are admissible as evidence of paternity without the need
32 for foundation testimony or other proof of authenticity or accuracy.

33 (3) The court, upon request by a party, shall order that additional
34 blood or genetic tests be performed by the same or other experts
35 qualified in paternity blood or genetic testing, if the party
36 requesting additional tests advances the full costs of the additional
37 testing within a reasonable time. The court may order additional
38 testing without requiring that the requesting party advance the costs
39 only if another party agrees to advance the costs or if the court

1 finds, after hearing, that (a) the requesting party is indigent, and
2 (b) the laboratory performing the initial tests recommends additional
3 testing or there is substantial evidence to support a finding as to
4 paternity contrary to the initial blood or genetic test results. The
5 court may later order any other party to reimburse the party who
6 advanced the costs of additional testing for all or a portion of the
7 costs.

8 (4) In all cases, the court shall determine the number and
9 qualifications of the experts.

10 **Sec. 947.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to
11 read as follows:

12 (1) The judgment and order of the court determining the existence
13 or nonexistence of the parent and child relationship shall be
14 determinative for all purposes.

15 (2) If the judgment and order of the court is at variance with the
16 child's birth certificate, the court shall order that an amended birth
17 certificate be issued.

18 (3) The judgment and order shall contain other appropriate
19 provisions directed to the appropriate parties to the proceeding,
20 concerning the duty of current and future support, the extent of any
21 liability for past support furnished to the child if that issue is
22 before the court, the furnishing of bond or other security for the
23 payment of the judgment, or any other matter in the best interest of
24 the child. The judgment and order may direct the father to pay the
25 reasonable expenses of the mother's pregnancy and confinement. The
26 judgment and order may include a continuing restraining order or
27 injunction. In issuing the order, the court shall consider the
28 provisions of RCW 9.41.800.

29 (4) The judgment and order shall contain the social security
30 numbers of all parties to the order.

31 (5) Support judgment and orders shall be for periodic payments
32 which may vary in amount. The court may limit the father's liability
33 for the past support to the child to the proportion of the expenses
34 already incurred as the court deems just. The court shall not limit or
35 affect in any manner the right of nonparties including the state of
36 Washington to seek reimbursement for support and other services
37 previously furnished to the child.

1 ~~((+5+))~~ (6) After considering all relevant factors, the court shall
2 order either or both parents to pay an amount determined pursuant to
3 the schedule and standards contained in chapter 26.19 RCW.

4 ~~((+6+))~~ (7) On the same basis as provided in chapter 26.09 RCW, the
5 court shall make residential provisions with regard to minor children
6 of the parties, except that a parenting plan shall not be required
7 unless requested by a party.

8 ~~((+7+))~~ (8) In any dispute between the natural parents of a child
9 and a person or persons who have (a) commenced adoption proceedings or
10 who have been granted an order of adoption, and (b) pursuant to a court
11 order, or placement by the department of social and health services or
12 by a licensed agency, have had actual custody of the child for a period
13 of one year or more before court action is commenced by the natural
14 parent or parents, the court shall consider the best welfare and
15 interests of the child, including the child's need for situation
16 stability, in determining the matter of custody, and the parent or
17 person who is more fit shall have the superior right to custody.

18 ~~((+8+))~~ (9) In entering an order under this chapter, the court may
19 issue any necessary continuing restraining orders, including the
20 restraint provisions of domestic violence protection orders under
21 chapter 26.50 RCW or antiharassment protection orders under chapter
22 10.14 RCW.

23 ~~((+9+))~~ (10) Restraining orders issued under this section
24 restraining the person from molesting or disturbing another party or
25 from going onto the grounds of or entering the home, workplace, or
26 school of the other party or the day care or school of any child shall
27 prominently bear on the front page of the order the legend: VIOLATION
28 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
29 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30 ~~((+10+))~~ (11) The court shall order that any restraining order
31 bearing a criminal offense legend, any domestic violence protection
32 order, or any antiharassment protection order granted under this
33 section be forwarded by the clerk of the court on or before the next
34 judicial day to the appropriate law enforcement agency specified in the
35 order. Upon receipt of the order, the law enforcement agency shall
36 forthwith enter the order into any computer-based criminal intelligence
37 information system available in this state used by law enforcement
38 agencies to list outstanding warrants. The order is fully enforceable
39 in any county in the state.

