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**SENATE BILL 6599**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Nguyen, Keiser, Kuderer, Saldaña, and Wilson, C.; by request of Department of Social and Health Services

Read first time 01/24/20. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to updating food benefit references; amending RCW  
2 26.19.071, 34.05.482, 41.56.465, 43.20B.620, 43.20B.630, 46.16A.140,  
3 46.20.021, 73.08.005, 74.04.205, 74.04.300, 74.04.380, 74.04.500,  
4 74.04.510, 74.04.515, 74.04.520, 74.04.535, 74.04.750, 74.08.046,  
5 74.08.080, 74.08.331, 74.08A.060, 74.08A.120, 74.25A.045, 80.36.470,  
6 and 82.32.330; reenacting and amending RCW 10.101.010, and 13.34.030;  
7 and creating a new section.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that with the  
10 passage of the federal food, conservation, and energy act of 2008 the  
11 federal government changed the name of the federal nutrition program  
12 to the supplemental nutrition assistance program in an effort to  
13 fight stigma related to the name "food stamps." With passage of this  
14 legislation, the United States department of agriculture encouraged  
15 states to change the name of their state-administered programs.  
16 Although the department of social and health services administers  
17 food benefits programs referred to as "basic food" and the "food  
18 assistance program," there are multiple sections of the Revised Code  
19 of Washington that still use the obsolete term "food stamps" when  
20 referencing the programs.

1       **Sec. 2.** RCW 10.101.010 and 2011 1st sp.s. c 36 s 12 are each  
2 reenacted and amended to read as follows:

3       The following definitions shall be applied in connection with  
4 this chapter:

5       (1) "Anticipated cost of counsel" means the cost of retaining  
6 private counsel for representation on the matter before the court.

7       (2) "Available funds" means liquid assets and disposable net  
8 monthly income calculated after provision is made for bail  
9 obligations. For the purpose of determining available funds, the  
10 following definitions shall apply:

11       (a) "Liquid assets" means cash, savings accounts, bank accounts,  
12 stocks, bonds, certificates of deposit, equity in real estate, and  
13 equity in motor vehicles. A motor vehicle necessary to maintain  
14 employment and having a market value not greater than three thousand  
15 dollars shall not be considered a liquid asset.

16       (b) "Income" means salary, wages, interest, dividends, and other  
17 earnings which are reportable for federal income tax purposes, and  
18 cash payments such as reimbursements received from pensions,  
19 annuities, social security, and public assistance programs. It  
20 includes any contribution received from any family member or other  
21 person who is domiciled in the same residence as the defendant and  
22 who is helping to defray the defendant's basic living costs.

23       (c) "Disposable net monthly income" means the income remaining  
24 each month after deducting federal, state, or local income taxes,  
25 social security taxes, contributory retirement, union dues, and basic  
26 living costs.

27       (d) "Basic living costs" means the average monthly amount spent  
28 by the defendant for reasonable payments toward living costs, such as  
29 shelter, food, utilities, health care, transportation, clothing, loan  
30 payments, support payments, and court-imposed obligations.

31       (3) "Indigent" means a person who, at any stage of a court  
32 proceeding, is:

33       (a) Receiving one of the following types of public assistance:  
34 Temporary assistance for needy families, aged, blind, or disabled  
35 assistance benefits, medical care services under RCW 74.09.035,  
36 pregnant women assistance benefits, poverty-related veterans'  
37 benefits, food ~~((stamps or food stamp))~~ benefits ~~((transferred~~  
38 ~~electronically))~~ under Title 74 RCW, refugee resettlement benefits,  
39 medicaid, or supplemental security income; or

1 (b) Involuntarily committed to a public mental health facility;

2 or

3 (c) Receiving an annual income, after taxes, of one hundred  
4 twenty-five percent or less of the current federally established  
5 poverty level; or

6 (d) Unable to pay the anticipated cost of counsel for the matter  
7 before the court because his or her available funds are insufficient  
8 to pay any amount for the retention of counsel.

9 (4) "Indigent and able to contribute" means a person who, at any  
10 stage of a court proceeding, is unable to pay the anticipated cost of  
11 counsel for the matter before the court because his or her available  
12 funds are less than the anticipated cost of counsel but sufficient  
13 for the person to pay a portion of that cost.

14 **Sec. 3.** RCW 13.34.030 and 2019 c 172 s 2 and 2019 c 46 s 5016  
15 are each reenacted and amended to read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Abandoned" means when the child's parent, guardian, or other  
19 custodian has expressed, either by statement or conduct, an intent to  
20 forego, for an extended period, parental rights or responsibilities  
21 despite an ability to exercise such rights and responsibilities. If  
22 the court finds that the petitioner has exercised due diligence in  
23 attempting to locate the parent, no contact between the child and the  
24 child's parent, guardian, or other custodian for a period of three  
25 months creates a rebuttable presumption of abandonment, even if there  
26 is no expressed intent to abandon.

27 (2) "Child," "juvenile," and "youth" mean:

28 (a) Any individual under the age of eighteen years; or

29 (b) Any individual age eighteen to twenty-one years who is  
30 eligible to receive and who elects to receive the extended foster  
31 care services authorized under RCW 74.13.031. A youth who remains  
32 dependent and who receives extended foster care services under RCW  
33 74.13.031 shall not be considered a "child" under any other statute  
34 or for any other purpose.

35 (3) "Current placement episode" means the period of time that  
36 begins with the most recent date that the child was removed from the  
37 home of the parent, guardian, or legal custodian for purposes of  
38 placement in out-of-home care and continues until: (a) The child  
39 returns home; (b) an adoption decree, a permanent custody order, or

1 guardianship order is entered; or (c) the dependency is dismissed,  
2 whichever occurs first.

3 (4) "Department" means the department of children, youth, and  
4 families.

5 (5) "Dependency guardian" means the person, nonprofit  
6 corporation, or Indian tribe appointed by the court pursuant to this  
7 chapter for the limited purpose of assisting the court in the  
8 supervision of the dependency.

9 (6) "Dependent child" means any child who:

10 (a) Has been abandoned;

11 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
12 person legally responsible for the care of the child;

13 (c) Has no parent, guardian, or custodian capable of adequately  
14 caring for the child, such that the child is in circumstances which  
15 constitute a danger of substantial damage to the child's  
16 psychological or physical development; or

17 (d) Is receiving extended foster care services, as authorized by  
18 RCW 74.13.031.

19 (7) "Developmental disability" means a disability attributable to  
20 intellectual disability, cerebral palsy, epilepsy, autism, or another  
21 neurological or other condition of an individual found by the  
22 secretary of the department of social and health services to be  
23 closely related to an intellectual disability or to require treatment  
24 similar to that required for individuals with intellectual  
25 disabilities, which disability originates before the individual  
26 attains age eighteen, which has continued or can be expected to  
27 continue indefinitely, and which constitutes a substantial limitation  
28 to the individual.

29 (8) "Educational liaison" means a person who has been appointed  
30 by the court to fulfill responsibilities outlined in RCW 13.34.046.

31 (9) "Extended foster care services" means residential and other  
32 support services the department is authorized to provide under RCW  
33 74.13.031. These services may include placement in licensed,  
34 relative, or otherwise approved care, or supervised independent  
35 living settings; assistance in meeting basic needs; independent  
36 living services; medical assistance; and counseling or treatment.

37 (10) "Guardian" means the person or agency that: (a) Has been  
38 appointed as the guardian of a child in a legal proceeding, including  
39 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
40 legal right to custody of the child pursuant to such appointment. The

1 term "guardian" does not include a "dependency guardian" appointed  
2 pursuant to a proceeding under this chapter.

3 (11) "Guardian ad litem" means a person, appointed by the court  
4 to represent the best interests of a child in a proceeding under this  
5 chapter, or in any matter which may be consolidated with a proceeding  
6 under this chapter. A "court-appointed special advocate" appointed by  
7 the court to be the guardian ad litem for the child, or to perform  
8 substantially the same duties and functions as a guardian ad litem,  
9 shall be deemed to be guardian ad litem for all purposes and uses of  
10 this chapter.

11 (12) "Guardian ad litem program" means a court-authorized  
12 volunteer program, which is or may be established by the superior  
13 court of the county in which such proceeding is filed, to manage all  
14 aspects of volunteer guardian ad litem representation for children  
15 alleged or found to be dependent. Such management shall include but  
16 is not limited to: Recruitment, screening, training, supervision,  
17 assignment, and discharge of volunteers.

