

SENATE BILL 6110

State of Washington 55th Legislature 1997 Regular Session

By Senators Deccio, Wood, Benton, West, McDonald and Strannigan

Read first time 4/14/97.

1 AN ACT Relating to implementing the federal personal responsibility
2 and work opportunity reconciliation act of 1996; amending RCW
3 74.08.025, 74.08.340, 74.09.510, 74.09.800, 74.08.331, 28A.630.876,
4 74.04.050, 41.06.380, 74.12A.020, 74.13.0903, 74.25.040, 74.12.255,
5 74.04.0052, 13.34.160, 74.12.250, 74.12.410, 50.13.060, and 74.04.062;
6 reenacting and amending RCW 74.04.005; adding new sections to chapter
7 74.12 RCW; adding new sections to chapter 74.04 RCW; adding a new
8 section to chapter 28A.630 RCW; adding a new section to chapter 43.30
9 RCW; adding a new section to chapter 43.330 RCW; adding a new section
10 to chapter 44.28 RCW; adding a new section to chapter 43.20A RCW;
11 adding a new chapter to Title 74 RCW; creating new sections; repealing
12 RCW 74.12.420, 74.12.425, 74.04.660, 74.25.010, 74.25.020, 74.25.030,
13 74.25.900, 74.25.901, 74.04.770, 74.08.120, and 74.08.125; providing an
14 effective date; and providing for submission of this act to a vote of
15 the people.

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

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10       NEW SECTION.     **Sec. 1.**   LEGISLATIVE INTENT AND FINDINGS.   The  
11 legislature finds that the federal personal responsibility and work  
12 opportunity reconciliation act of 1996 presents both opportunities and  
13 challenges for the states as they develop methods of moving families in  
14 poverty from welfare to work.   The legislature further finds that,  
15 although many of the goals of the federal act coincide with Washington  
16 state's vision for enabling families to achieve eventual economic self-  
17 sufficiency through private, unsubsidized employment, the treatment of  
18 legal immigrants under the federal act does not reflect Washington's  
19 commitment to those legal immigrants within Washington's borders who  
20 have played by the rules, and who live in our communities and  
21 participate in the American way of life, providing economic and  
22 cultural enrichment to Washington state's population.

23       The legislature finds that at least one-third of public assistance  
24 recipients have experience in the work force and sufficient training to  
25 enable them to obtain unsubsidized employment.   The legislature intends  
26 to put a priority on finding jobs, which may include on-the-job  
27 training, for this group of public assistance recipients.   The  
28 legislature intends that state agencies involved in welfare reform  
29 shall reorganize to accomplish this priority.   The legislature intends  
30 that state agencies solicit from businesses information about job  
31 opportunities and make the information available to public assistance  
32 recipients.

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

5 The legislature finds that Washington state's goals in implementing  
6 the federal act include promoting the American values of work,  
7 education, and responsibility, including responsible childbearing and  
8 dedication by both parents to protecting, supporting, and bringing up  
9 children to become responsible, productive Americans. This has been  
10 the goal and the dream of generations of Americans, whether native born  
11 or naturalized citizens.

12 The legislature finds that it is necessary, to enable people to  
13 leave welfare, to encourage a new alliance of state and local  
14 government, business, churches, nonprofit organizations, and  
15 individuals to dedicate themselves, within the letter and the spirit of  
16 the law, to helping families in poverty overcome barriers, obtain  
17 support, direction, and encouragement, and become contributors to the  
18 American way of life.

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

24 The legislature reaffirms its commitment to provide medical  
25 services to eligible legal immigrants under the children's health  
26 program established under RCW 74.09.405. The legislature affirms its  
27 commitment to provide the benefits of the maternity care access program  
28 under RCW 74.09.800 to documented and undocumented immigrants who  
29 qualify.

30 The legislature finds that family structure and relationships are  
31 critical to the long-term success and economic self-sufficiency of  
32 recipients of temporary assistance for needy families and their  
33 children. The department and its employees shall communicate clearly  
34 to recipients of temporary assistance for needy families the importance  
35 of healthy and safe marriages and family relationships.

36 NEW SECTION. **Sec. 2.** SHORT TITLE. This act may be known and  
37 cited as the Washington WorkFirst temporary assistance for needy  
38 families act.

I. GENERAL PROVISIONS

Sec. 101. RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each amended to read as follows:

(1) Public assistance (~~shall~~) may be awarded to any applicant:

~~((1))~~ (a) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and

~~((2))~~ (b) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and

~~((3))~~ (c) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

(2) Any person otherwise qualified for temporary assistance for needy families under this title who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, using the eligibility rules and other definitions established under this chapter, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this subsection shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state.

(3) Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to

1 become employable shall be required by the department to participate in  
2 a drug or alcohol treatment program as a condition of benefit receipt.

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

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

14 All assistance granted under this title shall be deemed to be  
15 granted and to be held subject to the provisions of any amending or  
16 repealing act that may hereafter be enacted, and no recipient shall  
17 have any claim for compensation, or otherwise, by reason of his  
18 assistance being affected in any way by such amending or repealing act.  
19 There is no legal entitlement to public assistance.

20 NEW SECTION. **Sec. 103.** TIME LIMITS. (1) A family that includes an  
21 adult who has received temporary assistance for needy families for  
22 sixty months after the effective date of this section shall be  
23 ineligible for further temporary assistance for needy families  
24 assistance.

25 (2) For the purposes of applying the rules of this section, the  
26 department shall count any month in which an adult family member  
27 received a temporary assistance for needy families cash assistance  
28 grant unless the assistance was provided when the family member was a  
29 minor child and not the head of the household or married to the head of  
30 the household.

31 (3) The department shall refer recipients who require specialized  
32 assistance to appropriate department programs, crime victims' programs  
33 through the department of community, trade, and economic development,  
34 or the crime victims' compensation program of the department of labor  
35 and industries.

36 (4) The department may exempt a recipient and the recipient's  
37 family from the application of subsection (1) of this section by reason

1 of hardship or if the recipient meets the family violence options of  
2 section 402(A)(7) of Title IVA of the federal social security act as  
3 amended by P.L. 104-193. The number of recipients and their families  
4 exempted from subsection (1) of this section for a fiscal year shall  
5 not exceed twenty percent of the average monthly number of recipients  
6 and their families to which assistance is provided under the temporary  
7 assistance for needy families program.

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

12 NEW SECTION. **Sec. 104.** ELECTRONIC BENEFIT TRANSFER. By October  
13 2002, the department shall develop and implement an electronic benefit  
14 transfer system to be used for the delivery of public assistance  
15 benefits, including without limitation, food assistance.

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

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

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

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

23 (3) RCW 74.04.660 and 1994 c 296 s 1, 1993 c 63 s 1, 1989 c 11 s  
24 26, 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6.

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

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

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

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

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

21       An eligible Indian tribe exercising its authority under P.L.  
22 104-193 to operate a tribal temporary assistance for needy families  
23 program shall operate the program on a state fiscal year basis. If a  
24 tribe decides to cancel a tribal temporary assistance for needy  
25 families program, it shall notify the department no later than ninety  
26 days prior to the start of the state fiscal year.

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

29       WRITTEN MATERIAL. All forms, letters, and documents sent to  
30 recipients of assistance shall be easy to read and comprehend. The  
31 department shall ensure that all forms, letters, and documents covered  
32 by this section shall be written at an eighth grade comprehension  
33 level.

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

1 FOOD STAMP WORK REQUIREMENTS. Single adults without dependents  
2 between eighteen and fifty years of age shall comply with federal food  
3 stamp work requirements as a condition of eligibility.

