

2 **E2SSB 6062** - S AMD - 439
3 By Senators Quigley and Wood

4
5 Strike everything after the enacting clause and insert the
6 following:

7 **"MAKING WELFARE WORK**
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23 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is
24 important for the well-being of society, and for the families receiving
25 aid to families with dependent children, that the provision of welfare
26 from the public treasury reflect the values of mainstream American

1 culture, specifically the importance of work, personal responsibility,
2 and accountability for individual actions, and the value of the
3 marriage commitment to each member of the family, including the
4 children.

5 Therefore, it is the public policy of the state of Washington,
6 through its aid to families with dependent children program, to require
7 every able-bodied citizen on aid to families with dependent children to
8 engage in paid or unpaid employment or engage in short-term training
9 directed towards employment, to require accountability of all parents,
10 and to discourage teen pregnancy by unwed parents as an action that is
11 destructive to society.

12 Therefore, the legislature intends that:

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

16 (2) Employment assistance resources focus on employable recipients
17 who are most at risk of a long-term stay on welfare;

18 (3) Caretakers receiving public assistance sign a contract
19 delineating their obligation and responsibility to comply with
20 requirements for work, training, and personal responsibility;

21 (4) Specific time limits for the receipt of public assistance be
22 set for all recipients of aid to families with dependent children; and

23 (5) Unmarried parents who are minors generally will be ineligible
24 for assistance under the aid to families with dependent children
25 program.

26 **PART I. TARGET GROUPS**

27 NEW SECTION. **Sec. 101.** A new section is added to chapter 74.25
28 RCW to read as follows:

29 **TARGET GROUP CONTRACTS.** The department shall assess each caretaker
30 and, based on this assessment, shall refer the caretaker to the
31 appropriate target group or groups as provided under sections 102, 103,
32 and 104 of this act, unless the caretaker is not or would not be
33 required to sign a contract under section 301(3) of this act.
34 Assessments shall be based upon age, age of dependents, education,
35 condition of incapacity, and employment history. The assessment and
36 referral of caretakers who are applicants for assistance on or after
37 the effective date of this section shall be made as part of the

1 application approval process. The assessment and referral of
2 caretakers who have been approved for assistance before the effective
3 date of this section shall be completed within twelve months after such
4 effective date.

5 **A. JOB-READY TARGET GROUP**

6 NEW SECTION. **Sec. 102.** A new section is added to chapter 74.25
7 RCW to read as follows:

8 JOB-READY TARGET GROUP. All caretakers who are age eighteen or
9 older and have an employment history, already possess job skills, or
10 are likely to be reemployed with minimal services, shall be referred to
11 the job-ready target group. Caretakers shall be entitled to grant
12 assistance if they participate in twenty-six weeks of job search after
13 signing an initial contract under section 301 of this act. All
14 caretakers receiving aid to families with dependent children-employable
15 shall be included in the job-ready target group. It is the intent of
16 the legislature to refrain from excess expenditures on this group of
17 aid to families with dependent children caretakers, as studies have
18 demonstrated that job-ready individuals leave aid to families with
19 dependent children quickly with minimal public help. Assessment and
20 administrative costs shall be kept to a minimal level for this target
21 group. Any caretakers in this group who do not have paid employment
22 after twenty-six weeks of job search shall contract with the department
23 for participation in the job preparation target group.

24 **B. JOB PREPARATION TARGET GROUP**

25 NEW SECTION. **Sec. 103.** A new section is added to chapter 74.25
26 RCW to read as follows:

27 JOB PREPARATION TARGET GROUP. All caretakers who are age eighteen
28 or older and do not meet the qualifications for participation in the
29 job-ready target group or who have been in the job-ready target group
30 for twenty-six weeks without obtaining employment, shall be required,
31 as a condition of benefit receipt, to enroll and participate in a
32 program required by chapter . . ., Laws of 1995 1st sp. sess. (this
33 act) under the job opportunities and basic skills training program.

34 **C. YOUNG PARENT TARGET GROUP**

1 department shall rely on the Consumer Price Index--Seattle, Washington
2 area for urban wage earners and clerical workers, compiled by the
3 Bureau of Labor Statistics, United States Department of Labor. The
4 department shall publish the new payment maximums which shall become
5 effective January 1st of the year following.

6 (4) The credit in respect to any qualified employee may not be
7 taken:

8 (a) For more than one year of training in the case of a category 1
9 qualified employee; or

10 (b) For more than two years of training in the case of a category
11 2 or category 3 qualified employee.

12 (5) The credit shall be taken against taxes due for the same
13 calendar year in which the payment is made to the qualified training
14 institution and must be claimed by the due date of the last tax return
15 for the calendar year in which the payment is made to the qualified
16 training institution.

17 (6) If the business, firm, or entity having a right to the tax
18 credit is sold, assigned, conveyed, or otherwise transferred, the
19 successor employer shall be allowed the credit. Unless the training
20 plan provides to the contrary, the successor employer shall be allowed
21 tax credits to the same extent as the previous employer.

22 (7) Total credits allowed to all employers claiming credits may not
23 exceed seven million five hundred thousand dollars in any biennium.

24 (8) This section shall expire December 31, 2003.

25 NEW SECTION. **Sec. 202.** The definitions in this section apply
26 throughout this chapter and sections 204 through 206 of this act,
27 unless the context indicates otherwise.

28 (1) "Gross annual wages" means salary, wages, tips, and other
29 compensation paid to a qualified employee by an employer claiming the
30 credit under this section during the calendar year for which the credit
31 is claimed.

32 (2) "Qualified employee" and "category 1, category 2, or category
33 3 qualified employee" means an applicant for or recipient of aid to
34 families with dependent children certified as such by the department of
35 social and health services who is hired before June 30, 2000.
36 "Qualified employee" does not include any person hired by an employer
37 to replace strikers or locked-out workers.

1 (3) "Qualified training institution" means a community or technical
2 college, four-year college or university, a private vocational school
3 licensed by the work force training and education coordinating board or
4 approved by the higher education coordinating board, apprenticeship
5 programs recognized by the Washington state apprenticeship and training
6 council, or a private industry council that has entered into a training
7 plan that provides for the training of a qualified employee of a person
8 claiming the credit under this section.

9 (4) "Employer" means person or business as defined by RCW
10 82.04.030.

11 (5) "Training plan" means a written agreement, signed by a
12 qualified employee, a union (or other employee bargaining
13 representative) if the position is covered by a collective bargaining
14 agreement, a qualified training institution, the department of social
15 and health services or a designee of the department, and an employer,
16 which specifies the amount that the employer will pay the qualified
17 training institution for training and related costs for the qualified
18 employee, the learning objectives intended to be achieved by the
19 training, and a statement of progressively increasing scale of wages to
20 be paid to the employee during the training plan period, ending in a
21 wage scale that exceeds federal poverty levels for a family of three.

22 NEW SECTION. **Sec. 203.** Chapter 82.32 RCW applies to the
23 administration of this chapter.

24 NEW SECTION. **Sec. 204.** (1) The tax incentive program is hereby
25 established. The department of social and health services is
26 authorized to enter into training plans. The department of social and
27 health services shall adopt rules for the tax incentive program. The
28 rules shall include, but are not limited to:

29 (a) Designation of three categories of eligible aid to families
30 with dependent children recipients from within the job preparation
31 target group in chapter 74.25 RCW. The department of social and health
32 services shall by rule establish criteria for assigning recipients into
33 categories 1, 2, and 3. In establishing the criteria, the department
34 shall consider the degree of work experience, training, wage and
35 employment history, and education, category 1 representing recipients
36 with the highest degree of job readiness.

1 (b) A restriction on the total number of employees that an employer
2 may have in the program. No more than twenty percent of the employer's
3 employees may participate in the program, except businesses with fewer
4 than five employees may have one employee participate.

5 (c) A requirement that the employer participate in the earned
6 income tax credit program, assisting each employee to obtain the earned
7 income tax credit monthly.

8 (d) Standards regarding length and learning objectives of each
9 training plan, requiring the training institution to design the plan
10 length and learning objectives so that it meets accepted training
11 standards for that industry or profession. Training plans may not
12 exceed two years.

13 (2) The department of social and health services may contract with
14 a public or private entity to carry out the department's duties under
15 this chapter. The department of social and health services reserves
16 the right to withdraw designation of authority to this entity without
17 showing cause.

18 (3) The department of social and health services shall manage the
19 program so that the total amount of credits by all employers claiming
20 tax credits under sections 201 through 203 of this act does not exceed
21 seven million five hundred thousand dollars in any biennium. The
22 department shall enter into contracts with employers on a first-come,
23 first-serve basis. The department shall maintain an up-to-date
24 tabulation of the potential total amount of all credits that may be
25 claimed during each biennium under all training plans and shall not
26 enter into any additional training plan agreement if to do so would
27 result in such amount exceeding seven million five hundred thousand
28 dollars during a biennium.

29 (4) Employers who agree to accept a one hundred percent tax credit
30 instead of the one hundred twenty percent available under section
31 201(1) of this act shall be given priority in selection and placement
32 of qualified employees.

33 NEW SECTION. **Sec. 205.** The department of social and health
34 services, the employment security department, the department of
35 community, trade, and economic development, and the community and
36 technical colleges shall cooperate and coordinate among the existing
37 state and federal assistance and training programs to focus the efforts

1 of enrollees and programs to most effectively achieve results from the
2 various programs.

3 NEW SECTION. **Sec. 206.** (1) No training plans may be entered into
4 after June 30, 2000. Contracts in effect on June 30, 2000, shall
5 continue in effect according to the terms of the contract.

6 (2) If the program under chapter . . ., Laws of 1995 1st sp. sess.
7 (this act) is terminated before June 30, 2000, persons eligible for tax
8 credits at the time of program termination under sections 201 through
9 203 of this act shall receive such credits, subject to the limitations
10 in section 201(7) of this act.

11 **B. FULL EMPLOYMENT ACT**

12 NEW SECTION. **Sec. 207.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout sections
14 207 through 214 of this act.

15 (1) "Department" means the department of social and health
16 services.

17 (2) "Participants" means recipients of aid to families with
18 dependent children.

19 (3) "Pilot program" or "program" means the Washington full
20 employment act pilot program established in section 208 of this act.

21 (4) "Washington full employment act" means the Washington full
22 employment pilot program established in section 208 of this act.

23 NEW SECTION. **Sec. 208.** (1) In establishing and implementing a
24 pilot program to be known as the Washington full employment act, it is
25 the intent of the legislature to use the benefits of the job
26 opportunities and basic skills training program (JOBS) to promote
27 greater economic self-sufficiency among families and workers by:

28 (a) Requiring all recipients of aid to families with dependent
29 children in the job preparation target group and living in the pilot
30 counties to participate in the program;

31 (b) Increasing the employability of participants who are unemployed
32 and underemployed workers through on-the-job training;

33 (c) Increasing the ability of the public and private sector to work
34 together to develop jobs;

1 (d) Ensuring that participants improve their work skills,
2 education, and employability through worksite training, mentoring, job
3 placement, and necessary support services that include child care,
4 transportation, and health care; and

5 (e) Guaranteeing that participation in the Washington full
6 employment act does not result in reductions of net income to
7 participants.

8 (2) The Washington full employment act is created as a five-year
9 pilot program in which residents of selected counties shall, in lieu of
10 receiving payments from the aid to families with dependent children
11 program and coupons under the food stamp program, be provided jobs that
12 promote self-sufficiency and encourage independence from aid to
13 families with dependent children.

14 NEW SECTION. **Sec. 209.** PILOT COUNTIES. The Washington full
15 employment act shall be piloted in two locations, to be chosen by the
16 department based upon the following criteria: One in a county of
17 eastern Washington and one in a county of western Washington. None of
18 the pilot areas may have an unemployment rate exceeding one hundred
19 fifty percent of the state's average unemployment rate at commencement
20 of the pilot. The department shall give preference to counties
21 demonstrating a desire to participate, and shall attempt to select
22 counties with a reasonable chance to fully implement the Washington
23 full employment act.