18 (13) "Housing assistance" means appropriate referrals by the  
19 department or other agencies to federal, state, local, or private  
20 agencies or organizations, assistance with forms, applications, or  
21 financial subsidies or other monetary assistance for housing. For  
22 purposes of this chapter, "housing assistance" is not a remedial  
23 service or family reunification service as described in RCW  
24 13.34.025(2).

25 (14) "Indigent" means a person who, at any stage of a court  
26 proceeding, is:

27 (a) Receiving one of the following types of public assistance:  
28 Temporary assistance for needy families, aged, blind, or disabled  
29 assistance benefits, medical care services under RCW 74.09.035,  
30 pregnant women assistance benefits, poverty-related veterans'  
31 benefits, food (~~stamps or food stamp~~) benefits (~~transferred~~  
32 ~~electronically~~) under Title 74 RCW, refugee resettlement benefits,  
33 medicaid, or supplemental security income; or

34 (b) Involuntarily committed to a public mental health facility;  
35 or

36 (c) Receiving an annual income, after taxes, of one hundred  
37 twenty-five percent or less of the federally established poverty  
38 level; or

1 (d) Unable to pay the anticipated cost of counsel for the matter  
2 before the court because his or her available funds are insufficient  
3 to pay any amount for the retention of counsel.

4 (15) "Nonminor dependent" means any individual age eighteen to  
5 twenty-one years who is participating in extended foster care  
6 services authorized under RCW 74.13.031.

7 (16) "Out-of-home care" means placement in a foster family home  
8 or group care facility licensed pursuant to chapter 74.15 RCW or  
9 placement in a home, other than that of the child's parent, guardian,  
10 or legal custodian, not required to be licensed pursuant to chapter  
11 74.15 RCW.

12 (17) "Parent" means the biological or adoptive parents of a  
13 child, or an individual who has established a parent-child  
14 relationship under RCW 26.26A.100, unless the legal rights of that  
15 person have been terminated by a judicial proceeding pursuant to this  
16 chapter, chapter 26.33 RCW, or the equivalent laws of another state  
17 or a federally recognized Indian tribe.

18 (18) "Prevention and family services and programs" means specific  
19 mental health prevention and treatment services, substance abuse  
20 prevention and treatment services, and in-home parent skill-based  
21 programs that qualify for federal funding under the federal family  
22 first prevention services act, P.L. 115-123. For purposes of this  
23 chapter, prevention and family services and programs are not remedial  
24 services or family reunification services as described in RCW  
25 13.34.025(2).

26 (19) "Prevention services" means preservation services, as  
27 defined in chapter 74.14C RCW, and other reasonably available  
28 services, including housing assistance, capable of preventing the  
29 need for out-of-home placement while protecting the child. Prevention  
30 services include, but are not limited to, prevention and family  
31 services and programs as defined in this section.

32 (20) "Qualified residential treatment program" means a program  
33 licensed as a group care facility under chapter 74.15 RCW that also  
34 qualifies for funding under the federal family first prevention  
35 services act under 42 U.S.C. Sec. 672(k) and meets the requirements  
36 provided in RCW 13.34.420.

37 (21) "Relative" includes persons related to a child in the  
38 following ways:

39 (a) Any blood relative, including those of half-blood, and  
40 including first cousins, second cousins, nephews or nieces, and

1 persons of preceding generations as denoted by prefixes of grand,  
2 great, or great-great;

3 (b) Stepfather, stepmother, stepbrother, and stepsister;

4 (c) A person who legally adopts a child or the child's parent as  
5 well as the natural and other legally adopted children of such  
6 persons, and other relatives of the adoptive parents in accordance  
7 with state law;

8 (d) Spouses of any persons named in (a), (b), or (c) of this  
9 subsection, even after the marriage is terminated;

10 (e) Relatives, as named in (a), (b), (c), or (d) of this  
11 subsection, of any half sibling of the child; or

12 (f) Extended family members, as defined by the law or custom of  
13 the Indian child's tribe or, in the absence of such law or custom, a  
14 person who has reached the age of eighteen and who is the Indian  
15 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
16 or sister-in-law, niece or nephew, first or second cousin, or  
17 stepparent who provides care in the family abode on a twenty-four  
18 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

19 (22) "Shelter care" means temporary physical care in a facility  
20 licensed pursuant to RCW 74.15.030 or in a home not required to be  
21 licensed pursuant to RCW 74.15.030.

22 (23) "Sibling" means a child's birth brother, birth sister,  
23 adoptive brother, adoptive sister, half-brother, or half-sister, or  
24 as defined by the law or custom of the Indian child's tribe for an  
25 Indian child as defined in RCW 13.38.040.

26 (24) "Social study" means a written evaluation of matters  
27 relevant to the disposition of the case that contains the information  
28 required by RCW 13.34.430.

29 (25) "Supervised independent living" includes, but is not limited  
30 to, apartment living, room and board arrangements, college or  
31 university dormitories, and shared roommate settings. Supervised  
32 independent living settings must be approved by the department or the  
33 court.

34 (26) "Voluntary placement agreement" means, for the purposes of  
35 extended foster care services, a written voluntary agreement between  
36 a nonminor dependent who agrees to submit to the care and authority  
37 of the department for the purposes of participating in the extended  
38 foster care program.

1       **Sec. 4.** RCW 26.19.071 and 2011 1st sp.s. c 36 s 14 are each  
2 amended to read as follows:

3       (1) **Consideration of all income.** All income and resources of each  
4 parent's household shall be disclosed and considered by the court  
5 when the court determines the child support obligation of each  
6 parent. Only the income of the parents of the children whose support  
7 is at issue shall be calculated for purposes of calculating the basic  
8 support obligation. Income and resources of any other person shall  
9 not be included in calculating the basic support obligation.

10       (2) **Verification of income.** Tax returns for the preceding two  
11 years and current paystubs shall be provided to verify income and  
12 deductions. Other sufficient verification shall be required for  
13 income and deductions which do not appear on tax returns or paystubs.

14       (3) **Income sources included in gross monthly income.** Except as  
15 specifically excluded in subsection (4) of this section, monthly  
16 gross income shall include income from any source, including:

- 17       (a) Salaries;
- 18       (b) Wages;
- 19       (c) Commissions;
- 20       (d) Deferred compensation;
- 21       (e) Overtime, except as excluded for income in subsection (4)(i)  
22 of this section;
- 23       (f) Contract-related benefits;
- 24       (g) Income from second jobs, except as excluded for income in  
25 subsection (4)(i) of this section;
- 26       (h) Dividends;
- 27       (i) Interest;
- 28       (j) Trust income;
- 29       (k) Severance pay;
- 30       (l) Annuities;
- 31       (m) Capital gains;
- 32       (n) Pension retirement benefits;
- 33       (o) Workers' compensation;
- 34       (p) Unemployment benefits;
- 35       (q) Maintenance actually received;
- 36       (r) Bonuses;
- 37       (s) Social security benefits;
- 38       (t) Disability insurance benefits; and



1 (u) Income from self-employment, rent, royalties, contracts,  
2 proprietorship of a business, or joint ownership of a partnership or  
3 closely held corporation.

4 (4) **Income sources excluded from gross monthly income.** The  
5 following income and resources shall be disclosed but shall not be  
6 included in gross income:

7 (a) Income of a new spouse or new domestic partner or income of  
8 other adults in the household;

9 (b) Child support received from other relationships;

10 (c) Gifts and prizes;

11 (d) Temporary assistance for needy families;

12 (e) Supplemental security income;

13 (f) Aged, blind, or disabled assistance benefits;

14 (g) Pregnant women assistance benefits;

15 (h) Food (~~(stamps)~~) benefits under Title 74 RCW; and

16 (i) Overtime or income from second jobs beyond forty hours per  
17 week averaged over a twelve-month period worked to provide for a  
18 current family's needs, to retire past relationship debts, or to  
19 retire child support debt, when the court finds the income will cease  
20 when the party has paid off his or her debts.

21 Receipt of income and resources from temporary assistance for  
22 needy families, supplemental security income, aged, blind, or  
23 disabled assistance benefits, and food (~~(stamps)~~) benefits under  
24 Title 74 RCW shall not be a reason to deviate from the standard  
25 calculation.