4 **II. IMMIGRANT PROTECTION**

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

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

33 NEW SECTION. **Sec. 202.** IMMIGRANTS--ELIGIBILITY. It is the intent  
34 of the legislature that all legal immigrants who resided in the United  
35 States before August 21, 1996, retain eligibility for assistance  
36 programs the same as or similar to those from which they lost benefits



1 as a result of P.L. 104-193. The legislature also intends that  
2 sponsors' incomes continue to be deemed for these individuals in the  
3 same manner it was addressed prior to August 22, 1996.

4 Accordingly, the state shall exercise its option under P.L. 104-193  
5 to continue services to legal immigrants under temporary assistance for  
6 needy families, medicaid, and social services block grant programs.  
7 Legal immigrants who lose benefits under the supplemental security  
8 income program as a result of P.L. 104-193 are immediately eligible to  
9 apply for benefits under the state's general assistance-unemployable  
10 program. The department shall redetermine income and resource  
11 eligibility at least annually, in accordance with existing state  
12 policy. It is the policy of the legislature to distinguish between  
13 legal immigrants living in the United States prior to August 22, 1996,  
14 and those who immigrated on or after the enactment of P.L. 104-193.  
15 The postenactment legal immigrants are subject to a five-year benefit  
16 exclusion for means-tested public assistance programs and are subject  
17 to the sponsor-deeming provisions of section 206 of this act, which  
18 shall be strictly construed in favor of benefit denial.

19 NEW SECTION. **Sec. 203.** INCOME AVERAGING--BENEFIT DETERMINATION.  
20 In the case of applicants for temporary assistance for needy families  
21 whose principal source of earned income is seasonal employment, the  
22 department shall determine eligibility and benefit levels by  
23 retrospectively considering the applicant's earned income for the  
24 twelve-month period immediately preceding the application for  
25 assistance. The earned income shall be prorated on an annual basis,  
26 and the prorated amount used for eligibility and benefit determination  
27 in the prospective month. Assistance shall be denied until the  
28 applicant's prorated prior twelve months of income equals a monthly  
29 amount at or below the eligibility level. The intent of the  
30 legislature is to ensure that persons with seasonal earned income that,  
31 if prorated on an annual basis, would have exceeded the level  
32 qualifying them for assistance will be denied assistance until such  
33 time as they qualify on a prorated basis.

34 NEW SECTION. **Sec. 204.** NATURALIZATION FACILITATION. The  
35 department shall make an affirmative effort to identify and proactively  
36 contact legal immigrants receiving public assistance to facilitate  
37 their applications for naturalization. The department shall obtain a

1 complete list of legal immigrants in Washington who are receiving  
2 correspondence regarding their eligibility from the social security  
3 administration. The department shall inform immigrants regarding how  
4 citizenship may be attained. In order to facilitate the citizenship  
5 process, the department shall coordinate and contract, to the extent  
6 necessary, with existing public and private resources and shall, within  
7 available funds, ensure that those immigrants who qualify to apply for  
8 naturalization are referred to or otherwise offered classes. The  
9 department shall assist eligible immigrants in obtaining appropriate  
10 test exemptions, and other exemptions in the naturalization process, to  
11 the extent permitted under federal law. The department shall report  
12 annually by December 15th to the legislature regarding the progress and  
13 barriers of the immigrant naturalization facilitation effort. It is  
14 the intent of the legislature that persons receiving naturalization  
15 assistance be facilitated in obtaining citizenship within two years of  
16 their eligibility to apply.

17 NEW SECTION. **Sec. 205.** SPONSOR DEEMING. (1) Except as provided  
18 in subsection (5) of this section, qualified aliens and aliens  
19 permanently residing under color of law who are recipients of public  
20 assistance under this title as of August 22, 1996, shall have their  
21 eligibility for assistance redetermined.

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

28 (3) In determining the eligibility and the amount of benefits of a  
29 qualified alien or an alien permanently residing under color of law for  
30 public assistance under this title, the income and resources of the  
31 alien shall be deemed to include the income and resources of any person  
32 and his or her spouse who executed an affidavit of support pursuant to  
33 section 213A of the federal immigration and naturalization act on  
34 behalf of the alien. The deeming provisions of this subsection shall  
35 be waived if the sponsor dies or is permanently incapacitated during  
36 the period the affidavit of support is valid.

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

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

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

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

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

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

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

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

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

20 (e) Public health assistance for immunizations with respect to  
21 immunizable diseases and for testing and treatment of symptoms of  
22 communicable diseases whether or not the symptoms are caused by a  
23 communicable disease;

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

25 (g) Programs, services, or assistance where eligibility is not  
26 determined by employees of the department of social and health  
27 services;

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

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

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

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

38 (7) Otherwise qualified legal immigrants arriving after the  
39 enactment of P.L. 104-193, and subject to the five-year federal means-

1 tested benefit exclusion, shall, after the five-year exclusion, be  
2 eligible for medical assistance in cases where their sponsors have  
3 died.

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

6 FOOD ASSISTANCE. (1) The department may establish a food  
7 assistance program for persons whose immigrant status meets the  
8 eligibility requirements of the federal food stamp program as of August  
9 21, 1996, but who are no longer eligible solely due to their immigrant  
10 status under P.L. 104-193.

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

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

16 (4) The department may enter into a contract with the United States  
17 department of agriculture to use the existing federal food stamp  
18 program coupon system for the purposes of administering the state food  
19 assistance program.

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

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

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

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

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

36 (3) By January 1, 1990, have the following procedures in place to  
37 improve access to maternity care services and eligibility

1 determinations for pregnant women applying for maternity care services  
2 under the medical assistance program, Title XIX of the federal social  
3 security act:

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

5 (b) Outstationing department staff to make eligibility  
6 determinations;

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

9 (d) Conducting an interview for the purpose of determining medical  
10 assistance eligibility within five working days of the date of an  
11 application by a pregnant woman and making an eligibility determination  
12 within fifteen working days of the date of application by a pregnant  
13 woman;

14 (4) Establish a maternity care case management system that shall  
15 assist at-risk eligible persons with obtaining medical assistance  
16 benefits and receiving maternity care services, including  
17 transportation and child care services;

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

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

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

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

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

35 The legislature reaffirms its commitment to provide health care  
36 services under this section to eligible immigrants, regardless of  
37 documented or undocumented status.

38

### III. WASHINGTON WORKFIRST PROGRAM

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

5        NEW SECTION.    **Sec. 302.**    DIVERSION ASSISTANCE.    (1) In order to  
6 prevent some families from developing dependency on temporary  
7 assistance for needy families, the department shall make available to  
8 qualifying applicants a diversion program designed to provide brief,  
9 emergency assistance for families in crisis whose income and assets  
10 would otherwise qualify them for temporary assistance for needy  
11 families.

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

- 14        (a) Child care;
- 15        (b) Housing assistance;
- 16        (c) Transportation-related expenses;
- 17        (d) Food;
- 18        (e) Medical costs for the recipient's immediate family;
- 19        (f) Employment-related expenses which are necessary to keep or  
20 obtain paid unsubsidized employment.

21        (3) Diversion assistance is available once in each twelve-month  
22 period for each adult applicant.    Recipients of diversion assistance  
23 are not included in the temporary assistance for needy families  
24 program.

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

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

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

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

36        An adult applicant may receive diversion assistance of any type no  
37 more than once per twelve-month period.    If the recipient of diversion  
38 assistance is placed on the temporary assistance for needy families

1 program within twelve months of receiving diversion assistance, the  
2 prorated dollar value of the assistance shall be treated as a loan from  
3 the state, and recovered by deduction from the recipient's cash grant.