24 NEW SECTION. **Sec. 210.** In full employment act counties, the
25 department shall contract at least fifty percent of the job training,
26 job funding, and job matching leading to independent employment, with
27 private nonprofit community action agencies, nonprofit local community
28 organizations, and other organizations with experience and ability to
29 meet the employment needs of individuals on aid to families with
30 dependent children. Such contracts shall be performance and outcome
31 based.

32 NEW SECTION. **Sec. 211.** A Washington full employment act
33 implementation board shall be established in each pilot county as a
34 liaison to the business community and shall work with the department to
35 address particular needs of participants in the county. The board
36 shall be comprised of not fewer than two representatives from the local

1 programs contracted with the department to provide mentoring, on-the-
2 job training, and job placement; two members currently participating in
3 the program who are aid to families with dependent children recipients;
4 five representatives from the local business community; one
5 representative from the labor community; one representative from the
6 department; and one representative from the department of community,
7 trade, and economic development. Each board shall be responsible for
8 recruiting employment opportunities and encouraging participation in
9 the county.

10 NEW SECTION. **Sec. 212.** (1) The Washington full employment act
11 special fund is created in the state treasury separate and distinct
12 from the general fund. Moneys in the fund may be spent only after
13 appropriation and shall be used exclusively to meet the necessary
14 expenses of the program. The fund shall be held and administered by
15 the state treasurer.

16 (2) All funds appropriated for expenditure by or apportioned to the
17 department for operation of the aid to families with dependent children
18 program, the job opportunities and basic skills training program, and
19 the food stamp program in the pilot counties shall accrue to the fund.

20 (3) The department shall allocate available job opportunities and
21 basic skills training program child care funds on a pro rata basis to
22 full employment act counties, based on the number of participants in
23 those counties.

24 (4) All income earned on moneys in the fund shall be credited to
25 and deposited in the fund to the extent permitted by state and federal
26 law.

27 (5) Expenditures from the fund shall include pilot program wage
28 reimbursements to participating employers, aid to families with
29 dependent children cash grants, food stamp allotments, Washington full
30 employment act payments to eligible participants of the pilot counties,
31 and administrative costs directly associated with the operation of the
32 pilot program. At the end of the five-year pilot program, expenditures
33 from the fund shall not exceed accruals to the fund.

34 (6) No less than quarterly, the department shall meet with the
35 implementation boards to review the cost-effectiveness of the program
36 and shall take any necessary action to modify or suspend the program to
37 maintain cost neutrality.

1 (7) In administering the fund, and consistent with other provisions
2 of the pilot program and to the extent permitted by federal law, the
3 department shall maximize the use of federal grants and apportionments
4 of the aid to families with dependent children program, the job
5 opportunities and basic skills training program, the food stamp
6 program, and employment-related child care.

7 (8) To the extent that additional moneys may be obtained for the
8 program from sources other than state tax revenues, the additional
9 moneys shall be appropriated to the fund.

10 NEW SECTION. **Sec. 213.** (1)(a) The department shall adopt by rule
11 a method to determine which employers, including public and private
12 sector employers, within this state shall have the opportunity to
13 utilize pilot program participants. In the event that openings exceed
14 the number of participants, the department shall give priority in the
15 hiring of participants to those employers willing to accept a ninety
16 percent reimbursement rate or to extend the initial term of employment
17 for an additional three months without requiring an additional subsidy.
18 No employer is required to participate in the Washington full
19 employment act. In the event that there are unassigned participants
20 whom no employer desires to utilize, they may be assigned to work for
21 a public agency.

22 (b) The department by rule shall:

23 (i) Establish criteria for excluding employers from participation
24 for failure to abide by pilot program requirements or other
25 demonstrated unwillingness to comply with the stated intent of the
26 program;

27 (ii) Provide that employers that have terminated two participants
28 before completion of training without cause shall be ineligible to
29 receive additional participants.

30 (2) The department shall assign in priority order individuals
31 eligible for the pilot program who are:

32 (a) Single adults and caretaker relatives who are receiving aid to
33 families with dependent children benefits; and

34 (b) Two-parent families who are receiving aid to families with
35 dependent children benefits.

36 (3) The department shall ensure that jobs made available to pilot
37 program participants shall:

38 (a) Not require work in excess of forty hours per week;

1 (b) Be in conformity with section 3304(a)(5) of the federal
2 unemployment tax act; and

3 (c) Not be used to displace regular employees nor to fill unfilled
4 positions previously established.

5 (4)(a) With the assistance of the local full employment act
6 implementation boards, the employment security department, and the
7 department of community, trade, and economic development, the
8 department shall develop a job inventory of sufficient size to
9 accommodate all of the participants in the program. In consultation
10 with the participant, the department shall try to match the profile of
11 a participant with the needs of an employer when assigning a
12 participant to work with the employer.

13 (b) Either the employer or the participant may terminate the
14 assignment by contacting the appropriate department office. In such
15 event, the department shall evaluate the termination and reassess the
16 needs of the participant and assign the participant to another
17 Washington full employment act placement or another Washington full
18 employment act component and, at the employer's request, provide the
19 employer with another participant.

20 (c)(i) If after seven months in a placement, a participant has not
21 been hired for an unsubsidized position, the employer shall allow the
22 worker to undertake eight hours of job search per week. Participating
23 employers shall consider such time as hours worked for the purposes of
24 paying wages.

25 (ii) If after nine months in a placement, a participant has not
26 been hired for an unsubsidized position, the placement shall be
27 terminated, and the case worker shall reassess the participant's
28 employment development contract. Based on the assessment, the
29 department may either reassign the participant to another on-the-job
30 training assignment or refer the individual to another appropriate
31 component of the program.

32 (5) Aid to families with dependent children and food stamp benefits
33 shall be suspended at the end of the calendar month in which an
34 employer makes the first wage payment to a participant who is a
35 custodial parent in a family that receives aid to families with
36 dependent children.

37 (6)(a) Employers shall pay all participating individuals at least
38 the hourly rate of the Washington minimum wage.

1 (b) Sick leave, holiday, and vacation absences shall conform to the
2 individual employer's rules for new employees.

3 (c) All persons participating in the Washington full employment act
4 shall be considered to be temporary employees of the individual
5 employer providing the work and shall be entitled only to benefits
6 required by state or federal law.

7 (d) Employers shall provide workers' compensation coverage for each
8 Washington full employment act participant at a rate equal to the
9 average of all their employees before participating in the full
10 employment act program. Full employment act workers' compensation
11 claims shall not be used to calculate the employer's workers'
12 compensation premium. Any cost incurred by the workers' compensation
13 program as a result of this subsection shall be absorbed by the
14 workers' compensation program.

15 (7) In the event that the net monthly full-time wage paid to a
16 participant would be less than the level of income from the aid to
17 families with dependent children program and the food stamp benefit
18 amount equivalent that the participant would otherwise receive, the
19 department shall determine and pay a supplemental payment as necessary
20 to provide the participant with that level of net income. The
21 department by rule shall adopt an equivalency scale to be adjusted for
22 household size and other factors. The purpose of this equivalency
23 scale is to ensure that participants are not economically
24 disadvantaged, in terms of net income, by accepting a job under the
25 pilot program. The department shall determine and pay in advance
26 supplemental payments to participants on a monthly basis as necessary
27 to ensure equivalent net pilot program wages. Participants shall be
28 compensated only for time worked.

29 (8) Pilot program participants who are eligible for federally and
30 state-funded medical assistance at the time they enter the pilot
31 program shall remain eligible as long as they continue to participate
32 in the pilot program. In conformity with existing state and federal
33 employment-related child care program regulations, child day care shall
34 be provided for all pilot program participants who require it.

35 (9) Washington full employment act employers shall:

36 (a) Endeavor to make Washington full employment act placements
37 positive learning and training experiences;

1 (b) Maintain health, safety, and working conditions at or above
2 levels generally acceptable in the industry and no less than that of
3 comparable jobs of the employer;

4 (c) Provide on-the-job training to the degree necessary for the
5 participants to perform their duties;

6 (d) Recruit volunteer mentors from among their regular employees to
7 assist the participants in becoming oriented to work and the workplace;

8 (e) Be parties to an agreement between the department and the
9 recipient for each placement outlining the specific job offered to the
10 participant and agreeing to abide by all requirements of the pilot
11 program, including the requirement that the pilot program not supplant
12 existing jobs. All agreements shall include provisions noting the
13 employer's responsibility to repay reimbursements in the event the
14 employer violates pilot program rules; and

15 (f) Participate in the earned income tax credit program, assisting
16 each recipient to obtain the earned income tax credit monthly.

17 (10)(a) Pilot program participant wages shall be subject to federal
18 tax, social security taxes, and unemployment insurance tax or
19 reimbursement as applicable, which shall be withheld and paid in
20 accordance with state and federal law. Supplemental payments made
21 pursuant to subsection (7) of this section, to the extent allowed by
22 federal law, shall not be subject to federal income taxes and social
23 security taxes.

24 (b) Unemployment insurance rates for an employer participating in
25 the full employment act program shall be based on the average for that
26 employer before participation. Full employment act unemployment claims
27 shall not be used to calculate the employer's unemployment insurance
28 tax. Any cost incurred by the unemployment insurance program as a
29 result of this subsection shall be absorbed by the unemployment
30 insurance program.

31 (11)(a) From the Washington full employment act special fund, the
32 department shall reimburse employers with an amount up to the
33 equivalent of the aid to families with dependent children grant plus
34 food stamps.

35 (b) If the department finds that an employer has violated any of
36 the rules of the Washington full employment act, the department:

37 (i) Shall withhold any amounts due to employers under (a) of this
38 subsection;

1 (ii) May seek repayment of any amounts paid to employers under (a)
2 of this subsection.

3 NEW SECTION. Sec. 214. The establishment of local Washington full
4 employment act implementation boards shall occur within sixty days
5 after the effective date of this section.

6 **C. JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM**

7 **Sec. 215.** RCW 74.25.010 and 1994 c 299 s 6 are each amended to
8 read as follows:

9 The legislature establishes as state policy the goal of economic
10 self-sufficiency for employable recipients of ~~((public assistance))~~ aid
11 to families with dependent children, through employment, training, and
12 education. In furtherance of this policy, the legislature intends to
13 comply with the requirements of the federal social security act, as
14 amended, by creating a job opportunities and basic skills training
15 program for applicants and recipients of aid to families with dependent
16 children. ~~((The purpose of this program is to provide recipients of~~
17 ~~aid to families with dependent children the opportunity to obtain~~
18 ~~appropriate education, training, skills, and supportive services,~~
19 ~~including child care, consistent with their needs, that will help them~~
20 ~~enter or reenter gainful employment, thereby avoiding long term welfare~~
21 ~~dependence and achieving economic self-sufficiency.))~~ The job
22 opportunities and basic skills training program shall provide
23 employment and training and education support services to assist
24 caretakers under chapter 74.12 RCW to obtain employment. The program
25 shall be operated by the department of social and health services in
26 conformance with federal law ~~((and consistent with the following~~
27 ~~legislative findings:))~~.

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

1 lack of recent work experience, supportive services such as affordable
2 and reliable child care, adequate transportation, appropriate
3 counseling, and necessary job-related tools, equipment, books,
4 clothing, and supplies, the absence of basic literacy skills, the lack
5 of educational attainment sufficient to meet labor market demands for
6 career employees, and the nonavailability of useful labor market
7 assessments.))

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

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

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

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

35 (6) The legislature finds that a critical component for successful
36 reductions in the aid to families with dependent children caseloads is
37 employment. Employment opportunities must be increased through public-
38 private partnerships. The department shall work with the private
39 sector to meet market needs, increase employability through on-the-job

1 training opportunities, and develop financial incentives for employers
2 to hire recipients.

