

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval a portion of [Substitute] House Bill No. 1763 entitled:

"AN ACT Relating to works of art for the legislative building . . ."

This bill establishes a program to acquire works of art for the legislative building. Section 4 creates the capitol arts fund as the account to support this program. Subsection 2 of section 4 contains a misreference which renders its provisions unintelligible.

For this reason I have determined to veto subsection 2 of section 4 of [Substitute] House Bill No. 1763."

CHAPTER 174

[Reengrossed Senate Bill No. 2433]

PUBLIC ASSISTANCE—SSI RECIPIENTS—UNEMPLOYABLE PERSONS

AN ACT Relating to unemployable persons; amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005; creating a new section; and declaring an emergency.

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 173, Laws of 1969 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)~~) social and health services.

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

(4) "Director" (~~((=The director of the state department of public assistance))~~) or "secretary" means the secretary of social and health services.

(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, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare 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: PROVIDED, That general assistance

shall be granted temporarily to any person eligible for and receiving supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse.

(a) Unemployable persons are those persons who ~~((by reason of bodily or mental infirmity or other cause))~~ are substantially incapacitated from gainful employment as determined by the secretary and the commissioner of the employment security department in accordance with rules adopted pursuant to section 2 of this 1980 act.

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

(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.

(10) "Requirement"—Items of goods and services included in the state department of ~~((public assistance))~~ social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(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) Automobile(s) used and useful.

(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.

(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.

(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: 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 twenty dollars per month of any earned income plus one-half of additional earnings up to 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 (11) of this section, exceed 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: 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.

(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.

(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.

NEW SECTION. Sec. 2. (1) Not later than September 1, 1980, the secretary and the commissioner of the employment security department shall jointly submit proposed rules regarding unemployable persons, as set forth in subsection (3) of this section, to the standing committees on social and health services and appropriations in the house of representatives and social and health services and ways and means in the senate for review. Proposed rules shall be reviewed by the legislative committees by February 1, 1981 and shall subsequently be adopted pursuant to chapter 34.04 RCW and will become effective July 1, 1981.

(2) The secretary and the commissioner of the employment security department shall make periodic reports to the committees of the legislature referred to in subsection (1) as to the progress in the development of such rules.

(3) The rules required by subsection (1) of this section shall include the following:

(a) A uniform definition of unemployable persons, which definition shall include physical, mental, or other personal obstacle or obstacles to any (i) employment or (ii) work training opportunity: **PROVIDED**, That any definition shall discourage the continued classification of an individual as unemployable if incapacity or infirmity is correctable through treatment or use of corrective aids unless such disqualifying condition or conditions shall persist beyond a reasonable period of time as determined pursuant to the rules adopted hereunder.

(b) A system of review of such unemployable persons for the purpose of determining the continuing existence of such condition or conditions serving as obstacles to any (i) employment or (ii) work training opportunity.

NEW SECTION. Sec. 3. This 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.

Passed the Senate March 7, 1980.

Passed the House March 6, 1980.

Approved by the Governor April 4, 1980.

Filed in Office of Secretary of State April 4, 1980.