26 (5) **Determination of net income.** The following expenses shall be  
27 disclosed and deducted from gross monthly income to calculate net  
28 monthly income:

29 (a) Federal and state income taxes;

30 (b) Federal insurance contributions act deductions;

31 (c) Mandatory pension plan payments;

32 (d) Mandatory union or professional dues;

33 (e) State industrial insurance premiums;

34 (f) Court-ordered maintenance to the extent actually paid;

35 (g) Up to five thousand dollars per year in voluntary retirement  
36 contributions actually made if the contributions show a pattern of  
37 contributions during the one-year period preceding the action  
38 establishing the child support order unless there is a determination  
39 that the contributions were made for the purpose of reducing child  
40 support; and

1 (h) Normal business expenses and self-employment taxes for self-  
2 employed persons. Justification shall be required for any business  
3 expense deduction about which there is disagreement.

4 Items deducted from gross income under this subsection shall not  
5 be a reason to deviate from the standard calculation.

6 (6) **Imputation of income.** The court shall impute income to a  
7 parent when the parent is voluntarily unemployed or voluntarily  
8 underemployed. The court shall determine whether the parent is  
9 voluntarily underemployed or voluntarily unemployed based upon that  
10 parent's work history, education, health, and age, or any other  
11 relevant factors. A court shall not impute income to a parent who is  
12 gainfully employed on a full-time basis, unless the court finds that  
13 the parent is voluntarily underemployed and finds that the parent is  
14 purposely underemployed to reduce the parent's child support  
15 obligation. Income shall not be imputed for an unemployable parent.  
16 Income shall not be imputed to a parent to the extent the parent is  
17 unemployed or significantly underemployed due to the parent's efforts  
18 to comply with court-ordered reunification efforts under chapter  
19 13.34 RCW or under a voluntary placement agreement with an agency  
20 supervising the child. In the absence of records of a parent's actual  
21 earnings, the court shall impute a parent's income in the following  
22 order of priority:

23 (a) Full-time earnings at the current rate of pay;

24 (b) Full-time earnings at the historical rate of pay based on  
25 reliable information, such as employment security department data;

26 (c) Full-time earnings at a past rate of pay where information is  
27 incomplete or sporadic;

28 (d) Full-time earnings at minimum wage in the jurisdiction where  
29 the parent resides if the parent has a recent history of minimum wage  
30 earnings, is recently coming off public assistance, aged, blind, or  
31 disabled assistance benefits, pregnant women assistance benefits,  
32 essential needs and housing support, supplemental security income, or  
33 disability, has recently been released from incarceration, or is a  
34 high school student;

35 (e) Median net monthly income of year-round full-time workers as  
36 derived from the United States bureau of census, current population  
37 reports, or such replacement report as published by the bureau of  
38 census.

1       **Sec. 5.** RCW 34.05.482 and 1998 c 79 s 3 are each amended to read  
2 as follows:

3       (1) An agency may use brief adjudicative proceedings if:

4       (a) The use of those proceedings in the circumstances does not  
5 violate any provision of law;

6       (b) The protection of the public interest does not require the  
7 agency to give notice and an opportunity to participate to persons  
8 other than the parties;

9       (c) The matter is entirely within one or more categories for  
10 which the agency by rule has adopted this section and RCW 34.05.485  
11 through 34.05.494; and

12       (d) The issue and interests involved in the controversy do not  
13 warrant use of the procedures of RCW 34.05.413 through 34.05.479.

14       (2) Brief adjudicative proceedings are not authorized for public  
15 assistance and food (~~(stamp or)~~) benefit programs provided for in  
16 Title 74 RCW, including but not limited to public assistance as  
17 defined in RCW 74.04.005(~~((1))~~).

18       **Sec. 6.** RCW 41.56.465 and 2007 c 278 s 1 are each amended to  
19 read as follows:

20       (1) In making its determination, the panel shall be mindful of  
21 the legislative purpose enumerated in RCW 41.56.430 and, as  
22 additional standards or guidelines to aid it in reaching a decision,  
23 the panel shall consider:

24       (a) The constitutional and statutory authority of the employer;

25       (b) Stipulations of the parties;

26       (c) The average consumer prices for goods and services, commonly  
27 known as the cost of living;

28       (d) Changes in any of the circumstances under (a) through (c) of  
29 this subsection during the pendency of the proceedings; and

30       (e) Such other factors, not confined to the factors under (a)  
31 through (d) of this subsection, that are normally or traditionally  
32 taken into consideration in the determination of wages, hours, and  
33 conditions of employment. For those employees listed in RCW  
34 41.56.030(~~((7)(a))~~) (13)(a) who are employed by the governing body of  
35 a city or town with a population of less than fifteen thousand, or a  
36 county with a population of less than seventy thousand, consideration  
37 must also be given to regional differences in the cost of living.

38       (2) For employees listed in RCW 41.56.030(~~((7)(a) through (d))~~)  
39 (13)(a) through (d), the panel shall also consider a comparison of

1 the wages, hours, and conditions of employment of personnel involved  
2 in the proceedings with the wages, hours, and conditions of  
3 employment of like personnel of like employers of similar size on the  
4 west coast of the United States.

5 (3) For employees listed in RCW 41.56.030(~~((7) (e) through (h))~~)  
6 (13) (e) through (h), the panel shall also consider a comparison of  
7 the wages, hours, and conditions of employment of personnel involved  
8 in the proceedings with the wages, hours, and conditions of  
9 employment of like personnel of public fire departments of similar  
10 size on the west coast of the United States. However, when an  
11 adequate number of comparable employers exists within the state of  
12 Washington, other west coast employers may not be considered.

13 (4) For employees listed in RCW 41.56.028:

14 (a) The panel shall also consider:

15 (i) A comparison of child care provider subsidy rates and  
16 reimbursement programs by public entities, including counties and  
17 municipalities, along the west coast of the United States; and

18 (ii) The financial ability of the state to pay for the  
19 compensation and benefit provisions of a collective bargaining  
20 agreement; and

21 (b) The panel may consider:

22 (i) The public's interest in reducing turnover and increasing  
23 retention of child care providers;

24 (ii) The state's interest in promoting, through education and  
25 training, a stable child care workforce to provide quality and  
26 reliable child care from all providers throughout the state; and

27 (iii) In addition, for employees exempt from licensing under  
28 chapter 74.15 RCW, the state's fiscal interest in reducing reliance  
29 upon public benefit programs including but not limited to medical  
30 coupons, food (~~stamps~~) benefits under Title 74 RCW, subsidized  
31 housing, and emergency medical services.

32 (5) For employees listed in RCW 74.39A.270:

33 (a) The panel shall consider:

34 (i) A comparison of wages, hours, and conditions of employment of  
35 publicly reimbursed personnel providing similar services to similar  
36 clients, including clients who are elderly, frail, or have  
37 developmental disabilities, both in the state and across the United  
38 States; and

1 (ii) The financial ability of the state to pay for the  
2 compensation and fringe benefit provisions of a collective bargaining  
3 agreement; and

4 (b) The panel may consider:

5 (i) A comparison of wages, hours, and conditions of employment of  
6 publicly employed personnel providing similar services to similar  
7 clients, including clients who are elderly, frail, or have  
8 developmental disabilities, both in the state and across the United  
9 States;

10 (ii) The state's interest in promoting a stable long-term care  
11 workforce to provide quality and reliable care to vulnerable elderly  
12 and disabled recipients;

13 (iii) The state's interest in ensuring access to affordable,  
14 quality health care for all state citizens; and

15 (iv) The state's fiscal interest in reducing reliance upon public  
16 benefit programs including but not limited to medical coupons, food  
17 (~~stamps~~) benefits, subsidized housing, and emergency medical  
18 services.

19 (6) Subsections (2) and (3) of this section may not be construed  
20 to authorize the panel to require the employer to pay, directly or  
21 indirectly, the increased employee contributions resulting from  
22 chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required  
23 under chapter 41.26 RCW.

24 **Sec. 7.** RCW 43.20B.620 and 1998 c 79 s 4 are each amended to  
25 read as follows:

26 Overpayments of public assistance or food (~~stamps or food~~  
27 ~~stamp~~) benefits (~~transferred electronically~~) under RCW 74.04.300  
28 shall become a lien against the real and personal property of the  
29 recipient from the time of filing by the department with the county  
30 auditor of the county in which the recipient resides or owns  
31 property, and the lien claim has preference over the claims of all  
32 unsecured creditors.