3 **Sec. 216.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to
4 read as follows:

5 (1) The department of social and health services is authorized to
6 contract with public and private employment and training agencies and
7 other public service entities to provide services prescribed or allowed
8 under the federal social security act, as amended, to carry out the
9 purposes of the jobs training program. The department of social and
10 health services has sole authority and responsibility to carry out the
11 job opportunities and basic skills training program. No contracting
12 entity shall have the authority to review, change, or disapprove any
13 administrative decision, or otherwise substitute its judgment for that
14 of the department of social and health services as to the application
15 of policies and rules adopted by the department of social and health
16 services.

17 ~~(2) ((To the extent feasible under federal law, the department of~~
18 ~~social and health services and all entities contracting with it shall~~
19 ~~give first priority of service to individuals volunteering for program~~
20 ~~participation.~~

21 (3)) The department of social and health services shall adopt
22 rules under chapter 34.05 RCW ((~~establishing~~)) that conform to the
23 criteria in federal law for mandatory program participation as well as
24 establish criteria constituting circumstances of good cause for an
25 individual failing or refusing to participate in an assigned program
26 component, or failing or refusing to accept or retain employment.
27 ((~~These~~)) The good cause criteria shall include, but not be limited to,
28 the following circumstances: (a) If the individual is a parent or
29 other relative personally providing care for a child under age six
30 years, and the employment would require the individual to work more
31 than twenty hours per week; (b) if child care, or day care for an
32 incapacitated individual living in the same home as a dependent child,
33 is necessary for an individual to participate or continue participation
34 in the program or accept employment, and such care is not available,
35 and the department of social and health services fails to provide such
36 care; (c) the employment would result in the family of the participant
37 experiencing a net loss of cash income; or (d) circumstances that are

1 beyond the control of the individual's household, either on a short-
2 term or on an ongoing basis.

3 (3) Participants in the job preparation target group shall each be
4 limited to the components of their initial contract unless good cause
5 for exception is presented.

6 (4) The department of social and health services shall adopt rules
7 under chapter 34.05 RCW as necessary to effectuate the intent and
8 purpose of this chapter.

9 NEW SECTION. Sec. 217. A new section is added to chapter 74.25
10 RCW to read as follows:

11 COMMUNITY SERVICE PROGRAM. The recipient in a community service
12 program shall locate a community service experience of at least one
13 hundred hours per month with any willing public or private organization
14 and provide documentation to the department of his or her participation
15 on forms established in rule by the department and signed by the
16 recipient under penalty of perjury. Community service experience may
17 include assisting with the provision of child care in any licensed
18 child care setting. Compliance shall be subject to random checks by
19 the department.

20 **PART III. CONTRACTS FOR PERSONAL RESPONSIBILITY**

21 NEW SECTION. Sec. 301. A new section is added to chapter 74.12
22 RCW to read as follows:

23 (1) A family receiving or applying for assistance under the aid to
24 families with dependent children program is ineligible for continued or
25 new assistance if the caretaker and the department have not entered
26 into a contract satisfying the requirements of this section. For
27 purposes of chapter . . . , Laws of 1995 1st sp. sess. (this act) and of
28 RCW 74.12.420, "caretaker" means the parent of the dependent child or
29 children who is head of the household. However, in situations where
30 there are two parents in the household, "caretaker" means that parent
31 who, as a parent, has received assistance under the program for the
32 longest period.

33 (2) The contract shall (a) be entered into by the department and
34 caretaker on a form prescribed by the department; (b) contain a list of
35 the available benefits to which the family is eligible, including
36 referral to available community resources; (c) contain a summary of the

1 responsibilities that the caretaker must exercise for receipt of such
2 benefits, including high school completion or GED programs; (d) contain
3 a statement of the rule in section 302 of this act limiting additional
4 assistance for additional children; (e) contain a statement of the
5 rules in section 303 of this act governing the duration of the
6 contract; (f) contain a statement of the rules in RCW 74.12.420
7 governing long-term recipients; and (g) contain a statement of the rule
8 in section 217 of this act relating to community volunteer programs.

9 (3) The department shall assure provision of child care to
10 participants who have contracted for welfare-to-work programs under
11 chapter . . . , Laws of 1995 1st sp. sess. (this act), either by
12 informal, family, or community arrangements or through payments to
13 licensed child care providers.

14 (4) Caretakers are not required to enter into a contract under this
15 section so long as:

16 (a) The caretaker is incapacitated or needed in the home to care
17 for a member of the household who is incapacitated. The caretaker
18 shall submit documentation of the incapacity indicating the incapacity
19 will last at least ninety days. Such documentation shall be obtained
20 by the caretaker from a health care practitioner regulated under Title
21 18 RCW whose scope of practice includes diagnosis and treatment of the
22 condition purported to cause the incapacity;

23 (b) The caretaker is needed in the home to care for a child under
24 age three. This one-time exemption ends on the child's third birthday
25 and does not apply to any subsequent children; or

26 (c) The caretaker is a minor.

27 (5) The department may adopt rules postponing the date by which any
28 provision or provisions of subsections (1) and (2) of this section will
29 apply to caretakers who have been approved for assistance before the
30 effective date of this section. However, such postponement may not be
31 for longer than twelve months after the effective date of this section.

32 NEW SECTION. **Sec. 302.** A new section is added to chapter 74.12
33 RCW to read as follows:

34 If an additional child is born after ten months from the date on
35 which an application is approved, the monthly benefit payment increase
36 attributable to such child shall be limited to fifty percent of the
37 full amount that would otherwise apply for that child. The birth of

1 subsequent additional children does not entitle the recipient to any
2 additional financial assistance.

3 NEW SECTION. **Sec. 303.** A new section is added to chapter 74.12
4 RCW to read as follows:

5 Except as provided in this section, a contract entered into under
6 section 301 of this act may not last beyond the end of the last day of
7 the sixth calendar month following the month in which the contract was
8 entered into. Such contract may be reviewed, revised, and renewed for
9 additional periods of six months if, for each renewal, the caretaker
10 requests the renewal and the caretaker has complied with the contract,
11 and if all eligibility requirements are satisfied. The department
12 shall notify the caretaker of the need to review, revise, and renew the
13 contract before its expiration. The department shall reduce aid to
14 families with dependent children monthly benefit payment by thirty-
15 three percent for each month in which the caretaker is found to be out
16 of compliance with the contract.

17 **Sec. 304.** RCW 74.12.420 and 1994 c 299 s 9 are each amended to
18 read as follows:

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

34 ~~(1) After forty eight monthly benefit payments in a sixty month
35 period, and after each additional twelve monthly benefit payments, the
36 aid to families with dependent children monthly benefit payment shall
37 be reduced by ten percent of the payment standard, except that after~~

1 ~~forty-eight monthly payments in a sixty-month period, full monthly~~
2 ~~benefit payments may be made if:))~~

3 (1) The number of monthly payments made to a caretaker under
4 contracts entered into under chapter . . . , Laws of 1995 1st sp. sess.
5 (this act) shall be limited to not more than forty-eight monthly
6 payments in the sixty-month period beginning with the month in which
7 the first payment was made under the first contract entered into
8 between the caretaker and the department.

9 (2) In any month in which job search, or participation in the job
10 opportunities and basic skills training program is not required, the
11 caretaker shall engage in a community service program as defined in
12 section 217 of this act as a condition of benefit receipt.

13 (3) Following the initial sixty-month period, the caretaker may
14 receive an additional forty-eight monthly payments within a second
15 sixty-month period, which shall begin with a six-month period of job
16 interviews and self-determined job search.

17 (4) In the one hundred twenty-month period commencing with the
18 caretaker's initial determination of eligibility, the caretaker may
19 receive no more than twenty-four months of participation in the job
20 opportunities and basic skills training program, the last six months of
21 which may be devoted to job interviews and self-determined job search.

22 A monthly benefit payment shall not, as a result of this section,
23 be counted, reduced, or eliminated for any month in which any of the
24 following circumstances exists:

25 (a) ((The person is incapacitated or is needed in the home to care
26 for a member of the household who is incapacitated)) The caretaker is
27 incapacitated by a certified temporary illness or disability expected
28 to last thirty days as documented by a health care practitioner
29 regulated by Title 18 RCW whose scope of practice includes diagnosis
30 and treatment of the condition, including temporary mental or physical
31 disability occurring as a result of domestic violence against the
32 caretaker;

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

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

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

1 ~~(e) During a month in which a grant reduction would be imposed~~
2 ~~under this section, the person is participating in an unpaid work~~
3 ~~experience program)) The caretaker is needed in the home to care for a~~
4 ~~child born more than ten months from the date of application for a~~
5 ~~period of eight weeks after the birth; or~~

6 ~~(e) The department determines that the caretaker has been unable to~~
7 ~~arrange for appropriate child care, after a reasonable effort to do so.~~

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

13 ~~(3)) (5) When a recipient is receiving a reduced monthly payment~~
14 ~~under subsection (1) of this section, any work earnings by the~~
15 ~~recipient shall not result in any additional reduction of the~~
16 ~~recipient's monthly payment. However, this rule only applies to the~~
17 ~~extent that the combined earnings and monthly payment do not, during~~
18 ~~any month, exceed the payment standard. For purposes of determining~~
19 ~~monthly benefit payments for two-parent aid to families with dependent~~
20 ~~children households, the length of stay criterion will be applied to~~
21 ~~the parent with the longer history of public assistance receipt.~~

22 NEW SECTION. Sec. 305. A new section is added to chapter 74.12
23 RCW to read as follows:

24 (1) The department of social and health services shall adopt rules
25 to carry out the provisions of chapter . . . , Laws of 1995 1st sp.
26 sess. (this act) and RCW 74.12.420 and to enforce contracts adopted
27 under section 301 of this act. However, it may not adopt such rules
28 unless it has complied with subsections (2) and (3) of this section.

29 (2) The joint legislative oversight committee, consisting of two
30 members from each caucus of the house of representatives and two
31 members from each caucus of the senate, is created. Within sixty days
32 after the effective date of this section, the department shall submit
33 copies of its proposed rules under this section to the secretary of the
34 senate and the chief clerk of the house of representatives for
35 distribution to the joint committee. The committee shall review the
36 proposed rules and shall provide the department with its comments, if
37 any, on the proposed rules.

1 (3) When the committee comments on proposed rules, the committee
2 shall give the department written notice of its findings and reasons
3 therefor.

4 (4) The joint legislative oversight committee shall study the
5 extent to which minor parents receiving aid to families with dependent
6 children may be victimized by males fathering children for whom they do
7 not provide support. The joint legislative oversight committee shall
8 make recommendations to the appropriate committees of the legislature
9 by December 1, 1995. The department of social and health services
10 shall cooperate with the study by providing information as requested,
11 regarding the unmarried minor parents related to the aid to families
12 with dependent children caseload, the extent to which aid to families
13 with dependent children recipients in these circumstances receive
14 ordered child support, and other information relevant to the subject of
15 predatory nonsupport.

16 **PART IV. MINOR PARENT PROVISIONS**

17 **Sec. 401.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each
18 amended to read as follows:

19 The expenses of the family and the education of the children,
20 including stepchildren and including any child of whom their minor
21 child is a biological parent, are chargeable upon the property of both
22 husband and wife, or either of them, and they may be sued jointly or
23 separately. When a petition for dissolution of marriage or a petition
24 for legal separation is filed, the court may, upon motion of the
25 stepparent, terminate the obligation to support the stepchildren or
26 children of the stepchildren. The obligation to support stepchildren
27 and children of stepchildren shall cease upon the entry of a decree of
28 dissolution, decree of legal separation, or death. The obligation of
29 a husband and wife to support a child of their minor child terminates
30 when their minor child reaches eighteen years of age. However, this
31 termination rule does not apply in the case of a stepparent provided an
32 earlier termination date under this section.

