
SECOND SUBSTITUTE HOUSE BILL 1079

State of Washington**55th Legislature****1997 Regular Session**

By House Committee on Appropriations (originally sponsored by Representatives Cooke, Bush, Dunn, McDonald, L. Thomas, Reams, Carrell, Buck, Radcliff, Mulliken, Sump, B. Thomas, Hickel, D. Schmidt, McMorris, Sheahan, Mitchell, Johnson, Lisk, Chandler, Talcott, Thompson, Clements, Backlund, Mastin, Koster, DeBolt, Carlson, D. Sommers, Boldt, Alexander, Schoesler, Sterk, Honeyford, Parlette, Sherstad, Smith, Mielke, Cairnes and Robertson)

Read first time 02/20/97.

1 AN ACT Relating to personal responsibility; amending RCW 74.04.515,
2 74.09.800, 74.25.010, 74.25.020, 74.12A.020, 74.13.0903, 74.25.040,
3 74.09.510, 74.12.255, 74.04.0052, 13.34.160, 74.12.250, 46.20.291,
4 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050,
5 18.96.120, 18.104.110, 18.130.150, 18.160.080, 18.165.160, 18.170.170,
6 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120,
7 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050,
8 19.166.040, 21.20.110, 67.08.100, 19.02.100, 43.24.110, 43.24.120,
9 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060,
10 19.146.220, 75.28.010, 26.09.160, 26.09.165, 26.23.050, 26.18.100,
11 26.23.060, 74.08.025, 50.13.060, 74.08.340, and 74.04.062; reenacting
12 and amending RCW 46.52.130 and 74.04.005; adding new sections to
13 chapter 74.25 RCW; adding new sections to chapter 74.12 RCW; adding a
14 new section to chapter 74.12A RCW; adding a new section to chapter
15 41.06 RCW; adding a new section to chapter 74.13 RCW; adding new
16 sections to chapter 74.20A RCW; adding a new section to chapter 48.22
17 RCW; adding a new section to chapter 2.48 RCW; adding a new section to
18 chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a
19 new section to chapter 18.16 RCW; adding a new section to chapter 18.20
20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to
21 chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a

1 new section to chapter 18.44 RCW; adding a new section to chapter 18.51
2 RCW; adding a new section to chapter 18.76 RCW; adding a new section to
3 chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding
4 a new section to chapter 18.130 RCW; adding a new section to chapter
5 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new
6 section to chapter 18.165 RCW; adding a new section to chapter 18.170
7 RCW; adding a new section to chapter 18.175 RCW; adding a new section
8 to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW;
9 adding a new section to chapter 20.01 RCW; adding a new section to
10 chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a
11 new section to chapter 47.68 RCW; adding a new section to chapter 71.12
12 RCW; adding a new section to chapter 66.20 RCW; adding a new section to
13 chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a
14 new section to chapter 70.95B RCW; adding a new section to chapter
15 75.25 RCW; adding a new section to chapter 77.32 RCW; adding a new
16 section to chapter 75.28 RCW; adding a new section to chapter 26.09
17 RCW; adding new sections to chapter 44.28 RCW; adding new sections to
18 chapter 74.04 RCW; adding a new section to chapter 26.23 RCW; adding a
19 new section to chapter 43.20A RCW; adding a new chapter to Title 74
20 RCW; creating new sections; repealing RCW 74.08.120, 74.08.125, and
21 74.12.420; prescribing penalties; providing an expiration date; and
22 declaring an emergency.

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

24 **MAKING WELFARE WORK**

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2 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is
3 important for the well-being of society, and for the families receiving
4 temporary assistance for needy families, that the provision of welfare
5 from the public treasury reflects the values of mainstream American
6 culture, specifically the importance of work, personal responsibility,
7 and accountability for individual actions, and the value of the
8 marriage commitment to each member of the family, including the
9 children.

10 Therefore, it is the public policy of the state of Washington,
11 through its temporary assistance for needy families program, to require
12 every nondisabled citizen on temporary assistance for needy families to
13 engage in paid employment or engage in short-term training directed
14 towards employment, to require accountability of all parents, and to
15 discourage pregnancy by unwed parents.

16 Therefore, the legislature intends that:

17 (1) Income and employment assistance programs emphasize the
18 temporary nature of welfare and set goals of responsibility, work, and
19 independence;

20 (2) Work be the focus of the temporary assistance for needy
21 families program;

22 (3) Caretakers receiving public assistance comply with requirements
23 for work, training, and personal responsibility;

24 (4) Specific time limits for the receipt of public assistance be
25 set for recipients of temporary assistance for needy families;

26 (5) Unmarried parents who are minors generally will be ineligible
27 for direct assistance under the temporary assistance for needy families
28 program;

29 (6) Custodial and noncustodial parents comply with all legal
30 requirements designed to benefit their children;

31 (7) Community-based organizations such as churches, synagogues,
32 nonprofit service providers, and business and labor organizations, have
33 a greater role and responsibility in helping to meet the needs of
34 children and families;

35 (8) State agencies promote and support teen pregnancy prevention
36 programs; and

1 (9) Family planning assistance be available in community service
2 offices, including family planning counselors and colocated clinics, in
3 recognition of the high rate of unintended pregnancy in the medicaid
4 population.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.25 RCW
6 to read as follows:

7 The department shall assess each caretaker unless the caretaker is
8 not or would not be required to be assessed. Assessments shall be
9 based upon age, age of dependents, education, condition of incapacity,
10 and employment history. The assessment and referral of caretakers who
11 are applicants for assistance on or after the effective date of this
12 section shall be made as part of the application approval process. The
13 assessment and referral of caretakers who have been approved for
14 assistance before the effective date of this section shall be completed
15 within one hundred eighty days after the date of federal certification
16 of the Washington temporary assistance for needy families program. The
17 department or a contracted entity may complete the assessment. The
18 assessment shall be based on a uniform, consistent, transferable format
19 that will be accepted by all agencies and organizations serving the
20 caretaker. Based on the assessment, an individual responsibility plan
21 shall be prepared that: (1) Sets forth an employment goal and a plan
22 for moving the caretaker immediately into private sector employment;
23 (2) contains the obligation of the caretaker to become and remain
24 employed in the private sector; (3) moves the caretaker into whatever
25 private sector employment the caretaker is capable of handling as
26 quickly as possible; and (4) describes the services available to the
27 caretaker to enable them to obtain and keep employment in the private
28 sector.

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

31 TEEN PARENT TARGET GROUP. All applicants under the age of eighteen
32 years who are approved for assistance and, within one hundred eighty
33 days after the date of federal certification of the Washington
34 temporary assistance for needy families program, all recipients who are
35 under the age of eighteen shall, as a condition of receiving benefits,
36 actively progress toward the completion of a high school diploma,
37 approved alternative education program, or a GED.

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

3 The department may provide state-funded cash aid to meet short-term
4 need, thereby allowing employable low-income families to remain off
5 assistance.

6 (1) To ensure the financial integrity of the program:

7 (a) Grant diversion shall:

8 (i) Be paid as a vendor payment unless the department by rule
9 excludes households from the vendor payment requirement if a direct
10 payment is more cost-effective, practical, or a family has special
11 circumstances necessitating that such payment be made directly to the
12 family;

13 (ii) Be authorized to cover a family's basic or employment-related
14 needs anticipated for the authorization period. Grant diversion may be
15 authorized up to a maximum of three consecutive calendar months in a
16 twelve-month period; and

17 (iii) Not exceed the maximum amount available for any family
18 receiving temporary assistance for needy families aid for the period
19 authorized. If the initial welfare diversion payment does not reach
20 this maximum, the family can receive a supplemental cash payment during
21 the three-month period, based upon need up to the maximum;

22 (b) Families may receive grant diversion payments and food
23 assistance for the same authorization period but shall not be
24 simultaneously eligible for grant diversion payments and any other
25 state or federal cash assistance.

26 (2) To qualify for grant diversion, a family must otherwise be
27 eligible for temporary assistance for needy families, except for motor
28 vehicle limits and child support requirements as allowed in this
29 section.

30 (3) Families ineligible for temporary assistance for needy families
31 or general assistance due to sanction, noncompliance, the lump sum
32 income rule, or any other reason, are not eligible for grant diversion.

33 (4) Notwithstanding RCW 74.04.005(10)(c), families receiving grant
34 diversion payments may have a motor vehicle, other than a motor home,
35 used and useful having an equity not to exceed five thousand dollars.

36 (5) Notwithstanding RCW 74.20.040 and 74.20.330, receipt of grant
37 diversion payments for which the family is eligible does not create a
38 debt for which either parent must reimburse the state.

1 (6) The department shall adopt rules consistent with this section
2 and as are necessary to implement grant diversion.

3 (7) If funds appropriated for grant diversion are exhausted, the
4 department shall discontinue the program authorized in this section.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.25 RCW
6 to read as follows:

7 The department shall carry out a program to fund individual
8 development accounts established by caretakers eligible for assistance
9 under the temporary assistance for needy families program.

10 (1) An individual development account may be established by or on
11 behalf of a caretaker eligible for assistance provided under the
12 temporary assistance for needy families program operated under chapter
13 74.12 RCW for the purpose of enabling the caretaker to accumulate funds
14 for a qualified purpose described in subsection (2) of this section.

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

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

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

24 (c) Amounts paid from an individual development account directly to
25 a business capitalization account which is established in a federally
26 insured financial institution and is restricted to use solely for
27 qualified business capitalization expenses.

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

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

34 (5) An individual development account established under this
35 subsection shall be a trust created or organized in the United States
36 and funded through periodic contributions by the establishing caretaker
37 and matched by or through a qualified entity for a qualified purpose as
38 provided in this section.

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

6 (7) The department of social and health services shall adopt rules
7 authorizing the use of organizations using microcredit and
8 microenterprise approaches to assisting low-income families to become
9 financially self-sufficient.

10 (8) The department of social and health services shall adopt rules
11 implementing the use of individual development accounts by recipients
12 of temporary assistance for needy families.

13 (9) For the purposes of this section, "eligible educational
14 institution," "postsecondary educational expenses," "qualified
15 acquisition costs," "qualified business," "qualified business
16 capitalization expenses," "qualified expenditures," "qualified
17 first-time home buyer," "date of acquisition," "qualified plan," and
18 "qualified principal residence" include the meanings provided for them
19 in P.L. 104-193.

20 NEW SECTION. **Sec. 6.** IMMIGRANTS--ELIGIBILITY. It is the intent
21 of the legislature that all legal immigrants who resided in the United
22 States before August 22, 1996, retain eligibility for assistance
23 programs the same as or similar to those from which they lost benefits
24 as a result of P.L. 104-193. The legislature also intends that
25 sponsors' incomes continue to be deemed for these individuals in the
26 same manner it was addressed prior to August 22, 1996.

27 The state shall exercise its option under P.L. 104-193 to continue
28 services to legal immigrants under temporary assistance for needy
29 families, medicaid, and social services block grant programs. Legal
30 immigrants who lose benefits under the supplemental security income
31 program as a result of P.L. 104-193 are immediately eligible for
32 benefits under the state's general assistance-unemployable program.
33 The department shall redetermine income and resource eligibility at
34 least annually, in accordance with existing state policy.

35 NEW SECTION. **Sec. 7.** INCOME AVERAGING--BENEFIT DETERMINATION. In
36 determining eligibility for temporary assistance for needy families,
37 the department shall consider retrospectively the applicant's earned

1 income for the twelve months before application for assistance. If the
2 earned income is from seasonal employment, it shall be prorated on an
3 annual basis, and the prorated amount used to determine qualification
4 for assistance in the prospective month. Assistance shall be denied
5 until the applicant's prorated prior twelve months of income equals a
6 monthly amount at or below the eligibility level. The intent of the
7 legislature is to ensure that persons with seasonal earned income that,
8 if prorated on an annual basis, would have exceeded the level
9 qualifying them for assistance will be denied assistance until such
10 time as they qualify on a prorated basis.

11 NEW SECTION. **Sec. 8.** FOOD ASSISTANCE. (1) The department may
12 establish a food assistance program for persons whose immigrant status
13 meets the eligibility requirements of the federal food stamp program as
14 of August 21, 1996, but who are no longer eligible solely due to their
15 immigrant status under P.L. 104-193.

16 (2) The rules for the state food assistance program shall follow
17 exactly the rules of the federal food stamp program as they existed on
18 the effective date of this section except for the provisions pertaining
19 to immigrant status under P.L. 104-193.

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

22 (4) The department may enter into a contract with the United States
23 department of agriculture to use the existing federal food stamp
24 program coupon system for the purposes of administering the state food
25 assistance program.

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

30 **Sec. 9.** RCW 74.04.515 and 1991 c 126 s 4 are each amended to read
31 as follows:

32 In administering the food stamp program, there shall be no
33 discrimination against any applicant or recipient by reason of age,
34 sex, handicap, religious creed, political beliefs, race, color, ((or))
35 national origin, or legal immigrant status.

1 NEW SECTION. **Sec. 10.** NATURALIZATION FACILITATION. The
2 department shall make an affirmative effort to identify and proactively
3 contact legal immigrants receiving public assistance to facilitate
4 their applications for naturalization. The department shall obtain a
5 complete list of legal immigrants in Washington who are receiving
6 correspondence regarding their eligibility from the social security
7 administration. The department shall inform immigrants regarding how
8 citizenship may be attained. In order to facilitate the citizenship
9 process, the department shall coordinate with existing resources in
10 local government, schools, community colleges, and community
11 organizations, and shall, within available funds, ensure that those
12 immigrants who qualify to apply for naturalization are referred to or
13 otherwise offered classes. The department shall assist eligible
14 immigrants in obtaining appropriate test exemptions, and other
15 exemptions in the naturalization process, to the extent permitted under
16 federal law. The department shall report to the legislature regarding
17 the progress and barriers of the immigrant naturalization facilitation
18 effort. It is the intent of the legislature that persons receiving
19 naturalization assistance be facilitated in obtaining citizenship
20 within two years of their eligibility to apply.

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

23 SPONSOR DEEMING. (1) Except as provided in subsection (5) of this
24 section, qualified aliens and aliens permanently residing under color
25 of law who are recipients of public assistance under this title as of
26 August 22, 1996, shall have their eligibility for assistance
27 redetermined.

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

34 (3) In determining the eligibility and the amount of benefits of a
35 qualified alien or an alien permanently residing under color of law for
36 public assistance under this title, the income and resources of the
37 alien shall be deemed to include the income and resources of any person
38 and his or her spouse who executed an affidavit of support pursuant to

1 section 213A of the federal immigration and naturalization act on
2 behalf of the alien. The deeming provisions of this subsection shall
3 be waived if the sponsor dies or is permanently incapacitated during
4 the period the affidavit of support is valid.

5 (4) As used in this section, "qualified alien" has the meaning
6 provided it in P.L. 104-183.

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

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

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

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

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

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

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

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

26 (e) Public health assistance for immunizations with respect to
27 immunizable diseases and for testing and treatment of symptoms of
28 communicable diseases whether or not the symptoms are caused by a
29 communicable disease;

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

31 (g) Programs, services, or assistance where eligibility is not
32 determined by employees of the department of social and health
33 services;

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

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

- 1 (ii) Do not condition the provision of assistance, the amount of
2 assistance provided, or the cost of assistance provided on the
3 individual recipient's income or resources; and
4 (iii) Are necessary for the protection of life or safety.

5 **Sec. 12.** RCW 74.09.800 and 1993 c 407 s 10 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **PART I. JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM**

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

22 (1) The department shall administer the job opportunities and basic
23 skills training program under this chapter in a manner designed to
24 ensure compliance with mandatory work requirements of P.L. 104-193.
25 The department shall meet the minimum work participation rates
26 specified in federal law, and shall require caretakers to engage in
27 work and work activities, as defined in federal law, as an ongoing
28 condition of eligibility.

29 (2) Caretakers who are not engaged in work and work activities, and
30 do not qualify for a good cause exemption under RCW 74.25.020(2), shall
31 engage in self-directed service as provided in section 105 of this act.

32 (3) If a caretaker refuses to engage in work and work activities
33 required by the department, the family's grant shall be reduced by the
34 caretaker's share, and may, if the department determines it
35 appropriate, be terminated.

1 (4) The department may waive the penalties required under
2 subsection (3) of this section, subject to a finding that the caretaker
3 refused to engage in work for good cause provided in RCW 74.25.020(2).

4 (5) In implementing this section, the department shall assign the
5 highest priority to requiring adults in two-parent families and parents
6 in single-parent families that include older preschool or school age
7 children to be engaged in work activities.

8 **Sec. 102.** RCW 74.25.010 and 1994 c 299 s 6 are each amended to
9 read as follows:

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

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

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

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

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

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

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

37 (6) The legislature finds that a critical component for successful
38 reductions in the temporary assistance for needy families caseloads is
39 employment. Employment opportunities must be increased through public-

1 private partnerships. The department shall work with the private
2 sector to meet market needs, increase employability through on-the-job
3 training opportunities, and develop incentives for employers to hire
4 and train recipients.

5 **Sec. 103.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to
6 read as follows:

7 (1) The department of social and health services (~~((is authorized~~
8 ~~to)) shall contract for all functions of the job opportunities and~~
9 ~~basic skills training program not specifically prohibited by federal~~
10 ~~law with public and private employment and training agencies and other~~
11 ~~public service entities to provide services prescribed or allowed under~~
12 ~~the federal social security act, as amended, to carry out the purposes~~
13 ~~of the jobs training program. ((The department of social and health~~
14 ~~services has sole authority and responsibility to carry out the job~~
15 ~~opportunities and basic skills training program. No contracting entity~~
16 ~~shall have the authority to review, change, or disapprove any~~
17 ~~administrative decision, or otherwise substitute its judgment for that~~
18 ~~of the department of social and health services as to the application~~
19 ~~of policies and rules adopted by the department of social and health~~
20 ~~services)) The department may contract with private or public agencies
21 for services that are ordinarily provided by and capable of being
22 provided by civil servants regardless of any rights, express or
23 implied, created by the state civil service law, chapter 41.06 RCW.
24 The department, through its regional offices, shall collaborate with
25 employers, recipients, front-line workers, education institutions,
26 labor, private industry councils, the work force training and education
27 coordinating board, community rehabilitation employment programs,
28 employment and training agencies, local governments, the employment
29 security department, and community action agencies to develop work
30 programs that are effective and work in their communities. For
31 planning purposes, the department shall collect and make accessible to
32 regional offices successful work program models from around the United
33 States, including the employment partnership program, apprenticeship
34 programs, microcredit, microenterprise, self-employment, and W-2
35 Wisconsin works. Work programs shall incorporate local volunteer
36 citizens in their planning and implementation phases to ensure
37 community relevance and success.~~

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

5 (3)) The department of social and health services shall adopt
6 rules under chapter 34.05 RCW establishing criteria constituting
7 circumstances of good cause for an individual failing or refusing to
8 participate in an assigned (~~program component~~) work activity, or
9 failing or refusing to accept or retain employment. These criteria
10 shall include(~~, but not be limited to,~~) the following circumstances:

11 (a) If the individual is a parent or other relative personally
12 providing care for a child under age six years, and (~~the employment~~
13 ~~would require the individual to work more than twenty hours per week;~~

14 ~~(b) if~~) formal or informal child care, or day care for an
15 incapacitated individual living in the same home as a dependent child,
16 is necessary for an individual to participate or continue participation
17 in the program or accept employment, and such care is not available,
18 and the department of social and health services fails to provide such

19 care; (~~(c) the employment would result in the family of the~~
20 ~~participant experiencing a net loss of cash income; or (d)~~

21 ~~circumstances that are beyond the control of the individual's~~
22 ~~household, either on a short term or on an ongoing basis)) or (b) if~~

23 the individual is a parent with a child under age one year. A parent
24 may only receive this exemption for a total of twelve months, which may
25 be consecutive or nonconsecutive.

26 (3) The department of social and health services may provide
27 employment services to qualifying noncustodial parents who are unable
28 to meet their child support obligations. Services authorized under
29 this subsection may be provided to the extent funds are available.

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

33 NEW SECTION. Sec. 104. A new section is added to chapter 41.06
34 RCW to read as follows:

35 Nothing contained in this chapter shall prohibit the department of
36 social and health services from purchasing services by contract with
37 individuals or business entities for the purposes of implementing RCW
38 74.25.020.

1 NEW SECTION. **Sec. 105.** A new section is added to chapter 74.25
2 RCW to read as follows:

3 COMMUNITY SERVICE PROGRAM. A caretaker participating in a
4 community service program shall locate a community service experience
5 of at least one hundred hours per month with any willing public or
6 private organization and provide documentation, signed by the recipient
7 under penalty of perjury, to the department of his or her participation
8 on forms established in rule by the department.

9 NEW SECTION. **Sec. 106.** A new section is added to chapter 74.12
10 RCW to read as follows:

11 (1) The department shall establish the community jobs program to
12 provide employment opportunities for recipients of public assistance.
13 The program is intended to provide work experience and to promote a
14 strong work ethic for participating public assistance recipients.
15 Under this option, public assistance recipients will be encouraged to
16 work as employees of nonprofit corporations, public agencies, and
17 private employers, working in positions such as teachers' aides, child
18 care assistants, and home care workers, among others. Participating
19 recipients shall be employed approximately half-time, on average. The
20 intent of the option is to provide paychecks to public assistance
21 recipients by using their monthly public assistance benefits as a wage
22 subsidy for participating employers. Costs of unemployment insurance,
23 industrial insurance, and applicable federal payroll taxes shall be
24 deducted from paychecks received by recipients, but such employees
25 shall also be eligible for the federal earned income tax credit.

26 (2) The department shall provide this option through contracts with
27 local nonprofit corporations that will be responsible for identifying
28 participating employers, matching employers with recipients, and
29 providing support for recipients and employers as necessary. Nonprofit
30 contractors shall act as employers of participating recipients and
31 shall receive their monthly benefits as well as a payment for each
32 employed recipient to cover operating costs. Nonprofit contractors
33 shall place participating recipients with employers in the same fashion
34 as a temporary agency. Priority for employer participation in this
35 option shall go to local schools, child care providers, and nonprofit
36 corporations.

37 (3) The department shall enroll up to five thousand recipients of
38 public assistance in this option during the 1997-99 biennium. In

1 identifying recipients to place in the option, the department shall
2 target recipients who:

- 3 (a) Are able to work;
- 4 (b) Are single mothers;
- 5 (c) Have limited prior work experience;
- 6 (d) Have low educational attainment;
- 7 (e) Have children older than two years of age; and
- 8 (f) Are recipients of public assistance for at least six months.

9 NEW SECTION. **Sec. 107.** A new section is added to chapter 74.13
10 RCW to read as follows:

11 (1) The department shall operate a single, integrated employment
12 child care program for low-income working parents and recipients of
13 temporary assistance for needy families.

14 (2) Families with gross income at or below thirty-eight percent of
15 state median income adjusted for family size are eligible for
16 employment child care subsidies with a minimum copayment. Families
17 with gross income above thirty-eight percent and at or below fifty-two
18 percent of the state median income adjusted for family size are
19 eligible for an employment child care subsidy with a calculated
20 copayment.

21 (3) The department shall provide employment child care subsidies
22 for families meeting eligibility standards under this section, within
23 funds appropriated by the legislature for this purpose.