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

6 Any person who by means of a willfully false statement, or  
7 representation, or impersonation, or a willful failure to reveal any  
8 material fact, condition or circumstance affecting eligibility ((~~of~~  
9 ~~for~~)) or need for assistance, including medical care, surplus  
10 commodities and food stamps, as required by law, or a willful failure  
11 to promptly notify the county office in writing as required by law or  
12 any change in status in respect to resources, or income, or need, or  
13 family composition, money contribution and other support, from whatever  
14 source derived, including unemployment insurance, or any other change  
15 in circumstances affecting the person's eligibility or need for  
16 assistance, or other fraudulent device, obtains, or attempts to obtain,  
17 or aids or abets any person to obtain any public assistance to which  
18 the person is not entitled or greater public assistance than that to  
19 which he or she is justly entitled shall be guilty of grand larceny and  
20 upon conviction thereof shall be punished by imprisonment in a state  
21 correctional facility for not more than fifteen years.

22 Any person who by means of a willfully false statement or  
23 representation or by impersonation or other fraudulent device aids or  
24 abets in buying, selling, or in any other way disposing of the real  
25 property of a recipient of public assistance without the consent of the  
26 secretary shall be guilty of a gross misdemeanor and upon conviction  
27 thereof shall be punished by imprisonment for not more than one year in  
28 the county jail or a fine of not to exceed one thousand dollars or by  
29 both.

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

32 SCHOOL-TO-WORK TRANSITIONS. (1) The legislature finds that  
33 students who do not prepare for postsecondary education, training, and  
34 employment are more likely to become dependent on state assistance  
35 programs than those who do make such preparation and that long-term  
36 employment and earning outcomes for youth can be significantly improved  
37 through school-to-work transition efforts, particularly through work-

1 based learning experiences. The legislature intends that every effort  
2 be made to involve all youth in preparation for postsecondary  
3 education, training, and employment, including out-of-school youth.

4 (2) Washington is engaged in developing school-to-work transitions  
5 for all youth, which involves preparation for postsecondary education,  
6 training, and employment and requires outreach to out-of-school youth.  
7 All school-to-work transition projects in the state, therefore, whether  
8 funded by state or federal funds, shall contain an outreach component  
9 directed toward school-age youth not currently enrolled in school and  
10 demonstrate the involvement of all in-school youth in preparation for  
11 postsecondary education or training or employment. At the time a  
12 school-to-work grant is made, the superintendent of public instruction  
13 shall withhold twenty percent of the grant award and release the funds  
14 upon a showing that the project has satisfactorily included outreach to  
15 out-of-school youth and progress in involving students not  
16 traditionally engaged in preparation for postsecondary education,  
17 training, or employment.

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

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

24 (1) The superintendent of public instruction shall report to the  
25 education committees of the legislature and committees of the  
26 legislature handling economic development and social welfare issues on  
27 the progress of the schools for the school-to-work transitions program  
28 by December 15 of each odd-numbered year.

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

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

36 JOBS FOR THE ENVIRONMENT PROGRAMS. In any jobs for the environment  
37 program designed to train and employ displaced natural resource workers



1 and operated by the department of natural resources, recipients of  
2 temporary assistance for needy families from natural resource areas who  
3 are engaged in work search activities are eligible for training and  
4 employment on the same basis as displaced natural resource workers  
5 within available funds.

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

10 (1) An individual development account may be established by or on  
11 behalf of a recipient eligible for assistance provided under the  
12 temporary assistance for needy families program operated under this  
13 title for the purpose of enabling the recipient to accumulate funds for  
14 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 recipient 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 section shall be a trust created or organized in the United States and  
36 funded through periodic contributions by the establishing recipient and  
37 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 shall adopt rules authorizing the use of  
7 organizations using microcredit and microenterprise approaches to  
8 assisting low-income families to become financially self-sufficient.

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

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

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

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

28 (a) A full-time student; or

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

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

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

35 (1) "Public assistance" or "assistance"«Public aid to persons in  
36 need thereof for any cause, including services, medical care,

1 assistance grants, disbursing orders, work relief, general assistance  
2 and federal-aid assistance.

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

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

6 (4) "Director" or "secretary" means the secretary of social and  
7 health services.

8 (5) "Federal-aid assistance"«The specific categories of assistance  
9 for which provision is made in any federal law existing or hereafter  
10 passed by which payments are made from the federal government to the  
11 state in aid or in respect to payment by the state for public  
12 assistance rendered to any category of needy persons for which  
13 provision for federal funds or aid may from time to time be made, or a  
14 federally administered needs-based program.

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

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

20 (ii) Meet one of the following conditions:

21 (A) Pregnant: PROVIDED, That need is based on the current income  
22 and resource requirements of the federal ~~((aid to families with  
23 dependent children))~~ temporary assistance for needy families program(~~(+  
24 PROVIDED FURTHER, That during any period in which an aid for dependent  
25 children employable program is not in operation, only those pregnant  
26 women who are categorically eligible for medicaid are eligible for  
27 general assistance))~~); or

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

32 (C) Persons who are unemployable due to alcohol or drug addiction  
33 are not eligible for general assistance. Persons receiving general  
34 assistance on July 26, 1987, or becoming eligible for such assistance  
35 thereafter, due to an alcohol or drug-related incapacity, shall be  
36 referred to appropriate assessment, treatment, shelter, or supplemental  
37 security income referral services as authorized under chapter 74.50  
38 RCW. Referrals shall be made at the time of application or at the time  
39 of eligibility review. Alcoholic and drug addicted clients who are

1 receiving general assistance on July 26, 1987, may remain on general  
2 assistance if they otherwise retain their eligibility until they are  
3 assessed for services under chapter 74.50 RCW. Subsection  
4 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
5 department from granting general assistance benefits to alcoholics and  
6 drug addicts who are incapacitated due to other physical or mental  
7 conditions that meet the eligibility criteria for the general  
8 assistance program;

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

12 (iv) Have furnished the department their social security account  
13 number. If the social security account number cannot be furnished  
14 because it has not been issued or is not known, an application for a  
15 number shall be made prior to authorization of assistance, and the  
16 social security number shall be provided to the department upon  
17 receipt.

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

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

24 (ii) To the extent authorized by the legislature in the biennial  
25 appropriations act, to recipients of ~~((aid to families with dependent  
26 children))~~ temporary assistance for needy families whose needs are not  
27 being met because of a temporary reduction in monthly income below the  
28 entitled benefit payment level caused by loss or reduction of wages or  
29 unemployment compensation benefits or some other unforeseen  
30 circumstances. The amount of general assistance authorized shall not  
31 exceed the difference between the entitled benefit payment level and  
32 the amount of income actually received.

33 (c) General assistance shall be provided only to persons who are  
34 not members of assistance units receiving federal aid assistance,  
35 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,  
36 and will accept available services which can reasonably be expected to  
37 enable the person to work or reduce the need for assistance unless  
38 there is good cause to refuse. Failure to accept such services shall  
39 result in termination until the person agrees to cooperate in accepting

1 such services and subject to the following maximum periods of  
2 ineligibility after reapplication:

3 (i) First failure: One week;

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

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

6 (d) Persons found eligible for general assistance based on  
7 incapacity from gainful employment may, if otherwise eligible, receive  
8 general assistance pending application for federal supplemental  
9 security income benefits. Any general assistance that is subsequently  
10 duplicated by the person's receipt of supplemental security income for  
11 the same period shall be considered a debt due the state and shall by  
12 operation of law be subject to recovery through all available legal  
13 remedies.

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

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

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

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

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

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

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

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

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

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

1        (d) A motor vehicle necessary to transport a physically disabled  
2 household member. This exclusion is limited to one vehicle per  
3 physically disabled person.