33 Debts due the state for overpayments of public assistance or food  
34 (~~stamps or food stamp~~) benefits (~~transferred electronically~~)  
35 under Title 74 RCW may be recovered by the state by deduction from  
36 the subsequent assistance payments to such persons, lien and  
37 foreclosure, or order to withhold and deliver, or may be recovered by  
38 civil action.

1       **Sec. 8.** RCW 43.20B.630 and 1998 c 79 s 5 are each amended to  
2 read as follows:

3       (1) Any person who owes a debt to the state for an overpayment of  
4 public assistance and/or food (~~((stamps or food stamp))~~) benefits  
5 (~~((transferred electronically))~~) under Title 74 RCW shall be notified  
6 of that debt by either personal service or certified mail, return  
7 receipt requested. Personal service, return of the requested receipt,  
8 or refusal by the debtor of such notice is proof of notice to the  
9 debtor of the debt owed. Service of the notice shall be in the manner  
10 prescribed for the service of a summons in a civil action. The notice  
11 shall include a statement of the debt owed; a statement that the  
12 property of the debtor will be subject to collection action after the  
13 debtor terminates from public assistance and/or food (~~((stamps or))~~)  
14 benefits under Title 74 RCW; a statement that the property will be  
15 subject to lien and foreclosure, distraint, seizure and sale, or  
16 order to withhold and deliver; and a statement that the net proceeds  
17 will be applied to the satisfaction of the overpayment debt. Action  
18 to collect the debt by lien and foreclosure, distraint, seizure and  
19 sale, or order to withhold and deliver, is lawful after ninety days  
20 from the debtor's termination from public assistance and/or food  
21 (~~((stamps or))~~) benefits under Title 74 RCW or the receipt of the  
22 notice of debt, whichever is later. This does not preclude the  
23 department from recovering overpayments by deduction from subsequent  
24 assistance payments, not exceeding deductions as authorized under  
25 federal law with regard to financial assistance programs(~~((: PROVIDED,~~  
26 ~~That))~~). However, subject to federal legal requirements, deductions  
27 shall not exceed five percent of the grant payment standard if the  
28 overpayment resulted from error on the part of the department or  
29 error on the part of the recipient without willful or knowing intent  
30 of the recipient in obtaining or retaining the overpayment.

31       (2) A current or former recipient who is aggrieved by a claim  
32 that he or she owes a debt for an overpayment of public assistance or  
33 food (~~((stamps or food stamp))~~) benefits under Title 74 RCW transferred  
34 electronically has the right to an adjudicative proceeding pursuant  
35 to RCW 74.08.080. If no application is filed, the debt will be  
36 subject to collection action as authorized under this chapter. If a  
37 timely application is filed, the execution of collection action on  
38 the debt shall be stayed pending the final adjudicative order or  
39 termination of the debtor from public assistance and/or food (~~((stamps~~

1 ~~or food stamp~~) benefits (~~transferred electronically~~) under Title  
2 74 RCW, whichever occurs later.

3 **Sec. 9.** RCW 46.16A.140 and 2010 c 161 s 410 are each amended to  
4 read as follows:

5 (1) For the purposes of vehicle registration, a resident is a  
6 person who manifests an intent to live or be located in this state on  
7 more than a temporary or transient basis. Evidence of residency  
8 includes, but is not limited to:

9 (a) Becoming a registered voter in this state;

10 (b) Receiving benefits under one of the Washington public  
11 assistance programs; or

12 (c) Declaring residency for the purpose of obtaining a state  
13 license or tuition fees at resident rates.

14 (2) A natural person may be a resident of this state even though  
15 that person has or claims residency or domicile in another state or  
16 intends to leave this state at some future time. A natural person is  
17 presumed a resident if the natural person meets at least two of the  
18 following conditions:

19 (a) Maintains a residence in this state for personal use;

20 (b) Has a Washington state driver's license or a Washington state  
21 resident hunting or fishing license;

22 (c) Uses a Washington state address for federal income tax or  
23 state tax purposes;

24 (d) Has previously maintained a residence in this state for  
25 personal use and has not established a permanent residence outside  
26 the state of Washington, such as a person who retires and lives in a  
27 motor home or vessel that is not permanently attached to any  
28 property;

29 (e) Claims this state as his or her residence for obtaining  
30 eligibility to hold a public office or for judicial actions;

31 (f) Is a custodial parent with a child attending public schools  
32 in this state.

33 (3) "Washington public assistance programs," as referred to in  
34 subsection (1)(b) of this section, includes only public assistance  
35 programs for which more than fifty percent of the combined costs of  
36 benefits and administration are paid from state funds. "Washington  
37 public assistance programs" does not include: The (~~food stamp~~)  
38 supplemental nutrition assistance program under the federal food  
39 (~~stamp act of 1964~~) and nutrition act of 2008; programs under the

1 child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and  
2 temporary assistance for needy families.

3 (4) A resident of the state shall apply for a certificate of  
4 title under chapter 46.12 RCW and register under this chapter a  
5 vehicle to be operated on the highways of the state. New Washington  
6 residents are allowed thirty days from the date they become residents  
7 as defined in this section to obtain Washington registration for  
8 their vehicles. This thirty-day period may not be combined with any  
9 other period of reciprocity provided for in this chapter or chapter  
10 46.85 RCW.

11 **Sec. 10.** RCW 46.20.021 and 1999 c 6 s 5 are each amended to read  
12 as follows:

13 (1) New Washington residents must obtain a valid Washington  
14 driver's license within thirty days from the date they become  
15 residents.

16 (2) To qualify for a Washington driver's license, a person must  
17 surrender to the department all valid driver's licenses that any  
18 other jurisdiction has issued to him or her. The department must  
19 invalidate the surrendered photograph license and may return it to  
20 the person.

21 (a) The invalidated license, along with a valid temporary  
22 Washington driver's license provided for in RCW 46.20.065, is proper  
23 identification.

24 (b) The department shall notify the previous issuing department  
25 that the licensee is now licensed in a new jurisdiction.

26 (3) For the purposes of obtaining a valid driver's license, a  
27 resident is a person who manifests an intent to live or be located in  
28 this state on more than a temporary or transient basis. Evidence of  
29 residency includes but is not limited to:

30 (a) Becoming a registered voter in this state; or

31 (b) Receiving benefits under one of the Washington public  
32 assistance programs; or

33 (c) Declaring residency for the purpose of obtaining a state  
34 license or tuition fees at resident rates.

35 (4) (a) "Washington public assistance programs" means public  
36 assistance programs that receive more than fifty percent of the  
37 combined costs of benefits and administration from state funds.

38 (b) "Washington public assistance programs" does not include:



1 (i) The (~~Food Stamp~~) supplemental nutrition assistance program  
2 under the federal food (~~(Stamp Act of 1964))~~ and nutrition act of  
3 2008;

4 (ii) Programs under the Child Nutrition Act of 1966, 42 U.S.C.  
5 Secs. 1771 through 1788;

6 (iii) Temporary Assistance for Needy Families; and

7 (iv) Any other program that does not meet the criteria of (a) of  
8 this subsection.

9 **Sec. 11.** RCW 73.08.005 and 2017 c 185 s 9 are each amended to  
10 read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (1) "Direct costs" includes those allowable costs that can be  
14 readily assigned to the statutory objectives of this chapter,  
15 consistent with the cost principles promulgated by the federal office  
16 of management and budget in circular No. A-87, dated May 10, 2004.

17 (2) "Family" means the spouse or domestic partner, surviving  
18 spouse, surviving domestic partner, and dependent children of a  
19 living or deceased veteran, or a servicemember who was killed in the  
20 line of duty regardless of the number of days served.

21 (3) "Indigent" means a person who is defined as such by the  
22 county legislative authority using one or more of the following  
23 definitions:

24 (a) Receiving one of the following types of public assistance:  
25 Temporary assistance for needy families, aged, blind, or disabled  
26 assistance benefits, pregnant women assistance benefits, poverty-  
27 related veterans' benefits, food (~~(stamps or food stamp)~~) benefits  
28 (~~(transferred electronically)~~) under Title 74 RCW, refugee  
29 resettlement benefits, medicaid, medical care services, or  
30 supplemental security income;

31 (b) Receiving an annual income, after taxes, of up to one hundred  
32 fifty percent or less of the current federally established poverty  
33 level, or receiving an annual income not exceeding a higher  
34 qualifying income established by the county legislative authority; or

35 (c) Unable to pay reasonable costs for shelter, food, utilities,  
36 and transportation because his or her available funds are  
37 insufficient.

