

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

From and after the first day of June, 1976, until the thirtieth day of June, 1977, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through 82.04.290, inclusive, an additional tax in the amount of six percent of the tax payable under the provisions of RCW 82.04.220 through 82.04.290, inclusive. To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed.

NEW SECTION. Sec. 4. This 1976 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: PROVIDED, That the provisions of this 1976 amendatory act shall be null and void in the event chapter ... (Substitute Senate Bill No. 2778), Laws of 1975-'76 2nd ex. sess. is approved and becomes law.

Passed the House March 25, 1976.

Passed the Senate March 22, 1976.

Approved by the Governor April 19, 1976.

Filed in Office of Secretary of State April 19, 1976.

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## CHAPTER 131

[Second Substitute House Bill No. 1316]

### SENIOR CITIZENS SERVICES ACT

AN ACT Relating to senior citizens; adding a new chapter to Title 74 RCW; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature recognizes the need for the further development and expansion of alternative forms of care for senior citizens. These alternative forms should be developed to assure that senior citizens receive the level of care needed and that appropriate resources are available to match client needs. Furthermore, services received should be designed to restore individuals to, or maintain them at, the level of independent living they are capable of attaining. Such a system of alternative care should be designed to allow senior citizens to move within this system, thus allowing the appropriate services to be rendered according to the care needs. The provision of service should continue until the client is able to function independently, moves to an institution, moves from the state, dies, or withdraws from the program.

Therefore, the legislature deems it to be the public policy of this state that programs shall be developed in order to more appropriately meet the care needs of senior citizens through the creation and/or expansion of alternative care services and a resulting reduction in institutional care.

**NEW SECTION.** Sec. 2. As used in this chapter, the following words and phrases shall have the following meaning unless the content clearly requires otherwise:

(1) "Area agency" means an agency, other than a state agency, designated by the department to carry out programs or services approved by the department in a designated geographical area of the state.

(2) "Area plan" means the document submitted annually by an area agency to the department for approval which sets forth (a) goals and measurable objectives, (b) review of past expenditures and accounting of revenue for the previous year, (c) estimated revenue and expenditures for the ensuing year, and (d) the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of the Older Americans Act of 1965 (42 U.S.C. Sec. 3024 et. seq.), as now or hereafter amended.

(3) "Department" means the department of social and health services.

(4) "Office" shall mean the office on aging which is the organizational unit within the department responsible for coordinating and administering aging problems.

(5) "Eligible persons" means senior citizens who are:

(a) Sixty years of age or more and are either (i) nonemployed, or (ii) employed for twenty hours per week or less; or

(b) Are sixty-five years or more of age;

(c) In need of services to enable them to remain in their customary homes because of physical, mental, or other debilitating impairments.

(6) "Low income" means initial resources or subsequent income at or below forty percent of the state median income as promulgated by the secretary of the United States department of health, education and welfare for Title XX of the Social Security Act, or, in the alternative, a level determined by the department and approved by the legislature.

(7) "Income" shall have the same meaning as RCW 74.04.005(12), as now or hereafter amended; except, that money received from section 6 of this act shall be excluded from this definition.

(8) "Resource" shall have the same meaning as RCW 74.04.005(11), as now or hereafter amended.

(9) "Need" shall have the same meaning as RCW 74.04.005(13), as now or hereafter amended.

**NEW SECTION.** Sec. 3. (1) The program of community based services authorized under this chapter shall be administered by the department. Such services may be provided by the department or through purchase of service contracts, vendor payments or direct client grants.

The department shall, under stipend or grant programs provided under section 6 of this act, utilize, to the maximum staffing level possible, eligible persons in its administration, supervision, and operation.

(2) The department shall be responsible for planning, coordination, monitoring and evaluation of services provided under this chapter but shall avoid duplication of services.

(3) The department may designate area agencies in cities of not less than twenty thousand population or in regional areas within the state. These agencies

shall submit area plans, as required by the department. They shall also submit, in the manner prescribed by the department, such other program or fiscal data as may be required.

(4) The department shall develop an annual state plan pursuant to the Older Americans Act of 1965, as now or hereafter amended. This plan shall include, but not be limited to:

- (a) Area agencies' programs and services approved by the department;
- (b) Other programs and services authorized by the department; and
- (c) Coordination of all programs and services.

(5) The department shall establish rules and regulations for the determination of low income eligible persons. Such determination shall be related to need based on the initial resources and subsequent income of the person entering into a program or service. This determination shall not prevent the eligible person from utilizing a program or service provided by the department or area agency. However, if the determination is that such eligible person is non-low income, the provision of section 5 of this act shall be applied as of the date of such determination.