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

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

15        ~~((f))~~ (g) If an applicant for or recipient of public assistance  
16 possesses property and belongings in excess of the ceiling value, such  
17 value shall be used in determining the need of the applicant or  
18 recipient, except that: (i) The department may exempt resources or  
19 income when the income and resources are determined necessary to the  
20 applicant's or recipient's restoration to independence, to decrease the  
21 need for public assistance, or to aid in rehabilitating the applicant  
22 or recipient or a dependent of the applicant or recipient; and (ii) the  
23 department may provide grant assistance for a period not to exceed nine  
24 months from the date the agreement is signed pursuant to this section  
25 to persons who are otherwise ineligible because of excess real property  
26 owned by such persons when they are making a good faith effort to  
27 dispose of that property: PROVIDED, That:

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

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

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

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

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

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

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

37 (13) For purposes of determining eligibility for public assistance  
38 and participation levels in the cost of medical care, the department  
39 shall exempt restitution payments made to people of Japanese and Aleut



1 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian  
2 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
3 including all income and resources derived therefrom.

4 (14) In the construction of words and phrases used in this title,  
5 the singular number shall include the plural, the masculine gender  
6 shall include both the feminine and neuter genders and the present  
7 tense shall include the past and future tenses, unless the context  
8 thereof shall clearly indicate to the contrary.

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

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

- 17 (1) Unsubsidized paid employment in the private or public sector;
- 18 (2) Subsidized paid employment in the private or public sector;
- 19 (3) Work experience, including work associated with the  
20 refurbishing of publicly assisted housing, if sufficient paid  
21 employment is not available;
- 22 (4) On-the-job training;
- 23 (5) Job search and job readiness assistance;
- 24 (6) Community service programs;
- 25 (7) Vocational educational training, not to exceed twelve months  
26 with respect to any individual;
- 27 (8) Job skills training directly related to employment;
- 28 (9) Education directly related to employment, in the case of a  
29 recipient who has not received a high school diploma or a GED;
- 30 (10) Satisfactory attendance at secondary school or in a course of  
31 study leading to a GED, in the case of a recipient who has not  
32 completed secondary school or received such a certificate;
- 33 (11) The provision of child care services to an individual who is  
34 participating in a community service program; and
- 35 (12) Services required by the recipient under RCW 74.08.025(3) and  
36 74.--.--(3) (section 103(3) of this act) to become employable.

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

9        (2) Upon application to the temporary assistance for needy families  
10 program, each recipient shall be placed in the job search component.  
11 For recipients who have been approved for assistance before the  
12 effective date of this section, the job search component shall be  
13 completed no later than one hundred eighty days after the effective  
14 date of this section.

15        (3) The Washington WorkFirst program shall include a job search  
16 component in which each nonexempt recipient of temporary assistance for  
17 needy families shall participate.    The job search component may not  
18 last more than four weeks for each recipient.    Each recipient shall be  
19 required to attend job search component activities at least thirty-six  
20 hours per week.    Failure to participate in the job search component  
21 shall result in sanctions under section 313 of this act.    The job  
22 search component shall serve as the assessment tool to comply with  
23 federal law.    If a recipient fails to find paid employment during the  
24 job search component, the department may refer the recipient to those  
25 work activities that are directly related to improving the recipient's  
26 employability.

27        (4) As used in this section, "job search component" means an  
28 activity in which nonexempt recipients engage each weekday upon  
29 entering the Washington WorkFirst program.    The component shall provide  
30 at least three hours per weekday of classroom instruction on how to  
31 secure a job and at least three hours per weekday of individual job  
32 search activities.

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

37        (1) Each recipient shall be assessed immediately upon completion of  
38 the job search component.    Assessments shall be based upon factors that

1 are critical to obtaining employment, including but not limited to  
2 education, employment strengths, and employment history. Assessments  
3 may be performed by the department or by a contracted entity. The  
4 assessment shall be based on a uniform, consistent, transferable format  
5 that will be accepted by all agencies and organizations serving the  
6 recipient. Based on the assessment, an individual responsibility plan  
7 shall be prepared that: (a) Sets forth an employment goal and a plan  
8 for moving the recipient immediately into employment; (b) contains the  
9 obligation of the recipient to become and remain employed; (c) moves  
10 the recipient into whatever employment the recipient is capable of  
11 handling as quickly as possible; and (d) describes the services  
12 available to the recipient to enable the recipient to obtain and keep  
13 employment.

14 (2) Recipients who are not engaged in work and work activities, and  
15 do not qualify for a good cause exemption under section 314 of this  
16 act, shall engage in self-directed service as provided in section 326  
17 of this act.

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

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

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

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

34 NEW SECTION. **Sec. 314.** GOOD CAUSE. Good cause reasons for  
35 failure to participate in WorkFirst program components include: (1)  
36 Situations where the recipient is a parent or other relative personally  
37 providing care for a child under the age of six years, and formal or  
38 informal child care, or day care for an incapacitated individual living

1 in the same home as a dependent child, is necessary for an individual  
2 to participate or continue participation in the program or accept  
3 employment, and such care is not available, and the department fails to  
4 provide such care; or (2) until June 30, 1999, if the recipient is a  
5 parent with a child under the age of one year. A parent may only  
6 receive this exemption for a total of twelve months, which may be  
7 consecutive or nonconsecutive; or (3) after June 30, 1999, if the  
8 recipient is a parent with a child under three months of age.

9 NEW SECTION. **Sec. 315.** WORKFIRST--GOALS--CONTRACTS--SERVICE  
10 AREAS--PLANS. (1) The legislature finds that moving those eligible for  
11 assistance to self-sustaining employment is a goal of the WorkFirst  
12 program. It is the intent of WorkFirst to aid a participant's progress  
13 to self-sufficiency by allowing flexibility within the state-wide  
14 program to reflect community resources, the local characteristics of  
15 the labor market, and the composition of the caseload. Program success  
16 will be enhanced through effective coordination at regional and local  
17 levels, involving employers, labor representatives, educators,  
18 community leaders, local governments, and social service providers.

19 (2) The department, through its regional offices, shall collaborate  
20 with employers, recipients, frontline workers, educational  
21 institutions, labor, private industry councils, the work force training  
22 and education coordinating board, community rehabilitation employment  
23 programs, employment and training agencies, local governments, the  
24 employment security department, and community action agencies to  
25 develop work programs that are effective and work in their communities.  
26 For planning purposes, the department shall collect and make accessible  
27 to regional offices successful work program models from around the  
28 United States, including the employment partnership program,  
29 apprenticeship programs, microcredit, microenterprise, self-employment,  
30 and W-2 Wisconsin works. Work programs shall incorporate local  
31 volunteer citizens in their planning and implementation phases to  
32 ensure community relevance and success.

33 (3) To reduce administrative costs and to ensure equal state-wide  
34 access to services, the department shall develop contracts for state-  
35 wide welfare-to-work services. These state-wide contracts shall  
36 support regional flexibility and ensure that resources follow local  
37 labor market opportunities and recipients' needs.

1 (4) The secretary shall establish WorkFirst service areas for  
2 purposes of planning WorkFirst programs and for distributing WorkFirst  
3 resources. Service areas shall reflect department regions.

4 (5) By July 31st of each odd-numbered year, a plan for the  
5 WorkFirst program shall be developed for each region. The plan shall  
6 be prepared in consultation with local and regional sources, adapting  
7 the state-wide WorkFirst program to achieve maximum effect for the  
8 participants and the communities within which they reside. Local  
9 consultation shall include to the greatest extent possible input from  
10 local and regional planning bodies for social services and work force  
11 development. The regional and local administrator shall consult with  
12 employers of various sizes, labor representatives, training and  
13 education providers, program participants, economic development  
14 organizations, community organizations, tribes, and local governments  
15 in the preparation of the service area plan.

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

20 NEW SECTION. **Sec. 316.** WORK PROGRAM CONTRACTS. (1) It is the  
21 intent of the legislature that the department is authorized to engage  
22 in competitive contracting using performance-based contracts to provide  
23 all work activities authorized in chapter . . . , Laws of 1997 (this  
24 act), including the job search component authorized in section 312 of  
25 this act.