33 **Sec. 402.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to
34 read as follows:

35 (1) The department shall determine, after consideration of all
36 relevant factors and in consultation with the applicant, the most

1 appropriate living situation for applicants under eighteen years of
2 age, unmarried, and either pregnant or having a dependent child or
3 children in the applicant's care. An appropriate living situation~~((s))~~
4 shall include a place of residence that is maintained by the
5 applicant's parents, parent, legal guardian, or other adult relative as
6 their or his or her own home~~((, or other))~~ and that the department
7 finds would provide an appropriate supportive living arrangement
8 ~~((supervised by an adult where feasible and consistent with federal~~
9 ~~regulations under 45 C.F.R. chapter II, section 233.107))~~. It shall
10 also include a living situation maintained by an agency that is
11 licensed under chapter 74.15 RCW and that the department finds would
12 provide an appropriate supportive living arrangement. Grant assistance
13 shall not be provided under this chapter if the applicant does not
14 reside in the most appropriate living situation.

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

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

36 The department shall provide the parents ~~((shall have))~~ with or
37 parent with the opportunity to make a showing~~((, based on the~~
38 ~~preponderance of the evidence,))~~ that the parental home is the most
39 appropriate living situation. It shall be presumed in any

1 administrative or judicial proceeding conducted under this subsection
2 that the parental home or other relative placement requested by the
3 parents or parent is the most appropriate living situation. This
4 presumption is rebuttable.

5 (4) In cases in which the (~~head of household~~) minor is under
6 eighteen years of age, unmarried, and unemployed, (~~and requests~~
7 ~~information on adoption,~~) the department shall, as part of the
8 determination of the appropriate living situation, provide information
9 about adoption including referral to community-based organizations
10 (~~for~~) providing counseling.

11 NEW SECTION. Sec. 403. A new section is added to chapter 74.12
12 RCW to read as follows:

13 An unmarried minor and the minor's child or children shall be
14 considered to be part of the household of the minor's parents or parent
15 for purposes of determining eligibility for aid to families with
16 dependent children; and as such, the income and resources of the entire
17 household are considered to be available to support the unmarried minor
18 and his or her child or children.

19 Sec. 404. RCW 13.34.160 and 1993 c 358 s 2 are each amended to
20 read as follows:

21 (1) In an action brought under this chapter, the court may inquire
22 into the ability of the parent or parents of the child to pay child
23 support and may enter an order of child support as set forth in chapter
24 26.19 RCW. The court may enforce the same by execution, or in any way
25 in which a court of equity may enforce its decrees. All child support
26 orders entered pursuant to this chapter shall be in compliance with the
27 provisions of RCW 26.23.050.

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

1 **Sec. 405.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to
2 read as follows:

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

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

1 **PART V. CHILD SUPPORT ENHANCEMENT**

2 NEW SECTION. **Sec. 501.** The legislature recognizes that the
3 current statutory procedures for the collection of child support do not
4 apply to all persons owing child support. In order to further insure
5 that child support obligations are met, this act establishes a program
6 by which certain licenses may be suspended if a person is one hundred
7 eighty days or more in arrears on child support payments. With this
8 program, it is the intent of the legislature to provide a strong
9 incentive for persons owing support to make timely payments, and to
10 cooperate with the department of social and health services to
11 establish an appropriate schedule for the payment of any arrears.

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

23 NEW SECTION. **Sec. 502.** A new section is added to chapter 74.20A
24 RCW to read as follows:

25 (1) As used in this section, unless the context indicates
26 otherwise, the following terms have the following meanings.

27 (a) "Licensing entity" includes any department, board, commission,
28 or other organization of the state authorized by Title 18 RCW to issue,
29 renew, suspend, or revoke a license authorizing an individual to engage
30 in a business, occupation, profession, or industry, and the Washington
31 state bar association.

32 (b) "Noncompliance with a child support order" means a responsible
33 parent has:

34 (i) Accumulated arrears totaling more than six months of child
35 support payments;

1 (ii) Failed to make payments pursuant to a written agreement with
2 the department towards a support arrearage in an amount that exceeds
3 six months of payments; or

4 (iii) Failed to make payments required by a superior court order or
5 administrative order towards a support arrearage in an amount that
6 exceeds six months of payments.

7 (c) "License" means a license, certificate, registration, permit,
8 approval, or other similar document issued by a licensing entity
9 evidencing admission to or granting authority to engage in a
10 profession, occupation, business, or industry.

11 (d) "Licensee" means any individual holding a license, certificate,
12 registration, permit, approval, or other similar document issued by a
13 licensing entity evidencing admission to or granting authority to
14 engage in a profession, occupation, business, or industry.

15 (2) The department may serve upon a responsible parent a notice
16 informing the responsible parent of the department's intent to submit
17 the parent's name to the department of licensing and any appropriate
18 licensing entity as a licensee who is not in compliance with a child
19 support order except as provided in subsection (3) of this section.
20 The department shall attach a copy of the responsible parent's child
21 support order to the notice. Service of the notice must be made by
22 certified mail, return receipt requested, or by personal service.

23 (3) The department shall not issue a notice of noncompliance with
24 a child support order under this section when the department can
25 withhold the responsible parent's earnings under RCW 26.23.060 in an
26 amount sufficient to ensure the payment of current support and a
27 reasonable amount towards arrears.

28 (4) The notice of noncompliance must include the address and
29 telephone number of the department's division of child support office
30 that issues the notice and must inform the responsible parent that:

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

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

1 (c) If the parent requests an adjudicative proceeding within twenty
2 days of service, the department will stay action to certify the parent
3 to the department of licensing and any licensing entity for
4 noncompliance with a child support order pending entry of a written
5 decision after the adjudicative proceeding;

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

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

20 (f) If the department certifies the responsible parent to the
21 department of licensing and a licensing entity for noncompliance with
22 a child support order, the licensing entity will suspend the parent's
23 license and the department of licensing will suspend any driver's
24 license that the parent holds until the parent provides the department
25 of licensing and the licensing entity with a written release from the
26 department stating that the responsible parent is in compliance with
27 the child support order;

28 (g) Suspension of a license will affect insurability if the
29 responsible parent's insurance policy excludes coverage for acts
30 occurring after the suspension of a license;

31 (h) If after receiving the notice of noncompliance with a child
32 support order, the responsible parent files a motion to modify support
33 with the court or requests the department to amend a support obligation
34 established by an administrative decision, the department or the court
35 may, for up to one hundred eighty days, stay action to certify the
36 parent to the department of licensing and any licensing entity for
37 noncompliance with a child support order. If a motion for modification
38 of a court or administrative order for child support is pending prior
39 to service of the notice, any action to certify the parent to a

1 licensing entity for noncompliance with a child support order shall be
2 automatically stayed until entry of a final order or decision in the
3 modification proceedings. The responsible parent has the obligation to
4 notify the department that a modification proceeding is pending and
5 provide a copy of the motion or request for modification; and

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

11 (5) A responsible parent may request an adjudicative proceeding
12 upon service of the notice described in subsection (2) of this section.
13 The request for an adjudicative proceeding must be received by the
14 department within twenty days of service. The request must be in
15 writing and indicate the current mailing address and daytime phone
16 number, if available, of the responsible parent. The proceedings under
17 this subsection shall be conducted in accordance with the requirements
18 of chapter 34.05 RCW. The issues that may be considered at the
19 adjudicative proceeding are limited to whether the responsible parent
20 is required to pay child support under a child support order and
21 whether the responsible parent is in compliance with the order.

22 (6) The decision resulting from the adjudicative proceeding must be
23 in writing and inform the responsible parent of all rights to review.
24 The parent's copy of the decision may be sent by regular mail to the
25 parent's most recent address of record.

26 (7) If a responsible parent contacts the department's division of
27 child support office indicated on the notice of noncompliance within
28 twenty days of service of the notice and requests arrangement of a
29 payment schedule, the department shall stay the certification of
30 noncompliance during negotiation of the schedule for payment of
31 arrears. In no event shall the stay continue for more than thirty days
32 from the date of contact by the parent. The department shall make good
33 faith efforts to establish a schedule for payment of arrears that is
34 fair and reasonable, and that considers the financial situation of the
35 responsible parent and the needs of all children who rely on the
36 responsible parent for support. At the end of the thirty days, if no
37 payment schedule has been agreed to in writing, the department shall
38 proceed with certification of noncompliance.

1 (8) If a responsible parent timely requests an adjudicative
2 proceeding to contest the issue of compliance, the department may not
3 certify the name of the parent to the department of licensing or a
4 licensing entity for noncompliance with a child support order unless
5 the adjudicative proceeding results in a finding that the responsible
6 parent is not in compliance with the order.

7 (9) The department may certify in writing to the department of
8 licensing and any appropriate licensing entity the name of a
9 responsible parent who is not in compliance with a child support order
10 if:

11 (a) The responsible parent does not timely request an adjudicative
12 proceeding upon service of a notice issued under subsection (2) of this
13 section and is not in compliance with a child support order twenty-one
14 days after service of the notice;

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

17 (c) The department and the responsible parent have been unable to
18 agree on a fair and reasonable schedule for payment of the arrears; or

19 (d) The court enters a judgment on a petition for judicial review
20 that finds the responsible parent is not in compliance with a child
21 support order.

22 The department shall send by regular mail a copy of any
23 certification of noncompliance filed with the department of licensing
24 or a licensing entity to the responsible parent at the responsible
25 parent's most recent address of record.

26 (10) The department of licensing and a licensing entity shall
27 notify a responsible parent certified by the department under
28 subsection (9) of this section, without undue delay, that the parent's
29 driver's license or other license has been suspended because the
30 parent's name has been certified by the department as a responsible
31 parent who is not in compliance with a child support order.

32 (11) When a responsible parent who is served notice under
33 subsection (2) of this section subsequently complies with the child
34 support order, the department shall promptly provide the parent with a
35 written release stating that the responsible parent is in compliance
36 with the order.

37 (12) The department may adopt rules to implement and enforce the
38 requirements of this section.

1 (13) Nothing in this section prohibits a responsible parent from
2 filing a motion to modify support with the court or from requesting the
3 department to amend a support obligation established by an
4 administrative decision. If there is a reasonable likelihood that the
5 motion or request will significantly change the amount of the arrears,
6 the department or the court may, for up to one hundred eighty days,
7 stay action to certify the responsible parent to the department of
8 licensing and any licensing entity for noncompliance with a child
9 support order. If a motion for modification of a court or
10 administrative order for child support is pending prior to service of
11 the notice, any action to certify the parent to a licensing entity for
12 noncompliance with a child support order shall be automatically stayed
13 until entry of a final order or decision in the modification
14 proceedings. The responsible parent has the obligation to notify the
15 department that a modification proceeding is pending and provide a copy
16 of the motion or request for modification.

17 (14) The department of licensing and a licensing entity may issue,
18 renew, reinstate, or otherwise extend a license in accordance with the
19 licensing entity's or the department of licensing's rules after the
20 licensing entity or the department of licensing receives a copy of the
21 written release specified in subsection (11) of this section. The
22 department of licensing and a licensing entity may waive any applicable
23 requirement for reissuance, renewal, or other extension if it
24 determines that the imposition of that requirement places an undue
25 burden on the person and that waiver of the requirement is consistent
26 with the public interest.

27 NEW SECTION. **Sec. 503.** A new section is added to chapter 74.20A
28 RCW to read as follows:

29 (1) The department of social and health services and all of the
30 various licensing entities subject to section 502 of this act shall
31 enter into such agreements as are necessary to carry out the
32 requirements of the license suspension program established in section
33 502 of this act, but only to the extent the departments and the
34 licensing entities determine it is cost-effective.