24 **Sec. 108.** RCW 74.12A.020 and 1993 c 312 s 8 are each amended to
25 read as follows:

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

31 **Sec. 109.** RCW 74.13.0903 and 1993 c 453 s 2 are each amended to
32 read as follows:

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

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

3 (2) Work in conjunction with the state-wide child care resource and
4 referral network as well as local governments, nonprofit organizations,
5 businesses, and community child care advocates to create local child
6 care resource and referral organizations. These organizations may
7 carry out needs assessments, resource development, provider training,
8 technical assistance, and parent information and training;

9 (3) Actively seek public and private money for distribution as
10 grants to the state-wide child care resource and referral network and
11 to existing or potential local child care resource and referral
12 organizations;

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

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

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

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

23 (d) Provide information for businesses regarding child care supply
24 and demand;

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

27 (f) Provide technical assistance to employers regarding employee
28 child care services; and

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

32 (5) Provide staff support and technical assistance to the state-
33 wide child care resource and referral network and local child care
34 resource and referral organizations;

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

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

4 (8) Coordinate with the state-wide child care resource and referral
5 network and local child care resource and referral organizations for
6 the provision of training and technical assistance to child care
7 providers; and

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

12 **Sec. 110.** RCW 74.25.040 and 1994 c 299 s 8 are each amended to
13 read as follows:

14 (1) Recipients of ((aid to families with dependent children))
15 temporary assistance for needy families who are ((not)) employed or
16 participating in ((an education or work training program)) a work
17 activity under section 101 of this act may volunteer ((to)) or work in
18 a licensed child care facility((, or other willing volunteer work
19 site)). Licensed child care facilities participating in this effort
20 shall provide care for the recipient's children and provide for the
21 development of positive child care skills.

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

28 **PART II. PERSONAL RESPONSIBILITY**

29 NEW SECTION. **Sec. 201.** A new section is added to chapter 74.12
30 RCW to read as follows:

31 (1) After a caretaker has received sixty monthly benefit payments
32 under the temporary assistance for needy families program, the
33 caretaker and the caretaker's family shall not be eligible for any
34 additional monthly payments. Following the receipt of sixty monthly
35 benefit payments, a caretaker is forever ineligible to apply for or
36 receive any further assistance under this chapter.

1 (2) For the purposes of applying the rules of this section, the
2 department shall count both consecutive and nonconsecutive months in
3 which a caretaker received a monthly benefit payment or a portion of a
4 monthly benefit payment.

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

10 (4) The department may exempt a caretaker and the caretaker's
11 family from the application of subsection (1) of this section by reason
12 of hardship or if the caretaker has been battered or subjected to
13 extreme cruelty. Reasons for hardship include, but are not limited to,
14 incapacitation, the documented need to care for an incapacitated
15 household member, and the age of the caretaker. The number of
16 caretakers and their families exempted from subsection (1) of this
17 section for a fiscal year shall not exceed twenty percent of the
18 average monthly number of caretakers and their families to which
19 assistance is provided under the temporary assistance for needy
20 families program.

21 NEW SECTION. **Sec. 202.** A new section is added to chapter 74.12
22 RCW to read as follows:

23 To the extent authorized by the legislature in the omnibus
24 appropriations act, the department shall transfer up to thirty percent
25 of the temporary assistance for needy families block grant to the
26 social services block grant and the child care development block grant.
27 Funds transferred under this authority shall be used to prevent
28 individuals from becoming recipients of temporary assistance for needy
29 families and to help current recipients become economically
30 independent. Services funded by such a transfer may include, but are
31 not limited to, welfare diversion services, work activities, case
32 management, child care, housing assistance, and related social and
33 health services.

34 NEW SECTION. **Sec. 203.** A new section is added to chapter 74.12
35 RCW to read as follows:

36 In addition to their monthly benefit payment, caretakers may earn
37 and keep one hundred twenty dollars and one-third of the remainder of

1 their earnings during every month they are eligible to receive
2 assistance under this chapter.

3 NEW SECTION. **Sec. 204.** A new section is added to chapter 74.12
4 RCW to read as follows:

5 (1) The department of social and health services shall adopt rules
6 to implement sections 201 and 202 of this act and to enforce contracts
7 adopted under section 201 of this act. However, it may not adopt such
8 rules unless it has complied with subsections (2) and (3) of this
9 section.

10 (2) Within sixty days after the effective date of this section, the
11 department shall submit copies of its proposed rules under this section
12 to the secretary of the senate and the chief clerk of the house of
13 representatives for distribution to the appropriate committees of the
14 legislature. The committees shall review the proposed rules and shall
15 provide the department with comments, if any, on the proposed rules.

16 (3) When the committees comment on proposed rules, the committees
17 shall give the department written notice of their findings and reasons
18 therefor.

19 NEW SECTION. **Sec. 205.** A new section is added to chapter 74.12
20 RCW to read as follows:

21 In order to be eligible for temporary assistance for needy
22 families, applicants shall, at the time of application for assistance,
23 provide the names of both parents of their child or children, whether
24 born or unborn.

25 NEW SECTION. **Sec. 206.** A new section is added to chapter 74.12
26 RCW to read as follows:

27 A grant provided under the temporary assistance for needy families
28 program shall be provided on a pro rata basis to the extent the
29 caretaker complies with mandated work and work activity requirements.

30 **Sec. 207.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to
31 read as follows:

32 Medical assistance may be provided in accordance with eligibility
33 requirements established by the department of social and health
34 services, as defined in the social security Title XIX state plan for
35 mandatory categorically needy persons and: (1) Individuals who would

1 be eligible for cash assistance except for their institutional status;
2 (2) individuals who are under twenty-one years of age, who would be
3 eligible for aid to families with dependent children, but do not
4 qualify as dependent children and who are in (a) foster care, (b)
5 subsidized adoption, (c) a nursing facility or an intermediate care
6 facility for the mentally retarded, or (d) inpatient psychiatric
7 facilities; (3) the aged, blind, and disabled who: (a) Receive only a
8 state supplement, or (b) would not be eligible for cash assistance if
9 they were not institutionalized; (4) categorically eligible individuals
10 who (~~would be eligible for but choose not to receive cash assistance~~)
11 meet the income and resource requirements of the cash assistance
12 programs; (5) individuals who are enrolled in managed health care
13 systems, who have otherwise lost eligibility for medical assistance,
14 but who have not completed a current six-month enrollment in a managed
15 health care system, and who are eligible for federal financial
16 participation under Title XIX of the social security act; (6) children
17 and pregnant women allowed by federal statute for whom funding is
18 appropriated; (~~and~~) (7) other individuals eligible for medical
19 services under RCW 74.09.035 and 74.09.700 for whom federal financial
20 participation is available under Title XIX of the social security act;
21 and (8) persons allowed by section 1931 of the social security act for
22 whom funding is appropriated.

23 NEW SECTION. Sec. 208. A new section is added to chapter 74.12
24 RCW to read as follows:

25 In determining eligibility for the temporary assistance for needy
26 families program of an assistance unit under this title, if a household
27 member is excluded from an assistance unit based on residency,
28 alienage, or citizenship of the household member, the department shall
29 allocate the full amount of the head of household's income to the
30 assistance unit without deducting an amount for the support of the
31 household member.

32 **PART III. MINOR PARENT PROVISIONS**

33 **Sec. 301.** 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 also
10 includes a living situation maintained by an agency that is licensed
11 under chapter 74.15 RCW that the department finds would provide an
12 appropriate supportive living arrangement. Grant assistance shall not
13 be provided under this chapter if the applicant does not reside in the
14 most appropriate living situation, as determined by the department.

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 shall be))~~ A minor parent
18 or pregnant minor residing in the most appropriate living situation, as
19 provided under subsection (1) of this section, is presumed to be unable
20 to manage adequately the funds paid to the minor or on behalf of the
21 dependent child or children and, unless the ~~((teenage custodial parent~~
22 ~~demonstrates otherwise))~~ minor provides sufficient evidence to rebut
23 the presumption, shall be subject to the protective payee requirements
24 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))~~ or parent
37 with the opportunity to make a showing ~~((, based on the preponderance of~~
38 ~~the evidence,))~~ that the parental home, or home of the other relative
39 placement, is the most appropriate living situation. It shall be

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

5 (4) In cases in which the (~~head of household is under eighteen~~
6 ~~years of age,~~) minor is 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 (5) For the purposes of this section, "most appropriate living
12 situation" shall not include a living situation including an adult male
13 who fathered the qualifying child and is found to meet the elements of
14 rape of a child as set forth in RCW 9A.44.079.

15 **Sec. 302.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to
16 read as follows:

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

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

1 or on behalf of the dependent child or children and, unless the
2 ~~((teenage custodial parent demonstrates otherwise))~~ minor provides
3 sufficient evidence to rebut the presumption, shall be subject to the
4 protective payee requirements provided for under RCW 74.12.250 and
5 74.08.280.

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

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

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

30 NEW SECTION. Sec. 303. A new section is added to chapter 74.12
31 RCW to read as follows:

32 The unmarried minor and the minor's child shall be considered to be
33 part of the household of the minor's parents or parent for purposes of
34 determining eligibility for temporary assistance for needy families and
35 general assistance for pregnant women as defined in RCW
36 74.04.005(6)(a)(ii)(A); and as such, the income and resources of the
37 entire household are considered to be available to support the
38 unmarried minor and his or her child.

1 **Sec. 304.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to
2 read as follows:

3 (1) In an action brought under this chapter, the court may inquire
4 into the ability of the parent or parents of the child to pay child
5 support and may enter an order of child support as set forth in chapter
6 26.19 RCW. The court may enforce the same by execution, or in any way
7 in which a court of equity may enforce its decrees. All child support
8 orders entered pursuant to this chapter shall be in compliance with the
9 provisions of RCW 26.23.050.

10 (2) For purposes of this section, if a dependent child's parent is
11 an unmarried minor, then the parent or parents of the minor shall also
12 be deemed a parent or parents of the dependent child. However,
13 liability for child support under this subsection only exists if the
14 parent or parents of the unmarried minor parent are provided the
15 opportunity for a hearing on their ability to provide support. Any
16 child support order requiring such a parent or parents to provide
17 support for the minor parent's child may be effective only until the
18 minor parent reaches eighteen years of age.

19 **Sec. 305.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to
20 read as follows:

21 If the department, after investigation, finds that any applicant
22 for assistance under this chapter or any recipient of funds under ((an
23 aid to families with dependent children grant)) this chapter would not
24 use, or is not utilizing, the grant adequately for the needs of ((the))
25 his or her child or children or would dissipate the grant or is
26 ((otherwise)) dissipating such grant, or would be or is unable to
27 manage adequately the funds paid on behalf of said child and that to
28 provide or continue ((said)) payments to ((him)) the applicant or
29 recipient would be contrary to the welfare of the child, the department
30 may make such payments to another individual who is interested in or
31 concerned with the welfare of such child and relative: PROVIDED, That
32 the department shall provide such counseling and other services as are
33 available and necessary to develop greater ability on the part of the
34 relative to manage funds in such manner as to protect the welfare of
35 the family. Periodic review of each case shall be made by the
36 department to determine if said relative is able to resume management
37 of the assistance grant. If after a reasonable period of time the
38 payments to the relative cannot be resumed, the department may request

1 the attorney general to file a petition in the superior court for the
2 appointment of a guardian for the child or children. Such petition
3 shall set forth the facts warranting such appointment. Notice of the
4 hearing on such petition shall be served upon the recipient and the
5 department not less than ten days before the date set for such hearing.
6 Such petition may be filed with the clerk of superior court and all
7 process issued and served without payment of costs. If upon the
8 hearing of such petition the court is satisfied that it is for the best
9 interest of the child or children, and all parties concerned, that a
10 guardian be appointed, he shall order the appointment, and may require
11 the guardian to render to the court a detailed itemized account of
12 expenditures of such assistance payments at such time as the court may
13 deem advisable.

14 It is the intention of this section that the guardianship herein
15 provided for shall be a special and limited guardianship solely for the
16 purpose of safeguarding the assistance grants made to dependent
17 children. Such guardianship shall terminate upon the termination of
18 such assistance grant, or sooner on order of the court, upon good cause
19 shown.

20 NEW SECTION. **Sec. 306.** The department of health shall apply for
21 federal funds for abstinence education from the United States
22 department of health and human services under Title V of the social
23 security act, 42 U.S.C. Sec. 701 et seq., section 912, specifically
24 under section 505(a).

25 **PART IV. CHILD SUPPORT ENHANCEMENT--LICENSE SUSPENSION**

26 NEW SECTION. **Sec. 401.** The legislature recognizes that the
27 current statutory procedures for the collection of child support do not
28 apply to all persons owing child support. In order to further insure
29 that child support obligations are met, this act establishes a program
30 by which certain licenses may be suspended or not renewed if a person
31 is one hundred eighty days or more in arrears on child support
32 payments. With this program, it is the intent of the legislature to
33 provide a strong incentive for persons owing support to make timely
34 payments, and to cooperate with the department of social and health
35 services to establish an appropriate schedule for the payment of any
36 arrears. In addition, the legislature finds that disputes over child

1 visitation comprises an often-cited reason why child support is unpaid.
2 It is the intent of the legislature to include custodial parents who
3 deny visitation as persons subject to license suspension and
4 nonrenewal.

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

16 NEW SECTION. **Sec. 402.** A new section is added to chapter 74.20A
17 RCW to read as follows:

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

20 (a) "Licensing entity" includes any department, board, commission,
21 or other organization of the state authorized to issue, renew, suspend,
22 or revoke a license authorizing an individual to engage in a business,
23 occupation, profession, industry, or the operation of a motor vehicle,
24 and includes the Washington state supreme court, to the extent that a
25 rule has been adopted by the court to implement suspension of licenses
26 related to the practice of law.

27 (b) "Noncompliance with a child support order" means a responsible
28 parent has:

29 (i) Accumulated arrears totaling more than six months of child
30 support payments;

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

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

37 (c) "License" means a license, certificate, registration, permit,
38 approval, or other similar document issued by a licensing entity

1 evidencing admission to or granting authority to engage in a
2 profession, occupation, business, industry, or the operation of a motor
3 vehicle. The term does not mean the tax registration or certification
4 issued under Title 82 RCW by the department of revenue.

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

10 (2) The department may serve upon a responsible parent a notice
11 informing the responsible parent of the department's intent to submit
12 the parent's name to the department of licensing and any appropriate
13 licensing entity as a licensee who is not in compliance with a child
14 support order. The department shall attach a copy of the responsible
15 parent's child support order to the notice. Service of the notice must
16 be by certified mail, return receipt requested. If service by
17 certified mail is not successful, service shall be by personal service.

18 (3) The department shall not issue a notice of noncompliance with
19 a child support order under this section if the department is able to
20 withhold, collect, or otherwise acquire through the use of other common
21 law or statutory procedures for enforcement of support obligations
22 funds or assets in a sufficient amount to ensure payment of a
23 reasonable amount towards accumulated arrears.

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

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

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

35 (c) If the parent requests an adjudicative proceeding within twenty
36 days of service, the department will stay action to certify the parent
37 to the department of licensing and any licensing entity for
38 noncompliance with a child support order pending entry of a written
39 decision after the adjudicative proceeding;

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

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

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

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

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

34 (i) If after receiving the notice of noncompliance with a child
35 support order, the responsible parent files a motion to modify support
36 with the court or requests the department to amend a support obligation
37 established by an administrative decision, the department or the court
38 shall stay action to certify the parent to the department of licensing
39 and any licensing entity for noncompliance with a child support order

1 until a final decision or order is entered. If a motion for
2 modification of a court or administrative order for child support is
3 pending prior to service of the notice, any action to certify the
4 parent to a licensing entity for noncompliance with a child support
5 order shall be automatically stayed until entry of a final order or
6 decision in the modification proceedings. The responsible parent has
7 the obligation to notify the department that a modification proceeding
8 is pending and provide a copy of the motion or request for
9 modification; and

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

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

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

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

1 At the end of the thirty days, if no payment schedule has been agreed
2 to in writing, and if the department has acted in good faith, the
3 department shall proceed with certification of noncompliance. If the
4 responsible parent fails to comply with a schedule of payments
5 established under this subsection, the department may proceed with
6 certification.

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

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

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

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

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

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

27 (e) The responsible parent fails to comply with a payment schedule
28 established under subsection (7) of this section.

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

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

1 (11) When a responsible parent who is served notice under
2 subsection (2) of this section subsequently complies with the child
3 support order, the department shall promptly provide the parent with a
4 written release stating that the responsible parent is in compliance
5 with the order. The department shall also transmit a copy of that
6 release to the appropriate licensing entities.

7 (12) Nothing in this section prohibits a responsible parent from
8 filing a motion to modify support with the court or from requesting the
9 department to amend a support obligation established by an
10 administrative decision. If there is a reasonable likelihood that the
11 motion or request will significantly change the amount of the child
12 support obligation, the department or the court may stay action to
13 certify the responsible parent to the department of licensing and any
14 licensing entity for noncompliance with a child support order until a
15 final decision or order is entered. If a motion for modification of a
16 court or administrative order for child support is pending prior to
17 service of the notice, any action to certify the parent to a licensing
18 entity for noncompliance with a child support order shall be
19 automatically stayed for six months, or longer if the department finds
20 good cause, or until entry of a final order or decision in the
21 modification proceedings. The responsible parent has the obligation to
22 notify the department that a modification proceeding is pending and
23 provide a copy of the motion or request for modification.

24 (13) The procedures provided in this act shall constitute the
25 exclusive administrative remedy for contesting the establishment of
26 noncompliance with a child support order and suspension of a license
27 pursuant to this section, and shall satisfy the requirements of RCW
28 34.05.422.

29 (14) The department of licensing and a licensing entity may issue,
30 renew, reinstate, or otherwise extend a license in accordance with the
31 licensing entity's or the department of licensing's rules after the
32 licensing entity or the department of licensing receives a copy of the
33 release specified in subsection (11) of this section. The department
34 of licensing and a licensing entity may waive any applicable
35 requirement for renewal or other extension if it determines that the
36 imposition of that requirement places an undue burden on the person and
37 that waiver of the requirement is consistent with the public interest.

38 (15) Consistent with the intent of chapter . . . , Laws of 1997
39 (this act), the department shall develop rules and procedures for

1 implementing the requirements of this section and applying the
2 standards provided in this section. The department shall deliver a
3 copy of these rules and procedures to the legislature no later than
4 June 30, 1998.

5 NEW SECTION. **Sec. 403.** A new section is added to chapter 74.20A
6 RCW to read as follows:

7 (1) The department of social and health services and all of the
8 various licensing entities subject to section 402 of this act shall
9 enter into such agreements as are necessary to carry out the
10 requirements of the license suspension program established in section
11 402 of this act.

12 (2) On or before January 1, 1998, and semiannually thereafter, the
13 department of social and health services and all licensing entities
14 subject to section 402 of this act shall compare data to identify
15 responsible parents who are not in compliance with a child support
16 order, as defined in section 402 of this act, with all licensees
17 subject to chapter . . . , Laws of 1997 (this act). The comparison may
18 be conducted electronically, or by any other means that is jointly
19 agreeable between the department and the particular licensing entity.
20 The data shared shall be limited to those items necessary to
21 implementation of chapter . . . , Laws of 1997 (this act). The purpose
22 of the comparison shall be to identify current licensees who are not in
23 compliance with a child support order, and to provide to the department
24 of social and health services the following information regarding those
25 licensees:

- 26 (a) Name;
- 27 (b) Date of birth;
- 28 (c) Address of record;
- 29 (d) Federal employer identification number or social security
30 number;
- 31 (e) Type of license;
- 32 (f) Effective date of license or renewal;
- 33 (g) Expiration date of license; and
- 34 (h) Active or inactive status.

35 NEW SECTION. **Sec. 404.** A new section is added to chapter 74.20A
36 RCW to read as follows:

1 (1) In furtherance of the public policy of increasing collection of
2 child support and to assist in evaluation of the program established in
3 section 402 of this act, the department shall report the following to
4 the legislature and the governor on December 1, 1998, and annually
5 thereafter:

6 (a) The number of responsible parents identified as licensees
7 subject to section 402 of this act;

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

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

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

14 (e) The number of adjudicative proceedings held, and the results of
15 the adjudicative proceedings;

16 (f) The number of responsible parents certified to the department
17 of licensing or licensing entities for noncompliance with a child
18 support order, and the type of license the parents held;

19 (g) The costs incurred in the implementation and enforcement of
20 section 402 of this act and an estimate of the amount of child support
21 collected due to the department under section 402 of this act;

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

24 (i) Recommendations for the addition of specific licenses in the
25 program or exclusion of specific licenses from the program, and reasons
26 for such recommendations; and

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

29 (2) To assist in evaluation of the program established in section
30 402 of this act, the office of the administrator for the courts shall
31 report the following to the legislature and the governor on December 1,
32 1998, and annually thereafter:

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

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

37 (c) The number of parents whose licenses were suspended under RCW
38 26.09.160(3).

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

1 **Sec. 405.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
2 read as follows:

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

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

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

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

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

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

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

24 (7) Has been certified by the department of social and health
25 services as a person who is not in compliance with a child support
26 order as provided in section 402 of this act, or is certified by a
27 court as a person who is not in compliance with a residential or
28 visitation order as provided in section 480 of this act.

29 **Sec. 406.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
30 read as follows:

31 (1) The department shall not suspend a driver's license or
32 privilege to drive a motor vehicle on the public highways for a fixed
33 period of more than one year, except as specifically permitted under
34 RCW 46.20.342 or other provision of law. Except for a suspension under
35 RCW 46.20.289 ((and)), 46.20.291(5), or section 402 of this act,
36 whenever the license or driving privilege of any person is suspended by
37 reason of a conviction, a finding that a traffic infraction has been
38 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291

1 or 46.20.308, the suspension shall remain in effect until the person
2 gives and thereafter maintains proof of financial responsibility for
3 the future as provided in chapter 46.29 RCW. If the suspension is the
4 result of a violation of RCW 46.61.502 or 46.61.504, the department
5 shall determine the person's eligibility for licensing based upon the
6 reports provided by the alcoholism agency or probation department
7 designated under RCW 46.61.5056 and shall deny reinstatement until
8 enrollment and participation in an approved program has been
9 established and the person is otherwise qualified. Whenever the
10 license or driving privilege of any person is suspended as a result of
11 certification of noncompliance with a child support order under chapter
12 74.20A RCW or a residential or visitation order as provided in section
13 480 of this act, the suspension shall remain in effect until the person
14 provides a written release issued by the department of social and
15 health services or a court stating that the person is in compliance
16 with the order. The department shall not issue to the person a new,
17 duplicate, or renewal license until the person pays a reissue fee of
18 twenty dollars. If the suspension is the result of a violation of RCW
19 46.61.502 or 46.61.504, or is the result of administrative action under
20 RCW 46.20.308, the reissue fee shall be fifty dollars.