38 (4) "Indirect costs" includes those allowable costs that are  
39 generally associated with carrying out the statutory objectives of

1 this chapter, but the identification and tracking of those costs  
2 cannot be readily assigned to a specific statutory objective without  
3 an accounting effort that is disproportionate to the benefit  
4 received. A county legislative authority may allocate allowable  
5 indirect costs to its veterans' assistance fund if it is accomplished  
6 in a manner consistent with the cost principles promulgated by the  
7 federal office of management and budget in circular No. A-87, dated  
8 May 10, 2004.

9 (5) (a) "Veteran" means:

10 (i) A person who served in the active military, naval, or air  
11 service; a member of the women's air forces service pilots during  
12 World War II; a United States documented merchant mariner with  
13 service aboard an oceangoing vessel operated by the war shipping  
14 administration; the office of defense transportation, or their  
15 agents, from December 7, 1941, through December 31, 1946; or a civil  
16 service crewmember with service aboard a United States army transport  
17 service or United States naval transportation service vessel in  
18 oceangoing service from December 7, 1941, through December 31, 1946,  
19 who meets one of the following criteria:

20 (A) Served on active duty for at least one hundred eighty days  
21 and who was released with an honorable discharge;

22 (B) Received an honorable or general under honorable  
23 characterization of service with a medical reason for separation for  
24 a condition listed as non-existed prior to service, regardless of  
25 number of days served; or

26 (C) Received an honorable discharge and has received a rating for  
27 a service connected disability from the United States department of  
28 veterans affairs regardless of number of days served;

29 (ii) A current member honorably serving in the armed forces  
30 reserve or national guard who has been activated by presidential call  
31 up for purposes other than training;

32 (iii) A former member of the armed forces reserve or national  
33 guard who has fulfilled his or her initial military service  
34 obligation and was released with an honorable discharge;

35 (iv) A former member of the armed forces reserve or national  
36 guard who does not have over one hundred seventy-nine days of active  
37 duty service, but meets the federal definition of a veteran having  
38 completed twenty years of service.

39 (b) At the discretion of the county legislative authority and in  
40 consultation with the veterans' advisory board, counties may expand

1 eligibility for the veterans assistance fund as the county determines  
2 necessary, which may include serving veterans with additional  
3 discharge characterizations.

4 (6) "Veterans' advisory board" means a board established by a  
5 county legislative authority under the authority of RCW 73.08.035.

6 (7) "Veterans' assistance fund" means an account in the custody  
7 of the county auditor, or the chief financial officer in a county  
8 operating under a charter, that is funded by taxes levied under the  
9 authority of RCW 73.08.080.

10 (8) "Veterans' assistance program" means a program approved by  
11 the county legislative authority under the authority of RCW 73.08.010  
12 that is fully or partially funded by the veterans' assistance fund  
13 authorized by RCW 73.08.080.

14 **Sec. 12.** RCW 74.04.205 and 2004 c 54 s 3 are each amended to  
15 read as follows:

16 (1) To the maximum extent allowable by federal law, the  
17 department shall implement simplified reporting for ~~((the))~~ food  
18 ~~((stamp program by October 31, 2004))~~ benefits programs under this  
19 title.

20 (2) For the purposes of this section, "simplified reporting"  
21 means the only change in circumstance that a recipient of a benefit  
22 program must report between eligibility reviews is an increase of  
23 income that would result in ineligibility for the benefit program or  
24 a change of address. Every six months the assistance unit must either  
25 complete a semiannual report or participate in an eligibility review.

26 **Sec. 13.** RCW 74.04.300 and 2003 c 208 s 1 are each amended to  
27 read as follows:

28 If a recipient receives public assistance and/or food ~~((stamps or~~  
29 ~~food stamp))~~ benefits ~~((transferred electronically))~~ under this title  
30 for which the recipient is not eligible, or receives public  
31 assistance and/or food ~~((stamps or food stamp))~~ benefits  
32 ~~((transferred electronically))~~ under this title in an amount greater  
33 than that for which the recipient is eligible, the portion of the  
34 payment to which the recipient is not entitled shall be a debt due  
35 the state recoverable under RCW 43.20B.030 and 43.20B.620 through  
36 43.20B.645. It shall be the duty of recipients of cash benefits to  
37 notify the department of changes to earned income ~~((as defined in RCW~~  
38 ~~74.04.005(11))~~). It shall be the duty of recipients of cash benefits

1 to notify the department of changes to liquid resources (~~as defined~~  
2 ~~in RCW 74.04.005(10)~~) that would result in ineligibility for cash  
3 benefits. It shall be the duty of recipients of food benefits to  
4 report changes in income that result in ineligibility for food  
5 benefits. All recipients shall report changes required in this  
6 section by the tenth of the month following the month in which the  
7 change occurs. The department shall make a determination of  
8 eligibility within ten days from the date it receives the reported  
9 change from the recipient. The department shall adopt rules  
10 consistent with federal law and regulations for additional reporting  
11 requirements. The department shall advise applicants for assistance  
12 that failure to report as required, failure to reveal resources or  
13 income, and false statements will result in recovery by the state of  
14 any overpayment and may result in criminal prosecution.

15 **Sec. 14.** RCW 74.04.380 and 1998 c 79 s 8 are each amended to  
16 read as follows:

17 The secretary of social and health services, from funds  
18 appropriated to the department for such purpose, shall, upon receipt  
19 of authorization from the governor, provide for the receiving,  
20 warehousing and distributing of federal and other surplus food  
21 commodities for the use and assistance of recipients of public  
22 assistance or other needy families and individuals certified as  
23 eligible to obtain such commodities. The secretary is authorized to  
24 enter into such agreements as may be necessary with the federal  
25 government or any state agency in order to participate in any program  
26 of distribution of surplus food commodities including but not limited  
27 to a food (~~stamp or~~) benefit program. The secretary shall hire  
28 personnel, establish distribution centers and acquire such facilities  
29 as may be required to carry out the intent of this section; and the  
30 secretary may carry out any such program as a sole operation of the  
31 department or in conjunction or cooperation with any similar program  
32 of distribution by private individuals or organizations, any  
33 department of the state or any political subdivision of the state.

34 The secretary shall discontinue such program, or any part  
35 thereof, whenever in the determination of the governor such program,  
36 or any part thereof, is no longer in the best interest of the state.

37 **Sec. 15.** RCW 74.04.500 and 1998 c 79 s 9 are each amended to  
38 read as follows:

1 The department is authorized to establish a food (~~stamp or~~)  
2 benefit program under the federal food (~~stamp act of 1977~~) and  
3 nutrition act of 2008, as amended.

4 **Sec. 16.** RCW 74.04.510 and 1998 c 79 s 10 are each amended to  
5 read as follows:

6 The department shall adopt rules conforming to federal laws,  
7 rules, and regulations required to be observed in maintaining the  
8 eligibility of the state to receive from the federal government and  
9 to issue or distribute to recipients, (~~food stamps, coupons, or food~~  
10 ~~stamp or coupon~~) supplemental nutrition assistance program benefits  
11 (~~transferred electronically~~) under a food (~~stamp or~~) benefits  
12 plan. Such rules shall relate to and include, but shall not be  
13 limited to: (1) The classifications of and requirements of  
14 eligibility of households to receive (~~food stamps, coupons, or food~~  
15 ~~stamp or coupon~~) supplemental nutrition assistance program benefits  
16 (~~transferred electronically~~); and (2) the periods during which  
17 households shall be certified or recertified to be eligible to  
18 receive (~~food stamps, coupons, or food stamp or coupon~~)  
19 supplemental nutrition assistance program benefits (~~transferred~~  
20 ~~electronically~~) under this plan.

21 **Sec. 17.** RCW 74.04.515 and 1998 c 79 s 11 are each amended to  
22 read as follows:

23 In administering the food (~~stamp or benefits~~) programs under  
24 this title, there shall be no discrimination against any applicant or  
25 recipient by reason of age, sex, handicap, religious creed, political  
26 beliefs, race, color, or national origin.