35 (2) On or before January 1, 1996, and quarterly thereafter, the
36 department of social and health services and all licensing entities
37 subject to section 502 of this act shall perform a comparison of
38 responsible parents who are not in compliance with a child support

1 order, as defined in section 502 of this act, with all licensees
2 subject to chapter . . ., Laws of 1995 1st sp. sess. (this act). The
3 comparison may be conducted electronically, or by any other means that
4 is jointly agreeable between the department and the particular
5 licensing entity. The data shared shall be limited to those items
6 necessary to implementation of chapter . . ., Laws of 1995 1st sp.
7 sess. (this act). The purpose of the comparison shall be to identify
8 current licensees who are not in compliance with a child support order,
9 and to provide to the department of social and health services the
10 following information regarding those licensees:

- 11 (a) Name;
- 12 (b) Date of birth;
- 13 (c) Address of record;
- 14 (d) Federal employer identification number or social security
15 number;
- 16 (e) Type of license;
- 17 (f) Effective date of license or renewal;
- 18 (g) Expiration date of license; and
- 19 (h) Active or inactive status.

20 **Sec. 504.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
21 amended to read as follows:

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

25 (1) "Department" means the state department of social and health
26 services.

27 (2) "Secretary" means the secretary of the department of social and
28 health services, his designee or authorized representative.

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

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

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

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

1 (5) "Child support order" means a superior court order or an
2 administrative order.

3 (6) "Superior court order" means any judgment, decree, or order of
4 the superior court of the state of Washington, or a court of comparable
5 jurisdiction of another state, establishing the existence of a support
6 obligation and ordering payment of a set or determinable amount of
7 support moneys to satisfy the support obligation. For purposes of RCW
8 74.20A.055, orders for support which were entered under the uniform
9 reciprocal enforcement of support act by a state where the responsible
10 parent no longer resides shall not preclude the department from
11 establishing an amount to be paid as current and future support.

12 (~~(6)~~) (7) "Administrative order" means any determination,
13 finding, decree, or order for support pursuant to RCW 74.20A.055, or by
14 an agency of another state pursuant to a substantially similar
15 administrative process, establishing the existence of a support
16 obligation and ordering the payment of a set or determinable amount of
17 support moneys to satisfy the support obligation.

18 (~~(7)~~) (8) "Responsible parent" means a natural parent, adoptive
19 parent, or stepparent of a dependent child or a person who has signed
20 an affidavit acknowledging paternity which has been filed with the
21 state office of vital statistics.

22 (~~(8)~~) (9) "Stepparent" means the present spouse of the person who
23 is either the mother, father, or adoptive parent of a dependent child,
24 and such status shall exist until terminated as provided for in RCW
25 26.16.205.

26 (~~(9)~~) (10) "Support moneys" means any moneys or in-kind
27 providings paid to satisfy a support obligation whether denominated as
28 child support, spouse support, alimony, maintenance, or any other such
29 moneys intended to satisfy an obligation for support of any person or
30 satisfaction in whole or in part of arrears or delinquency on such an
31 obligation.

32 (~~(10)~~) (11) "Support debt" means any delinquent amount of support
33 moneys which is due, owing, and unpaid under a superior court order or
34 an administrative order, a debt for the payment of expenses for the
35 reasonable or necessary care, support, and maintenance, including
36 medical expenses, of a dependent child or other person for whom a
37 support obligation is owed; or a debt under RCW 74.20A.100 or
38 74.20A.270. Support debt also includes any accrued interest, fees, or
39 penalties charged on a support debt, and attorneys fees and other costs

1 of litigation awarded in an action to establish and enforce a support
2 obligation or debt.

3 ((~~(11)~~)) (12) "State" means any state or political subdivision,
4 territory, or possession of the United States, the District of
5 Columbia, and the Commonwealth of Puerto Rico.

6 NEW SECTION. **Sec. 505.** A new section is added to chapter 74.20A
7 RCW to read as follows:

8 In furtherance of the public policy of increasing collection of
9 child support and to assist in evaluation of the program established in
10 section 502 of this act, the department shall report the following to
11 the legislature and the governor on December 1, 1996, and annually
12 thereafter:

13 (1) The number of responsible parents identified as licensees
14 subject to section 502 of this act;

15 (2) The number of responsible parents identified by the department
16 as not in compliance with a child support order;

17 (3) The number of notices of noncompliance served upon responsible
18 parents by the department;

19 (4) The number of responsible parents served a notice of
20 noncompliance who request an adjudicative proceeding;

21 (5) The number of adjudicative proceedings held, and the results of
22 the adjudicative proceedings;

23 (6) The number of responsible parents certified to the department
24 of licensing or licensing entities for noncompliance with a child
25 support order, and the type of license the parents held;

26 (7) The costs incurred in the implementation and enforcement of
27 section 502 of this act and an estimate of the amount of child support
28 collected due to the departments under section 502 of this act;

29 (8) Any other information regarding this program that the
30 department feels will assist in evaluation of the program;

31 (9) Recommendations for the addition of specific licenses in the
32 program or exclusion of specific licenses from the program, and reasons
33 for such recommendations; and

34 (10) Any recommendations for statutory changes necessary for the
35 cost-effective management of the program.

36 **Sec. 506.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
37 read as follows:

1 The department is authorized to suspend the license of a driver
2 upon a showing by its records or other sufficient evidence that the
3 licensee:

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

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

9 (3) Has been convicted of offenses against traffic regulations
10 governing the movement of vehicles, or found to have committed traffic
11 infractions, with such frequency as to indicate a disrespect for
12 traffic laws or a disregard for the safety of other persons on the
13 highways;

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

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

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

22 (7) Has been certified by the department of social and health
23 services as a person who is not in compliance with a child support
24 order as provided in section 502 of this act.

25 **Sec. 507.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
26 read as follows:

27 (1) The department shall not suspend a driver's license or
28 privilege to drive a motor vehicle on the public highways for a fixed
29 period of more than one year, except as specifically permitted under
30 RCW 46.20.342 or other provision of law. Except for a suspension under
31 RCW 46.20.289 and 46.20.291(5), whenever the license or driving
32 privilege of any person is suspended by reason of a conviction, a
33 finding that a traffic infraction has been committed, pursuant to
34 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
35 suspension shall remain in effect until the person gives and thereafter
36 maintains proof of financial responsibility for the future as provided
37 in chapter 46.29 RCW. If the suspension is the result of a violation
38 of RCW 46.61.502 or 46.61.504, the department shall determine the

1 person's eligibility for licensing based upon the reports provided by
2 the alcoholism agency or probation department designated under RCW
3 46.61.5056 and shall deny reinstatement until enrollment and
4 participation in an approved program has been established and the
5 person is otherwise qualified. Whenever the license or driving
6 privilege of any person is suspended as a result of certification of
7 noncompliance with a child support order under chapter 74.20A RCW, the
8 suspension shall remain in effect until the person provides a written
9 release issued by the department of social and health services stating
10 that the person is in compliance with the order. If a driver's license
11 is suspended under chapter 74.20A RCW, the motor vehicle record for the
12 suspended driver shall include a notation that explains the reason for
13 the suspension. The department shall not issue to the person a new,
14 duplicate, or renewal license until the person pays a reissue fee of
15 twenty dollars. If the suspension is the result of a violation of RCW
16 46.61.502 or 46.61.504, or is the result of administrative action under
17 RCW 46.20.308, the reissue fee shall be fifty dollars.

18 (2) Any person whose license or privilege to drive a motor vehicle
19 on the public highways has been revoked, unless the revocation was for
20 a cause which has been removed, is not entitled to have the license or
21 privilege renewed or restored until: (a) After the expiration of one
22 year from the date the license or privilege to drive was revoked; (b)
23 after the expiration of the applicable revocation period provided by
24 RCW 46.20.--- or 46.61.--- (section 3 or 5, chapter 332, Laws of 1995);
25 (c) after the expiration of two years for persons convicted of
26 vehicular homicide; or (d) after the expiration of the applicable
27 revocation period provided by RCW 46.20.265. After the expiration of
28 the appropriate period, the person may make application for a new
29 license as provided by law together with a reissue fee in the amount of
30 twenty dollars, but if the revocation is the result of a violation of
31 RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty
32 dollars. If the revocation is the result of a violation of RCW
33 46.61.502 or 46.61.504, the department shall determine the person's
34 eligibility for licensing based upon the reports provided by the
35 alcoholism agency or probation department designated under RCW
36 46.61.5056 and shall deny reissuance of a license, permit, or privilege
37 to drive until enrollment and participation in an approved program has
38 been established and the person is otherwise qualified. Except for a
39 revocation under RCW 46.20.265, the department shall not then issue a

1 new license unless it is satisfied after investigation of the driving
2 ability of the person that it will be safe to grant the privilege of
3 driving a motor vehicle on the public highways, and until the person
4 gives and thereafter maintains proof of financial responsibility for
5 the future as provided in chapter 46.29 RCW. For a revocation under
6 RCW 46.20.265, the department shall not issue a new license unless it
7 is satisfied after investigation of the driving ability of the person
8 that it will be safe to grant that person the privilege of driving a
9 motor vehicle on the public highways.

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

21 NEW SECTION. **Sec. 508.** A new section is added to chapter 2.48 RCW
22 to read as follows:

23 **ATTORNEYS.** Any member of the Washington state bar association who
24 has been certified by the department of social and health services as
25 a person who is not in compliance with a child support order as
26 provided in section 502 of this act shall be immediately suspended from
27 membership. Membership shall not be reinstated until the person
28 provides the Washington state bar association a written release issued
29 by the department of social and health services stating that the person
30 is in compliance with the order. If the person has continued to meet
31 all other requirements for membership during the suspension,
32 reinstatement shall be automatic upon receipt of the notice and payment
33 of any reinstatement fee the association may impose.

34 NEW SECTION. **Sec. 509.** A new section is added to chapter 18.04
35 RCW to read as follows:

36 **ACCOUNTANTS.** The board shall immediately suspend the certificate
37 or license of a person who has been certified pursuant to section 502

1 of this act by the department of social and health services as a person
2 who is not in compliance with a child support order.

3 **Sec. 510.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
4 read as follows:

5 ACCOUNTANTS. (1) Upon application in writing and after hearing
6 pursuant to notice, the board may:

7 ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or
8 license to, an individual whose certificate has been revoked or
9 suspended; or

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

13 (2) In the case of suspension for failure to comply with a child
14 support order under chapter 74.20A RCW, if the person has continued to
15 meet all other requirements for reinstatement during the suspension,
16 reissuance of a certificate or license shall be automatic upon the
17 board's receipt of a written release issued by the department of social
18 and health services stating that the individual is in compliance with
19 the child support order.

20 NEW SECTION. **Sec. 511.** A new section is added to chapter 18.08
21 RCW to read as follows:

22 ARCHITECTS. The board shall immediately suspend the certificate of
23 registration or certificate of authorization to practice architecture
24 of a person who has been certified pursuant to section 502 of this act
25 by the department of social and health services as a person who is not
26 in compliance with a child support order. If the person has continued
27 to meet other requirements for reinstatement during the suspension,
28 reissuance of the certificate shall be automatic upon the board's
29 receipt of a written release issued by the department of social and
30 health services stating that the individual is in compliance with the
31 child support order.

32 **Sec. 512.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
33 read as follows:

34 AUCTIONEERS. (1) No license shall be issued by the department to
35 any person who has been convicted of forgery, embezzlement, obtaining
36 money under false pretenses, extortion, criminal conspiracy, fraud,

1 theft, receiving stolen goods, unlawful issuance of checks or drafts,
2 or other similar offense, or to any partnership of which the person is
3 a member, or to any association or corporation of which the person is
4 an officer or in which as a stockholder the person has or exercises a
5 controlling interest either directly or indirectly.

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

9 (a) Misrepresentation or concealment of material facts in obtaining
10 a license;

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

14 (c) Revocation of a license by another state;

15 (d) Misleading or false advertising;

16 (e) A pattern of substantial misrepresentations related to
17 auctioneering or auction company business;

18 (f) Failure to cooperate with the department in any investigation
19 or disciplinary action;

20 (g) Nonpayment of an administrative fine prior to renewal of a
21 license;

22 (h) Aiding an unlicensed person to practice as an auctioneer or as
23 an auction company; and

24 (i) Any other violations of this chapter.