26 (2) The department shall use competitive performance-based  
27 contracting to select which vendors will participate in the WorkFirst  
28 program. Performance-based contracts shall be awarded based on factors  
29 that include but are not limited to the criteria listed in section 702  
30 of this act, past performance of the contractor, demonstrated ability  
31 to perform the contract effectively, financial strength of the  
32 contractor, and merits of the proposal for services submitted by the  
33 contractor. Contracts shall be made without regard to whether the  
34 contractor is a public or private entity.

35 (3) The department shall contract for an evaluation of the  
36 competitive contracting practices and outcomes to be performed by an  
37 independent entity with expertise in government privatization and  
38 competitive strategies. The evaluation shall include quarterly

1 progress reports to the fiscal committees of the legislature and to the  
2 governor, starting at the first quarter after the effective date of the  
3 first competitive contract and ending two years after the effective  
4 date of the first competitive contract.

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

11 NEW SECTION. **Sec. 317.** PLACEMENT BONUSES. In the case of service  
12 providers that are not public agencies, initial placement bonuses of no  
13 greater than five hundred dollars may be provided by the department for  
14 service entities responsible for placing recipients in an unsubsidized  
15 job for a minimum of twelve weeks, and the following additional bonuses  
16 shall also be provided:

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

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

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

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

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

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

31 (1) The department shall serve as the single state agency to  
32 administer public assistance. The department is hereby empowered and  
33 authorized to cooperate in the administration of such federal laws,  
34 consistent with the public assistance laws of this state, as may be  
35 necessary to qualify for federal funds for:

36 ((+1)) (a) Medical assistance;

1       (~~((2) Aid to dependent children))~~ (b) Temporary assistance for  
2 needy families;

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

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

6       (2) The state hereby accepts and assents to all the present  
7 provisions of the federal law under which federal grants or funds,  
8 goods, commodities and services are extended to the state for the  
9 support of programs administered by the department, and to such  
10 additional legislation as may subsequently be enacted as is not  
11 inconsistent with the purposes of this title, authorizing public  
12 welfare and assistance activities. The provisions of this title shall  
13 be so administered as to conform with federal requirements with respect  
14 to eligibility for the receipt of federal grants or funds.

15       The department shall periodically make application for federal  
16 grants or funds and submit such plans, reports and data, as are  
17 required by any act of congress as a condition precedent to the receipt  
18 of federal funds for such assistance. The department shall make and  
19 enforce such rules and regulations as shall be necessary to insure  
20 compliance with the terms and conditions of such federal grants or  
21 funds.

22       (3) The department may contract with public and private entities  
23 for administrative services for the following programs and functions:

24 (a) Temporary assistance for needy families; (b) general assistance;  
25 (c) refugee services; (d) facilitation of eligibility for federal  
26 supplemental security income benefits; (e) medical assistance  
27 eligibility; and (f) food stamps.

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

30       (1) Nothing contained in this chapter shall prohibit any  
31 department, as defined in RCW 41.06.020, from purchasing services by  
32 contract with individuals or business entities if such services were  
33 regularly purchased by valid contract by such department prior to April  
34 23, 1979: PROVIDED, That no such contract may be executed or renewed  
35 if it would have the effect of terminating classified employees or  
36 classified employee positions existing at the time of the execution or  
37 renewal of the contract.

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

4       NEW SECTION. Sec. 321. FUNDING RESTRICTIONS. The department of  
5 social and health services shall operate the Washington WorkFirst  
6 program authorized under sections 301, 302, 307, 308, 310 through 318,  
7 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and  
8 74.25.040, and chapter 74.12 RCW within the following constraints:

9       (1) The full amount of the temporary assistance for needy families  
10 block grant, plus qualifying state expenditures as appropriated in the  
11 biennial operating budget, shall be appropriated to the department each  
12 year in the biennial appropriations act to carry out the provisions of  
13 the program authorized in sections 301, 302, 307, 308, 310 through 318,  
14 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and  
15 74.25.040, and chapter 74.12 RCW.

16       (2) The department may expend funds defined in subsection (1) of  
17 this section in any manner that will effectively accomplish the outcome  
18 measures defined in section 702 of this act. No more than fifteen  
19 percent of the amount provided in subsection (1) of this section may be  
20 spent for administrative purposes. For the purpose of this subsection,  
21 "administrative purposes" does not include expenditures for information  
22 technology and computerization needed for tracking and monitoring  
23 required by P.L. 104-193. The department shall not increase grant  
24 levels to recipients of the program authorized in sections 301, 302,  
25 307, 308, 310 through 318, and 323 through 326 of this act and chapter  
26 74.12 RCW.

27       (3) The department shall implement strategies that accomplish the  
28 outcome measures identified in section 702 of this act that are within  
29 the funding constraints in this section. Specifically, the department  
30 shall implement strategies that will cause the number of cases in the  
31 program authorized in sections 301, 302, 307, 308, 310 through 318, and  
32 323 through 326 of this act and chapter 74.12 RCW to decrease by at  
33 least fifteen percent during the 1997-99 biennium and by at least five  
34 percent in the subsequent biennium. The department may transfer  
35 appropriation authority between funding categories within the economic  
36 services program in order to carry out the requirements of this  
37 subsection.



1 (4) The department shall monitor expenditures against the  
2 appropriation levels provided for in subsection (1) of this section.  
3 The department shall quarterly make a determination as to whether  
4 expenditure levels will exceed available funding. If the determination  
5 indicates that expenditures will exceed funding at the end of the  
6 fiscal year, the department shall take the following action as  
7 appropriate:

8 (a) If expenditures will exceed funding provided in subsection (1)  
9 of this section by less than ten percent of available funding, the  
10 department shall identify and implement changes in process and  
11 administration or through streamlining that will cause expenditures to  
12 equal or be less than available funding provided in subsection (1) of  
13 this section, except that the department may not make changes in the  
14 child care services authorized in section 402 of this act;

15 (b) If expenditures will exceed funding provided in subsection (1)  
16 of this section by equal to or more than ten percent of available  
17 funding, the department shall reduce recipient grants in the program  
18 authorized in sections 301, 302, 307, 308, 310 through 318, and 323  
19 through 326 of this act and chapter 74.12 RCW by an amount sufficient  
20 to cause expenditures to equal or be less than funding provided in  
21 subsection (1) of this section.

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

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

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

27 (3) RCW 74.25.030 and 1991 c 126 s 7;

28 (4) RCW 74.25.900 and 1991 c 126 s 8;

29 (5) RCW 74.25.901 and 1991 c 126 s 9; and

30 (6) RCW 74.04.770 and 1983 1st ex.s. c 41 s 38 & 1981 2nd ex.s. c  
31 10 s 4.

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

34 ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND  
35 ECONOMIC DEVELOPMENT. (1) The department shall ensure that none of its  
36 rules or practices act to exclude recipients of temporary assistance  
37 for needy families from any small business loan opportunities or

1 entrepreneurial assistance it makes available through its community  
2 development block grant program or otherwise provides using state or  
3 federal resources. The department shall encourage local administrators  
4 of microlending programs using public funds to conduct outreach  
5 activities to encourage recipients of temporary assistance for needy  
6 families to explore self-employment as an option. The department shall  
7 compile information on private and public sources of entrepreneurial  
8 assistance and loans for start-up businesses and provide the department  
9 of social and health services with the information for dissemination to  
10 recipients of temporary assistance for needy families.