27 **Sec. 18.** RCW 74.04.520 and 1998 c 79 s 12 are each amended to  
28 read as follows:

29 The provisions of RCW 74.04.060 relating to disclosure of  
30 information regarding public assistance recipients shall apply to  
31 recipients of food (~~stamps or food stamp~~) benefits (~~transferred~~  
32 ~~electronically~~) under this title.

33 **Sec. 19.** RCW 74.04.535 and 2013 c 39 s 26 are each amended to  
34 read as follows:

35 (1) The department, the employment security department, and the  
36 state board for community and technical colleges shall work in

1 partnership to expand the food ((stamp)) benefit employment and  
2 training program. Subject to federal approval, the program shall be  
3 expanded to three additional community colleges or other community-  
4 based locations in 2010 and shall expand capacity at participating  
5 colleges. To the greatest extent possible, expansion shall be  
6 geographically diverse. The agencies shall:

7 (a) Identify and seek out partnerships with community-based  
8 organizations that can provide support services and case management  
9 to participants through performance-based contracts in the food  
10 ((stamp)) benefit employment and training program, and do not replace  
11 the positions or work of department employees;

12 (b) Identify eligible nonfederal matching funds to draw down the  
13 federal match for food ((stamp)) benefit employment and training  
14 services. Matching funds may include: Local funds, foundation grants,  
15 employer-paid costs, and the state allocation to community and  
16 technical colleges.

17 (2) Employment and training funds may be allocated for:  
18 Educational programs to develop skills for employability, vocational  
19 education, English as a second language courses, adult basic  
20 education, courses to assist persons to obtain a high school  
21 equivalency certificate as described in RCW 28B.50.536, remedial  
22 programs, job readiness training, case management, intake,  
23 assessment, evaluation, and barrier removal and support services such  
24 as tuition, books, child care, transportation, housing, and  
25 counseling services.

26 (3) The department shall annually track and report outcomes  
27 including those achieved through performance-based contracts as  
28 follows: Federal funding received, the number of participants served,  
29 achievement points, the number of participants who enter employment  
30 during or after participation in the food ((stamp)) benefit  
31 employment and training program, and the average wage of jobs  
32 attained. The report shall be submitted to the governor and  
33 appropriate committees of the legislature on November 1st of each  
34 year, beginning in 2010.

35 (4) For purposes of this section, "food ((stamp)) benefit  
36 employment and training program" refers to a program established and  
37 administered through the employment security department and the  
38 department of social and health services.

1       **Sec. 20.** RCW 74.04.750 and 1998 c 79 s 13 are each amended to  
2 read as follows:

3       (1) Applicants and recipients under this title must satisfy all  
4 reporting requirements imposed by the department.

5       (2) The secretary shall have the discretion to consider: (a) Food  
6 (~~stamp allotments or food stamp~~) benefits (~~transferred~~  
7 ~~electronically~~) under this title and/or (b) rent or housing  
8 subsidies as income in determining eligibility for and assistance to  
9 be provided by public assistance programs. If the department  
10 considers food (~~stamp allotments or food stamp~~) benefits  
11 (~~transferred electronically~~) under this title as income in  
12 determining eligibility for assistance, applicants or recipients for  
13 any grant assistance program must apply for and take all reasonable  
14 actions necessary to establish and maintain eligibility for food  
15 (~~stamps or food stamp~~) benefits (~~transferred electronically~~)  
16 under this title.

17       **Sec. 21.** RCW 74.08.046 and 1998 c 79 s 14 are each amended to  
18 read as follows:

19       There is designated to be included in the public assistance  
20 payment level a monthly energy assistance allowance. The allowance  
21 shall be excluded from consideration as income for the purpose of  
22 determining eligibility and benefit levels of food (~~stamp or~~)  
23 benefit(~~s~~) program recipients to the maximum extent exclusion is  
24 authorized by federal law. The allowance shall be calculated on a  
25 seasonal basis for the period of November 1st through April 30th.

26       **Sec. 22.** RCW 74.08.080 and 1998 c 79 s 15 are each amended to  
27 read as follows:

28       (1)(a) A public assistance applicant or recipient who is  
29 aggrieved by a decision of the department or an authorized agency of  
30 the department has the right to an adjudicative proceeding. A current  
31 or former recipient who is aggrieved by a department claim that he or  
32 she owes a debt for an overpayment of assistance or food (~~stamps or~~  
33 ~~food stamp~~) benefits (~~transferred electronically, or both~~) under  
34 this title, has the right to an adjudicative proceeding.

35       (b) An applicant or recipient has no right to an adjudicative  
36 proceeding when the sole basis for the department's decision is a  
37 state or federal law that requires an assistance adjustment for a  
38 class of recipients.

1 (2) The adjudicative proceeding is governed by the Administrative  
2 Procedure Act, chapter 34.05 RCW, and this subsection.

3 (a) The applicant or recipient must file the application for an  
4 adjudicative proceeding with the secretary within ninety days after  
5 receiving notice of the aggrieving decision.

6 (b) The hearing shall be conducted at the local community  
7 services office or other location in Washington convenient to the  
8 appellant.

9 (c) The appellant or his or her representative has the right to  
10 inspect his or her department file and, upon request, to receive  
11 copies of department documents relevant to the proceedings free of  
12 charge.

13 (d) The appellant has the right to a copy of the tape recording  
14 of the hearing free of charge.

15 (e) The department is limited to recovering an overpayment  
16 arising from assistance being continued pending the adjudicative  
17 proceeding to the amount recoverable up to the sixtieth day after the  
18 secretary's receipt of the application for an adjudicative  
19 proceeding.

20 (f) If the final adjudicative order is made in favor of the  
21 appellant, assistance shall be paid from the date of denial of the  
22 application for assistance or thirty days following the date of  
23 application for temporary assistance for needy families or forty-five  
24 days after date of application for all other programs, whichever is  
25 sooner; or in the case of a recipient, from the effective date of the  
26 local community services office decision.

27 (g) This subsection applies only to an adjudicative proceeding in  
28 which the appellant is an applicant for or recipient of medical  
29 assistance or the limited casualty program for the medically needy  
30 and the issue is his or her eligibility or ineligibility due to the  
31 assignment or transfer of a resource. The burden is on the department  
32 to prove by a preponderance of the evidence that the person knowingly  
33 and willingly assigned or transferred the resource at less than  
34 market value for the purpose of qualifying or continuing to qualify  
35 for medical assistance or the limited casualty program for the  
36 medically needy. If the prevailing party in the adjudicative  
37 proceeding is the applicant or recipient, he or she is entitled to  
38 reasonable attorney's fees.

39 (3) When a person files a petition for judicial review as  
40 provided in RCW 34.05.514 of an adjudicative order entered in a



1 public assistance program, no filing fee shall be collected from the  
2 person and no bond shall be required on any appeal. In the event that  
3 the superior court, the court of appeals, or the supreme court  
4 renders a decision in favor of the appellant, said appellant shall be  
5 entitled to reasonable attorneys' fees and costs. If a decision of  
6 the court is made in favor of the appellant, assistance shall be paid  
7 from date of the denial of the application for assistance or thirty  
8 days after the application for temporary assistance for needy  
9 families or forty-five days following the date of application,  
10 whichever is sooner; or in the case of a recipient, from the  
11 effective date of the local community services office decision.

12 **Sec. 23.** RCW 74.08.331 and 2011 c 96 s 53 are each amended to  
13 read as follows:

14 (1) Any person who by means of a willfully false statement, or  
15 representation, or impersonation, or a willful failure to reveal any  
16 material fact, condition, or circumstance affecting eligibility or  
17 need for assistance, including medical care, surplus commodities, and  
18 food (~~((stamps or food stamp))~~) benefits (~~((transferred electronically))~~)  
19 under this title, as required by law, or a willful failure to  
20 promptly notify the county office in writing as required by law or  
21 any change in status in respect to resources, or income, or need, or  
22 family composition, money contribution and other support, from  
23 whatever source derived, including unemployment insurance, or any  
24 other change in circumstances affecting the person's eligibility or  
25 need for assistance, or other fraudulent device, obtains, or attempts  
26 to obtain, or aids or abets any person to obtain any public  
27 assistance to which the person is not entitled or greater public  
28 assistance than that to which he or she is justly entitled is guilty  
29 of theft in the first degree under RCW 9A.56.030 and upon conviction  
30 thereof shall be punished by imprisonment in a state correctional  
31 facility for not more than fifteen years.