25 (3) The department shall immediately suspend the license of a
26 person who has been certified pursuant to section 502 of this act by
27 the department of social and health services as a person who is not in
28 compliance with a child support order. If the person has continued to
29 meet all other requirements for reinstatement during the suspension,
30 reissuance of the license shall be automatic upon the department's
31 receipt of a written release issued by the department of social and
32 health services stating that the licensee is in compliance with the
33 child support order.

34 NEW SECTION. Sec. 513. A new section is added to chapter 18.16
35 RCW to read as follows:

36 COSMETOLOGISTS, BARBERS, AND MANICURISTS. The department shall
37 immediately suspend the license of a person who has been certified
38 pursuant to section 502 of this act by the department of social and

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

7 NEW SECTION. **Sec. 514.** A new section is added to chapter 18.20
8 RCW to read as follows:

9 BOARDING HOMES. The department shall immediately suspend the
10 license of a person who has been certified pursuant to section 502 of
11 this act by the department of social and health services as a person
12 who is not in compliance with a child support order. If the person has
13 continued to meet all other requirements for reinstatement during the
14 suspension, reissuance of the license shall be automatic upon the
15 department's receipt of a written release issued by the department of
16 social and health services stating that the licensee is in compliance
17 with the child support order.

18 **Sec. 515.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
19 amended to read as follows:

20 CONTRACTORS. (1) A certificate of registration shall be valid for
21 one year and shall be renewed on or before the expiration date. The
22 department shall issue to the applicant a certificate of registration
23 upon compliance with the registration requirements of this chapter.

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

27 (a) One year;

28 (b) Until the bond expires; or

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

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

33 (4) If a contractor's surety bond or other security has an
34 unsatisfied judgment against it or is canceled, or if the contractor's
35 insurance policy is canceled, the contractor's registration shall be
36 automatically suspended on the effective date of the impairment or

1 cancellation. The department shall give notice of the suspension to
2 the contractor.

3 (5) The department shall immediately suspend the certificate of
4 registration of a contractor who has been certified by the department
5 of social and health services as a person who is not in compliance with
6 a child support order as provided in section 502 of this act. The
7 certificate of registration shall not be reissued or renewed unless the
8 person provides to the department a written release from the department
9 of social and health services stating that he or she is in compliance
10 with the child support order and the person has continued to meet all
11 other requirements for certification during the suspension.

12 NEW SECTION. Sec. 516. A new section is added to chapter 18.28
13 RCW to read as follows:

14 DEBT ADJUSTERS. The department shall immediately suspend the
15 license of a person who has been certified pursuant to section 502 of
16 this act by the department of social and health services as a person
17 who is not in compliance with a child support order. If the person has
18 continued to meet all other requirements for reinstatement during the
19 suspension, reissuance of the license shall be automatic upon the
20 department's receipt of a written release issued by the department of
21 social and health services stating that the licensee is in compliance
22 with the child support order.

23 **Sec. 517.** RCW 18.39.181 and 1986 c 259 s 65 are each amended to
24 read as follows:

25 EMBALMERS AND FUNERAL DIRECTORS. The director shall have the
26 following powers and duties:

- 27 (1) To issue all licenses provided for under this chapter;
28 (2) To annually renew licenses under this chapter;
29 (3) To collect all fees prescribed and required under this chapter;
30 ((and))
31 (4) To immediately suspend the license of a person who has been
32 certified pursuant to section 502 of this act by the department of
33 social and health services as a person who is not in compliance with a
34 child support order; and

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

1 NEW SECTION. **Sec. 518.** A new section is added to chapter 18.39
2 RCW to read as follows:

3 EMBALMERS AND FUNERAL DIRECTORS. In the case of suspension for
4 failure to comply with a child support order under chapter 74.20A RCW,
5 if the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of a license shall be
7 automatic upon the director's receipt of a written release issued by
8 the department of social and health services stating that the
9 individual is in compliance with the child support order.

10 NEW SECTION. **Sec. 519.** A new section is added to chapter 18.43
11 RCW to read as follows:

12 ENGINEERS AND LAND SURVEYORS. The board shall immediately suspend
13 the registration of a person who has been certified pursuant to section
14 502 of this act by the department of social and health services as a
15 person who is not in compliance with a child support order. If the
16 person has continued to meet all other requirements for membership
17 during the suspension, reissuance of the registration shall be
18 automatic upon the board's receipt of a written release issued by the
19 department of social and health services stating that the person is in
20 compliance with the child support order.

21 NEW SECTION. **Sec. 520.** A new section is added to chapter 18.44
22 RCW to read as follows:

23 ESCROW AGENTS. The department shall immediately suspend the
24 certificate of registration of a person who has been certified pursuant
25 to section 502 of this act by the department of social and health
26 services as a person who is not in compliance with a child support
27 order. If the person has continued to meet all other requirements for
28 certification during the suspension, reissuance of the certificate
29 shall be automatic upon the department's receipt of a written release
30 issued by the department of social and health services stating that the
31 person is in compliance with the child support order.

32 **Sec. 521.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
33 read as follows:

34 MATERNITY HOMES. The department may deny, suspend, or revoke a
35 license in any case in which it finds that there has been failure or

1 refusal to comply with the requirements established under this chapter
2 or the rules adopted under it.

3 The department shall immediately suspend the license of a person
4 who has been certified pursuant to section 502 of this act by the
5 department of social and health services as a person who is not in
6 compliance with a child support order. If the person has continued to
7 meet all other requirements for reinstatement during the suspension,
8 reissuance of the license shall be automatic upon the department's
9 receipt of a written release issued by the department of social and
10 health services stating that the person is in compliance with the child
11 support order.

12 RCW 43.70.115 governs notice of a license denial, revocation,
13 suspension, or modification and provides the right to an adjudicative
14 proceeding.

15 NEW SECTION. Sec. 522. A new section is added to chapter 18.51
16 RCW to read as follows:

17 NURSING HOME OPERATORS. The department shall immediately suspend
18 the license of a person who has been certified pursuant to section 502
19 of this act by the department of social and health services, division
20 of child support, as a person who is not in compliance with a child
21 support order. If the person has continued to meet all other
22 requirements for reinstatement during the suspension, reissuance of the
23 license shall be automatic upon the department's receipt of a written
24 release issued by the division of child support stating that the person
25 is in compliance with the child support order.

26 NEW SECTION. Sec. 523. A new section is added to chapter 18.76
27 RCW to read as follows:

28 POISON CENTER MEDICAL DIRECTOR/POISON INFORMATION SPECIALISTS. The
29 department shall immediately suspend the certification of a poison
30 center medical director or a poison information specialist who has been
31 certified pursuant to section 502 of this act by the department of
32 social and health services as a person who is not in compliance with a
33 child support order. If the person has continued to meet all other
34 requirements for certification during the suspension, reissuance of the
35 certification shall be automatic upon the department's receipt of a
36 written release issued by the department of social and health services
37 stating that the person is in compliance with the child support order.

1 NEW SECTION. **Sec. 524.** A new section is added to chapter 18.85
2 RCW to read as follows:

3 REAL ESTATE BROKERS AND SALESPERSONS. The director shall
4 immediately suspend the license of a broker or salesperson who has been
5 certified pursuant to section 502 of this act by the department of
6 social and health services as a person who is not in compliance with a
7 child support order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license shall be automatic upon the director's receipt of a written
10 release issued by the department of social and health services stating
11 that the person is in compliance with the child support order.

12 **Sec. 525.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
13 to read as follows:

14 LANDSCAPE ARCHITECTS. (1) The director may refuse to renew, or may
15 suspend or revoke, a certificate of registration to use the titles
16 landscape architect, landscape architecture, or landscape architectural
17 in this state upon the following grounds:

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

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

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

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

29 (2) The director shall immediately suspend the certificate of
30 registration of a landscape architect who has been certified pursuant
31 to section 502 of this act by the department of social and health
32 services as a person who is not in compliance with a child support
33 order. If the person has continued to meet all other requirements for
34 certification during the suspension, reissuance of the certificate of
35 registration shall be automatic upon the director's receipt of a
36 written release issued by the department of social and health services
37 stating that the person is in compliance with the child support order.

1 **Sec. 526.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
2 read as follows:

3 WATER WELL CONSTRUCTION. (1) In cases other than those relating to
4 the failure of a licensee to renew a license, the director may suspend
5 or revoke a license issued pursuant to this chapter for any of the
6 following reasons:

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

8 ~~((2))~~ (b) For fraud or deception in reporting under RCW
9 18.104.050;

10 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
11 lawful rule or regulation of the department or the department of
12 health.

13 (2) The director shall immediately suspend any license issued under
14 this chapter if the holder of the license has been certified pursuant
15 to section 502 of this act by the department of social and health
16 services as a person who is not in compliance with a child support
17 order. If the person has continued to meet all other requirements for
18 reinstatement during the suspension, reissuance of the license shall be
19 automatic upon the director's receipt of a written release issued by
20 the department of social and health services stating that the person is
21 in compliance with the child support order.

22 (3) No license shall be suspended for more than six months, except
23 that a suspension under section 502 of this act shall continue until
24 the department receives a written release issued by the department of
25 social and health services stating that the person is in compliance
26 with the order.

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

30 NEW SECTION. Sec. 527. A new section is added to chapter 18.106
31 RCW to read as follows:

32 PLUMBERS. The department shall immediately suspend any certificate
33 of competency issued under this chapter if the holder of the
34 certificate has been certified pursuant to section 502 of this act by
35 the department of social and health services as a person who is not in
36 compliance with a child support order. If the person has continued to
37 meet all other requirements for certification during the suspension,
38 reissuance of the certificate of competency shall be automatic upon the

1 department's receipt of a written release issued by the department of
2 social and health services stating that the person is in compliance
3 with the child support order.

4 NEW SECTION. **Sec. 528.** A new section is added to chapter 18.130
5 RCW to read as follows:

6 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. The disciplining
7 authority shall immediately suspend the license of any person subject
8 to this chapter who has been certified by the department of social and
9 health services as a person who is not in compliance with a child
10 support order as provided in section 502 of this act.

11 **Sec. 529.** RCW 18.130.050 and 1995 c 336 s 4 are each amended to
12 read as follows:

13 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. The disciplining
14 authority has the following authority:

15 (1) To adopt, amend, and rescind such rules as are deemed necessary
16 to carry out this chapter;

17 (2) To investigate all complaints or reports of unprofessional
18 conduct as defined in this chapter and to hold hearings as provided in
19 this chapter;

20 (3) To issue subpoenas and administer oaths in connection with any
21 investigation, hearing, or proceeding held under this chapter;

22 (4) To take or cause depositions to be taken and use other
23 discovery procedures as needed in any investigation, hearing, or
24 proceeding held under this chapter;

25 (5) To compel attendance of witnesses at hearings;

26 (6) In the course of investigating a complaint or report of
27 unprofessional conduct, to conduct practice reviews;

28 (7) To take emergency action ordering summary suspension of a
29 license, or restriction or limitation of the licensee's practice
30 pending proceedings by the disciplining authority;

31 (8) To use a presiding officer as authorized in RCW 18.130.095(3)
32 or the office of administrative hearings as authorized in chapter 34.12
33 RCW to conduct hearings. The disciplining authority shall make the
34 final decision regarding disposition of the license unless the
35 disciplining authority elects to delegate in writing the final decision
36 to the presiding officer;

1 (9) To use individual members of the boards to direct
2 investigations. However, the member of the board shall not
3 subsequently participate in the hearing of the case;

4 (10) To enter into contracts for professional services determined
5 to be necessary for adequate enforcement of this chapter;

6 (11) To contract with licensees or other persons or organizations
7 to provide services necessary for the monitoring and supervision of
8 licensees who are placed on probation, whose professional activities
9 are restricted, or who are for any authorized purpose subject to
10 monitoring by the disciplining authority;

11 (12) To adopt standards of professional conduct or practice;

12 (13) To grant or deny license applications, and in the event of a
13 finding of unprofessional conduct by an applicant or license holder, to
14 impose any sanction against a license applicant or license holder
15 provided by this chapter;

16 (14) To designate individuals authorized to sign subpoenas and
17 statements of charges;

18 (15) To establish panels consisting of three or more members of the
19 board to perform any duty or authority within the board's jurisdiction
20 under this chapter;

21 (16) To review and audit the records of licensed health facilities'
22 or services' quality assurance committee decisions in which a
23 licensee's practice privilege or employment is terminated or
24 restricted. Each health facility or service shall produce and make
25 accessible to the disciplining authority the appropriate records and
26 otherwise facilitate the review and audit. Information so gained shall
27 not be subject to discovery or introduction into evidence in any civil
28 action pursuant to RCW 70.41.200(3);

29 (17) To immediately suspend licenses of persons who have been
30 certified by the department of social and health services as not in
31 compliance with a child support order as provided in section 502 of
32 this act.