1 NEW SECTION. **Sec. 1002.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
4 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
5 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;
6 and

7 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

8 NEW SECTION. **Sec. 1003.** A new section is added to chapter 74.04
9 RCW to read as follows:

10 For the purpose of evaluating the effect of the defense of
11 equitable estoppel on the recovery of overpayments and the
12 administration of justice in public assistance cases, the department
13 shall report the following to the appropriate committees of the
14 legislature by December 1, 1997:

15 (1) The number of applicants and recipients of public assistance
16 who have raised the defense of equitable estoppel in an administrative
17 proceeding related to the collection of overpayments or the
18 determination of eligibility;

19 (2) The number of recipients or applicants of public assistance who
20 prevailed in an administrative proceeding related to the collection of
21 overpayments or the determination of eligibility due to the defense of
22 equitable estoppel;

23 (3) The amount, average amount, and percent of payments and
24 overpayments not collected due to the successful assertion of the
25 defense of equitable estoppel at an administrative proceeding related
26 to the collection of overpayments or the determination of eligibility;

27 (4) Any other information regarding the assertion of the defense of
28 equitable estoppel in administrative proceedings that the department
29 feels will assist in evaluation of the defense.

30 **Sec. 1004.** RCW 50.13.060 and 1996 c 79 s 1 are each amended to
31 read as follows:

32 (1) Governmental agencies, including law enforcement agencies,
33 prosecuting agencies, and the executive branch, whether state, local,
34 or federal shall have access to information or records deemed private
35 and confidential under this chapter if the information or records are
36 needed by the agency for official purposes and:

1 (a) The agency submits an application in writing to the employment
2 security department for the records or information containing a
3 statement of the official purposes for which the information or records
4 are needed and specific identification of the records or information
5 sought from the department; and

6 (b) The director, commissioner, chief executive, or other official
7 of the agency has verified the need for the specific information in
8 writing either on the application or on a separate document; and

9 (c) The agency requesting access has served a copy of the
10 application for records or information on the individual or employing
11 unit whose records or information are sought and has provided the
12 department with proof of service. Service shall be made in a manner
13 which conforms to the civil rules for superior court. The requesting
14 agency shall include with the copy of the application a statement to
15 the effect that the individual or employing unit may contact the public
16 records officer of the employment security department to state any
17 objections to the release of the records or information. The
18 employment security department shall not act upon the application of
19 the requesting agency until at least five days after service on the
20 concerned individual or employing unit. The employment security
21 department shall consider any objections raised by the concerned
22 individual or employing unit in deciding whether the requesting agency
23 needs the information or records for official purposes.

24 (2) The requirements of subsections (1) and (~~(+8)~~) (9) of this
25 section shall not apply to the state legislative branch. The state
26 legislature shall have access to information or records deemed private
27 and confidential under this chapter, if the legislature or a
28 legislative committee finds that the information or records are
29 necessary and for official purposes. If the employment security
30 department does not make information or records available as provided
31 in this subsection, the legislature may exercise its authority granted
32 by chapter 44.16 RCW.

33 (3) In cases of emergency the governmental agency requesting access
34 shall not be required to formally comply with the provisions of
35 subsection (1) of this section at the time of the request if the
36 procedures required by subsection (1) of this section are complied with
37 by the requesting agency following the receipt of any records or
38 information deemed private and confidential under this chapter. An

1 emergency is defined as a situation in which irreparable harm or damage
2 could occur if records or information are not released immediately.

3 (4) The requirements of subsection (1)(c) of this section shall not
4 apply to governmental agencies where the procedures would frustrate the
5 investigation of possible violations of criminal laws.

6 (5) Governmental agencies shall have access to certain records or
7 information, limited to such items as names, addresses, social security
8 numbers, and general information about benefit entitlement or employer
9 information possessed by the department, for comparison purposes with
10 records or information possessed by the requesting agency to detect
11 improper or fraudulent claims, or to determine potential tax liability
12 or employer compliance with registration and licensing requirements.
13 In those cases the governmental agency shall not be required to comply
14 with subsection (1)(c) of this section, but the requirements of the
15 remainder of subsection (1) must be satisfied.