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

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

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

23 NEW SECTION. **Sec. 407.** A new section is added to chapter 48.22
24 RCW to read as follows:

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

35 **Sec. 408.** RCW 46.52.130 and 1996 c 307 s 4 and 1996 c 183 s 2 are
36 each reenacted and amended to read as follows:

1 A certified abstract of the driving record shall be furnished only
2 to the individual named in the abstract, an employer or prospective
3 employer or an agent acting on behalf of an employer or prospective
4 employer, the insurance carrier that has insurance in effect covering
5 the employer or a prospective employer, the insurance carrier that has
6 insurance in effect covering the named individual, the insurance
7 carrier to which the named individual has applied, an alcohol/drug
8 assessment or treatment agency approved by the department of social and
9 health services, to which the named individual has applied or been
10 assigned for evaluation or treatment, or city and county prosecuting
11 attorneys. City attorneys and county prosecuting attorneys may provide
12 the driving record to alcohol/drug assessment or treatment agencies
13 approved by the department of social and health services to which the
14 named individual has applied or been assigned for evaluation or
15 treatment. The director, upon proper request, shall furnish a
16 certified abstract covering the period of not more than the last three
17 years to insurance companies. Upon proper request, the director shall
18 furnish a certified abstract covering a period of not more than the
19 last five years to state approved alcohol/drug assessment or treatment
20 agencies, except that the certified abstract shall also include records
21 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a
22 period of not more than the last ten years. Upon proper request, a
23 certified abstract of the full driving record maintained by the
24 department shall be furnished to a city or county prosecuting attorney,
25 to the individual named in the abstract or to an employer or
26 prospective employer or an agent acting on behalf of an employer or
27 prospective employer of the named individual. The abstract, whenever
28 possible, shall include an enumeration of motor vehicle accidents in
29 which the person was driving; the total number of vehicles involved;
30 whether the vehicles were legally parked or moving; whether the
31 vehicles were occupied at the time of the accident; any reported
32 convictions, forfeitures of bail, or findings that an infraction was
33 committed based upon a violation of any motor vehicle law; and the
34 status of the person's driving privilege in this state, including a
35 notation that indicates whether a suspension was pursuant to RCW
36 46.20.291(7). The enumeration shall include any reports of failure to
37 appear in response to a traffic citation or failure to respond to a
38 notice of infraction served upon the named individual by an arresting
39 officer. Certified abstracts furnished to prosecutors and alcohol/drug

1 assessment or treatment agencies shall also indicate whether a recorded
2 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
3 that was originally charged as one of the alcohol-related offenses
4 designated in RCW 46.01.260(2)((+a)(i)) (b)(i).

5 The abstract provided to the insurance company shall exclude any
6 information, except that related to the commission of misdemeanors or
7 felonies by the individual, pertaining to law enforcement officers or
8 fire fighters as defined in RCW 41.26.030, or any officer of the
9 Washington state patrol, while driving official vehicles in the
10 performance of occupational duty. The abstract provided to the
11 insurance company shall include convictions for RCW 46.61.525 (1) and
12 (2) except that the abstract shall report them only as negligent
13 driving without reference to whether they are for first or second
14 degree negligent driving. The abstract provided to the insurance
15 company shall exclude any deferred prosecution under RCW 10.05.060,
16 except that if a person is removed from a deferred prosecution under
17 RCW 10.05.090, the abstract shall show the deferred prosecution as well
18 as the removal.

19 The director shall collect for each abstract the sum of four
20 dollars and fifty cents which shall be deposited in the highway safety
21 fund.

22 Any insurance company or its agent receiving the certified abstract
23 shall use it exclusively for its own underwriting purposes and shall
24 not divulge any of the information contained in it to a third party.
25 No policy of insurance may be canceled, nonrenewed, denied, or have the
26 rate increased on the basis of such information unless the policyholder
27 was determined to be at fault. No insurance company or its agent for
28 underwriting purposes relating to the operation of commercial motor
29 vehicles may use any information contained in the abstract relative to
30 any person's operation of motor vehicles while not engaged in such
31 employment, nor may any insurance company or its agent for underwriting
32 purposes relating to the operation of noncommercial motor vehicles use
33 any information contained in the abstract relative to any person's
34 operation of commercial motor vehicles.

35 Any employer or prospective employer or an agent acting on behalf
36 of an employer or prospective employer receiving the certified abstract
37 shall use it exclusively for his or her own purpose to determine
38 whether the licensee should be permitted to operate a commercial

1 vehicle or school bus upon the public highways of this state and shall
2 not divulge any information contained in it to a third party.

3 Any alcohol/drug assessment or treatment agency approved by the
4 department of social and health services receiving the certified
5 abstract shall use it exclusively for the purpose of assisting its
6 employees in making a determination as to what level of treatment, if
7 any, is appropriate. The agency, or any of its employees, shall not
8 divulge any information contained in the abstract to a third party.

9 Release of a certified abstract of the driving record of an
10 employee or prospective employee requires a statement signed by: (1)
11 The employee or prospective employee that authorizes the release of the
12 record, and (2) the employer attesting that the information is
13 necessary to determine whether the licensee should be employed to
14 operate a commercial vehicle or school bus upon the public highways of
15 this state. If the employer or prospective employer authorizes an
16 agent to obtain this information on their behalf, this must be noted in
17 the statement.

18 Any violation of this section is a gross misdemeanor.

19 NEW SECTION. **Sec. 409.** ATTORNEYS. The legislature intends that
20 the license suspension program established in chapter 74.20A RCW be
21 implemented fairly to ensure that child support obligations are met.
22 However, being mindful of the separations of powers and
23 responsibilities among the branches of government, the legislature
24 strongly encourages the state supreme court to adopt rules providing
25 for suspension and denial of licenses related to the practice of law to
26 those individuals who are in noncompliance with a support order.

27 NEW SECTION. **Sec. 410.** A new section is added to chapter 2.48 RCW
28 to read as follows:

29 ATTORNEYS. The Washington state supreme court may provide by rule
30 that any member of the Washington state bar association who has been
31 certified by the department of social and health services as a person
32 who is in noncompliance with a support order as provided in section 402
33 of this act or by a court as in noncompliance with a residential or
34 visitation order under section 480 of this act shall be immediately
35 suspended from membership. The court's rules may provide for review of
36 an application for admission or reinstatement of membership after the
37 department of social and health services or a court has issued a

1 written release stating that the person is in compliance with the
2 order.

3 NEW SECTION. **Sec. 411.** A new section is added to chapter 18.04
4 RCW to read as follows:

5 The board shall immediately suspend the certificate or license of
6 a person who either (1) has been certified pursuant to section 402 of
7 this act by the department of social and health services as a person
8 who is not in compliance with a support order, or (2) has been
9 certified pursuant to section 480 of this act by a court as a person
10 who is not in compliance with a residential or visitation order. If
11 the person has continued to meet all other requirements for
12 reinstatement during the suspension, reissuance of the license or
13 certificate shall be automatic upon the board's receipt of a written
14 release issued by the department of social and health services or a
15 court stating that the licensee is in compliance with the order.

16 **Sec. 412.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
17 read as follows:

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

20 ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or
21 license to, an individual whose certificate has been revoked or
22 suspended; or

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

26 (2) In the case of suspension for failure to comply with a support
27 order under chapter 74.20A RCW, or a residential or visitation order as
28 provided in section 480 of this act if the person has continued to meet
29 all other requirements for reinstatement during the suspension,
30 reissuance of a certificate or license shall be automatic upon the
31 board's receipt of a written release issued by the department of social
32 and health services or a court stating that the individual is in
33 compliance with the order.

34 NEW SECTION. **Sec. 413.** A new section is added to chapter 18.08
35 RCW to read as follows:

1 The board shall immediately suspend the certificate of registration
2 or certificate of authorization to practice architecture of a person
3 who either (1) has been certified pursuant to section 402 of this act
4 by the department of social and health services as a person who is not
5 in compliance with a support order, or (2) has been certified pursuant
6 to section 480 of this act by a court as a person who is not in
7 compliance with a residential or visitation order. If the person has
8 continued to meet other requirements for reinstatement during the
9 suspension, reissuance of the certificate shall be automatic upon the
10 board's receipt of a written release issued by the department of social
11 and health services or a court stating that the individual is in
12 compliance with the order.

13 **Sec. 414.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
14 read as follows:

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

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

26 (a) Misrepresentation or concealment of material facts in obtaining
27 a license;

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

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

32 (d) Misleading or false advertising;

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

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

37 (g) Nonpayment of an administrative fine prior to renewal of a
38 license;

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

3 (i) Any other violations of this chapter.

4 (3) The department shall immediately suspend the license of a
5 person who either (a) has been certified pursuant to section 402 of
6 this act by the department of social and health services as a person
7 who is not in compliance with a support order, or (b) has been
8 certified pursuant to section 480 of this act by a court as a person
9 who is not in compliance with a residential or visitation order. If
10 the person has continued to meet all other requirements for
11 reinstatement during the suspension, reissuance of the license shall be
12 automatic upon the department's receipt of a written release issued by
13 the department of social and health services or a court stating that
14 the licensee is in compliance with the order.

15 NEW SECTION. Sec. 415. A new section is added to chapter 18.16
16 RCW to read as follows:

17 The department shall immediately suspend the license of a person
18 who either (1) has been certified pursuant to section 402 of this act
19 by the department of social and health services as a person who is not
20 in compliance with a support order, or (2) has been certified pursuant
21 to section 480 of this act by a court as a person who is not in
22 compliance with a residential or visitation order. If the person has
23 continued to meet all other requirements for reinstatement during the
24 suspension, reissuance of the license shall be automatic upon the
25 department's receipt of a written release issued by the department of
26 social and health services or a court stating that the licensee is in
27 compliance with the order.

28 NEW SECTION. Sec. 416. A new section is added to chapter 18.20
29 RCW to read as follows:

30 The department shall immediately suspend the license of a person
31 who either (1) has been certified pursuant to section 402 of this act
32 by the department of social and health services as a person who is not
33 in compliance with a support order, or (2) has been certified pursuant
34 to section 480 of this act by a court as a person who is not in
35 compliance with a residential or visitation order. If the person has
36 continued to meet all other requirements for reinstatement during the
37 suspension, reissuance of the license shall be automatic upon the

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

4 **Sec. 417.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
5 amended to read as follows:

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

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

13 (a) One year;

14 (b) Until the bond expires; or

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

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

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

25 (5) The department shall immediately suspend the certificate of
26 registration of a contractor who has been certified by the department
27 of social and health services as a person who either (a) is not in
28 compliance with a support order as provided in section 402 of this act,
29 or (b) has been certified pursuant to section 480 of this act by a
30 court as a person who is not in compliance with a residential or
31 visitation order. The certificate of registration shall not be
32 reissued or renewed unless the person provides to the department a
33 written release from the department of social and health services or a
34 court stating that he or she is in compliance with the order and the
35 person has continued to meet all other requirements for certification
36 during the suspension.

1 NEW SECTION. **Sec. 418.** A new section is added to chapter 18.28
2 RCW to read as follows:

3 The department shall immediately suspend the license of a person
4 who either (1) has been certified pursuant to section 402 of this act
5 by the department of social and health services as a person who is not
6 in compliance with a support order, or (2) has been certified pursuant
7 to section 480 of this act by a court as a person who is not in
8 compliance with a residential or visitation order. If the person has
9 continued to meet all other requirements for reinstatement during the
10 suspension, reissuance of the license shall be automatic upon the
11 department's receipt of a written release issued by the department of
12 social and health services or a court stating that the licensee is in
13 compliance with the order.

14 **Sec. 419.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
15 read as follows:

16 The director shall have the following powers and duties:

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

18 (2) To renew licenses under this chapter;

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

20 (~~and~~)

21 (4) To immediately suspend the license of a person who (a) has been
22 certified pursuant to section 402 of this act by the department of
23 social and health services as a person who is not in compliance with a
24 support order, or (b) has been certified pursuant to section 480 of
25 this act by a court as a person who is not in compliance with a
26 residential or visitation order; and

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

30 NEW SECTION. **Sec. 420.** A new section is added to chapter 18.39
31 RCW to read as follows:

32 In the case of suspension for failure to comply with a support
33 order under chapter 74.20A RCW or a residential or visitation order
34 under chapter 26.09 RCW, if the person has continued to meet all other
35 requirements for reinstatement during the suspension, reissuance of a
36 license shall be automatic upon the director's receipt of a written

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

3 NEW SECTION. **Sec. 421.** A new section is added to chapter 18.43
4 RCW to read as follows:

5 The board shall immediately suspend the registration of a person
6 who either (1) has been certified pursuant to section 402 of this act
7 by the department of social and health services as a person who is not
8 in compliance with a support order, or (2) has been certified pursuant
9 to section 480 of this act by a court as a person who is not in
10 compliance with a residential or visitation order. If the person has
11 continued to meet all other requirements for membership during the
12 suspension, reissuance of the certificate of registration shall be
13 automatic upon the board's receipt of a written release issued by the
14 department of social and health services or a court stating that the
15 person is in compliance with the order.

16 NEW SECTION. **Sec. 422.** A new section is added to chapter 18.44
17 RCW to read as follows:

18 The department shall immediately suspend the certificate of
19 registration of a person who either (1) has been certified pursuant to
20 section 402 of this act by the department of social and health services
21 as a person who is not in compliance with a support order, or (2) has
22 been certified pursuant to section 480 of this act by a court as a
23 person who is not in compliance with a residential or visitation order.
24 If the person has continued to meet all other requirements for
25 certification during the suspension, reissuance of the certificate
26 shall be automatic upon the department's receipt of a written release
27 issued by the department of social and health services or a court
28 stating that the person is in compliance with the order.

29 **Sec. 423.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
30 read as follows:

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

35 (2) The department shall immediately suspend the license of a
36 person who either (a) has been certified pursuant to section 402 of

1 this act by the department of social and health services as a person
2 who is not in compliance with a support order, or (b) has been
3 certified pursuant to section 480 of this act by a court as a person
4 who is not in compliance with a residential or visitation order. If
5 the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of the license shall be
7 automatic upon the department's receipt of a written release issued by
8 the department of social and health services or a court stating that
9 the person is in compliance with the order.

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

13 NEW SECTION. Sec. 424. A new section is added to chapter 18.51
14 RCW to read as follows:

15 The department shall immediately suspend the license of a person
16 who either (1) has been certified pursuant to section 402 of this act
17 by the department of social and health services, division of support,
18 as a person who is not in compliance with a child support order, or (2)
19 has been certified pursuant to section 480 of this act by a court as a
20 person who is not in compliance with a residential or visitation order.
21 If the person has continued to meet all other requirements for
22 reinstatement during the suspension, reissuance of the license shall be
23 automatic upon the department's receipt of a written release issued by
24 the division of child support or a court stating that the person is in
25 compliance with the order.

26 NEW SECTION. Sec. 425. A new section is added to chapter 18.76
27 RCW to read as follows:

28 The department shall immediately suspend the certification of a
29 poison center medical director or a poison information specialist who
30 either (1) has been certified pursuant to section 402 of this act by
31 the department of social and health services as a person who is not in
32 compliance with a support order, or (2) has been certified pursuant to
33 section 480 of this act by a court as a person who is not in compliance
34 with a residential or visitation order. If the person has continued to
35 meet all other requirements for certification during the suspension,
36 reissuance of the certification shall be automatic upon the
37 department's receipt of a written release issued by the department of

1 social and health services or a court stating that the person is in
2 compliance with the order.

3 NEW SECTION. **Sec. 426.** A new section is added to chapter 18.85
4 RCW to read as follows:

5 The director shall immediately suspend the license of a broker or
6 salesperson who either (1) has been certified pursuant to section 402
7 of this act by the department of social and health services as a person
8 who is not in compliance with a support order, or (2) has been
9 certified pursuant to section 480 of this act by a court as a person
10 who is not in compliance with a residential or visitation order. If
11 the person has continued to meet all other requirements for
12 reinstatement during the suspension, reissuance of the license shall be
13 automatic upon the director's receipt of a written release issued by
14 the department of social and health services or a court stating that
15 the person is in compliance with the order.

16 **Sec. 427.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
17 to read as follows:

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

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

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

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

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

33 (2) The director shall immediately suspend the certificate of
34 registration of a landscape architect who either (a) has been certified
35 pursuant to section 402 of this act by the department of social and
36 health services as a person who is not in compliance with a support
37 order, or (b) has been certified pursuant to section 480 of this act by

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

8 **Sec. 428.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
9 read as follows:

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

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

14 ~~((2))~~ (b) For fraud or deception in reporting under RCW
15 18.104.050;

16 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
17 lawful rule or regulation of the department or the department of
18 health.

19 (2) The director shall immediately suspend any license issued under
20 this chapter if the holder of the license either (a) has been certified
21 pursuant to section 402 of this act by the department of social and
22 health services as a person who is not in compliance with a support
23 order, or (b) has been certified pursuant to section 480 of this act by
24 a court as a person who is not in compliance with a residential or
25 visitation order. If the person has continued to meet all other
26 requirements for reinstatement during the suspension, reissuance of the
27 license shall be automatic upon the director's receipt of a written
28 release issued by the department of social and health services or a
29 court stating that the person is in compliance with the order.

30 (3) No license shall be suspended for more than six months, except
31 that a suspension under section 402 or 480 of this act shall continue
32 until the department receives a written release issued by the
33 department of social and health services or a court stating that the
34 person is in compliance with the order.

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

1 NEW SECTION. **Sec. 429.** A new section is added to chapter 18.106
2 RCW to read as follows:

3 The department shall immediately suspend any certificate of
4 competency issued under this chapter if the holder of the certificate
5 either (1) has been certified pursuant to section 402 of this act by
6 the department of social and health services as a person who is not in
7 compliance with a support order, or (2) has been certified pursuant to
8 section 480 of this act by a court as a person who is not in compliance
9 with a residential or visitation order. If the person has continued to
10 meet all other requirements for certification during the suspension,
11 reissuance of the certificate of competency shall be automatic upon the
12 department's receipt of a written release issued by the department of
13 social and health services or a court stating that the person is in
14 compliance with the order.

15 NEW SECTION. **Sec. 430.** A new section is added to chapter 18.130
16 RCW to read as follows:

17 The secretary shall immediately suspend the license of any person
18 subject to this chapter who either (1) has been certified by the
19 department of social and health services as a person who is not in
20 compliance with a support order as provided in section 402 of this act,
21 or (2) has been certified pursuant to section 480 of this act by a
22 court as a person who is not in compliance with a residential or
23 visitation order.

24 **Sec. 431.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
25 read as follows:

26 A person whose license has been suspended or revoked under this
27 chapter may petition the disciplining authority for reinstatement after
28 an interval as determined by the disciplining authority in the order.
29 The disciplining authority shall hold hearings on the petition and may
30 deny the petition or may order reinstatement and impose terms and
31 conditions as provided in RCW 18.130.160 and issue an order of
32 reinstatement. The disciplining authority may require successful
33 completion of an examination as a condition of reinstatement.

34 A person whose license has been suspended for noncompliance with a
35 support order under section 402 of this act or for noncompliance with
36 a residential or visitation order under chapter 26.09 RCW may petition
37 for reinstatement at any time by providing the secretary a written

1 release issued by the department of social and health services or a
2 court stating that the person is in compliance with the order. If the
3 person has continued to meet all other requirements for reinstatement
4 during the suspension, the secretary shall automatically reissue the
5 person's license upon receipt of the release, and payment of a
6 reinstatement fee, if any.

7 NEW SECTION. Sec. 432. A new section is added to chapter 18.140
8 RCW to read as follows:

9 The director shall immediately suspend any license or certificate
10 issued under this chapter if the holder either (1) has been certified
11 pursuant to section 402 of this act by the department of social and
12 health services as a person who is not in compliance with a support
13 order, or (2) has been certified pursuant to section 480 of this act by
14 a court as a person who is not in compliance with a residential or
15 visitation order. If the person has continued to meet all other
16 requirements for reinstatement during the suspension, reissuance of the
17 license or certificate shall be automatic upon the director's receipt
18 of a written release issued by the department of social and health
19 services or a court stating that the person is in compliance with the
20 order.

21 NEW SECTION. Sec. 433. A new section is added to chapter 18.145
22 RCW to read as follows:

23 The director shall immediately suspend any certificate issued under
24 this chapter if the holder either (1) has been certified pursuant to
25 section 402 of this act by the department of social and health services
26 as a person who is not in compliance with a support order, or (2) has
27 been certified pursuant to section 480 of this act by a court as a
28 person who is not in compliance with a residential or visitation order.
29 If the person has continued to meet all other requirements for
30 certification during the suspension, reissuance of the certificate
31 shall be automatic upon the director's receipt of a written release
32 issued by the department of social and health services or a court
33 stating that the person is in compliance with the order.

34 **Sec. 434.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
35 read as follows:

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

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

10 (b) Conviction of a felony;

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

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

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

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

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

26 (3) The state director of fire protection shall immediately suspend
27 any license or certificate issued under this chapter if the holder
28 either (a) has been certified pursuant to section 402 of this act by
29 the department of social and health services as a person who is not in
30 compliance with a support order, or (b) has been certified pursuant to
31 section 480 of this act by a court as a person who is not in compliance
32 with a residential or visitation order. If the person has continued to
33 meet all other requirements for issuance or reinstatement during the
34 suspension, issuance or reissuance of the license or certificate shall
35 be automatic upon the director's receipt of a written release issued by
36 the department of social and health services or a court stating that
37 the person is in compliance with the order.

38 (4) Any licensee or certificate of competency holder who is
39 aggrieved by an order of the state director of fire protection

1 suspending or revoking a license may, within thirty days after notice
2 of such suspension or revocation, appeal under chapter 34.05 RCW.

3 **Sec. 435.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
4 read as follows:

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

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

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

14 (3) Not meeting the qualifications set forth in RCW 18.165.030,
15 18.165.040, or 18.165.050;

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

18 (5) Carrying a firearm in the performance of his or her duties if
19 not the holder of a valid armed private investigator license, or
20 carrying a firearm not meeting the provisions of this chapter while in
21 the performance of his or her duties;

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

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

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

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

33 (10) Conviction of a gross misdemeanor or felony or the commission
34 of any act involving moral turpitude, dishonesty, or corruption whether
35 the act constitutes a crime or not. If the act constitutes a crime,
36 conviction in a criminal proceeding is not a condition precedent to
37 disciplinary action. Upon such a conviction, however, the judgment and
38 sentence is conclusive evidence at the ensuing disciplinary hearing of

1 the guilt of the license holder or applicant of the crime described in
2 the indictment or information, and of the person's violation of the
3 statute on which it is based. For the purposes of this section,
4 conviction includes all instances in which a plea of guilty or nolo
5 contendere is the basis for the conviction and all proceedings in which
6 the sentence has been deferred or suspended;

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

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

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

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

16 (a) Not furnishing any necessary papers or documents requested by
17 the director for purposes of conducting an investigation for
18 disciplinary action, denial, suspension, or revocation of a license
19 under this chapter;

20 (b) Not furnishing in writing a full and complete explanation
21 covering the matter contained in a complaint filed with the department;
22 or

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

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

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

29 (17) Misrepresentation or fraud in any aspect of the conduct of the
30 business or profession;

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

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

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

- 1 (21) Assisting a client to locate, trace, or contact a person when
2 the investigator knows that the client is prohibited by any court order
3 from harassing or contacting the person whom the investigator is being
4 asked to locate, trace, or contact, as it pertains to domestic
5 violence, stalking, or minor children;
6 (22) Failure to maintain bond or insurance; ~~((or))~~
7 (23) Failure to have a qualifying principal in place; or
8 (24) Being certified as not in compliance with a support order as
9 provided in section 402 of this act or not in compliance with a
10 residential or visitation order under section 480 of this act.

