

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.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
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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;

adding new sections to chapter 26, Laws of 1959 and to chapter 74.09 RCW; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 37, Laws of 1965 ex. sess. and RCW 74.12.010; amending section 6, chapter 206, Laws of 1963 and RCW 74.20.210; amending section 7, chapter 206, Laws of 1963 and RCW 74.20.220; adding new sections to chapter 26, Laws of 1959 and to chapter 74.20 RCW; amending section 74.04-.300, chapter 26, Laws of 1959 and RCW 74.04.300; repealing section 11, chapter 322, Laws of 1959 as amended by section 4, chapter 206, Laws of 1963 and RCW 74.20.100; and repealing section 14, chapter 206, Laws of 1963 and RCW 74.20.290.

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

Section 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 2, Laws of 1965 ex. sess. and RCW 74.04.005 are each amended to read as follows:

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

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

(2) "Department"--The department of public assistance.

(3) "County office"--The administrative office for one or more counties.

(4) "Director"--The director of the state department of public assistance.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, medical assistance (~~for the aged~~), aid to

families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, (~~medical care-services~~) and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"--Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"--Are persons without income or resources sufficient to secure necessary medical services.

~~((8)--"Community-work-and-training"--A-plan--jointly-entered-into-between-the-state-department-of-public-assistance-and-an-agency, department, board-or-commission-of-the-state-or-federal-government, county, city-or-municipal-corporation-which-is-subject-to-approval-of-the-state-department-of-public-assistance-under-which-the-state-or-federal-government, county, city-or-municipal-corporation-undertakes-to-provide-work-in-and-about-public-works-or-improvements, utilizing-labor-and-services-required-to-be-performed-by-applicants-or-recipients-of-public-assistance,~~

~~(9))~~ (8) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

~~((10))~~ (9) "Recipient"--Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

~~((11))~~ (10) "Requirement"--Items of goods and services in-

cluded in the state department of public assistance standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

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

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

(b) Household furnishings and personal clothing used and useful to the person.

(c) ~~((A))~~ Automobile(s) used and useful ~~((to the person))~~.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit of two, or marketable securities of such value. This maximum shall be increased by twenty-five dollars for each additional member of the family unit.

(e) Life insurance having a cash surrender value, ~~((net-in-ex-~~

~~cess of five hundred dollars for a single person or one thousand dollars for a family unit; PROVIDED, That (1) The applicant enters into a written agreement with the state department of public assistance that, unless he obtains the consent of the department, he will not (a) Surrender the insurance contract for its cash value; (b) Assign the insurance contract or its proceeds; (c) Change the beneficiary under the insurance contract; and (2) The beneficiary under the insurance contract enters into a written agreement with the state department of public assistance that he will pay all costs necessary to provide a decent burial for the applicant unless his designation as beneficiary under the insurance contract is changed with the consent of the department; PROVIDED FURTHER, That if by the terms of the policy or operation of law the applicant is unable to change the beneficiary designated in the policy, and the beneficiary refuses or is unable to agree to provide a burial for the applicant, the policy shall be considered an exempt resource, but the department by rule and regulation shall decrease the maximum cash surrender value allowed by the amount of cash held by the person or the family under (d) above.)~~

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient.

Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: PROVIDED, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.

(g) The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. In establishing such ceiling, the department shall establish a sliding scale

based upon the family size. If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: PROVIDED, That in the determination of need of applicants for or recipients of general assistance no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence.

~~((413))~~ (12) "Income"--All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: PROVIDED, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income (~~(--The-department-may-also-allow-the-setting-aside-of-funds-derived-from-earnings-of-a-child-to-cover-the-cost-of-special-future-identifiable-needs-of-the-child)~~): PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a

period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income (a) with respect to a child who is not a full time employee and who is a full time or part time student attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment, all of the earned income of such child; and (b) with respect to any other dependent child, adult, or other person in the home whose needs are taken into account in making such determination, the first thirty dollars of the total of their earned income for such month and one-third of the remainder: PROVIDED FURTHER. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants of public assistance, but consistent with federal requirements: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first ~~((ten))~~ twenty dollars per month of any earned income plus one-half of additional earnings up to ~~((fifty))~~ eighty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection ~~((12))~~ (11) of this section, exceed ~~((two-hundred-dollars-for-a-single-person-or-four-hundred-dollars))~~ the total amounts exempted under that subsection for a family unit: PROVIDED FURTHER, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to

exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the department of health, education and welfare (~~(--PROVIDED--FURTHER, That the director may by rule exempt as a resource or income the first eighty-five dollars and one half of any excess of eighty-five dollars of any payment made to or on behalf of any applicant or recipient with respect to any month under Title I or II of the Economic Opportunity Act (public law 88-452), and may exempt any income or other economic benefit derived from the use of, or appreciation in value of, said exempted payment;)~~); and PROVIDED FURTHER, That all resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

~~((14))~~ (13) "Need"--The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

~~((15))~~ (14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 2. Section 74.04.290, chapter 26, Laws of 1959 and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, ~~((the committee,))~~ the director, ~~((the board of county commissioners and the~~

~~administrators~~) county administrators, hearing examiners or other duly authorized officers of the department shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of a hearing, the officer or agency issuing the subpoena may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

NEW SECTION. Sec. 3. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The department is authorized to promulgate such rules and regulations as are necessary to qualify for any federal funds available under Title XVI of the federal Social Security Act, and any other combination of existing programs of assistance consistent with federal law and regulations.

