

the board shall take into account, but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other urban arterial projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope while retaining a useable segment; (3) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and (4) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

NEW SECTION. Sec. 8. The rule of strict construction shall have no application to this 1969 act or to the provisions of chapter 47.26 RCW, and they shall be liberally construed in order to carry out an effective, efficient and equitable program of financial assistance to urban area cities and counties for arterial roads and streets.

NEW SECTION. Sec. 9. Section 31, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.250 are each repealed.

NEW SECTION. Sec. 10. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

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CHAPTER 172  
 [House Bill No. 376]  
 PUBLIC ASSISTANCE--FAIR HEARINGS--  
 CHILD WELFARE AND DAY CARE ADVISORY  
 COMMITTEE--FOOD STAMP PROGRAM--  
 PERSONAL AND SPECIAL CARE

AN ACT Relating to public assistance; amending section 74.08.070, chapter 26, Laws of 1959 and RCW 74.08.070; amending section 74.08.080, chapter 26, Laws of 1959 and RCW 74.08.080; amending section 18, chapter 172, Laws of 1967 and RCW 74.32.051; adding new sections to chapter 26, Laws of 1959 and to chapter 74.04 RCW; and adding new sections to chapter 26, Laws of 1959 and to

chapter 74.08 RCW.

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

Section 1. Section 74.08.070, chapter 26, Laws of 1959 and RCW 74.08.070 are each amended to read as follows:

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the director of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the director for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this transcript shall be given the appellant if request for same is made in writing by the appellant or his attorney of record.

Any appellant who desires a fair hearing shall within ~~((sixty))~~ thirty days after receiving notice of the decision of the department or an authorized agency of the department, file with the director a notice of appeal from the decision. ~~((It shall be the duty of the department upon receipt of such notice to set a date for the fair hearing, such date to be not more than thirty days after receipt of notice.))~~ The department shall notify the appellant of the time and place of said hearing at least ~~((five))~~ twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

At any time after the filing of the notice of appeal with the director, any appellant or attorney for appellant with written authorization or next of kin shall have the right to access to, and can examine any files and records of the department in the case of appeal.

It shall be the duty of the department within ~~((thirty))~~ sixty days after ~~((the date of hearing))~~ receipt of the notice of appeal to notify the appellant of the decision of the director ~~((and the failure to so notify the appellant shall constitute an affirmation of the de-~~

decision-of-the-department)).

If the decision of the director is made in favor of the appellant, assistance shall be paid from the date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 2. Section 74.08.080, chapter 26, Laws of 1959 and RCW 74.08.080 are each amended to read as follows:

In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in RCW 74.08.070, he shall have the right to ~~((appeal to))~~ petition the superior court ~~((of the county of his legal residence, which appeal shall be taken by a notice filed with the clerk of the court and served upon the director either by registered mail or by personal service within sixty days after the decision of the department has been affirmed or modified as provided in RCW 74.08.070, -- Upon receipt of the notice of appeal, the clerk of the superior court shall immediately docket the case for trial and no filing fee shall be collected of the appellant,~~

~~Within ten days after being served with a notice of appeal, the director shall give the appellant a copy of the transcript of testimony adduced at the fair hearing and shall file with the clerk of the court the record of the case on appeal, and no further pleadings shall be necessary to bring the appeal to issue.~~

~~The court shall decide the case on the record.~~

~~The findings of the director as to the facts shall be conclusive unless the court determines that the evidence in the record preponderates against such findings.~~

~~The court may affirm the decision of the director or modify or reverse any decision of the director where it finds the director has acted arbitrarily, capriciously, or contrary to law and remand the cause to the director for further proceedings in conformity with the decision of the court))~~ for judicial review in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended. Either

party may appeal from the decision of the superior court to the supreme court of the state (~~((y-which-appeal-shall-be-taken-and-conducted-in-the-manner-provided-by-law-or-by-the-rules-of-court-applicable-to-civil-appeals))~~): PROVIDED, That no filing fee shall be collected of the appellant and no bond shall be required on any appeal under this chapter. In the event that either the superior court or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision (~~((of-the-director-or))~~) of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application (~~((y))~~) or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision (~~((from-which-he-has-appealed))~~).