11 NEW SECTION. **Sec. 436.** A new section is added to chapter 18.165
12 RCW to read as follows:

13 The director shall immediately suspend a license issued under this
14 chapter if the holder either (1) has been certified pursuant to section
15 402 of this act by the department of social and health services as a
16 person who is not in compliance with a support order, or (2) has been
17 certified pursuant to section 480 of this act by a court as a person
18 who is not in compliance with a residential or visitation order. If
19 the person has continued to meet all other requirements for
20 reinstatement during the suspension, reissuance of the license shall be
21 automatic upon the director's receipt of a written release issued by
22 the department of social and health services or a court stating that
23 the person is in compliance with the order.

24 **Sec. 437.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
25 read as follows:

26 In addition to the provisions of section 438 of this act, the
27 following acts are prohibited and constitute grounds for disciplinary
28 action, assessing administrative penalties, or denial, suspension, or
29 revocation of any license under this chapter, as deemed appropriate by
30 the director:

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

33 (2) Practicing fraud, deceit, or misrepresentation in any of the
34 private security activities covered by this chapter;

35 (3) Knowingly making a material misstatement or omission in the
36 application for a license or firearms certificate;

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

1 (a) Not furnishing any necessary papers or documents requested by
2 the director for purposes of conducting an investigation for
3 disciplinary action, denial, suspension, or revocation of a license
4 under this chapter;

5 (b) Not furnishing in writing a full and complete explanation
6 covering the matter contained in a complaint filed with the department;
7 or

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

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

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

15 (18) Misrepresentation or fraud in any aspect of the conduct of the
16 business or profession;

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

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

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

26 (22) Failure to maintain insurance; and

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

28 NEW SECTION. **Sec. 438.** A new section is added to chapter 18.170
29 RCW to read as follows:

30 The director shall immediately suspend any license issued under
31 this chapter if the holder either (1) has been certified pursuant to
32 section 402 of this act by the department of social and health services
33 as a person who is not in compliance with a support order, or (2) has
34 been certified pursuant to section 480 of this act by a court as a
35 person who is not in compliance with a residential or visitation order.
36 If the person has continued to meet all other requirements for
37 reinstatement during the suspension, reissuance of the license shall be
38 automatic upon the director's receipt of a written release issued by

1 the department of social and health services or a court stating that
2 the person is in compliance with the order.

3 NEW SECTION. **Sec. 439.** A new section is added to chapter 18.175
4 RCW to read as follows:

5 The director shall immediately suspend a certificate of
6 registration issued under this chapter if the holder either (1) has
7 been certified pursuant to section 402 of this act by the department of
8 social and health services as a person who is not in compliance with a
9 support order, or (2) has been certified pursuant to section 480 of
10 this act by a court as a person who is not in compliance with a
11 residential or visitation order. If the person has continued to meet
12 all other requirements for certification during the suspension,
13 reissuance of the certificate shall be automatic upon the director's
14 receipt of a written release issued by the department of social and
15 health services or a court stating that the person is in compliance
16 with the order.

17 NEW SECTION. **Sec. 440.** A new section is added to chapter 18.185
18 RCW to read as follows:

19 The director shall immediately suspend any license issued under
20 this chapter if the holder either (1) has been certified pursuant to
21 section 402 of this act by the department of social and health services
22 as a person who is not in compliance with a support order, or (2) has
23 been certified pursuant to section 480 of this act by a court as a
24 person who is not in compliance with a residential or visitation order.
25 If the person has continued to meet all other requirements for
26 reinstatement during the suspension, reissuance of the license shall be
27 automatic upon the director's receipt of a written release issued by
28 the department of social and health services or a court stating that
29 the person is in compliance with the order.

30 **Sec. 441.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
31 read as follows:

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

35 (1) The department shall give written notice of the denial of an
36 application for a license to the applicant or his or her agent. The

1 department shall give written notice of revocation, suspension, or
2 modification of a license to the licensee or his or her agent. The
3 notice shall state the reasons for the action. The notice shall be
4 personally served in the manner of service of a summons in a civil
5 action or shall be given in ((an other)) another manner that shows
6 proof of receipt.

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

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

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

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

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

38 (4)(a) If the department gives a licensee twenty-eight or more days
39 notice of revocation, suspension, or modification and the licensee

1 files an appeal before its effective date, the department shall not
2 implement the adverse action until the final order has been entered.
3 The presiding or reviewing officer may permit the department to
4 implement part or all of the adverse action while the proceedings are
5 pending if the appellant causes an unreasonable delay in the
6 proceeding, if the circumstances change so that implementation is in
7 the public interest, or for other good cause.

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

16 NEW SECTION. **Sec. 442.** A new section is added to chapter 28A.410
17 RCW to read as follows:

18 Any certificate or permit authorized under this chapter or chapter
19 28A.405 RCW shall be suspended by the authority authorized to grant the
20 certificate or permit if (1) either the department of social and health
21 services certifies that the person is not in compliance with a support
22 order as provided in section 402 of this act or (2) a court certifies
23 that the person is not in compliance with a residential or visitation
24 order under chapter 26.09 RCW. If the person continues to meet other
25 requirements for reinstatement during the suspension, reissuance of the
26 certificate or permit shall be automatic after the person provides the
27 authority a written release issued by the department of social and
28 health services or a court stating that the person is in compliance
29 with the order.

30 **Sec. 443.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
31 read as follows:

32 This section governs the denial of an application for a license or
33 the suspension, revocation, or modification of a license by the
34 department. This section does not govern actions taken under chapter
35 18.130 RCW.

36 (1) The department shall give written notice of the denial of an
37 application for a license to the applicant or his or her agent. The

1 department shall give written notice of revocation, suspension, or
2 modification of a license to the licensee or his or her agent. The
3 notice shall state the reasons for the action. The notice shall be
4 personally served in the manner of service of a summons in a civil
5 action or shall be given in (~~(an other [another])~~) another manner that
6 shows proof of receipt.

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

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

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

20 (c) When the department has received certification pursuant to
21 either (i) chapter 74.20A RCW from the department of social and health
22 services that the licensee is a person who is not in compliance with a
23 child support order or (ii) chapter 26.09 RCW from a court that the
24 licensee is a person who is not in compliance with a residential or
25 visitation order, the department shall provide that the suspension is
26 effective immediately upon receipt of the suspension notice by the
27 licensee.

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

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

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

18 **Sec. 444.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
19 read as follows:

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

1 department, the two hundred dollars shall be applied by the department
2 to the payment of the per diem and expenses of the members of the board
3 incurred in the matter, and any balance remaining after payment of per
4 diem and expenses shall be paid into the electrical license fund.

5 (2) The department shall immediately suspend the license or
6 certificate of a person who either (a) has been certified pursuant to
7 section 402 of this act by the department of social and health services
8 as a person who is not in compliance with a support order, or (b) has
9 been certified pursuant to section 480 of this act by a court as a
10 person who is not in compliance with a residential or visitation order.
11 If the person has continued to meet all other requirements for
12 reinstatement during the suspension, reissuance of the license or
13 certificate shall be automatic upon the department's receipt of a
14 written release issued by the department of social and health services
15 or a court stating that the licensee is in compliance with the order.

16 **Sec. 445.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
17 read as follows:

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

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

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

24 (c) The holder thereof has violated any of the provisions of RCW
25 19.28.510 through 19.28.620 or any rule adopted under this chapter.

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

1 (3) The department shall immediately suspend the license or
2 certificate of a person who either (a) has been certified pursuant to
3 section 402 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (b) has
5 been certified pursuant to section 480 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the department's receipt of a
10 written release issued by the department of social and health services
11 or a court stating that the licensee is in compliance with the order.

12 **Sec. 446.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
13 read as follows:

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

17 (1) The farm labor contractor or any agent of the contractor has
18 violated or failed to comply with any of the provisions of this
19 chapter;

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

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

24 (4) The farm labor contractor, or any agent of the contractor, has
25 violated or wilfully aided or abetted any person in the violation of,
26 or failed to comply with, any law of the state of Washington regulating
27 employment in agriculture, the payment of wages to farm employees, or
28 the conditions, terms, or places of employment affecting the health and
29 safety of farm employees, which is applicable to the business
30 activities, or operations of the contractor in his or her capacity as
31 a farm labor contractor;

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

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

1 The director shall immediately suspend the license or certificate
2 of a person who either has been certified pursuant to section 402 of
3 this act by the department of social and health services as a person
4 who is not in compliance with a support order, or has been certified
5 pursuant to section 480 of this act by a court as a person who is not
6 in compliance with a residential or visitation order. If the person
7 has continued to meet all other requirements for reinstatement during
8 the suspension, reissuance of the license or certificate shall be
9 automatic upon the director's receipt of a written release issued by
10 the department of social and health services or a court stating that
11 the licensee is in compliance with the order.

12 **Sec. 447.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
13 read as follows:

14 In addition to other provisions of this chapter, any license issued
15 pursuant to this chapter or any application therefor may be denied, not
16 renewed, revoked, or suspended, or in lieu of or in addition to
17 suspension a licensee may be assessed a civil, monetary penalty in an
18 amount not to exceed one thousand dollars:

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

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

23 (3) If the application or renewal forms required by this chapter
24 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
25 applicable, have not been paid, and the surety bond or cash deposit or
26 other negotiable security acceptable to the director required by RCW
27 19.16.190, if applicable, has not been filed or renewed or is canceled.

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

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

35 (b) Shall have had a license to engage in the business of a
36 collection agency or out-of-state collection agency denied, not
37 renewed, suspended, or revoked by this state, any other state, or
38 foreign country, for any reason other than the nonpayment of licensing

1 fees or failure to meet bonding requirements: PROVIDED, That the terms
2 of this subsection shall not apply if:

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

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

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

11 (d) Has had any judgment entered against him in any civil action
12 involving forgery, embezzlement, obtaining money under false pretenses,
13 larceny, extortion, or conspiracy to defraud and five years have not
14 elapsed since the date of the entry of the final judgment in said
15 action: PROVIDED, That in no event shall a license be issued unless
16 the judgment debt has been discharged;

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

21 (f) Has had any judgment entered against him or it under the
22 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
23 violations of RCW 19.86.020 and two years have not elapsed since the
24 entry of the final judgment: PROVIDED, That in no event shall a
25 license be issued unless the terms of such judgment, if any, have been
26 fully complied with: PROVIDED FURTHER, That said judgment shall not be
27 grounds for denial, suspension, nonrenewal, or revocation of a license
28 unless the judgment arises out of and is based on acts of the
29 applicant, owner, officer, director, managing employee, or licensee
30 while acting for or as a collection agency or an out-of-state
31 collection agency;

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

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

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

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

5 (k) Has been found by a court of competent jurisdiction to have
6 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
7 1692 et seq., or the Washington state consumer protection act, chapter
8 19.86 RCW, and two years have not elapsed since that finding.

9 Except as otherwise provided in this section, any person who is
10 engaged in the collection agency business as of January 1, 1972 shall,
11 upon filing the application, paying the fees, and filing the surety
12 bond or cash deposit or other negotiable security in lieu of bond
13 required by this chapter, be issued a license ((hereunder)) under this
14 chapter.

15 The director shall immediately suspend the license or certificate
16 of a person who either has been certified pursuant to section 402 of
17 this act by the department of social and health services as a person
18 who is not in compliance with a support order, or has been certified
19 pursuant to section 480 of this act by a court as a person who is not
20 in compliance with a residential or visitation order. If the person
21 has continued to meet all other requirements for reinstatement during
22 the suspension, reissuance of the license or certificate shall be
23 automatic upon the director's receipt of a written release issued by
24 the department of social and health services or a court stating that
25 the licensee is in compliance with the order.

26 **Sec. 448.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
27 to read as follows:

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

32 ((+1)) (a) Was previously the holder of a license issued under
33 this chapter, which was revoked for cause and never reissued by the
34 director, or which license was suspended for cause and the terms of the
35 suspension have not been fulfilled;

36 ((+2)) (b) Has been found guilty of any felony within the past
37 five years involving moral turpitude, or for any misdemeanor concerning

1 fraud or conversion, or suffering any judgment in any civil action
2 involving wilful fraud, misrepresentation or conversion;

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

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

8 (2) The director shall immediately suspend the license or
9 certificate of a person who either (a) has been certified pursuant to
10 section 402 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 480 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the director's receipt of a written
17 release issued by the department of social and health services or a
18 court stating that the licensee is in compliance with the order.

19 **Sec. 449.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
20 read as follows:

21 (1) The director of agriculture may cancel or suspend any such
22 license if he finds after proper investigation that (a) the licensee
23 has violated any provision of this chapter or of any other law of this
24 state relating to the operation of refrigerated lockers or of the sale
25 of any human food in connection therewith, or any regulation effective
26 under any act the administration of which is in the charge of the
27 department of agriculture, or (b) the licensed refrigerated locker
28 premises or any equipment used therein or in connection therewith is in
29 an unsanitary condition and the licensee has failed or refused to
30 remedy the same within ten days after receipt from the director of
31 agriculture of written notice to do so.

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

36 (3) Any order made by the director suspending or revoking any
37 license may be reviewed by certiorari in the superior court of the
38 county in which the licensed premises are located, within ten days from

1 the date notice in writing of the director's order revoking or
2 suspending such license has been served upon him.

3 (4) The director shall immediately suspend the license or
4 certificate of a person who either (a) has been certified pursuant to
5 section 402 of this act by the department of social and health services
6 as a person who is not in compliance with a support order, or (b) has
7 been certified pursuant to section 480 of this act by a court as a
8 person who is not in compliance with a residential or visitation order.
9 If the person has continued to meet all other requirements for
10 reinstatement during the suspension, reissuance of the license or
11 certificate shall be automatic upon the director's receipt of a written
12 release issued by the department of social and health services or a
13 court stating that the licensee is in compliance with the order.

14 **Sec. 450.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
15 read as follows:

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

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

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

24 (c) The applicant, registrant, or affiliate has failed to comply
25 with any provision of this chapter, the rules adopted or the conditions
26 of a permit granted under this chapter, or a stipulation or final order
27 previously entered into by the operator or issued by the department
28 under this chapter;

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

32 (e) The camping resort operator or any officer, director, or
33 affiliate of the camping resort operator has been within the last five
34 years convicted of or pleaded nolo contendere to any misdemeanor or
35 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
36 has been enjoined from or had any civil penalty assessed for a finding
37 of dishonest dealing or fraud in a civil suit, or been found to have
38 engaged in any violation of any act designed to protect consumers, or

1 has been engaged in dishonest practices in any industry involving sales
2 to consumers;

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

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

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

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

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

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

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

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

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

35 (ii) Employ any device, scheme, or artifice to defraud purchasers
36 or members;

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

1 (n) The applicant or registrant has failed to provide a bond,
2 letter of credit, or other arrangement to assure delivery of promised
3 gifts, prizes, awards, or other items of consideration, as required
4 under this chapter, breached such a security arrangement, or failed to
5 maintain such a security arrangement in effect because of a resignation
6 or loss of a trustee, impound, or escrow agent;

7 (o) The applicant or registrant has engaged in a practice of
8 selling contracts using material amendments or codicils that have not
9 been filed or are the consequences of breaches or alterations in
10 previously filed contracts;

11 (p) The applicant or registrant has engaged in a practice of
12 selling or proposing to sell contracts in a ratio of contracts to sites
13 available in excess of that filed in the affidavit required by this
14 chapter;

15 (q) The camping resort operator has withdrawn, has the right to
16 withdraw, or is proposing to withdraw from use all or any portion of
17 any camping resort property devoted to the camping resort program,
18 unless:

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

23 (ii) The property is withdrawn because, despite good faith efforts
24 by the camping resort operator, a nonaffiliate of the camping resort
25 has exercised a right of withdrawal from use by the camping resort
26 (such as withdrawal following expiration of a lease of the property to
27 the camping resort) and the terms of the withdrawal right have been
28 disclosed in writing to all purchasers at or prior to the time of any
29 sales of camping resort contracts after the camping resort has
30 represented to purchasers that the property is or will be available for
31 camping or recreation purposes;

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

37 (iv) The rights of members and owners of the camping resort
38 contracts under the express terms of the camping resort contract have
39 expired, or have been specifically limited, upon the lapse of a stated

1 or determinable period of time, and the director by order has found
2 that the withdrawal is not otherwise inconsistent with the protection
3 of purchasers or the desire of the majority of the owners of camping
4 resort contracts, as expressed in their previously obtained vote of
5 approval;

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

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

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

15 (u) The applicant or registrant has filed voluntarily or been
16 placed involuntarily into a federal bankruptcy or is proposing to do
17 so; or

18 (v) A camping resort operator's rights or interest in a campground
19 has been terminated by foreclosure or the operations in a camping
20 resort have been terminated in a manner contrary to contract
21 provisions.

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

31 (3) An operator, registrant, or applicant against whom
32 administrative or legal proceedings have been filed shall be
33 responsible for and shall reimburse the state, by payment into the
34 general fund, for all administrative and legal costs actually incurred
35 by the department in issuing, processing, and conducting any such
36 administrative or legal proceeding authorized under this chapter that
37 results in a final legal or administrative determination of any type or
38 degree in favor of the department.

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

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

12 (6) The director may enter into assurances of discontinuance in
13 lieu of issuing a statement of charges or a cease and desist order or
14 conducting a hearing under this chapter. The assurances shall consist
15 of a statement of the law in question and an agreement not to violate
16 the stated provision. The applicant or registrant shall not be
17 required to admit to any violation of the law, nor shall the assurance
18 be construed as such an admission. Violating or breaching an assurance
19 under this subsection is grounds for suspension or revocation of
20 registration or imposition of a fine.

21 (7) The director shall immediately suspend the license or
22 certificate of a person who either (a) has been certified pursuant to
23 section 402 of this act by the department of social and health services
24 as a person who is not in compliance with a support order, or (b) has
25 been certified pursuant to section 480 of this act by a court as a
26 person who is not in compliance with a residential or visitation order.
27 If the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of the license or
29 certificate shall be automatic upon the director's receipt of a written
30 release issued by the department of social and health services or a
31 court stating that the licensee is in compliance with the order.

32 **Sec. 451.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
33 read as follows:

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

37 (a) A statement whether or not the applicant within the past five
38 years has been convicted of, pleaded nolo contendere to, or been ordered

1 to serve probation for a period of a year or more for any misdemeanor
2 or felony involving conversion, embezzlement, theft, fraud, or
3 dishonesty or the applicant has been enjoined from, had any civil
4 penalty assessed for, or been found to have engaged in any violation of
5 any act designed to protect consumers;

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

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

12 (d) Required filing fees.

13 (2) The director may by order deny, suspend, or revoke a camping
14 resort salesperson's registration or application for registration under
15 this chapter or the person's license or application under chapter 18.85
16 RCW, or impose a fine on such persons not exceeding two hundred dollars
17 per violation, if the director finds that the order is necessary for
18 the protection of purchasers or owners of camping resort contracts and
19 the applicant or registrant is guilty of:

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

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

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

31 (d) Making, printing, publishing, distributing, or causing,
32 authorizing, or knowingly permitting the making, printing, publication,
33 or distribution of false statements, descriptions, or promises of such
34 character as to reasonably induce any person to act thereon, if the
35 statements, descriptions, or promises purport to be made or to be
36 performed by either the applicant or registrant and the applicant or
37 registrant then knew or, by the exercise of reasonable care and
38 inquiry, could have known, of the falsity of the statements,
39 descriptions, or promises;

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

5 (f) Failing, upon demand, to disclose to the director or the
6 director's authorized representatives acting by authority of law any
7 information within his or her knowledge or to produce for inspection
8 any document, book or record in his or her possession, which is
9 material to the salesperson's registration or application for
10 registration;

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

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

18 (i) Misrepresentation of membership in any state or national
19 association; or

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

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

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

31 (5) The director, subsequent to any complaint filed against a
32 salesperson or pursuant to an investigation to determine violations,
33 may enter into stipulated assurances of discontinuances in lieu of
34 issuing a statement of charges or a cease and desist order or
35 conducting a hearing. The assurance shall consist of a statement of
36 the law in question and an agreement not to violate the stated
37 provision. The salesperson shall not be required to admit to any
38 violation of the law, nor shall the assurance be construed as such an
39 admission. Violation of an assurance under this subsection is grounds

1 for a disciplinary action, a suspension of registration, or a fine not
2 to exceed one thousand dollars.

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

8 (7) Registration as a camping resort salesperson shall be effective
9 for a period of one year unless the director specifies otherwise or the
10 salesperson transfers employment to a different registrant.
11 Registration as a camping resort salesperson shall be renewed annually,
12 or at the time of transferring employment, whichever occurs first, by
13 the filing of a form prescribed by the director for that purpose.

14 (8) It is unlawful for a registrant of camping resort contracts to
15 employ or a person to act as a camping resort salesperson covered under
16 this section unless the salesperson has in effect with the department
17 and displays a valid registration in a conspicuous location at each of
18 the sales offices at which the salesperson is employed. It is the
19 responsibility of both the operator and the salesperson to notify the
20 department when and where a salesperson is employed, his or her
21 responsibilities and duties, and when the salesperson's employment or
22 reported duties are changed or terminated.

23 (9) The director shall immediately suspend the license or
24 certificate of a person who either (a) has been certified pursuant to
25 section 402 of this act by the department of social and health services
26 as a person who is not in compliance with a support order, or (b) has
27 been certified pursuant to section 480 of this act by a court as a
28 person who is not in compliance with a residential or visitation order.
29 If the person has continued to meet all other requirements for
30 reinstatement during the suspension, reissuance of the license or
31 certificate shall be automatic upon the director's receipt of a written
32 release issued by the department of social and health services or a
33 court stating that the licensee is in compliance with the order.

34 **Sec. 452.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
35 read as follows:

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

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

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

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

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

13 (e) Has failed to display the registration as provided in this
14 chapter;

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

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

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

25 (3) The director shall immediately suspend the license or
26 certificate of a person who either (a) has been certified pursuant to
27 section 402 of this act by the department of social and health services
28 as a person who is not in compliance with a support order, or (b) has
29 been certified pursuant to section 480 of this act by a court as a
30 person who is not in compliance with a residential or visitation order.
31 If the person has continued to meet all other requirements for
32 reinstatement during the suspension, reissuance of the license or
33 certificate shall be automatic upon the director's receipt of a written
34 release issued by the department of social and health services or a
35 court stating that the licensee is in compliance with the order.

36 **Sec. 453.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
37 read as follows:

1 (1) In order to maintain or defend a lawsuit or do any business in
2 this state, a commercial telephone solicitor must be registered with
3 the department of licensing. Prior to doing business in this state, a
4 commercial telephone solicitor shall register with the department of
5 licensing. Doing business in this state includes both commercial
6 telephone solicitation from a location in Washington and solicitation
7 of purchasers located in Washington.

8 (2) The department of licensing, in registering commercial
9 telephone solicitors, shall have the authority to require the
10 submission of information necessary to assist in identifying and
11 locating a commercial telephone solicitor, including past business
12 history, prior judgments, and such other information as may be useful
13 to purchasers.