16 (6) Governmental agencies may have access to certain records and
17 information, limited to employer information possessed by the
18 department for purposes authorized in chapter 50.38 RCW. Access to
19 these records and information is limited to only those individuals
20 conducting authorized statistical analysis, research, and evaluation
21 studies. Only in cases consistent with the purposes of chapter 50.38
22 RCW are government agencies not required to comply with subsection
23 (1)(c) of this section, but the requirements of the remainder of
24 subsection (1) of this section must be satisfied. Information provided
25 by the department and held to be private and confidential under state
26 or federal laws shall not be misused or released to unauthorized
27 parties subject to the sanctions in RCW 50.13.080.

28 (7) Disclosure to governmental agencies of information or records
29 obtained by the employment security department from the federal
30 government shall be governed by any applicable federal law or any
31 agreement between the federal government and the employment security
32 department where so required by federal law. When federal law does not
33 apply to the records or information state law shall control.

34 (8) For purposes of statistical analysis and evaluation of the
35 WorkFirst program or any successor state welfare program, the
36 department of social and health services, the office of financial
37 management, and other governmental entities with oversight or
38 evaluation responsibilities for the program shall have access to
39 employer wage information on clients in the program whose names and

1 social security numbers are provided to the department. The
2 information provided by the department may be used only for statistical
3 analysis, research, and evaluation purposes as provided in sections 702
4 and 703 of this act. The department of social and health services is
5 not required to comply with subsection (1)(c) of this section, but the
6 requirements of the remainder of subsection (1) of this section must be
7 satisfied.

8 (9) The disclosure of any records or information by a governmental
9 agency which has obtained the records or information under this section
10 is prohibited unless the disclosure is directly connected to the
11 official purpose for which the records or information were obtained.

12 ((+9)) (10) In conducting periodic salary or fringe benefit
13 studies pursuant to law, the department of personnel shall have access
14 to records of the employment security department as may be required for
15 such studies. For such purposes, the requirements of subsection (1)(c)
16 of this section need not apply.

17 NEW SECTION. Sec. 1005. A new section is added to chapter 43.20A
18 RCW to read as follows:

19 (1) The department shall provide the employment security department
20 quarterly with the names and social security numbers of all clients in
21 the WorkFirst program and any successor state welfare program.

22 (2) The information provided by the employment security department
23 under RCW 50.13.060 for statistical analysis and welfare program
24 evaluation purposes may be used only for statistical analysis,
25 research, and evaluation purposes as provided in sections 702 and 703
26 of this act. Through individual matches with accessed employment
27 security department confidential employer wage files, only aggregate,
28 statistical, group level data shall be reported. Data sharing by the
29 employment security department may be extended to include the office of
30 financial management and other such governmental entities with
31 oversight responsibility for this program.

32 (3) The department and other agencies of state government shall
33 protect the privacy of confidential personal data supplied under RCW
34 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms
35 and conditions of a formal data-sharing agreement between the
36 employment security department and agencies of state government,
37 however the misuse or unauthorized use of confidential data supplied by

1 the employment security department is subject to the penalties in RCW
2 50.13.080.

3 **Sec. 1006.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to
4 read as follows:

5 Upon written request of a person who has been properly identified
6 as an officer of the law (~~((with a felony arrest warrant))~~) or a properly
7 identified United States immigration official (~~((with a warrant for an
8 illegal alien))~~) the department shall disclose to such officer the
9 current address and location of (~~((the person properly described in the
10 warrant))~~) a recipient of public welfare if the officer furnishes the
11 department with such person's name and social security account number
12 and satisfactorily demonstrates that such recipient is a fugitive, that
13 the location or apprehension of such fugitive is within the officer's
14 official duties, and that the request is made in the proper exercise of
15 those duties.

16 When the department becomes aware that a public assistance
17 recipient is the subject of an outstanding warrant, the department may
18 contact the appropriate law enforcement agency and, if the warrant is
19 valid, provide the law enforcement agency with the location of the
20 recipient.