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

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

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

28 (1) Notify recipients of temporary assistance for needy families  
29 that self-employment is one method of leaving state assistance. The  
30 department shall provide its regional offices, recipients of temporary  
31 assistance for needy families, and any contractors providing job  
32 search, training, or placement services notification of programs  
33 available in the state for entrepreneurial training, technical  
34 assistance, and loans available for start-up businesses;

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

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

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

29 NEW SECTION. **Sec. 326.** COMMUNITY SERVICE PROGRAM. The department  
30 shall establish the community service program to provide the experience  
31 of work for recipients of public assistance. The program is intended  
32 to promote a strong work ethic for participating public assistance  
33 recipients. Under this program, public assistance recipients are  
34 required to volunteer to work for charitable nonprofit organizations  
35 and public agencies, or engage in another activity designed to benefit  
36 the recipient, the recipient's family, or the recipient's community, as  
37 determined by the department on a case-by-case basis. Participants in

1 a community service or work experience program established by this  
2 chapter are deemed employees for the purpose of chapter 49.17 RCW. The  
3 cost of premiums under Title 51 RCW shall be paid for by the department  
4 for participants in a community service or work experience program.  
5 Participants in a community service or work experience program may not  
6 be placed if: (1) An employer has terminated the employment of any  
7 current employee or otherwise caused an involuntary reduction of its  
8 work force in order to fill the vacancy so created with the  
9 participant; or (2) the participant displaces or partially displaces  
10 current employees.

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

13 The department ((may)) shall provide grants to community action  
14 agencies or other local nonprofit organizations to provide job  
15 opportunities and basic skills training program participants with  
16 transitional support services, one-to-one assistance, case management,  
17 and job retention services.

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

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

23 NEW SECTION. **Sec. 329.** 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 household's income to the assistance  
30 unit without deducting an amount for the support of the household  
31 member.

32 **IV. CHILD CARE**

33 NEW SECTION. **Sec. 401.** The legislature finds that informed choice  
34 is consistent with individual responsibility and that parents should be

1 given a range of options for available child care while participating  
2 in the program.

3 NEW SECTION. **Sec. 402.** CHILD CARE. (1) Within available funds,  
4 the department shall administer a single, integrated child care program  
5 which may serve families with incomes up to one hundred seventy-five  
6 percent of the federal poverty level.

7 (2) All families participating in the child care program shall have  
8 equal access to the child care of their choice. However, the child  
9 care providers must comply with applicable licensing rules if they are  
10 required by law to comply with those rules.

11 (3) The minimum copayment per family shall be at least ten dollars  
12 per month. Child care shall be provided on a sliding scale but may not  
13 be provided for any family whose income equals or exceeds one hundred  
14 seventy-five percent of the federal poverty level adjusted for family  
15 size on an annual income basis. For families with income between  
16 seventy-four and one hundred percent of the federal poverty level  
17 adjusted for family size, the monthly child care copayment shall be  
18 thirty percent of earned income in excess of seventy-four percent of  
19 federal poverty level adjusted for family size. For families with  
20 income at or above one hundred percent of the federal poverty level  
21 adjusted for family size, the copay shall be a minimum of one hundred  
22 dollars per month. For families with income between one hundred one  
23 and one hundred thirty percent of the federal poverty level adjusted  
24 for family size, the monthly copay shall be twenty-nine percent of  
25 earned income in excess of seventy-four percent of the federal poverty  
26 level adjusted for family size. For families with income between one  
27 hundred thirty-one and one hundred seventy-five percent of the federal  
28 poverty level adjusted for family size, the copay shall be fifty  
29 percent of earned income above one hundred percent of the federal  
30 poverty level adjusted for family size.

31 (4) All compensable child care services authorized in this section  
32 shall be paid for through vouchers. Vouchers shall be provided to  
33 recipients and may only be used to purchase child care through the  
34 program created in this section.

35 NEW SECTION. **Sec. 403.** (1) The legislature finds that to comply  
36 with P.L. 104-193 section 407(e)(2), Washington is obligated to provide  
37 appropriate and affordable child care for recipients of temporary

1 assistance for needy families. To comply with this federal requirement  
2 and to avoid possible fiscal sanctions, the legislature intends to  
3 determine what constitutes affordable, accessible child care in  
4 Washington.

5 (2) The Washington institute for public policy shall conduct a  
6 study of reasonable, affordable child care subsidy rates that are  
7 realistic for low-income working families. The institute for public  
8 policy shall review child care subsidy rates in use in other  
9 jurisdictions and shall model the economic impact of child care subsidy  
10 rates on low-income families. The institute for public policy shall  
11 report its findings and recommendations to the legislature no later  
12 than December 15, 1997.

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

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

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

21 (2) Work in conjunction with the state-wide child care resource and  
22 referral network as well as local governments, nonprofit organizations,  
23 businesses, and community child care advocates to create local child  
24 care resource and referral organizations. These organizations may  
25 carry out needs assessments, resource development, provider training,  
26 technical assistance, and parent information and training;

27 (3) Actively seek public and private money for distribution as  
28 grants to the state-wide child care resource and referral network and  
29 to existing or potential local child care resource and referral  
30 organizations;

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

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

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

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

3 (d) Provide information for businesses regarding child care supply  
4 and demand;

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

7 (f) Provide technical assistance to employers regarding employee  
8 child care services; and

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

12 (5) Provide staff support and technical assistance to the state-  
13 wide child care resource and referral network and local child care  
14 resource and referral organizations;

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

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

22 (8) Coordinate with the state-wide child care resource and referral  
23 network and local child care resource and referral organizations for  
24 the provision of training and technical assistance to child care  
25 providers; and

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

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

32 (1) Recipients of ~~((aid to families with dependent children))~~  
33 temporary assistance for needy families who are ~~((not))~~ employed or  
34 participating in ~~((an education or work training program))~~ a work  
35 activity under section 312 of this act may volunteer ~~((to))~~ or work in  
36 a licensed child care facility~~((, or other willing volunteer work~~  
37 ~~site))~~. Licensed child care facilities participating in this effort

1 shall provide care for the recipient's children and provide for the  
2 development of positive child care skills.

3 (2) The department shall train two hundred fifty recipients of  
4 temporary assistance for needy families to become family child care  
5 providers or child care center teachers. The department shall offer  
6 the training in rural and urban communities. The department shall  
7 adopt rules to implement the child care training program in this  
8 section.

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

## 12 V. TEEN PARENTS

### 13 A. PERMISSIBLE LIVING SITUATIONS

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

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

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



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

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

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

25 (4) In cases in which the (~~head of household is under eighteen~~  
26 ~~years of age,~~) minor is unmarried(~~,~~) and unemployed, (~~and requests~~  
27 information on adoption~~,~~) the department shall, as part of the  
28 determination of the appropriate living situation, make an affirmative  
29 effort to provide current and positive information about adoption  
30 including referral to community-based organizations for counseling and  
31 provide information about the manner in which adoption works, its  
32 benefits for unmarried, unemployed minor parents and their children,  
33 and the meaning and availability of open adoption.

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

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

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

20       (2) (~~An applicant under eighteen years of age who is pregnant and~~  
21 ~~is not living in a situation described in subsection (1) of this~~  
22 ~~section shall be)) A pregnant minor residing in the most appropriate  
23 living situation, as provided under subsection (1) of this section, is  
24 presumed to be unable to manage adequately the funds paid to the minor  
25 or on behalf of the dependent child or children and, unless the  
26 (~~teenage custodial parent demonstrates otherwise~~) minor provides  
27 sufficient evidence to rebut the presumption, shall be subject to the  
28 protective payee requirements provided for under RCW 74.12.250 and  
29 74.08.280.~~

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

1 situation for the pregnant or parenting (~~teen applicant for~~  
2 assistance) minor.

3 The department shall provide the parents (~~shall have~~) or parent  
4 with the opportunity to make a showing (~~, based on the preponderance of~~  
5 the evidence,) that the parental home, or home of the other relative  
6 placement, is the most appropriate living situation. It shall be  
7 presumed in any administrative or judicial proceeding conducted under  
8 this subsection that the parental home or other relative placement  
9 requested by the parents or parent is the most appropriate living  
10 situation. This presumption is rebuttable.