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

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

18 (a) Fail to maintain a valid registration;

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

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

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

26 (5) An annual registration fee shall be assessed by the department
27 of licensing, the amount of which shall be determined at the discretion
28 of the director of the department of licensing, and which shall be
29 reasonably related to the cost of administering the provisions of this
30 chapter.

31 (6) The department shall immediately suspend the license or
32 certificate of a person who either (a) has been certified pursuant to
33 section 402 of this act by the department of social and health services
34 as a person who is not in compliance with a support order, or (b) has
35 been certified pursuant to section 480 of this act by a court as a
36 person who is not in compliance with a residential or visitation order.
37 If the person has continued to meet all other requirements for
38 reinstatement during the suspension, reissuance of the license or
39 certificate shall be automatic upon the department's receipt of a

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

3 **Sec. 454.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
4 read as follows:

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

8 (a) Evidence that the organization meets the standards established
9 by the secretary of state under RCW 19.166.050;

10 (b) The name, address, and telephone number of the organization,
11 its chief executive officer, and the person within the organization who
12 has primary responsibility for supervising placements within the state;

13 (c) The organization's unified business identification number, if
14 any;

15 (d) The organization's United States Information Agency number, if
16 any;

17 (e) Evidence of council on standards for international educational
18 travel listing, if any;

19 (f) Whether the organization is exempt from federal income tax; and

20 (g) A list of the organization's placements in Washington for the
21 previous academic year including the number of students placed, their
22 home countries, the school districts in which they were placed, and the
23 length of their placements.

24 (2) The application shall be signed by the chief executive officer
25 of the organization and the person within the organization who has
26 primary responsibility for supervising placements within Washington.
27 If the secretary of state determines that the application is complete,
28 the secretary of state shall file the application and the applicant is
29 registered.

30 (3) International student exchange visitor placement organizations
31 that have registered shall inform the secretary of state of any changes
32 in the information required under subsection (1) of this section within
33 thirty days of the change.

34 (4) Registration shall be renewed annually as established by rule
35 by the office of the secretary of state.

36 (5) The office of the secretary of state shall immediately suspend
37 the license or certificate of a person who either (a) has been
38 certified pursuant to section 402 of this act by the department of

1 social and health services as a person who is not in compliance with a
2 support order, or (b) has been certified pursuant to section 480 of
3 this act by a court as a person who is not in compliance with a
4 residential or visitation order. If the person has continued to meet
5 all other requirements for reinstatement during the suspension,
6 reissuance of the license or certificate shall be automatic upon the
7 office of the secretary of state's receipt of a written release issued
8 by the department of social and health services or a court stating that
9 the licensee is in compliance with the order.

10 NEW SECTION. Sec. 455. A new section is added to chapter 20.01
11 RCW to read as follows:

12 The director shall immediately suspend the license or certificate
13 of a person who either (1) has been certified pursuant to section 402
14 of this act by the department of social and health services as a person
15 who is not in compliance with a support order, or (2) has been
16 certified pursuant to section 480 of this act by a court as a person
17 who is not in compliance with a residential or visitation order. If
18 the person has continued to meet all other requirements for
19 reinstatement during the suspension, reissuance of the license or
20 certificate shall be automatic upon the director's receipt of a written
21 release issued by the department of social and health services or a
22 court stating that the licensee is in compliance with the order.

23 **Sec. 456.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
24 read as follows:

25 The director may by order deny, suspend, or revoke registration of
26 any broker-dealer, salesperson, investment adviser representative, or
27 investment adviser; censure or fine the registrant or an officer,
28 director, partner, or person occupying similar functions for a
29 registrant; or restrict or limit a registrant's function or activity of
30 business for which registration is required in this state; if the
31 director finds that the order is in the public interest and that the
32 applicant or registrant or, in the case of a broker-dealer or
33 investment adviser, any partner, officer, or director:

34 (1) Has filed an application for registration under this section
35 which, as of its effective date, or as of any date after filing in the
36 case of an order denying effectiveness, was incomplete in any material
37 respect or contained any statement which was, in the light of the

1 circumstances under which it was made, false, or misleading with
2 respect to any material fact;

3 (2) Has willfully violated or willfully failed to comply with any
4 provision of this chapter or a predecessor act or any rule or order
5 under this chapter or a predecessor act, or any provision of chapter
6 21.30 RCW or any rule or order thereunder;

7 (3) Has been convicted, within the past five years, of any
8 misdemeanor involving a security, or a commodity contract or commodity
9 option as defined in RCW 21.30.010, or any aspect of the securities or
10 investment commodities business, or any felony involving moral
11 turpitude;

12 (4) Is permanently or temporarily enjoined by any court of
13 competent jurisdiction from engaging in or continuing any conduct or
14 practice involving any aspect of the securities or investment
15 commodities business;

16 (5) Is the subject of an order of the director denying, suspending,
17 or revoking registration as a broker-dealer, salesperson, investment
18 adviser, or investment adviser representative;

19 (6) Is the subject of an order entered within the past five years
20 by the securities administrator of any other state or by the federal
21 securities and exchange commission denying or revoking registration as
22 a broker-dealer or salesperson, or a commodity broker-dealer or sales
23 representative, or the substantial equivalent of those terms as defined
24 in this chapter or by the commodity futures trading commission denying
25 or revoking registration as a commodity merchant as defined in RCW
26 21.30.010, or is the subject of an order of suspension or expulsion
27 from membership in or association with a self-regulatory organization
28 registered under the securities exchange act of 1934 or the federal
29 commodity exchange act, or is the subject of a United States post
30 office fraud order; but (a) the director may not institute a revocation
31 or suspension proceeding under this clause more than one year from the
32 date of the order relied on, and (b) the director may not enter any
33 order under this clause on the basis of an order unless that order was
34 based on facts which would currently constitute a ground for an order
35 under this section;

36 (7) Has engaged in dishonest or unethical practices in the
37 securities or investment commodities business;

38 (8) Is insolvent, either in the sense that his or her liabilities
39 exceed his or her assets or in the sense that he or she cannot meet his

1 or her obligations as they mature; but the director may not enter an
2 order against a broker-dealer or investment adviser under this clause
3 without a finding of insolvency as to the broker-dealer or investment
4 adviser;

5 (9) Has not complied with a condition imposed by the director under
6 RCW 21.20.100, or is not qualified on the basis of such factors as
7 training, experience, or knowledge of the securities business; or

8 (10)(a) Has failed to supervise reasonably a salesperson or an
9 investment adviser representative. For the purposes of this
10 subsection, no person fails to supervise reasonably another person, if:

11 (i) There are established procedures, and a system for applying
12 those procedures, that would reasonably be expected to prevent and
13 detect, insofar as practicable, any violation by another person of this
14 chapter, or a rule or order under this chapter; and

15 (ii) The supervising person has reasonably discharged the duties
16 and obligations required by these procedures and system without
17 reasonable cause to believe that another person was violating this
18 chapter or rules or orders under this chapter.

19 (b) The director may issue a summary order pending final
20 determination of a proceeding under this section upon a finding that it
21 is in the public interest and necessary or appropriate for the
22 protection of investors. The director may not impose a fine under this
23 section except after notice and opportunity for hearing. The fine
24 imposed under this section may not exceed five thousand dollars for
25 each act or omission that constitutes the basis for issuing the order.

26 The director shall immediately suspend the license or certificate
27 of a person who either has been certified pursuant to section 402 of
28 this act by the department of social and health services as a person
29 who is not in compliance with a support order, or has been certified
30 pursuant to section 480 of this act by a court as a person who is not
31 in compliance with a residential or visitation order. If the person
32 has continued to meet all other requirements for reinstatement during
33 the suspension, reissuance of the license or certificate shall be
34 automatic upon the director's receipt of a written release issued by
35 the department of social and health services or a court stating that
36 the licensee is in compliance with the order.

37 **NEW SECTION. Sec. 457.** A new section is added to chapter 48.17
38 RCW to read as follows:

1 The commissioner shall immediately suspend the license or
2 certificate of a person who either (1) has been certified pursuant to
3 section 402 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (2) has
5 been certified pursuant to section 480 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the commissioner's receipt of a
10 written release issued by the department of social and health services
11 or a court stating that the licensee is in compliance with the order.

12 NEW SECTION. **Sec. 458.** A new section is added to chapter 74.15
13 RCW to read as follows:

14 The secretary shall immediately suspend the license or certificate
15 of a person who either (1) has been certified pursuant to section 402
16 of this act by the department of social and health services as a person
17 who is not in compliance with a support order, or (2) has been
18 certified pursuant to section 480 of this act by a court as a person
19 who is not in compliance with a residential or visitation order. If
20 the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the secretary's receipt of a
23 written release issued by the department of social and health services
24 or a court stating that the licensee is in compliance with the order.

25 NEW SECTION. **Sec. 459.** A new section is added to chapter 47.68
26 RCW to read as follows:

27 The department shall immediately suspend the license or certificate
28 of a person who either (1) has been certified pursuant to section 402
29 of this act by the department of social and health services as a person
30 who is not in compliance with a support order, or (2) has been
31 certified pursuant to section 480 of this act by a court as a person
32 who is not in compliance with a residential or visitation order. If
33 the person has continued to meet all other requirements for
34 reinstatement during the suspension, reissuance of the license or
35 certificate shall be automatic upon the department's receipt of a
36 written release issued by the department of social and health services
37 or a court stating that the licensee is in compliance with the order.

1 NEW SECTION. **Sec. 460.** A new section is added to chapter 71.12
2 RCW to read as follows:

3 The department of health shall immediately suspend the license or
4 certificate of a person who either (1) has been certified pursuant to
5 section 402 of this act by the department of social and health services
6 as a person who is not in compliance with a support order, or (2) has
7 been certified pursuant to section 480 of this act by a court as a
8 person who is not in compliance with a residential or visitation order.
9 If the person has continued to meet all other requirements for
10 reinstatement during the suspension, reissuance of the license or
11 certificate shall be automatic upon the department of health's receipt
12 of a written release issued by the department of social and health
13 services or a court stating that the licensee is in compliance with the
14 order.

15 NEW SECTION. **Sec. 461.** A new section is added to chapter 66.20
16 RCW to read as follows:

17 The board shall immediately suspend the license of a person who
18 either (1) has been certified pursuant to section 402 of this act by
19 the department of social and health services as a person who is not in
20 compliance with a support order, or (2) has been certified pursuant to
21 section 480 of this act by a court as a person who is not in compliance
22 with a residential or visitation order. If the person has continued to
23 meet all other requirements for reinstatement during the suspension,
24 reissuance of the license shall be automatic upon the board's receipt
25 of a written release issued by the department of social and health
26 services or a court stating that the licensee is in compliance with the
27 order.

28 NEW SECTION. **Sec. 462.** A new section is added to chapter 88.02
29 RCW to read as follows:

30 The department shall immediately suspend the vessel registration or
31 vessel dealer's registration of a person who either (1) has been
32 certified pursuant to section 402 of this act by the department of
33 social and health services as a person who is not in compliance with a
34 support order, or (2) has been certified pursuant to section 480 of
35 this act by a court as a person who is not in compliance with a
36 residential or visitation order. If the person has continued to meet
37 all other requirements for reinstatement during the suspension,

1 reissuance of the registration shall be automatic upon the department's
2 receipt of a written release issued by the department of social and
3 health services or a court stating that the licensee is in compliance
4 with the order.

5 **Sec. 463.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
6 read as follows:

7 (1) The department may grant annual licenses upon application in
8 compliance with the rules and regulations prescribed by the director,
9 and the payment of the fees, the amount of which is to be set by the
10 director in accordance with RCW 43.24.086, prescribed to promoters,
11 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
12 provisions of this section shall not apply to contestants or
13 participants in strictly amateur contests and/or fraternal
14 organizations and/or veterans' organizations chartered by congress or
15 the defense department or any bona fide athletic club which is a member
16 of the Pacific northwest association of the amateur athletic union of
17 the United States, holding and promoting athletic contests and where
18 all funds are used primarily for the benefit of their members.

19 (2) Any such license may be revoked by the department for any cause
20 which it shall deem sufficient.

21 (3) No person shall participate or serve in any of the above
22 capacities unless licensed as provided in this chapter.

23 (4) The referee for any boxing contest shall be designated by the
24 department from among such licensed referees.

25 (5) The referee for any wrestling exhibition or show shall be
26 provided by the promoter and licensed by the department.

27 (6) The department shall immediately suspend the license or
28 certificate of a person who either (a) has been certified pursuant to
29 section 402 of this act by the department of social and health services
30 as a person who is not in compliance with a support order, or (b) has
31 been certified pursuant to section 480 of this act by a court as a
32 person who is not in compliance with a residential or visitation order.
33 If the person has continued to meet all other requirements for
34 reinstatement during the suspension, reissuance of the license or
35 certificate shall be automatic upon the department's receipt of a
36 written release issued by the department of social and health services
37 or a court stating that the licensee is in compliance with the order.

1 **Sec. 464.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
2 as follows:

3 (1) The department shall not issue or renew a master license to any
4 person if:

5 (a) The person does not have a valid tax registration, if required;

6 (b) The person is a corporation delinquent in fees or penalties
7 owing to the secretary of state or is not validly registered under
8 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
9 now or hereafter adopted which gives corporate or business licensing
10 responsibilities to the secretary of state; or

11 (c) The person has not submitted the sum of all fees and deposits
12 required for the requested individual license endorsements, any
13 outstanding master license delinquency fee, or other fees and penalties
14 to be collected through the system.

15 (2) Nothing in this section shall prevent registration by the state
16 of an employer for the purpose of paying an employee of that employer
17 industrial insurance or unemployment insurance benefits.

18 (3) The department shall immediately suspend the license or
19 certificate of a person who either (a) has been certified pursuant to
20 section 402 of this act by the department of social and health services
21 as a person who is not in compliance with a support order, or (b) has
22 been certified pursuant to section 480 of this act by a court as a
23 person who is not in compliance with a residential or visitation order.
24 If the person has continued to meet all other requirements for
25 reinstatement during the suspension, reissuance of the license or
26 certificate shall be automatic upon the department's receipt of a
27 written release issued by the department of social and health services
28 or a court stating that the licensee is in compliance with the order.

29 **Sec. 465.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
30 read as follows:

31 Except as provided in section 467 of this act, whenever there is
32 filed in a matter under the jurisdiction of the director of licensing
33 any complaint charging that the holder of a license has been guilty of
34 any act or omission which by the provisions of the law under which the
35 license was issued would warrant the revocation thereof, verified in
36 the manner provided by law, the director of licensing shall request the
37 governor to appoint, and the governor shall appoint within thirty days
38 of the request, two qualified practitioners of the profession or

1 calling of the person charged, who, with the director or his duly
2 appointed representative, shall constitute a committee to hear and
3 determine the charges and, in case the charges are sustained, impose
4 the penalty provided by law. In addition, the governor shall appoint
5 a consumer member of the committee.

6 The decision of any three members of such committee shall be the
7 decision of the committee.

8 The appointed members of the committee shall be compensated in
9 accordance with RCW 43.03.240 and shall be reimbursed for their travel
10 expenses, in accordance with RCW 43.03.050 and 43.03.060.

11 **Sec. 466.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
12 read as follows:

13 Except as provided in section 467 of this act, any person feeling
14 aggrieved by the refusal of the director to issue a license, or to
15 renew one, or by the revocation or suspension of a license shall have
16 a right of appeal to superior court from the decision of the director
17 of licensing, which shall be taken, prosecuted, heard, and determined
18 in the manner provided in chapter 34.05 RCW.

19 The decision of the superior court may be reviewed by the supreme
20 court or the court of appeals in the same manner as other civil cases.

21 NEW SECTION. **Sec. 467.** A new section is added to chapter 43.24
22 RCW to read as follows:

23 The department shall immediately suspend any license issued by the
24 department of licensing of a person who either (1) has been certified
25 pursuant to section 402 of this act by the department of social and
26 health services as a person who is not in compliance with a support
27 order, or (2) has been certified pursuant to section 480 of this act by
28 a court as a person who is not in compliance with a residential or
29 visitation order. If the person has continued to meet all other
30 requirements for reinstatement during the suspension, reissuance of the
31 license shall be automatic upon the department's receipt of a written
32 release issued by the department of social and health services or a
33 court stating that the licensee is in compliance with the order.

34 **Sec. 468.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
35 read as follows:

1 (1) The department of labor and industries shall revoke and not
2 renew the license of any person holding a manufacturer, dealer,
3 purchaser, user, or storage license upon conviction of any of the
4 following offenses, which conviction has become final:

5 (a) A violent offense as defined in RCW 9.94A.030;

6 (b) A crime involving perjury or false swearing, including the
7 making of a false affidavit or statement under oath to the department
8 of labor and industries in an application or report made pursuant to
9 this title;

10 (c) A crime involving bomb threats;

11 (d) A crime involving a schedule I or II controlled substance, or
12 any other drug or alcohol related offense, unless such other drug or
13 alcohol related offense does not reflect a drug or alcohol dependency.
14 However, the department of labor and industries may condition renewal
15 of the license to any convicted person suffering a drug or alcohol
16 dependency who is participating in an alcoholism or drug recovery
17 program acceptable to the department of labor and industries and has
18 established control of their alcohol or drug dependency. The
19 department of labor and industries shall require the licensee to
20 provide proof of such participation and control;

21 (e) A crime relating to possession, use, transfer, or sale of
22 explosives under this chapter or any other chapter of the Revised Code
23 of Washington.

24 (2) The department of labor and industries shall revoke the license
25 of any person adjudged to be mentally ill or insane, or to be
26 incompetent due to any mental disability or disease. The director
27 shall not renew the license until the person has been restored to
28 competency.

29 (3) The department of labor and industries is authorized to
30 suspend, for a period of time not to exceed six months, the license of
31 any person who has violated this chapter or the rules promulgated
32 pursuant to this chapter.

33 (4) The department of labor and industries may revoke the license
34 of any person who has repeatedly violated this chapter or the rules
35 promulgated pursuant to this chapter, or who has twice had his or her
36 license suspended under this chapter.

37 (5) The department of labor and industries shall immediately
38 suspend the license or certificate of a person who either (a) has been
39 certified pursuant to section 402 of this act by the department of

1 social and health services as a person who is not in compliance with a
2 support order, or (b) has been certified pursuant to section 480 of
3 this act by a court as a person who is not in compliance with a
4 residential or visitation order. If the person has continued to meet
5 all other requirements for reinstatement during the suspension,
6 reissuance of the license or certificate shall be automatic upon the
7 department of labor and industries' receipt of a written release issued
8 by the department of social and health services or a court stating that
9 the licensee is in compliance with the order.

10 (6) Upon receipt of notification by the department of labor and
11 industries of revocation or suspension, a licensee must surrender
12 immediately to the department any or all such licenses revoked or
13 suspended.

14 **Sec. 469.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
15 read as follows:

16 (1) Every license shall be issued in the name of the applicant, and
17 the holder thereof shall not allow any other person to use the license.

18 (2) For the purpose of considering any application for a license,
19 the board may cause an inspection of the premises to be made, and may
20 inquire into all matters in connection with the construction and
21 operation of the premises. For the purpose of reviewing any
22 application for a license and for considering the denial, suspension or
23 revocation of any license, the liquor control board may consider any
24 prior criminal conduct of the applicant and the provisions of RCW
25 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
26 board may, in its discretion, grant or refuse the license applied for.
27 Authority to approve an uncontested or unopposed license may be granted
28 by the board to any staff member the board designates in writing.
29 Conditions for granting such authority shall be adopted by rule. No
30 retail license of any kind may be issued to:

31 (a) A person who has not resided in the state for at least one
32 month prior to making application, except in cases of licenses issued
33 to dining places on railroads, boats, or aircraft;

34 (b) A copartnership, unless all of the members thereof are
35 qualified to obtain a license, as provided in this section;

36 (c) A person whose place of business is conducted by a manager or
37 agent, unless such manager or agent possesses the same qualifications
38 required of the licensee;

1 (d) A corporation, unless it was created under the laws of the
2 state of Washington or holds a certificate of authority to transact
3 business in the state of Washington.

4 (3)(a) The board may, in its discretion, subject to the provisions
5 of RCW 66.08.150, suspend or cancel any license; and all rights of the
6 licensee to keep or sell liquor thereunder shall be suspended or
7 terminated, as the case may be.

8 (b) The board shall immediately suspend the license or certificate
9 of a person who either (i) has been certified pursuant to section 402
10 of this act by the department of social and health services as a person
11 who is not in compliance with a support order, or (ii) has been
12 certified pursuant to section 480 of this act by a court as a person
13 who is not in compliance with a residential or visitation order. If
14 the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the board's receipt of a written
17 release issued by the department of social and health services or a
18 court stating that the licensee is in compliance with the order.

19 (c) The board may request the appointment of administrative law
20 judges under chapter 34.12 RCW who shall have power to administer
21 oaths, issue subpoenas for the attendance of witnesses and the
22 production of papers, books, accounts, documents, and testimony,
23 examine witnesses, and to receive testimony in any inquiry,
24 investigation, hearing, or proceeding in any part of the state, under
25 such rules and regulations as the board may adopt.

26 (d) Witnesses shall be allowed fees and mileage each way to and
27 from any such inquiry, investigation, hearing, or proceeding at the
28 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
29 need not be paid in advance of appearance of witnesses to testify or to
30 produce books, records, or other legal evidence.

31 (e) In case of disobedience of any person to comply with the order
32 of the board or a subpoena issued by the board, or any of its members,
33 or administrative law judges, or on the refusal of a witness to testify
34 to any matter regarding which he or she may be lawfully interrogated,
35 the judge of the superior court of the county in which the person
36 resides, on application of any member of the board or administrative
37 law judge, shall compel obedience by contempt proceedings, as in the
38 case of disobedience of the requirements of a subpoena issued from said
39 court or a refusal to testify therein.

1 (4) Upon receipt of notice of the suspension or cancellation of a
2 license, the licensee shall forthwith deliver up the license to the
3 board. Where the license has been suspended only, the board shall
4 return the license to the licensee at the expiration or termination of
5 the period of suspension. The board shall notify all vendors in the
6 city or place where the licensee has its premises of the suspension or
7 cancellation of the license; and no employee may allow or cause any
8 liquor to be delivered to or for any person at the premises of that
9 licensee.

10 (5)(a) At the time of the original issuance of a class H license,
11 the board shall prorate the license fee charged to the new licensee
12 according to the number of calendar quarters, or portion thereof,
13 remaining until the first renewal of that license is required.

14 (b) Unless sooner canceled, every license issued by the board shall
15 expire at midnight of the thirtieth day of June of the fiscal year for
16 which it was issued. However, if the board deems it feasible and
17 desirable to do so, it may establish, by rule pursuant to chapter 34.05
18 RCW, a system for staggering the annual renewal dates for any and all
19 licenses authorized by this chapter. If such a system of staggered
20 annual renewal dates is established by the board, the license fees
21 provided by this chapter shall be appropriately prorated during the
22 first year that the system is in effect.

23 (6) Every license issued under this section shall be subject to all
24 conditions and restrictions imposed by this title or by the regulations
25 in force from time to time. All conditions and restrictions imposed by
26 the board in the issuance of an individual license shall be listed on
27 the face of the individual license along with the trade name, address,
28 and expiration date.