Sec. 4. Section 74.04.011, chapter 26, Laws of 1959 and RCW 74.04.011 are each amended to read as follows:

The director of public assistance shall be the administrative head and appointing authority of the department of public assistance and he shall have the power to and shall employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That such employment is in accordance with the rules and regulations of the state merit system. The director shall through and by means of his assistants and personnel exercise such powers and perform such duties as may be prescribed by the public assistance laws of this state (~~(unless otherwise directed by the state public assistance committee, which shall not be contrary to the laws of this state)~~).

The authority vested in the director as appointing authority may be delegated by the director or his designee to any suitable employee of the department.

Sec. 5. Section 74.08.090, chapter 26, Laws of 1959 and RCW 74.08.090 are each amended to read as follows:

The department is hereby authorized to make rules and regulations not inconsistent with the provisions of this title to the end that this title shall be administered uniformly throughout the state, and that the spirit and purpose of this title may be complied with. The department shall have the power to compel compliance with the rules and regulations established by it. Such rules and regulations shall be filed (~~(with the secretary of state thirty days before their effective date,)~~) in accordance with the Administrative Procedure Act,

as it is now or hereafter amended, and copies shall be available for public inspection in the office of the department and in each county office.

Sec. 6. Section 74.08.060, chapter 26, Laws of 1959 and RCW 74.08.060 are each amended to read as follows:

~~((Whenever the department or an authorized agency thereof receives an application for a grant an investigation and record shall be promptly made of the facts supporting the application.))~~ The department shall be required to approve or deny the application within forty-five days after the filing thereof and shall immediately notify the applicant in writing of its decision: PROVIDED, That if the department is not able within forty-five days, despite due diligence, to secure all information necessary to establish his eligibility, the department is charged to continue to secure such information and if such information, when established, makes applicant eligible, the department shall pay his grant from date of authorization, or forty-five days after date of application whichever is sooner.

Any person entitled to relief but under temporary disability from making application, or any person about to become sixty-five years of age or the parent of an unborn child who upon birth will become a dependent child may at any time after forty-five days prior to the occurrence of any of said events make application as herein provided.

Sec. 7. Section 17, chapter 228, Laws of 1963 and RCW 74.08-.390 are each amended to read as follows:

The department of public assistance may conduct research studies, pilot projects, demonstration projects, surveys and investigations for the purpose of determining methods to achieve savings in public assistance programs by means of restoring individuals to maximum self-support and personal independence and preventing social and physical disablement, and for the accomplishment of any of such purposes may employ consultants or enter into contracts with any

agency of the federal, state or local governments, nonprofit corporations, universities or foundations.

Pursuant to this authority the department may waive the enforcement of specific statutory requirements, regulations, and standards in one or more counties or on a state-wide basis by formal order of the director. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, shall not be general in scope but shall apply only for the duration of such a project and shall not take effect unless the secretary of health, education and welfare of the United States has agreed, for the same project, to waive the public assistance plan requirements relative to state-wide uniformity.

Sec. 8. Section 74.09.180, chapter 26, Laws of 1959 and RCW 74.09.180 are each amended to read as follows:

The provisions of this chapter shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: PROVIDED, HOWEVER, That the director of the department of public assistance may, in his discretion, furnish assistance, under the provisions of this chapter, for the results of injuries to a recipient, and the department of public assistance (~~shall thereby be subrogated to the recipient's right of recovery therefor to the extent of the value of the assistance furnished by the department of public assistance~~) may assert a lien upon any claim, right of action and/or money to which such recipient is entitled (a) against any tort-feasor and/or insurer of such tort-feasor, or (b) any contract of insurance providing coverage to such recipient for said injuries, to the extent of the assistance furnished by said department to the recipient.

**NEW SECTION.** Sec. 9 . There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

The form of the lien in section 8 of this act shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of Public Assistance, has rendered assistance to ..... a person who was injured on or about the ... day of ..... in the county of ..... state of ....., and the said department hereby asserts a lien, to the extent provided in RCW 74.09.180, for the amount of such assistance, upon any sum due and owing ..... (name of injured person) from ....., alleged to have caused the injury, and/or his insurer and from any other person or insurer liable for the injury or obligated to compensate the injured person on account of such injuries by contract or otherwise.