21 NEW SECTION. Sec. 1007. QUESTIONNAIRES. The department of social
22 and health services shall create a questionnaire, asking businesses for
23 information regarding available and upcoming job opportunities for
24 welfare recipients. The department of revenue shall include the
25 questionnaire in a regular quarterly mailing. The department of social
26 and health services shall receive responses and use the information to
27 develop work activities in the areas where jobs will be available.

28 NEW SECTION. Sec. 1008. PART HEADINGS, CAPTIONS, AND TABLE OF
29 CONTENTS NOT LAW. Part headings, captions, and the table of contents
30 used in this act are not any part of the law.

31 NEW SECTION. Sec. 1009. The governor and the department of social
32 and health services shall seek all necessary exemptions and waivers
33 from and amendments to federal statutes, rules, and regulations and
34 shall report to the appropriate committees in the house of
35 representatives and senate quarterly on the efforts to secure the

1 federal changes to permit full implementation of this act at the
2 earliest possible date.

3 NEW SECTION. **Sec. 1010.** Sections 1, 2, 103, 104, 106, 202 through
4 205, 301, 302, 307, 308, 310 through 318, 321, 324 through 326, 402,
5 503, 504, 701 through 704, and 706 of this act constitute a new chapter
6 in Title 74 RCW.

7 NEW SECTION. **Sec. 1011.** If any part of this act is found to be in
8 conflict with federal requirements that are a prescribed condition to
9 the allocation of federal funds to the state, the conflicting part of
10 this act is inoperative solely to the extent of the conflict and with
11 respect to the agencies directly affected, and this finding does not
12 affect the operation of the remainder of this act in its application to
13 the agencies concerned. The rules under this act shall meet federal
14 requirements that are a necessary condition to the receipt of federal
15 funds by the state. As used in this section, "allocation of federal
16 funds to the state" means the allocation of federal funds that are
17 appropriated by the legislature to the department of social and health
18 services and on which the department depends for carrying out any
19 provision of the operating budget applicable to it.

20 NEW SECTION. **Sec. 1012.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 *NEW SECTION. **Sec. 1013.** *(1) Sections 1, 2, 101 through 110, 201*
25 *through 207, 301 through 329, 401 through 404, 501 through 506, 601,*
26 *705, 706, 888, 891 through 943, 945 through 948, and 1002 of this act*
27 *are necessary for the immediate preservation of the public peace,*
28 *health, or safety, or support of the state government and its existing*
29 *public institutions, and take effect immediately.*

30 (2) Sections 801 through 887, 889, and 890 of this act are
31 necessary for the immediate preservation of the public peace, health,
32 or safety, or support of the state government and its existing public
33 institutions, and take effect July 1, 1997.

34 (3) Sections 701 through 704 of this act take effect January 1,
35 1998.

1 (4) Section 944 of this act takes effect October 1, 1998.

2 *Sec. 1013 was partially vetoed. See message at end of chapter.

3 NEW SECTION. **Sec. 1014.** If specific funding for the purposes of
4 sections 404 and 405 of this act, referencing this act by bill or
5 chapter number and section numbers, is not provided by June 30, 1997,
6 in the omnibus appropriations act, sections 404 and 405 of this act are
7 null and void.

Passed the House April 10, 1997.

Passed the Senate April 9, 1997.

Approved by the Governor April 17, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 17, 1997.

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

2 "I am returning herewith, without my approval as to sections or
3 subsections 1, 105(3), 109, 202, 203, 205, 206, 207, 306, 312, 318,
4 319, 320, 328, 329, 402, 504, 706, 802(7)(f), 886, 887, and 1013(1),
5 Engrossed House Bill No. 3901 entitled:

6 "AN ACT Relating to implementing the federal personal
7 responsibility and work opportunity reconciliation act of 1996;"

8 Engrossed House Bill No. 3901 creates a sound foundation for a
9 welfare program that reflects the common sense, mainstream values of
10 the people of this state: hard work, hope and opportunity for all. It
11 creates an innovative work-based program that promises to reduce
12 poverty, and to help people get jobs and sustain economic independence.

13 At the same time, it reflects the desire of the people of this
14 state to protect children and those who are unable to work.

15 This is an historic change. It reflects our society's belief that
16 government entitlements have fostered dependence among welfare
17 recipients, and discouraged families, communities, non-profit
18 organizations, business and labor from taking on their full share of
19 responsibility for helping to solve the problem of poverty. As a
20 result of the enactment of this legislation, we enter a new era of
21 partnership in which all these sectors will work together to help those
22 in need enter the economic mainstream and become contributing members
23 of our society.