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

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

21 NEW SECTION. Sec. 503. TEEN PARENT REQUIREMENTS. All applicants  
22 under the age of eighteen years who are approved for assistance and,  
23 within one hundred eighty days after the date of federal certification  
24 of the Washington temporary assistance for needy families program, all  
25 unmarried minor parents or pregnant minor applicants shall, as a  
26 condition of receiving benefits, actively progress toward the  
27 completion of a high school diploma or a GED.

## 28 **B. GRANDPARENT LIABILITY**

29 NEW SECTION. Sec. 504. UNMARRIED MINOR PARENT--ELIGIBILITY. The  
30 unmarried minor parent and the minor's child shall be considered to be  
31 part of the household of the minor's parents or parent for purposes of  
32 determining eligibility for temporary assistance for needy families and  
33 general assistance for pregnant women as defined in RCW  
34 74.04.005(6)(a)(ii)(A); and as such, the income and resources of the  
35 entire household are considered to be available to support the  
36 unmarried minor and his or her child.

1       **Sec. 505.** 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 parent or pregnant minor applicant, then the parent  
12 or parents of the minor shall also be deemed a parent or parents of the  
13 dependent child. However, liability for child support under this  
14 subsection only exists if the parent or parents of the unmarried minor  
15 parent or pregnant minor applicant are provided the opportunity for a  
16 hearing on their ability to provide support. Any child support order  
17 requiring such a parent or parents to provide support for the minor  
18 parent's child may be effective only until the minor parent reaches  
19 eighteen years of age.

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

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

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

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

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

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

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

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

32 (3) The department of health shall maximize federal funding by  
33 timely application for federal funds available under P.L. 104-193 and  
34 Title V of the federal social security act, 42 U.S.C. 701 et seq., as  
35 amended, for the establishment of qualifying abstinence education and  
36 motivation programs. The department of health shall contract, by

1 competitive bid, with entities qualified to provide abstinence  
2 education and motivation programs in the state.

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

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

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

## 16 **VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY**

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

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

- 27 (a) Caseload reduction;
- 28 (b) Recidivism to caseload after two years;
- 29 (c) Job retention;
- 30 (d) Earnings;
- 31 (e) Reduction in average grant through increased recipient
- 32 earnings; and
- 33 (f) Placement of recipients into private sector, unsubsidized jobs.

34 (2) The department shall require that contractors for WorkFirst  
35 services collect outcome measure information and report outcome  
36 measures to the department regularly. The department shall develop

1 benchmarks that compare outcome measure information from all  
2 contractors to provide a clear indication of the most effective  
3 contractors. Benchmark information shall be published quarterly and  
4 provided to the legislature, the governor, and all contractors for  
5 WorkFirst services.

6 NEW SECTION. **Sec. 703.** EVALUATION. Every WorkFirst office,  
7 region, contract, employee, and contractor shall be evaluated using the  
8 criteria in section 702 of this act. The department shall award  
9 contracts to the highest performing entities according to the criteria  
10 in section 702 of this act. The department may provide for bonuses to  
11 offices, regions, and employees with the best outcomes according to  
12 measures in section 702 of this act.

13 NEW SECTION. **Sec. 704.** OUTCOME MEASURES--REPORT. The department  
14 shall provide a report to the appropriate committees of the legislature  
15 on achievement of the outcome measures by region and contract on an  
16 annual basis, no later than January 15th of each year, beginning in  
17 1999. The report shall include how the department is using the outcome  
18 measure information obtained under section 702 of this act to manage  
19 the WorkFirst program.

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

22 WORKFIRST PROGRAM STUDY. (1) The joint legislative audit and  
23 review committee shall conduct an evaluation of the effectiveness of  
24 the WorkFirst program described in chapter . . . , Laws of 1997 (this  
25 act), including the job opportunities and basic skills training program  
26 and any approved private, county, or local government WorkFirst  
27 program. The evaluation shall assess the success of the program in  
28 assisting clients to become employed and to reduce their use of  
29 temporary assistance for needy families. The study shall include but  
30 not be limited to the following:

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

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

35 (c) An audit of the performance-based contract for each private  
36 nonprofit contractor for job opportunities and basic skills training

1 program services. The joint legislative audit and review committee may  
2 contract with the Washington institute for public policy for  
3 appropriate portions of the evaluation required by this section.

4 (2) Administrative data shall be provided by the department of  
5 social and health services, the employment security department, the  
6 state board for community and technical colleges, local governments,  
7 and private contractors. The department of social and health services  
8 shall require contractors to provide administrative and outcome data  
9 needed for this study as a condition of contract compliance.

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

14 **VIII. MISCELLANEOUS**

15 NEW SECTION. **Sec. 801.** The legislature finds that, according to  
16 the department of health's monitoring system, sixty percent of births  
17 to women on medicaid were identified as unintended by the women  
18 themselves. The director of the office of financial management shall  
19 establish an interagency task force on unintended pregnancy in order  
20 to:

- 21 (1) Review existing research on the short and long-range costs;  
22 (2) Analyze the impact on the temporary assistance for needy  
23 families program; and  
24 (3) Develop and implement a state strategy to reduce unintended  
25 pregnancy.

26 NEW SECTION. **Sec. 802.** The following acts or parts of acts are  
27 each repealed:

- 28 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st  
29 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,  
30 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;  
31 and  
32 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

33 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.04  
34 RCW to read as follows:



1 For the purpose of evaluating the effect of the defense of  
2 equitable estoppel on the recovery of overpayments and the  
3 administration of justice in public assistance cases, the department  
4 shall report the following to the appropriate committees of the  
5 legislature by December 1, 1997:

6 (1) The number of applicants and recipients of public assistance  
7 who have raised the defense of equitable estoppel in an administrative  
8 proceeding related to the collection of overpayments or the  
9 determination of eligibility;

10 (2) The number of recipients or applicants of public assistance who  
11 prevailed in an administrative proceeding related to the collection of  
12 overpayments or the determination of eligibility due to the defense of  
13 equitable estoppel;

14 (3) The amount, average amount, and percent of payments and  
15 overpayments not collected due to the successful assertion of the  
16 defense of equitable estoppel at an administrative proceeding related  
17 to the collection of overpayments or the determination of eligibility;

18 (4) Any other information regarding the assertion of the defense of  
19 equitable estoppel in administrative proceedings that the department  
20 feels will assist in evaluation of the defense.

21 **Sec. 804.** RCW 50.13.060 and 1996 c 79 s 1 are each amended to read  
22 as follows:

23 (1) Governmental agencies, including law enforcement agencies,  
24 prosecuting agencies, and the executive branch, whether state, local,  
25 or federal shall have access to information or records deemed private  
26 and confidential under this chapter if the information or records are  
27 needed by the agency for official purposes and:

28 (a) The agency submits an application in writing to the employment  
29 security department for the records or information containing a  
30 statement of the official purposes for which the information or records  
31 are needed and specific identification of the records or information  
32 sought from the department; and

33 (b) The director, commissioner, chief executive, or other official  
34 of the agency has verified the need for the specific information in  
35 writing either on the application or on a separate document; and

36 (c) The agency requesting access has served a copy of the  
37 application for records or information on the individual or employing  
38 unit whose records or information are sought and has provided the

1 department with proof of service. Service shall be made in a manner  
2 which conforms to the civil rules for superior court. The requesting  
3 agency shall include with the copy of the application a statement to  
4 the effect that the individual or employing unit may contact the public  
5 records officer of the employment security department to state any  
6 objections to the release of the records or information. The  
7 employment security department shall not act upon the application of  
8 the requesting agency until at least five days after service on the  
9 concerned individual or employing unit. The employment security  
10 department shall consider any objections raised by the concerned  
11 individual or employing unit in deciding whether the requesting agency  
12 needs the information or records for official purposes.

