

2 SB 5959 - S AMD
3 By Senator West

4 Adopted 6/28/91 - Voice Vote

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

7 "Sec. 1. RCW 74.04.005 and 1991 c 126 s 1 are each amended to
8 read as follows:

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

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

15 (2) "Department"--The department of social and health services.

16 (3) "County or local office"--The administrative office for one
17 or more counties or designated service areas.

18 (4) "Director" or "secretary" means the secretary of social and
19 health services.

20 (5) "Federal-aid assistance"--The specific categories of
21 assistance for which provision is made in any federal law existing
22 or hereafter passed by which payments are made from the federal
23 government to the state in aid or in respect to payment by the
24 state for public assistance rendered to any category of needy
25 persons for which provision for federal funds or aid may from time
26 to time be made, or a federally administered needs-based program.

27 (6)(a) "General assistance"--Aid to persons in need who:

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

5 (ii) Are either:

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

12 (B) Incapacitated from gainful employment by reason of bodily or
13 mental infirmity that will likely continue for a minimum of
14 ((~~sixty~~)) ninety days as determined by the department. Persons who
15 are unemployable due to alcohol or drug addiction are not eligible
16 for general assistance. Persons receiving general assistance on
17 July 26, 1987, or becoming eligible for such assistance thereafter,
18 due to an alcohol or drug-related incapacity, shall be referred to
19 appropriate assessment, treatment, shelter, or supplemental
20 security income referral services as authorized under chapter 74.50
21 RCW. Referrals shall be made at the time of application or at the
22 time of eligibility review. Alcoholic and drug addicted clients
23 who are receiving general assistance on July 26, 1987, may remain
24 on general assistance if they otherwise retain their eligibility
25 until they are assessed for services under chapter 74.50 RCW. This
26 subsection (6)(a)(ii)(B) shall not be construed to prohibit the
27 department from granting general assistance benefits to alcoholics
28 and drug addicts who are incapacitated due to other physical or
29 mental conditions that meet the eligibility criteria for the
30 general assistance program;

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

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

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

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

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

25 (c) General assistance shall be provided only to persons who are
26 not members of assistance units receiving federal aid assistance,
27 except as provided in subsection (6)(a)(ii)(A) and (b) of this
28 section, and will accept available services which can reasonably be
29 expected to enable the person to work or reduce the need for
30 assistance unless there is good cause to refuse. Failure to accept

1 such services shall result in termination until the person agrees
2 to cooperate in accepting such services and subject to the
3 following maximum periods of ineligibility after reapplication:

4 (i) First failure: One week;

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

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

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

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

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

1 the month in which the period of six weeks following the birth of
2 the child falls.

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

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

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

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

18 (a) A home, which is defined as real property owned and used by
19 an applicant or recipient as a place of residence, together with a
20 reasonable amount of property surrounding and contiguous thereto,
21 which is used by and useful to the applicant. Whenever a recipient
22 shall cease to use such property for residential purposes, either
23 for himself or his dependents, the property shall be considered as
24 a resource which can be made available to meet need, and if the
25 recipient or his dependents absent themselves from the home for a
26 period of ninety consecutive days such absence, unless due to
27 hospitalization or health reasons or a natural disaster, shall
28 raise a rebuttable presumption of abandonment: PROVIDED, That if
29 in the opinion of three physicians the recipient will be unable to
30 return to the home during his lifetime, and the home is not

1 occupied by a spouse or dependent children or disabled sons or
2 daughters, such property shall be considered as a resource which
3 can be made available to meet need.

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

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

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

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

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

22 (ii) Term and burial insurance for use of the applicant or
23 recipient;

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

26 (iv) Cash, marketable securities, and any excess of values above
27 one thousand five hundred dollars equity in a vehicle and above one
28 thousand five hundred dollars in cash surrender value of life
29 insurance, not exceeding one thousand five hundred dollars for a
30 single person or two thousand two hundred fifty dollars for a

1 family unit of two or more. The one thousand dollar limit in
2 subsection (10)(d) of this section does not apply to recipients of
3 or applicants for general assistance.

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

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

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

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

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

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

28 (b) If, under applicable federal requirements, the state has the
29 option of considering property in the form of lump sum compensatory
30 awards or related settlements received by an applicant or

1 recipient as income or as a resource, the department shall consider
2 such property to be a resource.

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

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

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

21 "NEW SECTION. Sec. 2. RCW 74.04.660 and 1989 c 11 s 26,
22 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6 are each repealed."

23 "NEW SECTION. Sec. 3. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected."