29 (7) Every licensee shall post and keep posted its license, or
30 licenses, in a conspicuous place on the premises.

31 (8) Before the board shall issue a license to an applicant it shall
32 give notice of such application to the chief executive officer of the
33 incorporated city or town, if the application be for a license within
34 an incorporated city or town, or to the county legislative authority,
35 if the application be for a license outside the boundaries of
36 incorporated cities or towns; and such incorporated city or town,
37 through the official or employee selected by it, or the county
38 legislative authority or the official or employee selected by it, shall
39 have the right to file with the board within twenty days after date of

1 transmittal of such notice, written objections against the applicant or
2 against the premises for which the license is asked, and shall include
3 with such objections a statement of all facts upon which such
4 objections are based, and in case written objections are filed, may
5 request and the liquor control board may in its discretion hold a
6 formal hearing subject to the applicable provisions of Title 34 RCW.
7 Upon the granting of a license under this title the board shall send a
8 duplicate of the license or written notification to the chief executive
9 officer of the incorporated city or town in which the license is
10 granted, or to the county legislative authority if the license is
11 granted outside the boundaries of incorporated cities or towns.

12 (9) Before the board issues any license to any applicant, it shall
13 give (a) due consideration to the location of the business to be
14 conducted under such license with respect to the proximity of churches,
15 schools, and public institutions and (b) written notice by certified
16 mail of the application to churches, schools, and public institutions
17 within five hundred feet of the premises to be licensed. The board
18 shall issue no beer retailer license class A, B, D, or E or wine
19 retailer license class C or F or class H license covering any premises
20 not now licensed, if such premises are within five hundred feet of the
21 premises of any tax-supported public elementary or secondary school
22 measured along the most direct route over or across established public
23 walks, streets, or other public passageway from the outer property line
24 of the school grounds to the nearest public entrance of the premises
25 proposed for license, and if, after receipt by the school or public
26 institution of the notice as provided in this subsection, the board
27 receives written notice, within twenty days after posting such notice,
28 from an official representative or representatives of the school within
29 five hundred feet of said proposed licensed premises, indicating to the
30 board that there is an objection to the issuance of such license
31 because of proximity to a school. For the purpose of this section,
32 church shall mean a building erected for and used exclusively for
33 religious worship and schooling or other activity in connection
34 therewith. No liquor license may be issued or reissued by the board to
35 any motor sports facility or licensee operating within the motor sports
36 facility unless the motor sports facility enforces a program reasonably
37 calculated to prevent alcohol or alcoholic beverages not purchased
38 within the facility from entering the facility and such program is
39 approved by local law enforcement agencies. It is the intent under

1 this subsection that a retail license shall not be issued by the board
2 where doing so would, in the judgment of the board, adversely affect a
3 private school meeting the requirements for private schools under Title
4 28A RCW, which school is within five hundred feet of the proposed
5 licensee. The board shall fully consider and give substantial weight
6 to objections filed by private schools. If a license is issued despite
7 the proximity of a private school, the board shall state in a letter
8 addressed to the private school the board's reasons for issuing the
9 license.

10 (10) The restrictions set forth in subsection (9) of this section
11 shall not prohibit the board from authorizing the assumption of
12 existing licenses now located within the restricted area by other
13 persons or licenses or relocations of existing licensed premises within
14 the restricted area. In no case may the licensed premises be moved
15 closer to a church or school than it was before the assumption or
16 relocation.

17 (11) Nothing in this section prohibits the board, in its
18 discretion, from issuing a temporary retail or wholesaler license to an
19 applicant assuming an existing retail or wholesaler license to continue
20 the operation of the retail or wholesaler premises during the period
21 the application for the license is pending and when the following
22 conditions exist:

23 (a) The licensed premises has been operated under a retail or
24 wholesaler license within ninety days of the date of filing the
25 application for a temporary license;

26 (b) The retail or wholesaler license for the premises has been
27 surrendered pursuant to issuance of a temporary operating license;

28 (c) The applicant for the temporary license has filed with the
29 board an application to assume the retail or wholesaler license at such
30 premises to himself or herself; and

31 (d) The application for a temporary license is accompanied by a
32 temporary license fee established by the board by rule.

33 A temporary license issued by the board under this section shall be
34 for a period not to exceed sixty days. A temporary license may be
35 extended at the discretion of the board for an additional sixty-day
36 period upon payment of an additional fee and upon compliance with all
37 conditions required in this section.

38 Refusal by the board to issue or extend a temporary license shall
39 not entitle the applicant to request a hearing. A temporary license

1 may be canceled or suspended summarily at any time if the board
2 determines that good cause for cancellation or suspension exists. RCW
3 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

4 Application for a temporary license shall be on such form as the
5 board shall prescribe. If an application for a temporary license is
6 withdrawn before issuance or is refused by the board, the fee which
7 accompanied such application shall be refunded in full.

8 **Sec. 470.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
9 read as follows:

10 (1) The department shall issue a certificate of manufactured home
11 installation to an applicant who has taken the training course, passed
12 the examination, paid the fees, and in all other respects ((meet{s}))
13 meets the qualifications. The certificate shall bear the date of
14 issuance, a certification identification number, and is renewable every
15 three years upon application and completion of a continuing education
16 program as determined by the department. A renewal fee shall be
17 assessed for each certificate. If a person fails to renew a
18 certificate by the renewal date, the person must retake the examination
19 and pay the examination fee.

20 (2) The certificate of manufactured home installation provided for
21 in this chapter grants the holder the right to engage in manufactured
22 home installation throughout the state, without any other installer
23 certification.

24 (3) The department shall immediately suspend the license or
25 certificate of a person who either (a) has been certified pursuant to
26 section 402 of this act by the department of social and health services
27 as a person who is not in compliance with a support order, or (b) has
28 been certified pursuant to section 480 of this act by a court as a
29 person who is not in compliance with a residential or visitation order.
30 If the person has continued to meet all other requirements for
31 reinstatement during the suspension, reissuance of the license or
32 certificate shall be automatic upon the department's receipt of a
33 written release issued by the department of social and health services
34 or a court stating that the licensee is in compliance with the order.

35 **Sec. 471.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
36 read as follows:

1 (1) The department shall establish a process to certify incinerator
2 and landfill operators. To the greatest extent possible, the
3 department shall rely on the certification standards and procedures
4 developed by national organizations and the federal government.

5 (2) Operators shall be certified if they:

6 (a) Attend the required training sessions;

7 (b) Successfully complete required examinations; and

8 (c) Pay the prescribed fee.

9 (3) By January 1, 1991, the department shall adopt rules to require
10 incinerator and appropriate landfill operators to:

11 (a) Attend a training session concerning the operation of the
12 relevant type of landfill or incinerator;

13 (b) Demonstrate sufficient skill and competency for proper
14 operation of the incinerator or landfill by successfully completing an
15 examination prepared by the department; and

16 (c) Renew the certificate of competency at reasonable intervals
17 established by the department.

18 (4) The department shall provide for the collection of fees for the
19 issuance and renewal of certificates. These fees shall be sufficient
20 to recover the costs of the certification program.

21 (5) The department shall establish an appeals process for the
22 denial or revocation of a certificate.

23 (6) The department shall establish a process to automatically
24 certify operators who have received comparable certification from
25 another state, the federal government, a local government, or a
26 professional association.

27 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
28 operator of an incinerator or landfill may apply to the department for
29 interim certification. Operators shall receive interim certification
30 if they:

31 (a) Have received training provided by a recognized national
32 organization, educational institution, or the federal government that
33 is acceptable to the department; or

34 (b) Have received individualized training in a manner approved by
35 the department; and

36 (c) Have successfully completed any required examinations.

37 (8) No interim certification shall be valid after January 1, 1992,
38 and interim certification shall not automatically qualify operators for
39 certification pursuant to subsections (2) through (4) of this section.

1 (9) The department shall immediately suspend the license or
2 certificate of a person who either (a) has been certified pursuant to
3 section 402 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (b) has
5 been certified pursuant to section 480 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the department's receipt of a
10 written release issued by the department of social and health services
11 or a court stating that the licensee is in compliance with the order.

12 NEW SECTION. Sec. 472. A new section is added to chapter 70.95B
13 RCW to read as follows:

14 The director shall immediately suspend the license or certificate
15 of a person who either (1) has been certified pursuant to section 402
16 of this act by the department of social and health services as a person
17 who is not in compliance with a support order, or (2) has been
18 certified pursuant to section 480 of this act by a court as a person
19 who is not in compliance with a residential or visitation order. If
20 the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the director's receipt of a written
23 release issued by the department of social and health services or a
24 court stating that the licensee is in compliance with the order.

25 **Sec. 473.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
26 read as follows:

27 Any license, permit, or certification provided for in this chapter
28 may be revoked or suspended, and any license, permit, or certification
29 application may be denied by the director for cause. If the director
30 suspends a license under this chapter with respect to activity of a
31 continuing nature under chapter 34.05 RCW, the director may elect to
32 suspend the license for a subsequent license year during a period that
33 coincides with the period commencing thirty days before and ending
34 thirty days after the date of the incident or incidents giving rise to
35 the violation.

36 The director shall immediately suspend the license or certificate
37 of a person who either (1) has been certified pursuant to section 402

1 of this act by the department of social and health services as a person
2 who is not in compliance with a support order, or (2) has been
3 certified pursuant to section 480 of this act by a court as a person
4 who is not in compliance with a residential or visitation order. If
5 the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of the license or
7 certificate shall be automatic upon the director's receipt of a written
8 release issued by the department of social and health services or a
9 court stating that the licensee is in compliance with the order.

10 **Sec. 474.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
11 read as follows:

12 (1) After January 1, 1991, a contractor may not perform
13 decontamination, demolition, or disposal work unless issued a
14 certificate by the state department of health. The department shall
15 establish performance standards for contractors by rule in accordance
16 with chapter 34.05 RCW, the administrative procedure act. The
17 department shall train and test, or may approve courses to train and
18 test, contractors and their employees on the essential elements in
19 assessing property used as an illegal drug manufacturing or storage
20 site to determine hazard reduction measures needed, techniques for
21 adequately reducing contaminants, use of personal protective equipment,
22 methods for proper demolition, removal, and disposal of contaminated
23 property, and relevant federal and state regulations. Upon successful
24 completion of the training, the contractor or employee shall be
25 certified.

26 (2) The department may require the successful completion of annual
27 refresher courses provided or approved by the department for the
28 continued certification of the contractor or employee.

29 (3) The department shall provide for reciprocal certification of
30 any individual trained to engage in decontamination, demolition, or
31 disposal work in another state when the prior training is shown to be
32 substantially similar to the training required by the department. The
33 department may require such individuals to take an examination or
34 refresher course before certification.

35 (4) The department may deny, suspend, or revoke a certificate for
36 failure to comply with the requirements of this chapter or any rule
37 adopted pursuant to this chapter. A certificate may be denied,
38 suspended, or revoked on any of the following grounds:

1 (a) Failing to perform decontamination, demolition, or disposal
2 work under the supervision of trained personnel;

3 (b) Failing to file a work plan;

4 (c) Failing to perform work pursuant to the work plan;

5 (d) Failing to perform work that meets the requirements of the
6 department; (~~or~~)

7 (e) The certificate was obtained by error, misrepresentation, or
8 fraud; or

9 (f) If the person has either (i) been certified pursuant to section
10 402 of this act by the department of social and health services as a
11 person who is not in compliance with a support order, or (ii) has been
12 certified pursuant to section 480 of this act by a court as a person
13 who is not in compliance with a residential or visitation order. If
14 the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the department's receipt of a
17 written release issued by the department of social and health services
18 or a court stating that the person is in compliance with the order.

19 (5) A contractor who violates any provision of this chapter may be
20 assessed a fine not to exceed five hundred dollars for each violation.

21 (6) The department of health shall prescribe fees as provided for
22 in RCW 43.70.250 for the issuance and renewal of certificates, the
23 administration of examinations, and for the review of training courses.

24 (7) The decontamination account is hereby established in the state
25 treasury. All fees collected under this chapter shall be deposited in
26 this account. Moneys in the account may only be spent after
27 appropriation for costs incurred by the department in the
28 administration and enforcement of this chapter.

29 **Sec. 475.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
30 read as follows:

31 (1) The director shall enforce all laws and rules relating to the
32 licensing of mortgage brokers, grant or deny licenses to mortgage
33 brokers, and hold hearings.

34 (2) The director may impose the following sanctions:

35 (a) Deny applications for licenses for: (i) Violations of orders,
36 including cease and desist orders issued under this chapter; or (ii)
37 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

38 (b) Suspend or revoke licenses for:

1 (i) False statements or omission of material information on the
2 application that, if known, would have allowed the director to deny the
3 application for the original license;

4 (ii) Failure to pay a fee required by the director or maintain the
5 required bond;

6 (iii) Failure to comply with any directive or order of the
7 director; or

8 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
9 or (13), 19.146.205(3), or 19.146.265;

10 (c) Impose fines on the licensee, employee or loan originator of
11 the licensee, or other person subject to this chapter for:

12 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
13 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
14 19.146.265; or

15 (ii) Failure to comply with any directive or order of the director;

16 (d) Issue orders directing a licensee, its employee or loan
17 originator, or other person subject to this chapter to:

18 (i) Cease and desist from conducting business in a manner that is
19 injurious to the public or violates any provision of this chapter; or

20 (ii) Pay restitution to an injured borrower; or

21 (e) Issue orders removing from office or prohibiting from
22 participation in the conduct of the affairs of a licensed mortgage
23 broker, or both, any officer, principal, employee, or loan originator
24 of any licensed mortgage broker or any person subject to licensing
25 under this chapter for:

26 (i) Any violation of 19.146.0201 (1) through (9) or (13),
27 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
28 19.146.265; or

29 (ii) False statements or omission of material information on the
30 application that, if known, would have allowed the director to deny the
31 application for the original license;

32 (iii) Conviction of a gross misdemeanor involving dishonesty or
33 financial misconduct or a felony after obtaining a license; or

34 (iv) Failure to comply with any directive or order of the director.

35 (3) Each day's continuance of a violation or failure to comply with
36 any directive or order of the director is a separate and distinct
37 violation or failure.

38 (4) The director shall establish by rule standards for licensure of
39 applicants licensed in other jurisdictions. Every licensed mortgage

1 broker that does not maintain a physical office within the state must
2 maintain a registered agent within the state to receive service of any
3 lawful process in any judicial or administrative noncriminal suit,
4 action, or proceeding, against the licensed mortgage broker which
5 arises under this chapter or any rule or order under this chapter, with
6 the same force and validity as if served personally on the licensed
7 mortgage broker. Service upon the registered agent shall be effective
8 if the plaintiff, who may be the director in a suit, action, or
9 proceeding instituted by him or her, sends notice of the service and a
10 copy of the process by registered mail to the defendant or respondent
11 at the last address of the respondent or defendant on file with the
12 director. In any judicial action, suit, or proceeding arising under
13 this chapter or any rule or order adopted under this chapter between
14 the department or director and a licensed mortgage broker who does not
15 maintain a physical office in this state, venue shall be exclusively in
16 the superior court of Thurston county.

17 (5) The director shall immediately suspend the license or
18 certificate of a person who either (a) has been certified pursuant to
19 section 402 of this act by the department of social and health services
20 as a person who is not in compliance with a support order, or (b) has
21 been certified pursuant to section 480 of this act by a court as a
22 person who is not in compliance with a residential or visitation order.
23 If the person has continued to meet all other requirements for
24 reinstatement during the suspension, reissuance of the license or
25 certificate shall be automatic upon the director's receipt of a written
26 release issued by the department of social and health services or a
27 court stating that the licensee is in compliance with the order.

28 NEW SECTION. Sec. 476. A new section is added to chapter 75.25
29 RCW to read as follows:

30 (1) Licenses issued pursuant to this chapter shall be invalid for
31 any period in which a person is certified by the department of social
32 and health services or a court of competent jurisdiction as a person in
33 noncompliance with a support order or residential or visitation order.
34 Fisheries patrol officers, ex officio fisheries patrol officers, and
35 authorized fisheries employees shall enforce this section through
36 checks of the department of licensing's computer data base. A listing
37 on the department of licensing's data base that an individual's license
38 is currently suspended pursuant to RCW 46.20.291(7) shall be prima

1 facie evidence that the individual is in noncompliance with a support
2 order or residential or visitation order. Presentation of a written
3 release issued by the department of social and health services or a
4 court stating that the person is in compliance with an order shall
5 serve as prima facie proof of compliance with a support order,
6 residential order, or visitation order.

7 (2) It is unlawful to purchase, obtain, or possess a license
8 required by this chapter during any period in which a license is
9 suspended.

10 NEW SECTION. **Sec. 477.** A new section is added to chapter 77.32
11 RCW to read as follows:

12 (1) Licenses, tags, and stamps issued pursuant to this chapter
13 shall be invalid for any period in which a person is certified by the
14 department of social and health services or a court of competent
15 jurisdiction as a person in noncompliance with a support order or
16 residential or visitation order. Wildlife agents and ex officio
17 wildlife agents shall enforce this section through checks of the
18 department of licensing's computer data base. A listing on the
19 department of licensing's data base that an individual's license is
20 currently suspended pursuant to RCW 46.20.291(7) shall be prima facie
21 evidence that the individual is in noncompliance with a support order
22 or residential or visitation order. Presentation of a written release
23 issued by the department of social and health services stating that the
24 person is in compliance with an order shall serve as prima facie proof
25 of compliance with a support order, residential order, or visitation
26 order.

27 (2) It is unlawful to purchase, obtain, or possess a license
28 required by this chapter during any period in which a license is
29 suspended.

30 NEW SECTION. **Sec. 478.** A new section is added to chapter 75.28
31 RCW to read as follows:

32 (1) The department shall immediately suspend the license of a
33 person who either (a) has been certified pursuant to section 402 of
34 this act by the department of social and health services as a person
35 who is not in compliance with a support order, or (b) has been
36 certified pursuant to section 480 of this act by a court as a person
37 who is not in compliance with a residential or visitation order.

1 (2) A listing on the department of licensing's data base that an
2 individual's license is currently suspended pursuant to RCW
3 46.20.291(7) shall be prima facie evidence that the individual is in
4 noncompliance with a support order or residential or visitation order.
5 Presentation of a written release issued by the department of social
6 and health services or a court stating that the person is in compliance
7 with an order shall serve as proof of compliance.

8 **Sec. 479.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to
9 read as follows:

10 (1) Except as otherwise provided by this title, it is unlawful to
11 engage in any of the following activities without a license or permit
12 issued by the director:

- 13 (a) Commercially fish for or take food fish or shellfish;
- 14 (b) Deliver food fish or shellfish taken in offshore waters;
- 15 (c) Operate a charter boat or commercial fishing vessel engaged in
16 a fishery;
- 17 (d) Engage in processing or wholesaling food fish or shellfish; or
- 18 (e) Act as a guide for salmon for personal use in freshwater rivers
19 and streams, other than that part of the Columbia river below the
20 bridge at Longview.

21 (2) No person may engage in the activities described in subsection
22 (1) of this section unless the licenses or permits required by this
23 title are in the person's possession, and the person is the named
24 license holder or an alternate operator designated on the license and
25 the person's license is not suspended.

26 (3) A valid Oregon license that is equivalent to a license under
27 this title is valid in the concurrent waters of the Columbia river if
28 the state of Oregon recognizes as valid the equivalent Washington
29 license. The director may identify by rule what Oregon licenses are
30 equivalent.

31 (4) No license or permit is required for the production or
32 harvesting of private sector cultured aquatic products as defined in
33 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
34 aquatic products. However, if a means of identifying such products is
35 required by rules adopted under RCW 15.85.060, the exemption from
36 licensing or permit requirements established by this subsection applies
37 only if the aquatic products are identified in conformance with those
38 rules.

1 NEW SECTION. **Sec. 480.** A new section is added to chapter 26.09
2 RCW to read as follows:

3 (1) Unless the context clearly requires otherwise, the definitions
4 in this section apply in this section.

5 (a) "License" means a license, certificate, registration, permit,
6 approval, or other similar document issued by a licensing entity
7 evidencing admission to or granting authority to engage in a
8 profession, occupation, business, or industry. "License" does not mean
9 the tax registration or certification issued under Title 82 RCW by the
10 department of revenue.

11 (b) "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 (c) "Licensing entity" includes any department, board, commission,
16 or other organization of the state authorized to issue, renew, suspend,
17 or revoke a license authorizing an individual to engage in a business,
18 occupation, profession, or industry, and the Washington state bar
19 association.

20 (d) "Noncompliance with a residential or visitation order" means
21 that a court has found the parent in contempt of court, under RCW
22 26.09.160 for failure to comply with a residential provision of a
23 court-ordered parenting plan on two occasions within three years.

24 (e) "Residential or visitation order" means the residential
25 schedule or visitation schedule contained in a court-ordered parenting
26 plan.

27 (2) If a court determines under RCW 26.09.160 that a parent is not
28 in compliance with a provision of a residential or visitation order
29 under RCW 26.09.160, the court shall enter an order directed to the
30 appropriate licensing entity certifying that the parent is not in
31 compliance with a residential or visitation order. The order shall
32 contain the noncomplying parent's name, address, and social security
33 number, and shall indicate whether the obligor is believed to be a
34 licensee who has a license or may seek renewal of a license issued
35 directly by the licensing entity or through a board affiliated with the
36 licensing entity. The court clerk shall forward the order to the
37 licensing entity.

38 (3) Once the parent whose license is suspended has complied with
39 the requirements of the court's order under RCW 26.09.160, or at an

1 earlier date if the court deems it appropriate, the parent whose
2 license is suspended may petition the court to set a review hearing to
3 determine whether the noncomplying parent is in compliance with the
4 residential or visitation order.

5 (4) Upon receipt of the court order, the licensing entity shall
6 refuse to renew a license to the licensee or shall suspend the
7 licensee's license until the licensee provides the licensing entity
8 with a release from the court that states the licensee is in compliance
9 with the residential or visitation order.

10 **Sec. 481.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to
11 read as follows:

12 (1) The performance of parental functions and the duty to provide
13 child support are distinct responsibilities in the care of a child. If
14 a party fails to comply with a provision of a decree or temporary order
15 of injunction, the obligation of the other party to make payments for
16 support or maintenance or to permit contact with children is not
17 suspended. An attempt by a parent, in either the negotiation or the
18 performance of a parenting plan, to condition one aspect of the
19 parenting plan upon another, to condition payment of child support upon
20 an aspect of the parenting plan, to refuse to pay ordered child
21 support, to refuse to perform the duties provided in the parenting
22 plan, or to hinder the performance by the other parent of duties
23 provided in the parenting plan, shall be deemed bad faith and shall be
24 punished by the court by holding the party in contempt of court and by
25 awarding to the aggrieved party reasonable attorneys' fees and costs
26 incidental in bringing a motion for contempt of court.

27 (2)(a) A motion may be filed to initiate a contempt action to
28 coerce a parent to comply with an order establishing residential
29 provisions for a child. If the court finds there is reasonable cause
30 to believe the parent has not complied with the order, the court may
31 issue an order to show cause why the relief requested should not be
32 granted.