24 Nonetheless, there are flaws in this legislation that impede our
25 ability to pursue the goal of helping people achieve economic
26 independence. Some of these flaws create a culture of mistrust that is
27 simply counterproductive. Others are overly prescriptive and specific,
28 and would create a rigid, bureaucratic system that is unable to profit
29 from the lessons that will surely be learned in the course of
30 implementing such a sweeping new program.

31 **Section 1**

32 I have vetoed the intent section (together with section 207) of the
33 bill because they reenact some but not all relevant provisions of state

1 law. If we reenact some, but not all, of the state's benefit programs,
2 the state's continuing commitment to the non-reenacted programs is
3 called into question.

4 **Section 105(3)**

5 Section 105(3) would repeal the Consolidated Emergency Assistance
6 Program (CEAP). This program serves needy families in crisis, some of
7 whom would not have access to the Temporary Assistance for Needy
8 Families (TANF) program. CEAP provides short-term aid, at most once a
9 year, to help families with critical needs for food, shelter, clothing
10 and other basics.

11 **Section 109**

12 Section 109 would require that all communications to welfare
13 recipients be easy to read and comprehend and written at the eighth
14 grade level. While I agree completely that communications should be
15 easy to read and comprehend, this provision invites disputes and
16 litigation centered on the arbitrary reading level of communications
17 needed to carry out the WorkFirst program. Mandating a specific
18 reading comprehension level for all written communications could invite
19 lawsuits against the Department of Social and Health Services (DSHS)
20 solely on the basis of meeting this arbitrary test.

21 **Sections 202, 205 and 206**

22 These sections are superseded by Engrossed Senate Bill No. 6098.

23 **Section 203**

24 Section 203 would require DSHS to review the incomes of all
25 seasonal workers over the previous twelve months, before determining
26 eligibility. This would be a great administrative burden and very
27 costly to implement. While I share the legislature's concern about
28 irresponsible parents who might squander income from seasonal work,
29 leaving the family dependent on the state during the off-season, there
30 are technical problems in this section.

31 There is no definition of "seasonal employment" in the law. Using
32 technical definitions, there is hardly an industry or employment which
33 does not have a seasonal aspect. According to the Economic Security
34 Department, the largest seasonal activities in Washington in 1995
35 included aircraft and parts, department stores, heavy construction,
36 hotels and motels, and resorts and fairs.

37 For these reasons I am vetoing this section as written, and commit
38 to working with the legislature to craft a remedy to the problem.

39 **Section 207**

40 As mentioned above, I have vetoed section 207 (together with
41 section 1) because they unnecessarily reenact certain state laws. Re-
42 enactment of state benefits under state statute is not required for
43 existing state laws and policies affecting immigrants to continue in
44 effect.

45 Enactment of the bill's intent section and section 207 would
46 reaffirm policy with respect to one state funded program and not others

1 that are potentially affected by 8 U.S.C. 1621. Such action could
2 trigger an exhaustive review of state and local programs, such as
3 public contracts, loans, professional or commercial licenses, and
4 dramatically increase the costs of administration and overhead in
5 providing such benefits. The overall effect would be to decrease
6 efficiency and increase cost at the expense of the benefits offered.

7 **Section 306**

8 Section 306 would make TANF recipients eligible for employment or
9 training in any Jobs for the Environment Program on the same basis as
10 displaced natural resource workers. I have vetoed this section because
11 no additional funding is provided to increase training or employment
12 opportunities in that program. As a result, this provision is divisive
13 - it pits TANF recipients against unemployed natural resource workers
14 for jobs in economically distressed communities.

15 **Section 312**

16 This section is too detailed. Rather than establish broad program
17 parameters, the legislature has specified minute program elements,
18 including the prescription of the exact number of hours each
19 participant must be in a class room each day. This level of
20 specificity limits program design options without advancing a
21 discernible policy goal.

22 As the state pursues the challenges of decreasing the size of the
23 welfare caseload and increasing the number of self-sufficient
24 individuals, undue restrictions on program design must be avoided. The
25 ability to achieve the policy goals of section 702 of the bill might
26 have been unintentionally hampered by this section.