STATE OF WASHINGTON, DEPARTMENT OF PUBLIC ASSISTANCE

By: .....(Title)

STATE OF WASHINGTON) )ss. COUNTY OF )

I,....., being first duly sworn, on oath state: That I am ..... (title); that I have read the foregoing Statement of Lien, know the contents thereof, and believe the same to be true.

..... Subscribed and sworn to before me this .... day of ....., 19.....

..... Notary Public in and for the State of Washington, residing at .....

NEW SECTION. Sec. 10. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

The lien created in section 8 of this 1969 amendatory act shall become effective upon being filed with the county auditor of the county in which the assistance was authorized by the department.

Sec. 11. Section 5, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5) physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the director; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services.

NEW SECTION. Sec. 12. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

No settlement made by and between the recipient and tort-feasor and/or insurer shall discharge the lien created in section 9 of this 1969 amendatory act, against any money due or owing by such tort-feasor or insurer to the recipient or relieve the tort-feasor and/or insurer from liability by reason of such lien unless such settlement also provides for the payment and discharge of such lien or unless a written release or waiver of such claim or lien, signed by the department, be filed in the court where any action has been commenced on such claim, or in case no action has been commenced against the tort-feasor and/or insurer, then such written release or waiver shall be delivered to the tort-feasor or insurer.

Sec. 13. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 37, Laws of 1965 ex. sess. and RCW 74-12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years, or any child between eighteen and twenty-one years of age regularly attending high school in pursuance of a course of study leading to a high school diploma or its equivalent or a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal after April 30, 1961, from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of public assistance or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a rela-

tive and application had been made therefor, as authorized by the social security act: PROVIDED, That the director shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

Sec. 14. Section 6, chapter 206, Laws of 1963 and RCW 74.20-.210 are each amended to read as follows:

The prosecuting attorney of any county except class AA (~~and class-A~~) counties may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in inter-county proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Sec. 15. Section 7, chapter 206, Laws of 1963 and RCW 74.20-.220 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter, the state department of public assistance, through the attorney general, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered (~~(-in-these-instances-where-one parent-is-deceased,-absent-or-unable-for-any-reason-to-institute-legal proceedings-to-obtain-the-necessary-support-from-the-other-parent)~~).

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.

(3) Appear on behalf of the mother of a dependent child or children on whose behalf public assistance is being provided, when so requested by her, for the purpose of assisting her in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the mother is without funds to employ private counsel. If the mother does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general may apply to the superior court in such action

for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered (~~(702)~~).

((4)) (5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

NEW SECTION. Sec. 16. There is added to chapter 26, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment shall be paid through the support enforcement and collections unit of the state department of public assistance upon written notice by the department to the responsible person or to the clerk of the court, if appropriate, that the children for whom said support order was issued are receiving public assistance.

NEW SECTION. Sec. 17. There is added to chapter 26, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

By accepting public assistance on behalf of a child or children, the recipient thereof shall be deemed to consent to the recovery by the department of an amount equal to the amount required to be paid under any order or final decree of divorce, if any, or the amount of public assistance paid as a result of the nonpayment of support, whichever is the lesser. The department shall be subrogated to the right of said child or children or person having the care, custody, and control of such child or children to prosecute any support action existing under the laws of the state of Washington.

Sec. 18. Section 74.04.300, chapter 26, Laws of 1959 and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled, shall be a debt due the state: PROVIDED, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, ~~((the-total-assistance-payment-so-obtained))~~ one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the ~~((county-clerk-and))~~ county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within thirty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the director or his designee.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general ~~((+--PROVIDED,--That-if-the-portion-of-any-public-assistance-payment-to-which-the-recipient-is-not-entitled-is-less-than-ten-dollars-and-is-erroneously-paid-to-the~~

~~recipient-as-a-result-of-departmental-error-or-oversight,-such-amount shall-not-be-recovered-by-the-state-by-deduction-from-subsequent-assistance-payments-to-such-persons)).~~

NEW SECTION. Sec. 19. Section 11, chapter 322, Laws of 1959 as amended by section 4, chapter 206, Laws of 1963 and RCW 74.20.100; and section 14, chapter 206, Laws of 1963 and RCW 74.20.290 are each repealed: PROVIDED, That such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed; nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

Passed the House April 16, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 174  
[Engrossed Senate Bill No. 128]  
PUBLIC EMPLOYEES' COLLECTIVE  
BARGAINING--LEAVE OF ABSENCE

AN ACT Relating to labor relations; and adding a new section to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

Any public employee who represents fifty percent or more of a bargaining unit or who represents on a statewide basis a group of five or more bargaining units shall have the right to absent himself from his employment without pay and without suffering any discrimination in his future employment and without losing benefits incident to his employment while representing his bargaining unit at the legislature of the state of Washington during any regular or extraordinary session thereof: PROVIDED, That such employee is replaced by his bargaining unit with an employee who shall be paid by the employer and who shall be qualified to perform the duties and obligations of the absent member in accordance with the rules of the civil service or