33 **Sec. 530.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
34 read as follows:

35 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. A person whose
36 license has been suspended or revoked under this chapter may petition
37 the disciplining authority for reinstatement after an interval as
38 determined by the disciplining authority in the order. The

1 disciplining authority shall hold hearings on the petition and may deny
2 the petition or may order reinstatement and impose terms and conditions
3 as provided in RCW 18.130.160 and issue an order of reinstatement. The
4 disciplining authority may require successful completion of an
5 examination as a condition of reinstatement.

6 A person whose license has been suspended for noncompliance with a
7 child support order under section 502 of this act may petition for
8 reinstatement at any time by providing the disciplining authority a
9 written release issued by the department of social and health services
10 stating that the person is in compliance with the child support order.
11 If the person has continued to meet all other requirements for
12 reinstatement during the suspension, the disciplining authority shall
13 automatically reissue the person's license upon receipt of the release,
14 and payment of a reinstatement fee, if any.

15 NEW SECTION. Sec. 531. A new section is added to chapter 18.140
16 RCW to read as follows:

17 CERTIFIED REAL ESTATE APPRAISERS. The department shall immediately
18 suspend any license or certificate issued under this chapter if the
19 holder has been certified pursuant to section 502 of this act by the
20 department of social and health services as a person who is not in
21 compliance with a child support order. If the person has continued to
22 meet all other requirements for reinstatement during the suspension,
23 reissuance of the license or certificate shall be automatic upon the
24 department's receipt of a written release issued by the department of
25 social and health services stating that the person is in compliance
26 with the child support order.

27 NEW SECTION. Sec. 532. A new section is added to chapter 18.145
28 RCW to read as follows:

29 SHORTHAND REPORTERS. The director shall immediately suspend any
30 certificate issued under this chapter if the holder has been certified
31 pursuant to section 502 of this act by the department of social and
32 health services as a person who is not in compliance with a child
33 support order. If the person has continued to meet all other
34 requirements for certification during the suspension, reissuance of the
35 certificate shall be automatic upon the director's receipt of a written
36 release issued by the department of social and health services stating
37 that the person is in compliance with the child support order.

1 **Sec. 533.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
2 read as follows:

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

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

13 (b) Conviction of a felony;

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

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

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

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

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

29 (3) The state director of fire protection shall immediately suspend
30 any license or certificate issued under this chapter if the holder has
31 been certified pursuant to section 502 of this act by the department of
32 social and health services as a person who is not in compliance with a
33 child support 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 director's receipt
36 of a written release issued by the department of social and health
37 services stating that the person is in compliance with the child
38 support order.

1 (4) Any licensee or certificate of competency holder who is
2 aggrieved by an order of the state director of fire protection
3 suspending or revoking a license may, within thirty days after notice
4 of such suspension or revocation, appeal under chapter 34.05 RCW.

5 NEW SECTION. **Sec. 534.** A new section is added to chapter 18.165
6 RCW to read as follows:

7 PRIVATE DETECTIVES. The department shall immediately suspend a
8 license issued under this chapter if the holder has been certified
9 pursuant to section 502 of this act by the department of social and
10 health services as a person who is not in compliance with a child
11 support order. If the person has continued to meet all other
12 requirements for reinstatement during the suspension, reissuance of the
13 license shall be automatic upon the department's receipt of a written
14 release issued by the department of social and health services stating
15 that the person is in compliance with the child support order.

16 NEW SECTION. **Sec. 535.** A new section is added to chapter 18.170
17 RCW to read as follows:

18 SECURITY GUARDS. The director shall immediately suspend any
19 license issued under this chapter if the holder has been certified
20 pursuant to section 502 of this act by the department of social and
21 health services as a person who is not in compliance with a child
22 support order. If the person has continued to meet all other
23 requirements for reinstatement during the suspension, reissuance of the
24 license shall be automatic upon the director's receipt of a written
25 release issued by the department of social and health services stating
26 that the person is in compliance with the child support order.

27 NEW SECTION. **Sec. 536.** A new section is added to chapter 18.175
28 RCW to read as follows:

29 ATHLETE AGENTS. The director shall immediately suspend a
30 certificate of registration issued under this chapter if the holder has
31 been certified pursuant to section 502 of this act by the department of
32 social and health services as a person who is not in compliance with a
33 child support order. If the person has continued to meet all other
34 requirements for certification during the suspension, reissuance of the
35 certificate shall be automatic upon the director's receipt of a written

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

3 NEW SECTION. **Sec. 537.** A new section is added to chapter 18.185
4 RCW to read as follows:

5 BAIL BOND AGENTS. The director shall immediately suspend any
6 license issued under this chapter if the holder has been certified
7 pursuant to section 502 of this act by the department of social and
8 health services as a person who is not in compliance with a child
9 support order. If the person has continued to meet all other
10 requirements for reinstatement during the suspension, reissuance of the
11 license shall be automatic upon the director's receipt of a written
12 release issued by the department of social and health services stating
13 that the person is in compliance with the child support order.

14 **Sec. 538.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
15 read as follows:

16 This section governs the denial of an application for a license or
17 the suspension, revocation, or modification of a license by the
18 department.

19 (1) The department shall give written notice of the denial of an
20 application for a license to the applicant or his or her agent. The
21 department shall give written notice of revocation, suspension, or
22 modification of a license to the licensee or his or her agent. The
23 notice shall state the reasons for the action. The notice shall be
24 personally served in the manner of service of a summons in a civil
25 action or shall be given in (~~an other~~) another manner that shows
26 proof of receipt.

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

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

35 (b) The department may make the date the action is effective sooner
36 than twenty-eight days after receipt when necessary to protect the
37 public health, safety, or welfare. When the department does so, it

1 shall state the effective date and the reasons supporting the effective
2 date in the written notice given to the licensee or agent.

3 (c) When the department has received certification pursuant to
4 chapter 74.20A RCW from the division of child support that the licensee
5 is a person who is not in compliance with a child support order, the
6 department shall provide that the suspension is effective immediately
7 upon receipt of the suspension notice by the licensee.

8 (3) Except for licensees suspended for noncompliance with a child
9 support order under chapter 74.20A RCW, a license applicant or licensee
10 who is aggrieved by a department denial, revocation, suspension, or
11 modification has the right to an adjudicative proceeding. The
12 proceeding is governed by the Administrative Procedure Act, chapter
13 34.05 RCW. The application must be in writing, state the basis for
14 contesting the adverse action, include a copy of the adverse notice, be
15 served on and received by the department within twenty-eight days of
16 the license applicant's or licensee's receiving the adverse notice, and
17 be served in a manner that shows proof of receipt.

18 (4)(a) If the department gives a licensee twenty-eight or more days
19 notice of revocation, suspension, or modification and the licensee
20 files an appeal before its effective date, the department shall not
21 implement the adverse action until the final order has been entered.
22 The presiding or reviewing officer may permit the department to
23 implement part or all of the adverse action while the proceedings are
24 pending if the appellant causes an unreasonable delay in the
25 proceeding, if the circumstances change so that implementation is in
26 the public interest, or for other good cause.

27 (b) If the department gives a licensee less than twenty-eight days
28 notice of revocation, suspension, or modification and the licensee
29 timely files a sufficient appeal, the department may implement the
30 adverse action on the effective date stated in the notice. The
31 presiding or reviewing officer may order the department to stay
32 implementation of part or all of the adverse action while the
33 proceedings are pending if staying implementation is in the public
34 interest or for other good cause.

35 NEW SECTION. Sec. 539. A new section is added to chapter 74.20A
36 RCW to read as follows:

37 In order to be eligible for aid to families with dependent
38 children, applicants must, at the time of application for assistance,

1 provide the names of both parents of their child or children, whether
2 born or unborn, unless the applicant meets federal criteria for
3 refusing such identification.

4 NEW SECTION. **Sec. 540.** A new section is added to chapter 26.18
5 RCW to read as follows:

6 (1) If an obligor fails to comply with an order of support, the
7 court shall order the obligor to:

8 (a) Arrange a payment schedule and maintain support payments;

9 (b) Participate in community service work at a minimum of one
10 hundred hours per month; or

11 (c) Imprisonment for the crime of family nonsupport under RCW
12 26.20.035.

13 (2) Persons ordered to comply with subsection (1) (b) or (c) of
14 this section shall have their names and the fact of their failure to
15 comply with an order of support published in a newspaper of general
16 circulation in the county in which the court order is obtained under
17 this section.

18 **PART VI. WELFARE EVALUATION AND EFFECTIVENESS STUDIES**

19 NEW SECTION. **Sec. 601.** A new section is added to chapter 44.28
20 RCW to read as follows:

21 (1) The legislative budget committee shall conduct an evaluation of
22 the effectiveness of the programs described in chapter . . . , Laws of
23 1995 1st sp. sess. (this act). The evaluation shall assess the success
24 of the programs in assisting clients to become employed and to reduce
25 their use of aid to families with dependent children. It may include,
26 but not be limited to:

27 (a) The costs and effectiveness of the programs;

28 (b) The extent to which work and job training opportunities have
29 led to employment outcomes and economic independence;

30 (c) An analysis of aid to families with dependent children
31 outcomes, including grant amounts and program exits, for clients; and

32 (d) An audit of performance-based contracts to providers offering
33 job opportunities and basic skills training program services.

34 (2) Administrative data shall be provided by the department of
35 social and health services, the employment security department, the
36 state board for community and technical colleges, local government

1 providers, and private contractors. The department of social and
2 health services shall require contractors to provide administrative and
3 outcome data needed for this evaluation.

4 (3) Additional data may be collected directly from clients if not
5 available from administrative records.

6 (4) The legislative budget committee may convene an evaluation
7 advisory group to assist in the study process. It may contract for
8 services necessary to accomplish the purposes of this section.

9 (5) The legislative budget committee shall present an evaluation
10 plan to the legislature after consultation with the federal government
11 on the design of the evaluation.

12 (6) The legislative budget committee shall submit annual reports to
13 the legislature, beginning in December 1997, with a final report due in
14 December 2001, unless an earlier date is recommended by the committee.

15 **PART VII. CHILD CARE ZONING**

16 NEW SECTION. **Sec. 701.** A new section is added to chapter 36.70
17 RCW to read as follows:

18 No county may enact, enforce, or maintain an ordinance, development
19 regulation, zoning regulation, or official control, policy, or
20 administrative practice that prohibits the use of a residential
21 dwelling, located in an area zoned for residential or commercial use,
22 as a family day-care provider's home facility.

23 A county may require that the facility: (1) Comply with all
24 building, fire, safety, health code, and business licensing
25 requirements; (2) conform to lot size, building size, setbacks, and lot
26 coverage standards applicable to the zoning district except if the
27 structure is a legal nonconforming structure; (3) is certified by the
28 state office of child care policy licensor as providing a safe
29 passenger loading area; (4) include signage, if any, that conforms to
30 applicable regulations; and (5) limit hours of operations to facilitate
31 neighborhood compatibility, while also providing appropriate
32 opportunity for persons who use family day-care and who work a
33 nonstandard work shift.