13 (2) The requirements of subsections (1) and (~~(+8+)~~) (9) of this  
14 section shall not apply to the state legislative branch. The state  
15 legislature shall have access to information or records deemed private  
16 and confidential under this chapter, if the legislature or a  
17 legislative committee finds that the information or records are  
18 necessary and for official purposes. If the employment security  
19 department does not make information or records available as provided  
20 in this subsection, the legislature may exercise its authority granted  
21 by chapter 44.16 RCW.

22 (3) In cases of emergency the governmental agency requesting access  
23 shall not be required to formally comply with the provisions of  
24 subsection (1) of this section at the time of the request if the  
25 procedures required by subsection (1) of this section are complied with  
26 by the requesting agency following the receipt of any records or  
27 information deemed private and confidential under this chapter. An  
28 emergency is defined as a situation in which irreparable harm or damage  
29 could occur if records or information are not released immediately.

30 (4) The requirements of subsection (1)(c) of this section shall not  
31 apply to governmental agencies where the procedures would frustrate the  
32 investigation of possible violations of criminal laws.

33 (5) Governmental agencies shall have access to certain records or  
34 information, limited to such items as names, addresses, social security  
35 numbers, and general information about benefit entitlement or employer  
36 information possessed by the department, for comparison purposes with  
37 records or information possessed by the requesting agency to detect  
38 improper or fraudulent claims, or to determine potential tax liability  
39 or employer compliance with registration and licensing requirements.

1 In those cases the governmental agency shall not be required to comply  
2 with subsection (1)(c) of this section, but the requirements of the  
3 remainder of subsection (1) must be satisfied.

4 (6) Governmental agencies may have access to certain records and  
5 information, limited to employer information possessed by the  
6 department for purposes authorized in chapter 50.38 RCW. Access to  
7 these records and information is limited to only those individuals  
8 conducting authorized statistical analysis, research, and evaluation  
9 studies. Only in cases consistent with the purposes of chapter 50.38  
10 RCW are government agencies not required to comply with subsection  
11 (1)(c) of this section, but the requirements of the remainder of  
12 subsection (1) of this section must be satisfied. Information provided  
13 by the department and held to be private and confidential under state  
14 or federal laws shall not be misused or released to unauthorized  
15 parties subject to the sanctions in RCW 50.13.080.

16 (7) Disclosure to governmental agencies of information or records  
17 obtained by the employment security department from the federal  
18 government shall be governed by any applicable federal law or any  
19 agreement between the federal government and the employment security  
20 department where so required by federal law. When federal law does not  
21 apply to the records or information state law shall control.

22 (8) For purposes of statistical analysis and evaluation of the  
23 WorkFirst program or any successor state welfare program, the  
24 department of social and health services, the office of financial  
25 management, and other governmental entities with oversight or  
26 evaluation responsibilities for the program shall have access to  
27 employer wage information on clients in the program whose names and  
28 social security numbers are provided to the department. The  
29 information provided by the department may be used only for statistical  
30 analysis, research, and evaluation purposes as provided in sections 702  
31 and 703 of this act. The department of social and health services is  
32 not required to comply with subsection (1)(c) of this section, but the  
33 requirements of the remainder of subsection (1) of this section must be  
34 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. 805. 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 WorkFirst program and any successor state welfare program.

11       (2) The information provided by the employment security department  
12 under RCW 50.13.060 for statistical analysis and welfare program  
13 evaluation purposes may be used only for statistical analysis,  
14 research, and evaluation purposes as provided in sections 702 and 703  
15 of this act. Through individual matches with accessed employment  
16 security department confidential employer wage files, only aggregate,  
17 statistical, group level data shall be reported. Data sharing by the  
18 employment security department may be extended to include the office of  
19 financial management and other such governmental entities with  
20 oversight responsibility for this program.

21       (3) The department and other agencies of state government shall  
22 protect the privacy of confidential personal data supplied under RCW  
23 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms  
24 and conditions of a formal data-sharing agreement between the  
25 employment security department and agencies of state government,  
26 however the misuse or unauthorized use of confidential data supplied by  
27 the employment security department is subject to the penalties in RCW  
28 50.13.080.

29       **Sec. 806.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to  
30 read as follows:

31       Upon written request of a person who has been properly identified  
32 as an officer of the law (~~(with a felony arrest warrant)~~) or a properly  
33 identified United States immigration official (~~(with a warrant for an~~  
34 ~~illegal alien)~~) the department shall disclose to such officer the  
35 current address and location of (~~(the person properly described in the~~  
36 ~~warrant)~~) a recipient of public welfare if the officer furnishes the  
37 department with such person's name and social security account number

1 and satisfactorily demonstrates that such recipient is a fugitive, that  
2 the location or apprehension of such fugitive is within the officer's  
3 official duties, and that the request is made in the proper exercise of  
4 those duties.

5 When the department becomes aware that a public assistance  
6 recipient is the subject of an outstanding warrant, the department may  
7 contact the appropriate law enforcement agency and, if the warrant is  
8 valid, provide the law enforcement agency with the location of the  
9 recipient.

10 NEW SECTION. Sec. 807. QUESTIONNAIRES. The department of social  
11 and health services shall create a questionnaire, asking businesses for  
12 information regarding available and upcoming job opportunities for  
13 welfare recipients. The department of revenue shall include the  
14 questionnaire in a regular quarterly mailing. The department of social  
15 and health services shall receive responses and use the information to  
16 develop work activities in the areas where jobs will be available.

17 NEW SECTION. Sec. 808. PART HEADINGS, CAPTIONS, AND TABLE OF  
18 CONTENTS NOT LAW. Part headings, captions, and the table of contents  
19 used in this act are not any part of the law.

20 NEW SECTION. Sec. 809. The governor and the department of social  
21 and health services shall seek all necessary exemptions and waivers  
22 from and amendments to federal statutes, rules, and regulations and  
23 shall report to the appropriate committees in the house of  
24 representatives and senate quarterly on the efforts to secure the  
25 federal changes to permit full implementation of this act at the  
26 earliest possible date.

27 NEW SECTION. Sec. 810. Sections 1, 2, 103, 104, 106, 202 through  
28 205, 301, 302, 307, 308, 310 through 318, 321, 324 through 326, 402,  
29 503, 504, 701 through 704, and 706 of this act constitute a new chapter  
30 in Title 74 RCW.

31 NEW SECTION. Sec. 811. If any part of this act is found to be in  
32 conflict with federal requirements that are a prescribed condition to  
33 the allocation of federal funds to the state, the conflicting part of  
34 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not  
2 affect the operation of the remainder of this act in its application to  
3 the agencies concerned. The rules under this act shall meet federal  
4 requirements that are a necessary condition to the receipt of federal  
5 funds by the state. As used in this section, "allocation of federal  
6 funds to the state" means the allocation of federal funds that are  
7 appropriated by the legislature to the department of social and health  
8 services and on which the department depends for carrying out any  
9 provision of the operating budget applicable to it.

10 NEW SECTION. **Sec. 812.** 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.

14 NEW SECTION. **Sec. 813.** Sections 701 through 704 of this act take  
15 effect January 1, 1998.

16 NEW SECTION. **Sec. 814.** If specific funding for the purposes of  
17 sections 404 and 405 of this act, referencing this act by bill or  
18 chapter number and section numbers, is not provided by June 30, 1997,  
19 in the omnibus appropriations act, sections 404 and 405 of this act are  
20 null and void.

21 NEW SECTION. **Sec. 815.** This act shall be submitted to the people  
22 for their adoption and ratification, or rejection, at a state-wide  
23 special election to be held in June 1997 in this state as hereby  
24 ordered by the legislature, in accordance with Article II, section 1 of  
25 the state Constitution, as amended, and the laws adopted to facilitate  
26 the operation thereof.

--- END ---