33 (b) If, based on all the facts and circumstances, the court finds
34 after hearing that the parent, in bad faith, has not complied with the
35 order establishing residential provisions for the child, the court
36 shall find the parent in contempt of court. Upon a finding of
37 contempt, the court shall order:

1 (i) The noncomplying parent to provide the moving party additional
2 time with the child. The additional time shall be equal to the time
3 missed with the child, due to the parent's noncompliance;

4 (ii) The parent to pay, to the moving party, all court costs and
5 reasonable attorneys' fees incurred as a result of the noncompliance,
6 and any reasonable expenses incurred in locating or returning a child;
7 and

8 (iii) The parent to pay, to the moving party, a civil penalty, not
9 less than the sum of one hundred dollars.

10 The court may also order the parent to be imprisoned in the county
11 jail, if the parent is presently able to comply with the provisions of
12 the court-ordered parenting plan and is presently unwilling to comply.
13 The parent may be imprisoned until he or she agrees to comply with the
14 order, but in no event for more than one hundred eighty days.

15 (3) On a second failure within three years to comply with a
16 residential provision of a court-ordered parenting plan, a motion may
17 be filed to initiate contempt of court proceedings according to the
18 procedure set forth in subsection (2) (a) and (b) of this section. On
19 a finding of contempt under this subsection, the court shall ~~((order))~~
20 enter any combination of the following orders:

21 (a) Order the noncomplying parent to provide the other parent or
22 party additional time with the child. The additional time shall be
23 twice the amount of the time missed with the child, due to the parent's
24 noncompliance;

25 (b) Order the noncomplying parent to pay, to the other parent or
26 party, all court costs and reasonable attorneys' fees incurred as a
27 result of the noncompliance, and any reasonable expenses incurred in
28 locating or returning a child; ~~((and))~~

29 (c) Order the noncomplying parent to pay, to the moving party, a
30 civil penalty of not less than two hundred fifty dollars; and

31 (d) Enter an order under section 480 of this act directed to the
32 appropriate licensing entity certifying that the parent is not in
33 compliance with the residential schedule or visitation schedule of a
34 permanent parenting plan.

35 The court may also order the parent to be imprisoned in the county
36 jail, if the parent is presently able to comply with the provisions of
37 the court-ordered parenting plan and is presently unwilling to comply.
38 The parent may be imprisoned until he or she agrees to comply with the
39 order but in no event for more than one hundred eighty days.

1 (4) For purposes of subsections (1), (2), and (3) of this section,
2 the parent shall be deemed to have the present ability to comply with
3 the order establishing residential provisions unless he or she
4 establishes otherwise by a preponderance of the evidence. The parent
5 shall establish a reasonable excuse for failure to comply with the
6 residential provision of a court-ordered parenting plan by a
7 preponderance of the evidence.

8 (5) Any monetary award ordered under subsections (1), (2), and (3)
9 of this section may be enforced, by the party to whom it is awarded, in
10 the same manner as a civil judgment.

11 (6) Subsections (1), (2), and (3) of this section authorize the
12 exercise of the court's power to impose remedial sanctions for contempt
13 of court and is in addition to any other contempt power the court may
14 possess.

15 (7) Upon motion for contempt of court under subsections (1) through
16 (3) of this section, if the court finds the motion was brought without
17 reasonable basis, the court shall order the moving party to pay to the
18 nonmoving party, all costs, reasonable attorneys' fees, and a civil
19 penalty of not less than one hundred dollars.

20 **Sec. 482.** RCW 26.09.165 and 1994 c 162 s 2 are each amended to
21 read as follows:

22 All court orders containing parenting plan provisions or orders of
23 contempt, entered pursuant to RCW 26.09.160, shall include the
24 following language:

25 WARNING: VIOLATION OF THE RESIDENTIAL PROVISIONS OF THIS ORDER
26 WITH ACTUAL KNOWLEDGE OF ITS TERMS IS PUNISHABLE BY CONTEMPT OF
27 COURT, MAY CAUSE THE VIOLATOR TO HAVE SUSPENDED OR NOT RENEWED
28 A PROFESSIONAL, DRIVER'S, OR OTHER LICENSE, AND MAY BE A
29 CRIMINAL OFFENSE UNDER RCW 9A.40.060(2) or 9A.40.070(2).
30 VIOLATION OF THIS ORDER MAY SUBJECT A VIOLATOR TO ARREST.

31 **Sec. 483.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
32 read as follows:

33 (1) If the office of support enforcement is providing support
34 enforcement services under RCW 26.23.045, or if a party is applying for
35 support enforcement services by signing the application form on the
36 bottom of the support order, the superior court shall include in all
37 court orders that establish or modify a support obligation:

1 (a) A provision that orders and directs the responsible parent to
2 make all support payments to the Washington state support registry;

3 (b) A statement that a notice of payroll deduction may be issued,
4 or other income withholding action under chapter 26.18 or 74.20A RCW
5 may be taken, without further notice to the responsible parent at any
6 time after entry of the court order, unless:

7 (i) One of the parties demonstrates, and the court finds, that
8 there is good cause not to require immediate income withholding and
9 that withholding should be delayed until a payment is past due; or

10 (ii) The parties reach a written agreement that is approved by the
11 court that provides for an alternate arrangement; ((and))

12 (c) A statement that the receiving parent might be required to
13 submit an accounting of how the support is being spent to benefit the
14 child; and

15 (d) A statement that the responsible parent's privileges to obtain
16 and maintain a license, as defined in section 402 of this act, may be
17 not renewed or suspended if the parent is not in compliance with a
18 support order as defined in section 402 of this act.

19 As used in this subsection and subsection (3) of this section,
20 "good cause not to require immediate income withholding" means a
21 written determination of why implementing immediate wage withholding
22 would not be in the child's best interests and, in modification cases,
23 proof of timely payment of previously ordered support.

24 (2) In all other cases not under subsection (1) of this section,
25 the court may order the responsible parent to make payments directly to
26 the person entitled to receive the payments, to the Washington state
27 support registry, or may order that payments be made in accordance with
28 an alternate arrangement agreed upon by the parties.

29 (a) The superior court shall include in all orders under this
30 subsection that establish or modify a support obligation:

31 (i) A statement that a notice of payroll deduction may be issued or
32 other income withholding action under chapter 26.18 or 74.20A RCW may
33 be taken, without further notice to the responsible parent at any time
34 after entry of the court order, unless:

35 (A) One of the parties demonstrates, and the court finds, that
36 there is good cause not to require immediate income withholding and
37 that withholding should be delayed until a payment is past due; or

38 (B) The parties reach a written agreement that is approved by the
39 court that provides for an alternate arrangement; and

1 (ii) A statement that the receiving parent may be required to
2 submit an accounting of how the support is being spent to benefit the
3 child.

4 As used in this subsection, "good cause not to require immediate
5 income withholding" is any reason that the court finds appropriate.

6 (b) The superior court may order immediate or delayed income
7 withholding as follows:

8 (i) Immediate income withholding may be ordered if the responsible
9 parent has earnings. If immediate income withholding is ordered under
10 this subsection, all support payments shall be paid to the Washington
11 state support registry. The superior court shall issue a mandatory
12 wage assignment order as set forth in chapter 26.18 RCW when the
13 support order is signed by the court. The parent entitled to receive
14 the transfer payment is responsible for serving the employer with the
15 order and for its enforcement as set forth in chapter 26.18 RCW.

16 (ii) If immediate income withholding is not ordered, the court
17 shall require that income withholding be delayed until a payment is
18 past due. The support order shall contain a statement that a notice of
19 payroll deduction may be issued, or other income-withholding action
20 under chapter 26.18 or 74.20A RCW may be taken, without further notice
21 to the responsible parent, after a payment is past due.

22 (c) If a mandatory wage withholding order under chapter 26.18 RCW
23 is issued under this subsection and the office of support enforcement
24 provides support enforcement services under RCW 26.23.045, the existing
25 wage withholding assignment is prospectively superseded upon the office
26 of support enforcement's subsequent service of an income withholding
27 notice.

28 (3) The office of administrative hearings and the department of
29 social and health services shall require that all support obligations
30 established as administrative orders include a provision which orders
31 and directs that the responsible parent shall make all support payments
32 to the Washington state support registry. All administrative orders
33 shall also state that the responsible parent's privileges to obtain and
34 maintain a license, as defined in section 402 of this act, may be not
35 renewed or suspended if the parent is not in compliance with a support
36 order as defined in section 402 of this act. All administrative orders
37 shall also state that a notice of payroll deduction may be issued, or
38 other income withholding action taken without further notice to the
39 responsible parent at any time after entry of the order, unless:

1 (a) One of the parties demonstrates, and the presiding officer
2 finds, that there is good cause not to require immediate income
3 withholding; or

4 (b) The parties reach a written agreement that is approved by the
5 presiding officer that provides for an alternate agreement.

6 (4) If the support order does not include the provision ordering
7 and directing that all payments be made to the Washington state support
8 registry and a statement that a notice of payroll deduction may be
9 issued if a support payment is past due or at any time after the entry
10 of the order, or that a parent's licensing privileges may be not
11 renewed or suspended, the office of support enforcement may serve a
12 notice on the responsible parent stating such requirements and
13 authorizations. Service may be by personal service or any form of mail
14 requiring a return receipt.

15 (5) Every support order shall state:

16 (a) The address where the support payment is to be sent;

17 (b) That a notice of payroll deduction may be issued or other
18 income withholding action under chapter 26.18 or 74.20A RCW may be
19 taken, without further notice to the responsible parent at any time
20 after entry of an order by the court, unless:

21 (i) One of the parties demonstrates, and the court finds, that
22 there is good cause not to require immediate income withholding; or

23 (ii) The parties reach a written agreement that is approved by the
24 court that provides for an alternate arrangement;

25 (c) The income of the parties, if known, or that their income is
26 unknown and the income upon which the support award is based;

27 (d) The support award as a sum certain amount;

28 (e) The specific day or date on which the support payment is due;

29 (f) The social security number, residence address, and name and
30 address of the employer of the responsible parent;

31 (g) The social security number and residence address of the
32 physical custodian except as provided in subsection (6) of this
33 section;

34 (h) The names, dates of birth, and social security numbers, if any,
35 of the dependent children;

36 (i) In cases requiring payment to the Washington state support
37 registry, that the parties are to notify the Washington state support
38 registry of any change in residence address. The responsible parent
39 shall notify the registry of the name and address of his or her current

1 employer, whether he or she has access to health insurance coverage at
2 reasonable cost and, if so, the health insurance policy information;

3 (j) That any parent owing a duty of child support shall be
4 obligated to provide health insurance coverage for his or her child if
5 coverage that can be extended to cover the child is or becomes
6 available to that parent through employment or is union-related as
7 provided under RCW 26.09.105;

8 (k) That if proof of health insurance coverage or proof that the
9 coverage is unavailable is not provided within twenty days, the obligee
10 or the department may seek direct enforcement of the coverage through
11 the obligor's employer or union without further notice to the obligor
12 as provided under chapter 26.18 RCW; ~~((and))~~

13 (l) The reasons for not ordering health insurance coverage if the
14 order fails to require such coverage; and

15 (m) That the responsible parent's privileges to maintain a license,
16 as defined in section 402 of this act, may be not renewed or suspended
17 if the parent is not in compliance with a support order as defined in
18 section 402 of this act.

19 (6) The physical custodian's address:

20 (a) Shall be omitted from an order entered under the administrative
21 procedure act. When the physical custodian's address is omitted from
22 an order, the order shall state that the custodian's address is known
23 to the office of support enforcement.

24 (b) A responsible parent may request the physical custodian's
25 residence address by submission of a request for disclosure under RCW
26 26.23.120 to the office of support enforcement.

27 (7) The superior court clerk, the office of administrative
28 hearings, and the department of social and health services shall,
29 within five days of entry, forward to the Washington state support
30 registry, a true and correct copy of all superior court orders or
31 administrative orders establishing or modifying a support obligation
32 which provide that support payments shall be made to the support
33 registry. If a superior court order entered prior to January 1, 1988,
34 directs the responsible parent to make support payments to the clerk,
35 the clerk shall send a true and correct copy of the support order and
36 the payment record to the registry for enforcement action when the
37 clerk identifies that a payment is more than fifteen days past due.
38 The office of support enforcement shall reimburse the clerk for the
39 reasonable costs of copying and sending copies of court orders to the

1 registry at the reimbursement rate provided in Title IV-D of the social
2 security act.

3 (8) Receipt of a support order by the registry or other action
4 under this section on behalf of a person or persons who have not made
5 a written application for support enforcement services to the office of
6 support enforcement and who are not recipients of public assistance is
7 deemed to be a request for payment services only.

8 (9) After the responsible parent has been ordered or notified to
9 make payments to the Washington state support registry under this
10 section, the responsible parent shall be fully responsible for making
11 all payments to the Washington state support registry and shall be
12 subject to payroll deduction or other income withholding action. The
13 responsible parent shall not be entitled to credit against a support
14 obligation for any payments made to a person or agency other than to
15 the Washington state support registry except as provided under RCW
16 74.20.101. A civil action may be brought by the payor to recover
17 payments made to persons or agencies who have received and retained
18 support moneys paid contrary to the provisions of this section.

19 **Sec. 484.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
20 read as follows:

21 The wage assignment order shall be substantially in the following
22 form:

23 IN THE SUPERIOR COURT OF THE
24 STATE OF WASHINGTON IN AND FOR THE
25 COUNTY OF

26 ,
27 Obligee No.
28 vs.
29 , WAGE ASSIGNMENT
30 Obligor ORDER
31 ,
32 Employer

33 THE STATE OF WASHINGTON TO:
34 Employer

35 AND TO:
36 Obligor

1 The above-named obligee claims that the above-named obligor is
2 subject to a support order requiring immediate income withholding or is
3 more than fifteen days past due in either child support or spousal
4 maintenance payments, or both, in an amount equal to or greater than
5 the child support or spousal maintenance payable for one month. The
6 amount of the accrued child support or spousal maintenance debt as of
7 this date is dollars, the amount of arrearage payments
8 specified in the support or spousal maintenance order (if applicable)
9 is dollars per , and the amount of the current
10 and continuing support or spousal maintenance obligation under the
11 order is dollars per

12 You are hereby commanded to answer this order by filling in the
13 attached form according to the instructions, and you must mail or
14 deliver the original of the answer to the court, one copy to the
15 Washington state support registry, one copy to the obligee or obligee's
16 attorney, and one copy to the obligor within twenty days after service
17 of this wage assignment order upon you.

18 If you possess any earnings or other remuneration for employment
19 due and owing to the obligor, then you shall do as follows:

20 (1) Withhold from the obligor's earnings or remuneration each
21 month, or from each regular earnings disbursement, the lesser of:

22 (a) The sum of the accrued support or spousal maintenance debt and
23 the current support or spousal maintenance obligation;

24 (b) The sum of the specified arrearage payment amount and the
25 current support or spousal maintenance obligation; or

26 (c) Fifty percent of the disposable earnings or remuneration of the
27 obligor.

28 (2) The total amount withheld above is subject to the wage
29 assignment order, and all other sums may be disbursed to the obligor.

30 (3) Upon receipt of this wage assignment order you shall make
31 immediate deductions from the obligor's earnings or remuneration and
32 remit to the Washington state support registry or other address
33 specified below the proper amounts at each regular pay interval.

34 You shall continue to withhold the ordered amounts from nonexempt
35 earnings or remuneration of the obligor until notified by:

36 (a) The court that the wage assignment has been modified or
37 terminated; or

1 (b) The addressee specified in the wage assignment order under this
2 section that the accrued child support or spousal maintenance debt has
3 been paid.

4 You shall promptly notify the court and the addressee specified in
5 the wage assignment order under this section if and when the employee
6 is no longer employed by you, or if the obligor no longer receives
7 earnings or remuneration from you. If you no longer employ the
8 employee, the wage assignment order shall remain in effect for one year
9 after the employee has left your employment or you are no longer in
10 possession of any earnings or remuneration owed to the employee,
11 whichever is later. You shall continue to hold the wage assignment
12 order during that period. If the employee returns to your employment
13 during the one-year period you shall immediately begin to withhold the
14 employee's earnings according to the terms of the wage assignment
15 order. If the employee has not returned to your employment within one
16 year, the wage assignment will cease to have effect at the expiration
17 of the one-year period, unless you still owe the employee earnings or
18 other remuneration.

19 You shall deliver the withheld earnings or remuneration to the
20 Washington state support registry or other address stated below at each
21 regular pay interval.

22 You shall deliver a copy of this order to the obligor as soon as is
23 reasonably possible. This wage assignment order has priority over any
24 other wage assignment or garnishment, except for another wage
25 assignment or garnishment for child support or spousal maintenance, or
26 order to withhold or deliver under chapter 74.20A RCW.

27 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
28 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED
29 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT
30 TO CONTEMPT OF COURT.

31 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
32 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
33 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.
34 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO
35 THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL,
36 DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES
37 TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE

1 (5) The notice of payroll deduction shall be in writing and
2 include:

3 (a) The name and social security number of the responsible parent;

4 (b) The amount to be deducted from the responsible parent's
5 disposable earnings each month, or alternate amounts and frequencies as
6 may be necessary to facilitate processing of the payroll deduction;

7 (c) A statement that the total amount withheld shall not exceed
8 fifty percent of the responsible parent's disposable earnings; ((and))

9 (d) The address to which the payments are to be mailed or
10 delivered; and

11 (e) A notice to the responsible parent warning the responsible
12 parent that, despite the payroll deduction, the responsible parent's
13 privileges to maintain a license, as defined in section 402 of this
14 act, may be not renewed or suspended if the parent is not in compliance
15 with a support order as defined in section 402 of this act.

16 (6) An informational copy of the notice of payroll deduction shall
17 be mailed to the last known address of the responsible parent by
18 regular mail.

19 (7) An employer or employment security department that receives a
20 notice of payroll deduction shall make immediate deductions from the
21 responsible parent's unpaid disposable earnings and remit proper
22 amounts to the Washington state support registry on each date the
23 responsible parent is due to be paid.

24 (8) An employer, or the employment security department, upon whom
25 a notice of payroll deduction is served, shall make an answer to the
26 office of support enforcement within twenty days after the date of
27 service. The answer shall confirm compliance and institution of the
28 payroll deduction or explain the circumstances if no payroll deduction
29 is in effect. The answer shall also state whether the responsible
30 parent is employed by or receives earnings from the employer or
31 receives unemployment compensation benefits from the employment
32 security department, whether the employer or employment security
33 department anticipates paying earnings or unemployment compensation
34 benefits and the amount of earnings. If the responsible parent is no
35 longer employed, or receiving earnings from the employer, the answer
36 shall state the present employer's name and address, if known. If the
37 responsible parent is no longer receiving unemployment compensation
38 benefits from the employment security department, the answer shall
39 state the present employer's name and address, if known.

1 (9) The employer or employment security department may deduct a
2 processing fee from the remainder of the responsible parent's earnings
3 after withholding under the notice of payroll deduction, even if the
4 remainder is exempt under RCW 26.18.090. The processing fee may not
5 exceed: (a) Ten dollars for the first disbursement made to the
6 Washington state support registry; and (b) one dollar for each
7 subsequent disbursement to the registry.

8 (10) The notice of payroll deduction shall remain in effect until
9 released by the office of support enforcement, the court enters an
10 order terminating the notice and approving an alternate arrangement
11 under RCW 26.23.050(2), or one year has expired since the employer has
12 employed the responsible parent or has been in possession of or owing
13 any earnings to the responsible parent or the employment security
14 department has been in possession of or owing any unemployment
15 compensation benefits to the responsible parent.

16 **PART V. WELFARE-TO-WORK EFFECTIVENESS STUDIES**

17 NEW SECTION. **Sec. 501.** A new section is added to chapter 44.28
18 RCW to read as follows:

19 WELFARE-TO-WORK PROGRAMS STUDY. (1) The joint legislative audit
20 and review committee shall conduct an evaluation of the effectiveness
21 of the welfare-to-work programs described in chapter . . . , Laws of
22 1997 (this act), including the job opportunities and basic skills
23 training program and any approved private, county, or local government
24 welfare-to-work programs. The evaluation shall assess the success of
25 the programs in assisting clients to become employed and to reduce
26 their use of temporary assistance for needy families. The study shall
27 include but not be limited to the following:

28 (a) A random assignment of clients to public agencies and private
29 contractors to assess the effectiveness of program services provided by
30 public and private contractors;

31 (b) An assessment of employment outcomes, including hourly wages,
32 hours worked, and total earnings, for clients;

33 (c) A comparison of temporary assistance for needy families
34 outcomes, including grant amounts and program exits, for clients;

35 (d) A cost-benefit analysis of the use of public and private
36 contractors;

1 (e) An audit of the performance-based contract for each private
2 nonprofit contractor for job opportunities and basic skills training
3 program services; and

4 (f) An assessment of the extent to which recipients who are heads
5 of households may be affected by a learning disability that prevents
6 high school completion or impairs employability. For the purposes of
7 this study, "learning disabilities" are defined as a disorder in one or
8 more of the basic psychological processes involved in understanding or
9 using spoken or written language that prevents the person from
10 achieving commensurate with his or her age and ability levels in one or
11 more of the areas listed in this subsection, when provided with
12 appropriate learning or training experiences. Such disorder may
13 include problems in visual or auditory perception and integration and
14 may manifest itself in an impaired ability to listen, think, speak or
15 communicate clearly, read with comprehension, write legibly and with
16 meaning, spell, and accurately perform mathematical calculations,
17 including those involving reading. The presence of a specific learning
18 disability is indicated by intellectual function above that specified
19 by the Washington administrative code for special education for
20 eligibility as mentally retarded and by a severe discrepancy between
21 the person's intellectual ability and academic or career achievement in
22 one or more of the following areas:

- 23 (i) Oral expression;
- 24 (ii) Listening comprehension;
- 25 (iii) Written expression;
- 26 (iv) Basic reading skills;
- 27 (v) Reading comprehension;
- 28 (vi) Mathematics calculations; and
- 29 (vii) Mathematics reasoning.

30 Such performance deficit cannot be explained by visual, or hearing, or
31 motor disabilities, mental retardation, behavioral disability or
32 environmental, cultural, or economic disadvantage. A specific learning
33 disability includes conditions described as perceptual disabilities,
34 brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and
35 developmental aphasia.

36 (2) Administrative data shall be provided by the department of
37 social and health services, the employment security department, the
38 state board for community and technical colleges, and local government
39 providers, and private contractors. The department of social and

1 health services shall require contractors to provide administrative and
2 outcome data needed for this study.

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

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

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

12 (6) The joint legislative audit and review committee shall submit
13 annual reports to the legislature, beginning in December 2000, with a
14 final report due in December 2004, unless an earlier date is
15 recommended by the committee.

16 NEW SECTION. **Sec. 502.** A new section is added to chapter 44.28
17 RCW to read as follows:

18 TIME LIMIT OUTCOME STUDY. The joint legislative audit and review
19 committee shall conduct an evaluation of the effects of time limits on
20 recipients of temporary assistance for needy families, both generally
21 and in Washington state. The joint legislative audit and review
22 committee, in consultation with the Washington institute for public
23 policy, shall work in consultation and cooperation with a focus group
24 comprised of the welfare policy committee described in section 503 of
25 this act, as well as representatives from the governor's office, and
26 other interested parties. The focus group shall begin meeting with the
27 joint legislative audit and review committee no later than January
28 1998, and periodically thereafter as needed. The study shall include,
29 but not be limited to, reports to the legislature regarding the
30 following:

31 (1) By December 1998, a summary of data and preliminary evaluations
32 of the effects of time limits in a sampling of at least five other
33 jurisdictions in which two-year time limits were enacted and in effect
34 by 1995. This summary shall include publicly available governmental
35 and scholarly reports and evaluations regarding the effects of time
36 limits, from government agencies, universities, and public policy
37 institutes.