NEW SECTION. Sec. 4. The community based services for low income eligible persons provided by the department or the respective area agencies may include:

(1) Access services designed to provide identification of eligible persons, assessment of individual needs, reference to the appropriate service, and follow-up service where required. These services shall include information and referral, outreach, transportation and counseling;

(2) Day care offered on a regular, recurrent basis. General nursing, rehabilitation, personal care, nutritional services, social casework, mental health as provided pursuant to chapter 71.24 RCW and/or limited transportation services may be made available within this program;

(3) Night services offered on a regular, recurrent basis which provide therapeutic programs at other than regular working hours;

(4) In-home care for persons, including basic health care; performance of various household tasks and other necessary chores, or, a combination of these services;

(5) Counseling on death for the terminally ill and care and attendance at the time of death; except, that this is not to include reimbursement for the use of life-sustaining mechanisms;

(6) Health services which will identify health needs and which are designed to avoid institutionalization; assist in securing admission to medical institutions or other health related facilities when required; and, assist in obtaining health services from public or private agencies or providers of health services. These services shall include periodic health screening and evaluation, in-home services, health education, and such health appliances which will further the independence and well-being of the person;

(7) The provision of low cost, nutritionally sound meals in central locations or in the person's home in the instance of incapacity. Also, supportive services may be provided in nutritional education, shopping assistance, diet counseling and other services to sustain the nutritional well-being of these persons;

(8) The provisions of services to maintain a person's home in a state of adequate repair, insofar as is possible, for their safety and comfort. These services shall be limited, but may include housing counseling, minor repair and maintenance, and moving assistance when such repair will not attain standards of health and safety, as determined by the department;

(9) Civil legal services, as limited by RCW 2.50.100, for counseling and representation in the areas of housing, consumer protection, public entitlements, property, and related fields of law.

Sections 1 through 8 and section 10 of this act shall constitute a new chapter in Title 74 RCW and shall terminate January 1, 1978.

NEW SECTION. Sec. 5. The services provided in section 4 of this act may be provided to non-low income eligible persons: PROVIDED, That volunteer workers and public assistant recipients shall be utilized to the maximum extent possible to provide the services provided in section 4 of this act: PROVIDED FURTHER, That when volunteer workers and public assistance recipients are not available, the department shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and non-low income persons whenever the services to be provided are available through private agencies at a cost savings to the department. The department shall establish a fee schedule based on the ability to pay and graduated to full recovery of the cost of the service provided; except, that nutritional services provided in section 4 of this act shall not be based on need.

NEW SECTION. Sec. 6. The department may expand the foster grandparent, senior companion and retired senior volunteer programs funded under the Federal Volunteer Agency (ACTION) (P.L. 93-113 Title II), or its successor agency, which provide senior citizens with volunteer stipends, out-of-pocket expenses, or wages to perform services in the community.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall be known and may be cited as the "Senior Citizens Services Act".

***\*NEW SECTION. Sec. 8. In the event federal funds are applied for the purposes of obtaining a demonstration project relative to the implementation of this chapter, the department shall submit the demonstration proposal first to the social and health services standing committees of the legislature for review and approval and to the ways and means standing committees of the legislature for review and approval as to costs.***

**\*Sec. 8. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 9. There is hereby appropriated from the general fund seven million five hundred thousand dollars, of which five million six hundred thousand dollars shall be from federal sources, to carry out the provisions of this act; except, that funds shall be expended only upon approval and receipt of federal funds.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 24, 1976.

Passed the Senate March 24, 1976.

Approved by the Governor April 19, 1976 with the exception of section 8 which is vetoed.

Filed in Office of Secretary of State April 19, 1976.

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

"I am returning herewith without my approval as to one section Second Substitute House Bill No. 1316 entitled:

"AN ACT Relating to senior citizens."

Section 8 of the bill requires the Department of Social and Health Services to submit any demonstration project proposals involving use of federal funds to the standing committees on Social and Health Services and Ways and Means for prior review and approval.

It is essential in our system of government that the Legislature be fully informed on the activities of state agencies carrying out legislative delegations of authority. It is equally important that the executive branch of government, once given legislative guidelines by statute, not be hampered in its administration of the laws by having to seek legislative approval of program decisions at every turn. Section 8 violates this elementary principle of good government by requiring the Department of Social and Health Services, in carrying out the provisions of the bill, to seek prior approval of one phase in its decision-making process from four separate legislative committees. Moreover, there is no question that the process of seeking such approval would involve unnecessary delay in the programs for senior citizens provided by the bill.

I am confident that should federal funds be available, the department can rapidly channel those funds into programs authorized by the bill and do so in a manner consistent with legislative intent.

With the exception of section 8 which I have vetoed for the reasons stated, the remainder of Second Substitute House Bill No. 1316 is approved."

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## CHAPTER 132

[House Bill No. 1443]

### DEPARTMENT OF FISHERIES— CAPITAL PROJECTS BOND ISSUE

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the department of fisheries, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of five million one hundred thirty-two thousand nine hundred dollars, or so much thereof as shall be required to finance the capital projects relating to the department of fisheries as determined by the legislature in its capital appropriations act, chapter ..., Laws of 1975-76 2nd ex. sess. for such purposes, to be paid and discharged