Sec. 3. Section 18, chapter 172, Laws of 1967 and RCW 74.32-.051 are each amended to read as follows:

The child welfare and day care advisory committee shall consist of fifteen members. The director shall designate a chairman. The committee shall hold original terms of office under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 as follows:

Five members shall serve for one year; five members shall serve two years; and five members shall serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years except that in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

There shall be included among the members of the committee one representative from each of the following state agencies:

- (1) The state department of health;
- (2) The department of public instruction;
- (3) The department of institutions; and
- (4) The office of the state fire marshal.

These members shall be the respective directors or the state

fire marshal, or the directors' or the state fire marshal's designee, as the case may be.

Five members shall be appointed by the director from representatives of agencies subject to licensing under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031, the members to represent a variety of types of agencies including sectarian and nonsectarian agencies and from different geographical areas of the state.

The remaining members shall be appointed by the director on the basis of their interest in and concern for the welfare of children and selected insofar as possible to represent all geographical areas of the state (~~(and-to-represent-a-wide-variety-of-groups-interested-in-the-welfare-of-children)~~).

The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

NEW SECTION. Sec. 4. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The department of public assistance is authorized to establish a food stamp program under the federal Food Stamp Act of 1964.

NEW SECTION. Sec. 5. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

Eligibility for the food stamp program shall be determined on a household basis. A "household" means all related or nonrelated persons living together as one economic unit to share common household facilities and customarily purchase and prepare food in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption. Persons in nursing homes, infirmaries, hospitals, boarding homes or eating in restaurants and those without cooking facilities are excluded from this program.

NEW SECTION. Sec. 6. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The department shall promulgate rules and regulations conform-

ing to federal laws, rules and regulations required to be observed in maintaining the eligibility of the state to receive from the federal government and to issue or distribute to recipients, food stamps or coupons under a food stamp plan. Such rules and regulations shall relate to and include, but shall not be limited to: (1) The classifications of and requirements of eligibility of households to receive food stamps or coupons. (2) The periods during which households shall be certified or recertified to be eligible to receive food stamps or coupons under this plan. (3) The establishment of a purchase payment schedule for coupons graduated on the basis of the incomes and the number of persons in an eligible household.

NEW SECTION. Sec. 7. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

In determining eligibility for purchase of food stamps, there shall be no discrimination against any household by reason of race, color, or national origin.

NEW SECTION. Sec. 8. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The provisions of RCW 74.04.060 relating to disclosure of information regarding public assistance recipients shall apply to recipients of food stamps.

NEW SECTION. Sec. 9. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

A person's need or eligibility for public assistance or care shall not be affected by his receipt of food stamps.

NEW SECTION. Sec. 10. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

In determining the living requirements of otherwise eligible applicants and recipients of old age assistance, aid to the blind, disability assistance and general assistance, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

NEW SECTION. Sec. 11. There is added to chapter 26, Laws of

1959 and to chapter 74.08 RCW a new section to read as follows:

The department is authorized to promulgate rules and regulations establishing eligibility for alternate living arrangements, including minimum standards of care, based upon need for personal care and supervision beyond the level of board and room only, but less than the level of care required in a hospital or a skilled nursing home as defined in the federal Social Security Act.

NEW SECTION. Sec. 12. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

The department may purchase such personal and special care at reasonable rates established by the department from substitute homes and intermediate care facilities providing this service is in compliance with standards of care established by the regulations of the department.

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CHAPTER 173  
[Substitute House Bill No. 377]  
PUBLIC ASSISTANCE--ADMINISTRATION--  
ELIGIBILITY--MEDICAL CARE--  
DEPENDENT CHILDREN

AN ACT Relating to public assistance; amending section 74.04.055, chapter 26, Laws of 1959 as last amended by section 1, chapter 2, Laws of 1965 ex. sess. and RCW 74.04.005; amending section 74.04.290, chapter 26, Laws of 1959 and RCW 74.04.290; adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW; amending section 74.04.011, chapter 26, Laws of 1959 and RCW 74.04.011; amending section 74.08.090, chapter 26, Laws of 1959 and RCW 74.08.090; amending section 74.08.060, chapter 26, Laws of 1959 and RCW 74.08.060; amending section 17, chapter 228, Laws of 1963 and RCW 74.08.390; amending section 74.09.180, chapter 26, Laws of 1959 and RCW 74.09.180; amending section 5, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.520;