1 (2) By December 1999, a detailed, updated summary of the effects of
2 time limits on the temporary assistance for needy families population
3 in a state identified in subsection (1) of this section as having
4 families for which the time limits have run and for which outcome data
5 is available.

6 (3) By December 2000, and annually through December 2004, an
7 updated summary of the other jurisdictions being tracked in subsections
8 (1) and (2) of this section and an evaluation of the preliminary and
9 subsequent effects of Washington state time limits on Washington state
10 temporary assistance for needy families recipients. The Washington
11 state study shall include: A cost-benefit analysis of the effect of
12 time limits on caseloads for temporary assistance for needy families,
13 cross-comparing caseload reductions, if any, in temporary assistance
14 for needy families with caseload increases, if any, in the foster care
15 and child protective services caseloads. The Washington study shall
16 focus on the outcomes to families whose benefits are decreased or
17 discontinued as a direct result of time limits, including information
18 regarding relative changes in their income status, changes in
19 residence, and the extent to which their family resources may be
20 supplemented by private, nonprofit, religious, or charitable
21 organizations.

22 NEW SECTION. **Sec. 503.** A new section is added to chapter 74.04
23 RCW to read as follows:

24 WELFARE POLICY COMMITTEE. Beginning no later than January 2000,
25 the welfare policy committee shall convene to consider the study
26 specified in section 502 of this act. The welfare policy committee
27 shall consist of two members of the senate, one from each party, two
28 members of the house, one from each party, and two representatives from
29 service or charitable organizations, appointed by the governor. The
30 welfare policy committee shall make any legislative recommendations it
31 may choose to the legislature by December 2001, and annually each
32 December thereafter until 2004, in the form of proposed legislation.
33 Such proposed legislation shall contain revisions to state law
34 regarding temporary assistance for needy families. The goal of the
35 revisions shall be to promote independence from welfare, while
36 minimizing any adverse effect of time limits on children in poverty.
37 In December 2006, the welfare policy committee shall terminate.

PART VI. MISCELLANEOUS

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Sec. 601. RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

(ii) Meet one of the following conditions:

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

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

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

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

20 (iv) Have furnished the department their social security account
21 number. If the social security account number cannot be furnished
22 because it has not been issued or is not known, an application for a
23 number shall be made prior to authorization of assistance, and the
24 social security number shall be provided to the department upon
25 receipt.

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

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

32 (ii) To the extent authorized by the legislature in the biennial
33 appropriations act, to recipients of ~~((aid to families with dependent
34 children))~~ temporary assistance for needy families whose needs are not
35 being met because of a temporary reduction in monthly income below the
36 entitled benefit payment level caused by loss or reduction of wages or
37 unemployment compensation benefits or some other unforeseen
38 circumstances. The amount of general assistance authorized shall not

1 exceed the difference between the entitled benefit payment level and
2 the amount of income actually received.

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

12 (i) First failure: One week;

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

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

15 (d) Persons found eligible for general assistance based on
16 incapacity from gainful employment may, if otherwise eligible, receive
17 general assistance pending application for federal supplemental
18 security income benefits. Any general assistance that is subsequently
19 duplicated by the person's receipt of supplemental security income for
20 the same period shall be considered a debt due the state and shall by
21 operation of law be subject to recovery through all available legal
22 remedies.

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

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

32 (g) Recipients of general assistance based upon a finding of
33 incapacity from gainful employment who remain otherwise eligible shall
34 not have their benefits terminated absent a clear showing of material
35 improvement in their medical or mental condition or specific error in
36 the prior determination that found the recipient eligible by reason of
37 incapacitation. Recipients of general assistance based upon pregnancy
38 who relinquish their child for adoption, remain otherwise eligible, and
39 are not eligible to receive benefits under the federal (~~aid to~~

1 ~~families with dependent children~~) temporary assistance for needy
2 families program shall not have their benefits terminated until the end
3 of the month in which the period of six weeks following the birth of
4 the recipient's child falls. Recipients of the federal (~~aid to~~
5 ~~families with dependent children~~) temporary assistance for needy
6 families program who lose their eligibility solely because of the birth
7 and relinquishment of the qualifying child may receive general
8 assistance through the end of the month in which the period of six
9 weeks following the birth of the child falls.

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

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

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

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

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

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

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

8 (d) All other resources, including any excess of values exempted,
9 not to exceed one thousand dollars or other limit as set by the
10 department, to be consistent with limitations on resources and
11 exemptions necessary for federal aid assistance. The department shall
12 also allow recipients of temporary assistance for needy families to
13 exempt savings accounts with combined balances of up to an additional
14 three thousand dollars.

15 (e) Applicants for or recipients of general assistance shall have
16 their eligibility based on resource limitations consistent with the
17 (~~aid to families with dependent children~~) temporary assistance for
18 needy families program rules adopted by the department.

19 (f) If an applicant for or recipient of public assistance possesses
20 property and belongings in excess of the ceiling value, such value
21 shall be used in determining the need of the applicant or recipient,
22 except that: (i) The department may exempt resources or income when
23 the income and resources are determined necessary to the applicant's or
24 recipient's restoration to independence, to decrease the need for
25 public assistance, or to aid in rehabilitating the applicant or
26 recipient or a dependent of the applicant or recipient; and (ii) the
27 department may provide grant assistance for a period not to exceed nine
28 months from the date the agreement is signed pursuant to this section
29 to persons who are otherwise ineligible because of excess real property
30 owned by such persons when they are making a good faith effort to
31 dispose of that property: PROVIDED, That:

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

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

38 (C) Applicants and recipients are advised of their right to a fair
39 hearing and afforded the opportunity to challenge a decision that good

1 faith efforts to sell have ceased, prior to assessment of an
2 overpayment under this section; and

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

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

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

36 (12) "Need"«The difference between the applicant's or recipient's
37 standards of assistance for himself and the dependent members of his
38 family, as measured by the standards of the department, and value of

1 all nonexempt resources and nonexempt income received by or available
2 to the applicant or recipient and the dependent members of his family.

3 (13) "Caretaker" means the parent of or adult relative caring for
4 the dependent child or children who is head of the household. However,
5 in situations where there are two parents in the household, "caretaker"
6 means that parent who, as a parent, has received assistance under the
7 program for the longest period.

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

14 (~~(14)~~) (15) In the construction of words and phrases used in this
15 title, the singular number shall include the plural, the masculine
16 gender shall include both the feminine and neuter genders and the
17 present tense shall include the past and future tenses, unless the
18 context thereof shall clearly indicate to the contrary.

19 NEW SECTION. Sec. 602. The legislature finds that independence,
20 personal responsibility, and accountability for individual actions
21 should be emphasized in citizens wherever they live on the
22 socioeconomic spectrum of society. The legislature further finds that
23 low-income, single parents are more likely to remain off public
24 assistance rolls if the benefits of child support payments go directly
25 to custodial parents rather than cumbersome state and federal
26 bureaucracies as reimbursements.

27 Therefore, it is the public policy of the state of Washington to
28 encourage parental employment and prompt and regular payment of child
29 support, and by so doing, to shorten or avoid periods of receipt of
30 cash assistance, increase family income, and provide incentives for the
31 establishment of paternity and regular payment of support.

32 NEW SECTION. Sec. 603. (1) The family security and responsibility
33 program is created in the department. This program shall be
34 state-funded and in addition to, and separate from the federal
35 temporary assistance for needy families program, funded by grants under
36 the personal responsibility and work opportunity act of 1996, P.L.
37 104-193.

1 (2) Eligibility for the family security and responsibility program
2 shall be redetermined each year. If, at the redetermination, it is
3 established that the absent parent is not paying child support
4 regularly, the participant shall be transferred to the temporary
5 assistance for needy families programs with no interruption to
6 benefits. Participants may transfer to temporary assistance for needy
7 families, at their option and without cause, upon one month's notice to
8 the department.

9 NEW SECTION. **Sec. 604.** Except as otherwise provided in this
10 chapter, applicants and participants in the family security and
11 responsibility program are subject to the same rules and shall be
12 entitled to the same benefits, including transitional benefits, as
13 those applicants and recipients of the temporary assistance for needy
14 families program.

15 NEW SECTION. **Sec. 605.** Any person otherwise eligible to
16 participate in the temporary assistance for needy families program is
17 also eligible to participate in the family security and responsibility
18 program if the absent parent of the qualifying child or children has
19 paid current child support in at least four months in the immediately
20 preceding six-month period.

21 NEW SECTION. **Sec. 606.** (1) A parent participating in the family
22 security and responsibility program is not required to assign any
23 rights to child support.

24 (2) The division of child support shall distribute child support as
25 a nonassistance recipient of child support services.

26 NEW SECTION. **Sec. 607.** (1) A participant in the family support
27 and responsibility program shall have one hundred twenty dollars plus
28 one-third of family earnings plus unearned income disregarded in
29 determining the appropriate grant level. As used in this section,
30 "family earnings" means the amount of earned income, less taxes and
31 mandatory deductions, received by the parent with whom the child
32 resides.

33 (2) A participant in the family support and responsibility program
34 shall also have twenty-five percent of total current monthly child

1 support distributed for a child living in the family disregarded in
2 determining the appropriate grant level.

3 (3) The benefits payable to a participant of the family security
4 and responsibility program shall be the amount derived by subtracting
5 from the grant standard countable income as provided in subsection (1)
6 of this section and countable child support as provided in subsection
7 (2) of this section.

8 NEW SECTION. **Sec. 608.** No payment may be made by the family
9 security and responsibility program if the total of family income and
10 child support exceed one hundred ten percent of the standard of need as
11 set forth in RCW 74.04.770.

12 NEW SECTION. **Sec. 609.** (1) An individual receiving assistance
13 under temporary assistance for needy families may transfer to the
14 family support and responsibility program on the first day of the month
15 following the month of application for the family support and
16 responsibility program if the individual meets the child support
17 criteria in section 605 of this act.

18 (2) An individual who meets the eligibility criteria under section
19 605 of this act who applies for assistance under the temporary
20 assistance for needy families program shall be given the option of
21 applying for the family support and responsibility program instead.

22 NEW SECTION. **Sec. 610.** The department may adopt rules for the
23 administration of this program in accordance with the administrative
24 procedure act, chapter 34.05 RCW.

25 NEW SECTION. **Sec. 611.** Sections 602 through 610 of this act
26 constitute a new chapter in Title 74 RCW.

27 NEW SECTION. **Sec. 612.** A new section is added to chapter 26.23
28 RCW to read as follows:

29 (1) The office of support enforcement shall enter into contracts
30 with collection agencies for collection of accounts that the office of
31 support enforcement is unsuccessful in collecting after twelve months.
32 The listing collection agency shall not assess the department of social
33 and health services any fee. All fees collected shall be in addition
34 to the amount of the debt owed by the delinquent party and shall be

1 assessed to the delinquent party not to exceed twenty percent of the
2 amount owed. All child support collected by the collection agency
3 shall be paid to the state.

4 (2) The department of social and health services shall monitor each
5 case that it refers to a collection agency.

6 (3) The department of social and health services shall evaluate the
7 effectiveness of entering into contracts for services under this
8 section.

9 (4) The department of social and health services shall provide
10 annual reports to the legislature on the results of its analysis under
11 subsections (2) and (3) of this section for the first three years after
12 the effective date of this section.

13 NEW SECTION. **Sec. 613.** A new section is added to chapter 74.12
14 RCW to read as follows:

15 The department of social and health services shall:

16 (1) Provide eligible Indian tribes ongoing, meaningful
17 opportunities to participate in the development, oversight, and
18 operation of the state temporary assistance for needy families program;

19 (2) Certify annually that it is providing equitable access to the
20 state temporary assistance for needy families program to Indian people
21 whose tribe is not administering a tribal temporary assistance for
22 needy families program;

23 (3) Coordinate and cooperate with eligible Indian tribes that elect
24 to operate a tribal temporary assistance for needy families program as
25 provided for in P.L. 104-193; and

26 (4) Upon approval by the secretary of the department of health and
27 human services of a tribal temporary assistance for needy families
28 program, transfer a fair and equitable amount of the state maintenance
29 of effort funds to the eligible Indian tribe. The legislature shall
30 specify the amount of state maintenance of effort funds to be
31 transferred in the biennial appropriations act.

32 NEW SECTION. **Sec. 614.** A new section is added to chapter 74.12
33 RCW to read as follows:

34 An eligible Indian tribe exercising its authority under P.L.
35 104-193 to operate a tribal temporary assistance for needy families
36 program shall operate the program on a state fiscal year basis. If a
37 tribe decides to cancel a tribal temporary assistance for needy

1 families program, it shall notify the department of social and health
2 services no later than ninety days prior to the start of the state
3 fiscal year.

4 NEW SECTION. **Sec. 615.** If any part of this act is found to be in
5 conflict with federal requirements that are a prescribed condition to
6 the allocation of federal funds to the state, the conflicting part of
7 this act is inoperative solely to the extent of the conflict and with
8 respect to the agencies directly affected, and this finding does not
9 affect the operation of the remainder of this act in its application to
10 the agencies concerned. The rules under this act shall meet federal
11 requirements that are a necessary condition to the receipt of federal
12 funds by the state. As used in this section, "allocation of federal
13 funds to the state" means the allocation of federal funds that are
14 appropriated by the legislature to the department of social and health
15 services and on which the department depends for carrying out any
16 provision of the operating budget applicable to it.

17 **Sec. 616.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each
18 amended to read as follows:

19 Public assistance (~~shall~~) may be awarded to any applicant:

20 (1) Who is in need and otherwise meets the eligibility requirements
21 of department assistance programs; and

22 (2) Who has not made a voluntary assignment of property or cash for
23 the purpose of qualifying for an assistance grant; and

24 (3) Who is not an inmate of a public institution except as a
25 patient in a medical institution or except as an inmate in a public
26 institution who could qualify for federal aid assistance: PROVIDED,
27 That the assistance paid by the department to recipients in nursing
28 homes, or receiving nursing home care, may cover the cost of clothing
29 and incidentals and general maintenance exclusive of medical care and
30 health services. The department may pay a grant to cover the cost of
31 clothing and personal incidentals in public or private medical
32 institutions and institutions for tuberculosis. The department shall
33 allow recipients in nursing homes to retain, in addition to the grant
34 to cover the cost of clothing and incidentals, wages received for work
35 as a part of a training or rehabilitative program designed to prepare
36 the recipient for less restrictive placement to the extent permitted
37 under Title XIX of the federal social security act.

1 NEW SECTION. **Sec. 617.** A new section is added to chapter 74.04
2 RCW to read as follows:

3 For the purpose of evaluating the effect of the defense of
4 equitable estoppel on the recovery of overpayments and the
5 administration of justice in public assistance cases, the department
6 shall report the following to the appropriate committees of the
7 legislature by December 1, 1997:

8 (1) The number of applicants and recipients of public assistance
9 who have raised the defense of equitable estoppel in an administrative
10 proceeding related to the collection of overpayments or the
11 determination of eligibility;

12 (2) The number of recipients or applicants of public assistance who
13 prevailed in an administrative proceeding related to the collection of
14 overpayments or the determination of eligibility due to the defense of
15 equitable estoppel;

16 (3) The amount, average amount, and percent of payments and
17 overpayments not collected due to the successful assertion of the
18 defense of equitable estoppel at an administrative proceeding related
19 to the collection of overpayments or the determination of eligibility;

20 (4) Any other information regarding the assertion of the defense of
21 equitable estoppel in administrative proceedings that the department
22 feels will assist in evaluation of the defense.

23 **Sec. 618.** RCW 50.13.060 and 1996 c 79 s 1 are each amended to read
24 as follows:

25 (1) Governmental agencies, including law enforcement agencies,
26 prosecuting agencies, and the executive branch, whether state, local,
27 or federal shall have access to information or records deemed private
28 and confidential under this chapter if the information or records are
29 needed by the agency for official purposes and:

30 (a) The agency submits an application in writing to the employment
31 security department for the records or information containing a
32 statement of the official purposes for which the information or records
33 are needed and specific identification of the records or information
34 sought from the department; and

35 (b) The director, commissioner, chief executive, or other official
36 of the agency has verified the need for the specific information in
37 writing either on the application or on a separate document; and

1 (c) The agency requesting access has served a copy of the
2 application for records or information on the individual or employing
3 unit whose records or information are sought and has provided the
4 department with proof of service. Service shall be made in a manner
5 which conforms to the civil rules for superior court. The requesting
6 agency shall include with the copy of the application a statement to
7 the effect that the individual or employing unit may contact the public
8 records officer of the employment security department to state any
9 objections to the release of the records or information. The
10 employment security department shall not act upon the application of
11 the requesting agency until at least five days after service on the
12 concerned individual or employing unit. The employment security
13 department shall consider any objections raised by the concerned
14 individual or employing unit in deciding whether the requesting agency
15 needs the information or records for official purposes.

16 (2) The requirements of subsections (1) and (~~(+8+)~~) (9) of this
17 section shall not apply to the state legislative branch. The state
18 legislature shall have access to information or records deemed private
19 and confidential under this chapter, if the legislature or a
20 legislative committee finds that the information or records are
21 necessary and for official purposes. If the employment security
22 department does not make information or records available as provided
23 in this subsection, the legislature may exercise its authority granted
24 by chapter 44.16 RCW.

25 (3) In cases of emergency the governmental agency requesting access
26 shall not be required to formally comply with the provisions of
27 subsection (1) of this section at the time of the request if the
28 procedures required by subsection (1) of this section are complied with
29 by the requesting agency following the receipt of any records or
30 information deemed private and confidential under this chapter. An
31 emergency is defined as a situation in which irreparable harm or damage
32 could occur if records or information are not released immediately.

33 (4) The requirements of subsection (1)(c) of this section shall not
34 apply to governmental agencies where the procedures would frustrate the
35 investigation of possible violations of criminal laws.

36 (5) Governmental agencies shall have access to certain records or
37 information, limited to such items as names, addresses, social security
38 numbers, and general information about benefit entitlement or employer
39 information possessed by the department, for comparison purposes with

1 records or information possessed by the requesting agency to detect
2 improper or fraudulent claims, or to determine potential tax liability
3 or employer compliance with registration and licensing requirements.
4 In those cases the governmental agency shall not be required to comply
5 with subsection (1)(c) of this section, but the requirements of the
6 remainder of subsection (1) must be satisfied.

7 (6) Governmental agencies may have access to certain records and
8 information, limited to employer information possessed by the
9 department for purposes authorized in chapter 50.38 RCW. Access to
10 these records and information is limited to only those individuals
11 conducting authorized statistical analysis, research, and evaluation
12 studies. Only in cases consistent with the purposes of chapter 50.38
13 RCW are government agencies not required to comply with subsection
14 (1)(c) of this section, but the requirements of the remainder of
15 subsection (1) of this section must be satisfied. Information provided
16 by the department and held to be private and confidential under state
17 or federal laws shall not be misused or released to unauthorized
18 parties subject to the sanctions in RCW 50.13.080.

19 (7) Disclosure to governmental agencies of information or records
20 obtained by the employment security department from the federal
21 government shall be governed by any applicable federal law or any
22 agreement between the federal government and the employment security
23 department where so required by federal law. When federal law does not
24 apply to the records or information state law shall control.

25 (8) For purposes of statistical analysis and evaluation of the job
26 opportunities and basic skills training program or any successor state
27 welfare program, the department of social and health services shall
28 have access to employer wage information on clients in the program
29 whose names and social security numbers are provided to the department.
30 The information provided by the department may be used only to measure
31 work force participation of the identified clients. The department of
32 social and health services is not required to comply with subsection
33 (1)(c) of this section, but the requirements of the remainder of
34 subsection (1) of this section must be satisfied.

35 (9) The disclosure of any records or information by a governmental
36 agency which has obtained the records or information under this section
37 is prohibited unless the disclosure is directly connected to the
38 official purpose for which the records or information were obtained.

1 (~~(9)~~) (10) In conducting periodic salary or fringe benefit
2 studies pursuant to law, the department of personnel shall have access
3 to records of the employment security department as may be required for
4 such studies. For such purposes, the requirements of subsection (1)(c)
5 of this section need not apply.

6 NEW SECTION. **Sec. 619.** A new section is added to chapter 43.20A
7 RCW to read as follows:

8 (1) The department shall provide the employment security department
9 quarterly with the names and social security numbers of all clients in
10 the job opportunities and basic skills training program and any
11 successor state welfare program.

12 (2) The information provided by the employment security department
13 under RCW 50.13.060 for statistical analysis and welfare program
14 evaluation purposes may be used only to measure the work force
15 participation of clients in the job opportunities and basic skills
16 training program and any successor state welfare program. Through
17 individual matches with accessed employment security department
18 confidential employer wage files, the department of social and health
19 services shall report only aggregate, statistical, group level data.

20 (3) The department shall protect the privacy of confidential
21 personal data supplied under RCW 50.13.060 consistent with federal law,
22 chapter 50.13 RCW, and the terms and conditions of a formal data-
23 sharing agreement between the two departments. The misuse or
24 unauthorized use of confidential data supplied by the employment
25 security department is subject to the penalties in RCW 50.13.080.

26 **Sec. 620.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
27 to read as follows:

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

35 NEW SECTION. **Sec. 621.** A new section is added to chapter 74.25
36 RCW to read as follows:

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

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

10 **Sec. 622.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to
11 read as follows:

12 Upon written request of a person who has been properly identified
13 as an officer of the law (~~((with a felony arrest warrant))~~) or a properly
14 identified United States immigration official (~~((with a warrant for an
15 illegal alien))~~) the department shall disclose to such officer the
16 current address and location of (~~((the person properly described in the
17 warrant))~~) a recipient of public welfare if the officer furnishes the
18 department with such person's name and social security account number
19 and satisfactorily demonstrates that such recipient is a fugitive, that
20 the location or apprehension of such fugitive is within the officer's
21 official duties, and that the request is made in the proper exercise of
22 those duties.

23 When the department becomes aware that a public assistance
24 recipient is the subject of an outstanding warrant, the department may
25 contact the appropriate law enforcement agency and, if the warrant is
26 valid, provide the law enforcement agency with the location of the
27 recipient.

28 NEW SECTION. **Sec. 623.** If specific funding for the purpose of
29 sections 109 and 110 of this act, referencing this act by bill or
30 chapter number, is not provided by June 30, 1997, in the omnibus
31 appropriations act, sections 109 and 110 of this act are null and void.

32 NEW SECTION. **Sec. 624.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
35 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
36 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;

1 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3; and
2 (3) RCW 74.12.420 and 1994 c 299 s 9.

3 NEW SECTION. **Sec. 625.** The table of contents, part headings,
4 subheadings, and captions used in this act do not constitute any part
5 of the law.

6 NEW SECTION. **Sec. 626.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

10 NEW SECTION. **Sec. 627.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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