

2SSB 6017 - S AMD  
By Senator Brown

1 Strike everything after the enacting clause and insert the following:  
2

3 " **Sec. 1.** RCW 74.04.005 and 2003 1 ex. sess. 10 s 1 are each amended  
4 to read as follows:

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

7 (1) "Public assistance" or "assistance"--Public aid to persons in  
8 need thereof for any cause, including services, medical care,  
9 assistance grants, disbursing orders, work relief, general assistance  
10 and federal-aid assistance.

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

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

14 (4) "Director" or "secretary" means the secretary of social and  
15 health services.

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

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

24 (i) Are not eligible to receive federal-aid assistance, other than  
25 food stamps or food stamp benefits transferred electronically and  
26 medical assistance; however, an individual who refuses or fails to  
27 cooperate in obtaining federal-aid assistance, without good cause, is  
28 not eligible for general assistance;

29 (ii) Meet one of the following conditions:

30 (A) Pregnant: PROVIDED, That need is based on the current income  
31 and resource requirements of the federal temporary assistance for needy  
32 families program; or

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

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

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

24 (iv) Have furnished the department their social security account  
25 number. If the social security account number cannot be furnished  
26 because it has not been issued or is not known, an application for a  
27 number shall be made prior to authorization of assistance, and the  
28 social security number shall be provided to the department upon  
29 receipt.

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

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

36 (ii) To the extent authorized by the legislature in the biennial  
37 appropriations act, to recipients of temporary assistance for needy  
38 families whose needs are not being met because of a temporary reduction  
39 in monthly income below the entitled benefit payment level caused by

1 loss or reduction of wages or unemployment compensation benefits or  
2 some other unforeseen circumstances. The amount of general assistance  
3 authorized shall not exceed the difference between the entitled benefit  
4 payment level and the amount of income actually received.

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

14 (i) First failure: One week;

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

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

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

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

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

34 (g) Recipients of general assistance based upon a finding of  
35 incapacity from gainful employment who remain otherwise eligible shall  
36 not have their benefits ~~((discontinued unless the recipient~~  
37 ~~demonstrates no))~~ terminated absent a clear showing of material  
38 improvement in their medical or mental condition ~~((The department~~  
39 ~~may discontinue benefits when there was))~~ or specific error in the

1 prior determination that found the recipient eligible by reason of  
2 incapacitation. Recipients of general assistance based upon pregnancy  
3 who relinquish their child for adoption, remain otherwise eligible, and  
4 are not eligible to receive benefits under the federal temporary  
5 assistance for needy families program shall not have their benefits  
6 terminated until the end of the month in which the period of six weeks  
7 following the birth of the recipient's child falls. Recipients of the  
8 federal temporary assistance for needy families program who lose their  
9 eligibility solely because of the birth and relinquishment of the  
10 qualifying child may receive general assistance through the end of the  
11 month in which the period of six weeks following the birth of the child  
12 falls.

13 (h) No person may be considered an eligible individual for general  
14 assistance with respect to any month if during that month the person:

15 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
16 confinement for conviction of, a felony, or an attempt to commit a  
17 felony, under the laws of the state of Washington or the place from  
18 which the person flees; or

19 (ii) Is violating a condition of probation, community supervision,  
20 or parole imposed under federal or state law for a felony or gross  
21 misdemeanor conviction.

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

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

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

31 (10) "Resource"--Any asset, tangible or intangible, owned by or  
32 available to the applicant at the time of application, which can be  
33 applied toward meeting the applicant's need, either directly or by  
34 conversion into money or its equivalent. The department may by rule  
35 designate resources that an applicant may retain and not be ineligible  
36 for public assistance because of such resources. Exempt resources  
37 shall include, but are not limited to:

38 (a) A home that an applicant, recipient, or their dependents is  
39 living in, including the surrounding property;

1 (b) Household furnishings and personal effects;

2 (c) A motor vehicle, other than a motor home, used and useful  
3 having an equity value not to exceed five thousand dollars;

4 (d) A motor vehicle necessary to transport a physically disabled  
5 household member. This exclusion is limited to one vehicle per  
6 physically disabled person;

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

14 (f) Applicants for or recipients of general assistance shall have  
15 their eligibility based on resource limitations consistent with the  
16 temporary assistance for needy families program rules adopted by the  
17 department; and

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

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

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

37 (C) Applicants and recipients are advised of their right to a fair  
38 hearing and afforded the opportunity to challenge a decision that good

1 faith efforts to sell have ceased, prior to assessment of an  
2 overpayment under this section; and

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

5 (11) "Income"--(a) All appreciable gains in real or personal  
6 property (cash or kind) or other assets, which are received by or  
7 become available for use and enjoyment by an applicant or recipient  
8 during the month of application or after applying for or receiving  
9 public assistance. The department may by rule and regulation exempt  
10 income received by an applicant for or recipient of public assistance  
11 which can be used by him or her to decrease his or her need for public  
12 assistance or to aid in rehabilitating him or her or his or her  
13 dependents, but such exemption shall not, unless otherwise provided in  
14 this title, exceed the exemptions of resources granted under this  
15 chapter to an applicant for public assistance. In addition, for cash  
16 assistance the department may disregard income pursuant to RCW  
17 74.08A.230 and 74.12.350.

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

23 (12) "Need"--The difference between the applicant's or recipient's  
24 standards of assistance for himself or herself and the dependent  
25 members of his or her family, as measured by the standards of the  
26 department, and value of all nonexempt resources and nonexempt income  
27 received by or available to the applicant or recipient and the  
28 dependent members of his or her family.

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

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

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3 On page 1, line 1 of the title, after "provisions;" strike the  
4 remainder of the title and insert "and amending RCW 74.04.005."

5 **EFFECT:** Requires the department to prove that individuals are no  
6 longer eligible for GA-U (consistent with GA-U policy prior to  
7 the 2003 session).

« END ---