32 (2) Any person who by means of a willfully false statement or  
33 representation or by impersonation or other fraudulent device aids or  
34 abets in buying, selling, or in any other way disposing of the real  
35 property of a recipient of public assistance without the consent of  
36 the secretary is guilty of a gross misdemeanor and upon conviction  
37 thereof shall be punished by imprisonment for up to three hundred  
38 sixty-four days in the county jail or a fine of not to exceed one  
39 thousand dollars or by both.

1       **Sec. 24.** RCW 74.08A.060 and 1997 c 58 s 110 are each amended to  
2 read as follows:

3       Single adults without dependents between eighteen and fifty years  
4 of age shall comply with federal (~~food-stamp~~) supplemental  
5 nutrition assistance program work requirements as a condition of  
6 eligibility. The department may exempt any counties or subcounty  
7 areas from the federal (~~food-stamp~~) supplemental nutrition  
8 assistance program work requirements in P.L. 104-193, unless the  
9 department receives written evidence of official action by a county  
10 or subcounty governing entity, taken after noticed consideration,  
11 that indicates that a county or subcounty area chooses not to use an  
12 exemption to the federal (~~food-stamp~~) supplemental nutrition  
13 assistance program work requirements.

14       **Sec. 25.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to  
15 read as follows:

16       (1) The department may establish a food assistance program for  
17 legal immigrants who are ineligible for the federal (~~food-stamp~~)  
18 supplemental nutrition assistance program.

19       (2) The rules for the state food assistance program shall follow  
20 exactly the rules of the federal (~~food-stamp~~) supplemental  
21 nutrition assistance program except for the provisions pertaining to  
22 immigrant status.

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

25       (4) The department may enter into a contract with the United  
26 States department of agriculture to use the existing federal (~~food~~  
27 ~~stamp~~) supplemental nutrition assistance program coupon system for  
28 the purposes of administering the state food assistance program.

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

33       **Sec. 26.** RCW 74.25A.045 and 1998 c 79 s 17 are each amended to  
34 read as follows:

35       A local employment partnership council shall be established in  
36 each pilot project area to assist the department of social and health  
37 services in the administration of this chapter and to allow local  
38 flexibility in dealing with the particular needs of each pilot

1 project area. Each council shall be primarily responsible for  
2 recruiting and encouraging participation of employment providers in  
3 the project site. Each council shall be composed of nine members who  
4 shall be appointed by the county legislative authority of the county  
5 in which the pilot project operates. Councilmembers shall be  
6 residents of or employers in the pilot project area in which they are  
7 appointed and shall serve three-year terms. The council shall have  
8 two members who are current or former recipients of the aid to  
9 families with dependent children or temporary assistance for needy  
10 families programs or food ~~((stamp or))~~ benefits programs under this  
11 title, two members who represent labor, and five members who  
12 represent the local business community. In addition, one person  
13 representing the local community service office of the department of  
14 social and health services, one person representing a community  
15 action agency or other nonprofit service provider, and one person  
16 from a local city or county government shall serve as nonvoting  
17 members.

18 **Sec. 27.** RCW 80.36.470 and 2013 2nd sp.s. c 8 s 118 are each  
19 amended to read as follows:

20 (1) Adult recipients of department-administered programs for the  
21 financially needy which provide continuing financial or medical  
22 assistance, food ~~((stamps))~~ benefits under Title 74 RCW, or  
23 supportive services to persons in their own homes are eligible for  
24 participation in the telephone assistance program. The department  
25 must notify the participants of their eligibility.

26 (2) Participants in community service voice mail programs are  
27 eligible for participation in services available under RCW 80.36.420  
28 (1), (2), and (3) after completing use of community service voice  
29 mail services. Eligibility must be for a period including the  
30 remainder of the current service year and the following service year.  
31 Community agencies must notify the department of participants  
32 eligible under this subsection.

33 (3) Enrollment in the Washington telephone assistance program may  
34 not result in expenditures that exceed the total amount of funds made  
35 available by the legislature for the Washington telephone assistance  
36 program. When the department finds that there is a danger of an  
37 overexpenditure of appropriated funds, the department must close the  
38 Washington telephone assistance program enrollment until the  
39 department finds the danger no longer exists.

1       **Sec. 28.** RCW 82.32.330 and 2011 c 174 s 404 are each amended to  
2 read as follows:

3       (1) For purposes of this section:

4       (a) "Disclose" means to make known to any person in any manner  
5 whatever a return or tax information;

6       (b) "Return" means a tax or information return or claim for  
7 refund required by, or provided for or permitted under, the laws of  
8 this state which is filed with the department of revenue by, on  
9 behalf of, or with respect to a person, and any amendment or  
10 supplement thereto, including supporting schedules, attachments, or  
11 lists that are supplemental to, or part of, the return so filed;

12       (c) "Tax information" means (i) a taxpayer's identity, (ii) the  
13 nature, source, or amount of the taxpayer's income, payments,  
14 receipts, deductions, exemptions, credits, assets, liabilities, net  
15 worth, tax liability deficiencies, overassessments, or tax payments,  
16 whether taken from the taxpayer's books and records or any other  
17 source, (iii) whether the taxpayer's return was, is being, or will be  
18 examined or subject to other investigation or processing, (iv) a part  
19 of a written determination that is not designated as a precedent and  
20 disclosed pursuant to RCW 82.32.410, or a background file document  
21 relating to a written determination, and (v) other data received by,  
22 recorded by, prepared by, furnished to, or collected by the  
23 department of revenue with respect to the determination of the  
24 existence, or possible existence, of liability, or the amount  
25 thereof, of a person under the laws of this state for a tax, penalty,  
26 interest, fine, forfeiture, or other imposition, or offense. However,  
27 data, material, or documents that do not disclose information related  
28 to a specific or identifiable taxpayer do not constitute tax  
29 information under this section. Except as provided by RCW 82.32.410,  
30 nothing in this chapter requires any person possessing data,  
31 material, or documents made confidential and privileged by this  
32 section to delete information from such data, material, or documents  
33 so as to permit its disclosure;

34       (d) "State agency" means every Washington state office,  
35 department, division, bureau, board, commission, or other state  
36 agency;

37       (e) "Taxpayer identity" means the taxpayer's name, address,  
38 telephone number, registration number, or any combination thereof, or  
39 any other information disclosing the identity of the taxpayer; and

1 (f) "Department" means the department of revenue or its officer,  
2 agent, employee, or representative.

3 (2) Returns and tax information are confidential and privileged,  
4 and except as authorized by this section, neither the department of  
5 revenue nor any other person may disclose any return or tax  
6 information.

7 (3) This section does not prohibit the department of revenue  
8 from:

9 (a) Disclosing such return or tax information in a civil or  
10 criminal judicial proceeding or an administrative proceeding:

11 (i) In respect of any tax imposed under the laws of this state if  
12 the taxpayer or its officer or other person liable under this title  
13 or chapter 83.100 RCW is a party in the proceeding;

14 (ii) In which the taxpayer about whom such return or tax  
15 information is sought and another state agency are adverse parties in  
16 the proceeding; or

17 (iii) Brought by the department under RCW 18.27.040 or 19.28.071;

18 (b) Disclosing, subject to such requirements and conditions as  
19 the director prescribes by rules adopted pursuant to chapter 34.05  
20 RCW, such return or tax information regarding a taxpayer to such  
21 taxpayer or to such person or persons as that taxpayer may designate  
22 in a request for, or consent to, such disclosure, or to any other  
23 person, at the taxpayer's request, to the extent necessary to comply  
24 with a request for information or assistance made by the taxpayer to  
25 such other person. However, tax information not received from the  
26 taxpayer must not be so disclosed if the director determines that  
27 such disclosure would compromise any investigation or litigation by  
28 any federal, state, or local government agency in connection with the  
29 civil or criminal liability of the taxpayer or another person, or  
30 that such disclosure would identify a confidential informant, or that  
31 such disclosure is contrary to any agreement entered into by the  
32 department that provides for the reciprocal exchange of information  
33 with other government agencies which agreement requires  
34 confidentiality with respect to such information unless such  
35 information is required to be disclosed to the taxpayer by the order  
36 of any court;

37 (c) Disclosing the name of a taxpayer against whom a warrant  
38 under RCW 82.32.210 has been either issued or filed and remains  
39 outstanding for a period of at least ten working days. The department  
40 is not required to disclose any information under this subsection if