27 **Section 318**

28 Section 318 would provide unneeded, preemptory limits on what can
29 be considered within collective bargaining agreements.

30 **Sections 319 and 320**

31 The public wants and deserves a system that can be held accountable
32 for fair, honest and effective administration of social programs.
33 While the WorkFirst program, with its regional orientation and its
34 emphasis on outcomes, will require a different system from what is
35 currently in place, it is premature to consider a drastic change in
36 program administration. Meeting the aggressive caseload reduction
37 targets demanded by WorkFirst requires that we take advantage of the
38 trained staff we have deployed throughout the state. Our initial
39 efforts must be focused on strengthening our existing infrastructure to
40 meet the historic challenge presented by welfare reform.

41 **Section 328**

42 Section 328 would require DSHS to prorate WorkFirst cash assistance
43 benefits. The proration would be based in some way on compliance with
44 work requirements. However, the pro rata basis used to determine
45 WorkFirst grant amounts is not defined in this legislation. This
46 ambiguity would make rule changes difficult and leaves the state open
47 to law suits.

1 **Section 329**

2 This provision is not consistent with ESB 6098 which provides
3 eligibility for state benefits to legal immigrants after meeting the
4 one-year residency requirement. By excluding the income of any
5 household member based on "residency, alienage or citizenship", section
6 329 is overly broad and ambiguous and would result in inequitable
7 treatment of Washington residents.

8 **Section 402**

9 Affordable child care is a crucial part of successfully moving
10 people from welfare to work. The copays specified in this provision
11 are higher than a low-income working family can afford. Work does not
12 pay under the schedule in section 402. As written, this provision
13 would hinder WorkFirst participants' ability to take responsibility for
14 their families and become self-sufficient.

15 I will direct DSHS to implement a modified copay schedule that will
16 support the principles of WorkFirst.

17 **Section 504**

18 Currently, grandparent income is considered available to the teen
19 parent and grandchild when the three generations are living together
20 under the same roof. Section 504 would change state law to consider
21 the grandparent's income and resources available even when the
22 grandparents refuse to help the teen parent. This could leave some
23 teen parents and their children ineligible for assistance, and thus
24 without any means of support.

25 **Section 706**

26 Establishing paternity is an essential part of promoting personal
27 and family responsibility. It is well recognized that a father can
28 provide his child with vital emotional and financial support. However,
29 under section 706, DSHS would be required to deny aid unless the
30 applicant names the father, with no exceptions. This policy, unlike
31 federal law, does not recognize that exceptional circumstances can
32 exist where the requirement should be waived, such as in cases of
33 domestic violence and rape. By my veto of this section, DSHS will be
34 able to rely on the good cause exemptions in federal law.

35 **Subsection 802(7)(f) and Sections 886 and 887**

36 I fully support vigorous collection of all the child support to
37 which families are entitled. Parental responsibility should replace
38 public responsibility for families. However, the bill also contains
39 measures relating to loss of licenses that are not required by PL 104-
40 193, and do not promote the achievement of economic independence.
41 These sections are intended to cause parents who have violated ordered
42 visitation to lose licenses, including drivers, professional,
43 recreational and other licenses.

44 The merits of connecting visitation issues and license loss could
45 be debated and should be. What is not debatable is that this subject
46 is not relevant in a welfare reform bill. To provide for an
47 opportunity for public debate on this issue, I am vetoing sections 886
48 and 887. I am incidentally vetoing subsection 802(7)(f), since that

1 subsection is a reference to section 887 and is rendered a manifestly
2 obsolete reference.

3 **Section 1013(1)**

4 Subsection 1013(1) requires immediate implementation of key parts
5 of this act. Immediate implementation of a quality program is simply
6 not possible. We should not sacrifice efforts to create a well
7 designed program just to save ninety days.

8 For these reasons I have vetoed sections or subsections 1, 105(3),
9 109, 202, 203, 205, 206, 207, 306, 312, 318, 319, 320, 328, 329, 402,
10 504, 706, 802(7)(f), 886, 887 and 1013(1). With the exception of those
11 sections or subsections, I am approving Engrossed House Bill No. 3901."