34 A county may also require that the family day-care provider, before
35 state licensing, require proof of written notification by the provider
36 that the immediately adjoining property owners have been informed of
37 the intent to locate and maintain such a facility. If a dispute arises

1 between neighbors and the family day-care provider over licensing
2 requirements, the licensor may provide a forum to resolve the dispute.

3 This section shall not be construed to prohibit a county from
4 imposing zoning conditions on the establishment and maintenance of a
5 family day-care provider's home in an area zoned for residential or
6 commercial use, so long as such conditions are no more restrictive than
7 conditions imposed on other residential dwellings in the same zone and
8 the establishment of such facilities is not precluded. As used in this
9 section, "family day-care provider" is as defined in RCW 74.15.020.

10 **Sec. 702.** RCW 36.70A.450 and 1995 c 49 s 3 are each amended to
11 read as follows:

12 No city or county that plans or elects to plan under this chapter
13 may enact, enforce, or maintain an ordinance, development regulation,
14 zoning regulation, or official control, policy, or administrative
15 practice which prohibits the use of a residential dwelling, located in
16 an area zoned for residential or commercial use, as a family day-care
17 provider's home facility.

18 A city or county may require that the facility: (1) Comply with
19 all building, fire, safety, health code, and business licensing
20 requirements; (2) conform to lot size, building size, setbacks, and lot
21 coverage standards applicable to the zoning district except if the
22 structure is a legal nonconforming structure; (3) is certified by the
23 office of child care policy licensor as providing a safe passenger
24 loading area; (4) include signage, if any, that conforms to applicable
25 regulations; and (5) limit hours of operations to facilitate
26 neighborhood compatibility, while also providing appropriate
27 opportunity for persons who use family day-care and who work a
28 nonstandard work shift.

29 A city or county may also require that the family day-care
30 provider, before state licensing, require proof of written notification
31 by the provider that the immediately adjoining property owners have
32 been informed of the intent to locate and maintain such a facility. If
33 a dispute arises between neighbors and the family day-care provider
34 over licensing requirements, the licensor may provide a forum to
35 resolve the dispute.

36 Nothing in this section shall be construed to prohibit a city or
37 county that plans or elects to plan under this chapter from imposing
38 zoning conditions on the establishment and maintenance of a family day-

1 care provider's home in an area zoned for residential or commercial
2 use, so long as such conditions are no more restrictive than conditions
3 imposed on other residential dwellings in the same zone and the
4 establishment of such facilities is not precluded. As used in this
5 section, "family day-care provider" is as defined in RCW 74.15.020.

6 NEW SECTION. **Sec. 703.** A new section is added to chapter 74.15
7 RCW to read as follows:

8 (1) A family day-care provider's home shall be a permitted use in
9 all areas zoned for residential or commercial purposes, including areas
10 zoned for single-family dwellings. No town, city, or county may enact
11 or enforce zoning ordinances prohibiting the use of a residential
12 dwelling, located in an area zoned for residential or commercial use,
13 as a family day-care provider's home facility.

14 (2) A town, city, or county may impose zoning conditions on the
15 establishment and maintenance of a family day-care provider's home in
16 an area zoned for residential or commercial use, provided that such
17 conditions are no more restrictive than conditions imposed on other
18 residential dwellings in the same zone.

19 NEW SECTION. **Sec. 704.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
22 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
23 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;
24 and

25 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

26 **PART VIII. MISCELLANEOUS**

27 NEW SECTION. **Sec. 801.** A new section is added to chapter 74.12
28 RCW to read as follows:

29 When the caretaker is no longer eligible for a cash grant due to
30 increased earnings through employment and has exhausted the caretaker's
31 twelve-month transitional benefit period for child care, to the extent
32 resources are available, the department shall provide additional
33 transitional child care for up to an additional twelve months, to
34 individuals who have obtained employment.

1 NEW SECTION. **Sec. 802.** A new section is added to chapter 74.12
2 RCW to read as follows:

3 When the caretaker is no longer eligible for a cash grant due to
4 increased earnings through employment and has exhausted the caretaker's
5 twelve-month transitional benefit period for medical assistance
6 payments, the department shall enroll the caretaker in the basic health
7 plan under chapter 70.47 RCW, pay any unsubsidized portion of the
8 caretaker's premium, and enroll the caretaker's eligible children in
9 medical assistance. Regardless of the caretaker's earned income, state
10 payment of the unsubsidized portion of the caretaker's premium shall
11 terminate after twelve months.

12 **Sec. 803.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
13 each reenacted and amended to read as follows:

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

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

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

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

23 (4) "Director" or "secretary" means the secretary of social and
24 health services.

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

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

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

37 (ii) Meet one of the following conditions:

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

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

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

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

30 (iv) Have furnished the department their social security account
31 number. If the social security account number cannot be furnished
32 because it has not been issued or is not known, an application for a
33 number shall be made prior to authorization of assistance, and the
34 social security number shall be provided to the department upon
35 receipt.

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

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

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

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

21 (i) First failure: One week;

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

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

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

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

36 (f) The process implementing the medical criteria shall involve
37 consideration of opinions of the treating or consulting physicians or
38 health care professionals regarding incapacity, and any eligibility

1 decision which rejects uncontroverted medical opinion must set forth
2 clear and convincing reasons for doing so.

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

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

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

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

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

34 (a) A home, which is defined as real property owned and used by an
35 applicant or recipient as a place of residence, together with a
36 reasonable amount of property surrounding and contiguous thereto, which
37 is used by and useful to the applicant. Whenever a recipient shall
38 cease to use such property for residential purposes, either for himself
39 or his dependents, the property shall be considered as a resource which

1 can be made available to meet need, and if the recipient or his
2 dependents absent themselves from the home for a period of ninety
3 consecutive days such absence, unless due to hospitalization or health
4 reasons or a natural disaster, shall raise a rebuttable presumption of
5 abandonment: PROVIDED, That if in the opinion of three physicians the
6 recipient will be unable to return to the home during his lifetime, and
7 the home is not occupied by a spouse or dependent children or disabled
8 sons or daughters, such property shall be considered as a resource
9 which can be made available to meet need.

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

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

17 (d) All other resources, including any excess of values exempted,
18 not to exceed one thousand dollars or other limit as set by the
19 department, to be consistent with limitations on resources and
20 exemptions necessary for federal aid assistance. The department shall
21 also allow recipients of aid to families with dependent children to
22 exempt savings accounts with combined balances of up to an additional
23 two thousand five hundred dollars.

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

28 (f) If an applicant for or recipient of public assistance possesses
29 property and belongings in excess of the ceiling value, such value
30 shall be used in determining the need of the applicant or recipient,
31 except that: (i) The department may exempt resources or income when
32 the income and resources are determined necessary to the applicant's or
33 recipient's restoration to independence, to decrease the need for
34 public assistance, or to aid in rehabilitating the applicant or
35 recipient or a dependent of the applicant or recipient; and (ii) the
36 department may provide grant assistance for a period not to exceed nine
37 months from the date the agreement is signed pursuant to this section
38 to persons who are otherwise ineligible because of excess real property

1 owned by such persons when they are making a good faith effort to
2 dispose of that property: PROVIDED, That:

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

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

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

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

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

1 in determining the need of an applicant or recipient of public
2 assistance.

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

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

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

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

24 NEW SECTION. **Sec. 804.** Sections 201 through 203 of this act shall
25 constitute a new chapter in Title 82 RCW.

26 NEW SECTION. **Sec. 805.** Sections 204 through 206 of this act shall
27 constitute a new chapter in Title 74 RCW.

28 NEW SECTION. **Sec. 806.** Sections 207 through 214 of this act are
29 each added to chapter 74.25 RCW.

30 NEW SECTION. **Sec. 807.** (1) This section shall become effective
31 ninety consecutive days after adjournment of the session at which this
32 act is enacted, the constitutionally prescribed effective date.

33 (2) Within one hundred twenty consecutive days after adjournment of
34 the session at which this act is enacted, the governor, with the advice
35 of the attorney general, shall determine which, if any, provisions of

1 this act probably would be found to "conflict with federal
2 requirements" under section 808 of this act. Within one hundred fifty
3 consecutive days after adjournment of the session at which this act is
4 enacted, the governor shall formally request the appropriate federal
5 entities or officials to take whatever federal government action (such
6 as an exemption, waiver, amendment, or other form of law or policy
7 change) that is necessary for the provision or provisions not to
8 conflict with such federal requirements.

9 (3) Any provision of this act that requires federal government
10 action in order to avoid a "conflict with federal requirements" under
11 section 808 of this act shall become effective on the thirtieth
12 consecutive day following the effective date of the action. The rule
13 in this subsection applies to any action eliminating the conflict,
14 regardless of whether the action is requested under subsection (2) of
15 this section.

16 (4) The provisions of this act that do not require federal action
17 in order to avoid a "conflict with federal requirements" under section
18 808 of this act shall become effective on the one hundred fiftieth
19 consecutive day after adjournment of the session at which this act is
20 enacted.

21 (5) Those provisions of section 301 of this act not requiring
22 federal action in order to avoid a "conflict with federal requirements"
23 shall become effective on such one hundred fiftieth consecutive day
24 even though other provisions of section 301 of this act will require
25 federal action to become effective.

26 (6) The governor may delegate any of the governor's duties under
27 this section to the secretary of the department of social and health
28 services.

29 NEW SECTION. **Sec. 808.** If any part of this act is found to be in
30 conflict with federal requirements that are a prescribed condition to
31 the allocation of federal funds to the state, the conflicting part of
32 this act is inoperative solely to the extent of the conflict and with
33 respect to the agencies directly affected, and this finding does not
34 affect the operation of the remainder of this act in its application to
35 the agencies concerned. The rules under this act shall meet federal
36 requirements that are a necessary condition to the receipt of federal
37 funds by the state. This term "allocation of federal funds to the
38 state" means the allocation of federal funds that are appropriated by

1 the legislature to the department of social and health services and on
2 which the department depends for carrying out any provision of the
3 operating budget applicable to it.

4 NEW SECTION. **Sec. 809.** The governor shall report quarterly to the
5 appropriate committees in the house of representatives and senate on
6 the efforts to secure the federal changes to permit full implementation
7 of this act at the earliest possible date.

8 NEW SECTION. **Sec. 810.** The table of contents, part headings,
9 subheadings, and captions used in this act do not constitute any part
10 of the law.

11 NEW SECTION. **Sec. 811.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected."

15 **E2SSB 6062** - S AMD - 439
16 By Senators Quigley and Wood

17
18 On page 1, line 1 of the title, after "work;" strike the remainder
19 of the title and insert "amending RCW 74.25.010, 74.25.020, 74.12.420,
20 26.16.205, 74.12.255, 13.34.160, 74.12.250, 74.20A.020, 46.20.291,
21 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050,
22 18.96.120, 18.104.110, 18.130.050, 18.130.150, 18.160.080, 43.20A.205,
23 and 36.70A.450; reenacting and amending RCW 74.04.005; adding new
24 sections to chapter 74.25 RCW; adding new sections to chapter 74.12
25 RCW; adding new sections to chapter 74.20A RCW; adding a new section to
26 chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a
27 new section to chapter 18.08 RCW; adding a new section to chapter 18.16
28 RCW; adding a new section to chapter 18.20 RCW; adding a new section to
29 chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a
30 new section to chapter 18.43 RCW; adding a new section to chapter 18.44
31 RCW; adding a new section to chapter 18.51 RCW; adding a new section to
32 chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a
33 new section to chapter 18.106 RCW; adding a new section to chapter
34 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new

1 section to chapter 18.145 RCW; adding a new section to chapter 18.165
2 RCW; adding a new section to chapter 18.170 RCW; adding a new section
3 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW;
4 adding a new section to chapter 26.18 RCW; adding a new section to
5 chapter 44.28 RCW; adding a new section to chapter 36.70 RCW; adding a
6 new section to chapter 74.15 RCW; adding a new chapter to Title 82 RCW;
7 adding a new chapter to Title 74 RCW; creating new sections; and
8 repealing RCW 74.08.120 and 74.08.125."

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