1 a taxpayer has entered a deferred payment arrangement with the  
2 department for the payment of a warrant that has not been filed and  
3 is making payments upon such deficiency that will fully satisfy the  
4 indebtedness within twelve months;

5 (d) Publishing statistics so classified as to prevent the  
6 identification of particular returns or reports or items thereof;

7 (e) Disclosing such return or tax information, for official  
8 purposes only, to the governor or attorney general, or to any state  
9 agency, or to any committee or subcommittee of the legislature  
10 dealing with matters of taxation, revenue, trade, commerce, the  
11 control of industry or the professions;

12 (f) Permitting the department of revenue's records to be audited  
13 and examined by the proper state officer, his or her agents and  
14 employees;

15 (g) Disclosing any such return or tax information to a peace  
16 officer as defined in RCW 9A.04.110 or county prosecuting attorney,  
17 for official purposes. The disclosure may be made only in response to  
18 a search warrant, subpoena, or other court order, unless the  
19 disclosure is for the purpose of criminal tax enforcement. A peace  
20 officer or county prosecuting attorney who receives the return or tax  
21 information may disclose that return or tax information only for use  
22 in the investigation and a related court proceeding, or in the court  
23 proceeding for which the return or tax information originally was  
24 sought;

25 (h) Disclosing any such return or tax information to the proper  
26 officer of the internal revenue service of the United States, the  
27 Canadian government or provincial governments of Canada, or to the  
28 proper officer of the tax department of any state or city or town or  
29 county, for official purposes, but only if the statutes of the United  
30 States, Canada or its provincial governments, or of such other state  
31 or city or town or county, as the case may be, grants substantially  
32 similar privileges to the proper officers of this state;

33 (i) Disclosing any such return or tax information to the United  
34 States department of justice, including the bureau of alcohol,  
35 tobacco, firearms and explosives, the department of defense, the  
36 immigration and customs enforcement and the customs and border  
37 protection agencies of the United States department of homeland  
38 security, the United States coast guard, the alcohol and tobacco tax  
39 and trade bureau of the United States department of treasury, and the

1 United States department of transportation, or any authorized  
2 representative of these federal agencies, for official purposes;

3 (j) Publishing or otherwise disclosing the text of a written  
4 determination designated by the director as a precedent pursuant to  
5 RCW 82.32.410;

6 (k) Disclosing, in a manner that is not associated with other tax  
7 information, the taxpayer name, entity type, business address,  
8 mailing address, revenue tax registration numbers, reseller permit  
9 numbers and the expiration date and status of such permits, North  
10 American industry classification system or standard industrial  
11 classification code of a taxpayer, and the dates of opening and  
12 closing of business. This subsection may not be construed as giving  
13 authority to the department to give, sell, or provide access to any  
14 list of taxpayers for any commercial purpose;

15 (l) Disclosing such return or tax information that is also  
16 maintained by another Washington state or local governmental agency  
17 as a public record available for inspection and copying under the  
18 provisions of chapter 42.56 RCW or is a document maintained by a  
19 court of record and is not otherwise prohibited from disclosure;

20 (m) Disclosing such return or tax information to the United  
21 States department of agriculture for the limited purpose of  
22 investigating food ((stamp)) benefits fraud by retailers;

23 (n) Disclosing to a financial institution, escrow company, or  
24 title company, in connection with specific real property that is the  
25 subject of a real estate transaction, current amounts due the  
26 department for a filed tax warrant, judgment, or lien against the  
27 real property;

28 (o) Disclosing to a person against whom the department has  
29 asserted liability as a successor under RCW 82.32.140 return or tax  
30 information pertaining to the specific business of the taxpayer to  
31 which the person has succeeded;

32 (p) Disclosing real estate excise tax affidavit forms filed under  
33 RCW 82.45.150 in the possession of the department, including real  
34 estate excise tax affidavit forms for transactions exempt or  
35 otherwise not subject to tax;

36 (q) Disclosing to local taxing jurisdictions the identity of  
37 sellers granted relief under RCW 82.32.430(5)(b)(i) and the period  
38 for which relief is granted;

1 (r) Disclosing such return or tax information to the court in  
2 respect to the department's application for a subpoena under RCW  
3 82.32.117;

4 (s) Disclosing to a person against whom the department has  
5 asserted liability under RCW 83.100.120 return or tax information  
6 pertaining to that person's liability for tax under chapter 83.100  
7 RCW;

8 (t) Disclosing such return or tax information to the streamlined  
9 sales tax governing board, member states of the streamlined sales tax  
10 governing board, or authorized representatives of such board or  
11 states, for the limited purposes of:

12 (i) Conducting on behalf of member states sales and use tax  
13 audits of taxpayers; or

14 (ii) Auditing certified service providers or certified automated  
15 systems providers; or

16 (u) Disclosing any such return or tax information when the  
17 disclosure is specifically authorized under any other section of the  
18 Revised Code of Washington.

19 (4)(a) The department may disclose return or taxpayer information  
20 to a person under investigation or during any court or administrative  
21 proceeding against a person under investigation as provided in this  
22 subsection (4). The disclosure must be in connection with the  
23 department's official duties relating to an audit, collection  
24 activity, or a civil or criminal investigation. The disclosure may  
25 occur only when the person under investigation and the person in  
26 possession of data, materials, or documents are parties to the return  
27 or tax information to be disclosed. The department may disclose  
28 return or tax information such as invoices, contracts, bills,  
29 statements, resale or exemption certificates, or checks. However, the  
30 department may not disclose general ledgers, sales or cash receipt  
31 journals, check registers, accounts receivable/payable ledgers,  
32 general journals, financial statements, expert's workpapers, income  
33 tax returns, state tax returns, tax return workpapers, or other  
34 similar data, materials, or documents.

35 (b) Before disclosure of any tax return or tax information under  
36 this subsection (4), the department must, through written  
37 correspondence, inform the person in possession of the data,  
38 materials, or documents to be disclosed. The correspondence must  
39 clearly identify the data, materials, or documents to be disclosed.  
40 The department may not disclose any tax return or tax information



1 under this subsection (4) until the time period allowed in (c) of  
2 this subsection has expired or until the court has ruled on any  
3 challenge brought under (c) of this subsection.

4 (c) The person in possession of the data, materials, or documents  
5 to be disclosed by the department has twenty days from the receipt of  
6 the written request required under (b) of this subsection to petition  
7 the superior court of the county in which the petitioner resides for  
8 injunctive relief. The court must limit or deny the request of the  
9 department if the court determines that:

10 (i) The data, materials, or documents sought for disclosure are  
11 cumulative or duplicative, or are obtainable from some other source  
12 that is more convenient, less burdensome, or less expensive;

13 (ii) The production of the data, materials, or documents sought  
14 would be unduly burdensome or expensive, taking into account the  
15 needs of the department, the amount in controversy, limitations on  
16 the petitioner's resources, and the importance of the issues at  
17 stake; or

18 (iii) The data, materials, or documents sought for disclosure  
19 contain trade secret information that, if disclosed, could harm the  
20 petitioner.

21 (d) The department must reimburse reasonable expenses for the  
22 production of data, materials, or documents incurred by the person in  
23 possession of the data, materials, or documents to be disclosed.

24 (e) Requesting information under (b) of this subsection that may  
25 indicate that a taxpayer is under investigation does not constitute a  
26 disclosure of tax return or tax information under this section.

27 (5) Service of a subpoena issued under RCW 82.32.117 does not  
28 constitute a disclosure of return or tax information under this  
29 section. Notwithstanding anything else to the contrary in this  
30 section, a person served with a subpoena under RCW 82.32.117 may  
31 disclose the existence or content of the subpoena to that person's  
32 legal counsel.

33 (6) Any person acquiring knowledge of any return or tax  
34 information in the course of his or her employment with the  
35 department of revenue and any person acquiring knowledge of any  
36 return or tax information as provided under subsection (3) (e), (f),  
37 (g), (h), (i), or (m) of this section, who discloses any such return  
38 or tax information to another person not entitled to knowledge of  
39 such return or tax information under the provisions of this section,  
40 is guilty of a misdemeanor. If the person guilty of such violation is

1 an officer or employee of the state, such person must forfeit such  
2 office or employment and is incapable of holding any public office or  
3 employment in this state for a period of two years thereafter.

--- **END** ---