

CHAPTER 29.

[H. B. 14.]

OLD AGE PENSIONS.

AN ACT relating to the support of the poor and infirm; providing for old age pensions and recovery thereof, defining the powers and duties of certain officers, prohibiting fraud in obtaining and the alienation of pensions, providing penalties for violations thereof.

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

SECTION 1. The board of county commissioners of each county, hereinafter called the board, in addition to their other powers and duties in relation to the support of the poor provided by law, shall have the power and it shall be their duty, in making provision for the support of the poor of the county, to provide funds in the county treasury for the purpose of carrying out the provisions of this act.

Board of county commissioners.

SEC. 2. The board shall have the power to grant a monthly pension in such amount as the board shall determine, not to exceed thirty dollars per month, to be paid out of the county treasury to any person who has attained the age of sixty-five years, and is, and for five years immediately preceding his application, has been an actual bona fide resident of the county, provided the applicant shall establish to the satisfaction of the board that he possesses the qualifications prescribed in the next section.

Monthly pension.

65 years of age.

Five years residence.

SEC. 3. All applications for old age pensions shall be made in writing upon blanks to be furnished by the county auditor and shall be signed and verified under oath by the applicant and supported by the affidavits of two reputable citizens of the county to the effect that they are acquainted with the applicant, stating the length of time they have known him, and that they believe the statements

Application, verification of.

- Applicant: made in the application are true. The application shall show that the applicant:
- citizen of U. S. (a) Is, and for fifteen years last passed, has been a citizen of the United States;
- Residence in state. (b) Is, and for fifteen years last passed, has been a resident of this state, or has been a resident of this state for twenty-five years and has resided therein continuously for five years last passed: *Provided*, If fifteen years residence is claimed, it shall not be deemed to be interrupted by occasional absence from the state, if the total absence does not exceed three years, or the absence occurred while the applicant was in the employ of the United States or of this state;
- Absence from state.
- Conviction. (c) Has not, during the ten years last passed, been imprisoned upon conviction of a felony or gross misdemeanor;
- Desertion and non-support. (d) If a husband has not during fifteen years last passed, deserted, or without just cause, failed to provide adequate means for the support of his wife, or neglected to maintain and provide for the support of such of his children as were under fifteen years of age, for a period of six months, and, if a wife has not during fifteen years last passed deserted her husband or such of her children as were under fifteen years of age, without just cause;
- Income. (e) Has not during the year last passed had an income exceeding three hundred sixty dollars, which income shall be computed by adding to the actual income five per cent of the fair cash market value of all property owned by the applicant;
- Reduction of income. (f) Has not directly or indirectly disposed or deprived himself of any property for the purpose of reducing his computed income and qualifying for an old age pension; and
- Relatives. (g) Has no relative responsible for his support under the law who is able to support him.

SEC. 4. The application shall state the name of the applicant, the place and date of his birth, and, if a naturalized citizen, the place and date of his naturalization, his present place of residence and post office address and the length of residence at such place, the places of residence for twenty-five years last passed and the length of residence at each place, whether married or single, and if single, whether a bachelor, spinster, widowed, or divorced, and the length of time widowed or divorced, an inventory of all real and personal property owned, with the value of each item, and whether separate or community, the amount of income for one year last passed and the sources thereof, whether ever imprisoned upon conviction of a felony or a gross misdemeanor, and if so when, the name, age and place of residence of husband or wife, if any, the names, ages and places of residence of all children, grandchildren, brothers and sisters, his general state of health, and whether deaf, blind, crippled or otherwise incapacitated for his usual occupation, and the nature and extent of any incapacity claimed.

Application :
contents of.

SEC. 5. The application shall be filed with the clerk of the board and shall come on for hearing before the board at the next ensuing regular session. The board shall have the power to require the applicant to appear in person at the hearing and testify under oath as to all matters contained in the application and such other matters, touching his need for support in the form of a pension, as it may deem necessary, and to hear the testimony of witnesses in support of or against the granting of the application, and may adjourn such hearing from time to time for not to exceed sixty days from the date of filing the application.

Filing of.

Hearing.

SEC. 6. Upon the conclusion of the hearing the board shall enter an order in its minutes denying the application and the grounds therefor, or grant-

Order of
board.

Not to exceed
\$30 per mo.

ing a monthly pension to the applicant in such amount not exceeding thirty dollars per month, and for such length of time not exceeding one year, as to the board shall seem just and reasonable, and the board shall have the power to impose as a condition to such grant, that the applicant shall assign and transfer to the county the whole, or such portion of his property as the board shall deem adequate, as security for the repayment of the amount paid as a pension, together with interest, as hereafter provided.

Order, con-
tents of.

SEC. 7. The order granting a pension shall state the name, age and place of residence of the applicant, the amount of the monthly pension, the date when such pension shall begin, and shall authorize the county auditor to draw his warrant upon the county treasurer for such payments to the applicant, or to such person as the board may designate, for the use of the applicant, out of the current expense fund of the county.

Renewal.

SEC. 8. On or before the expiration of one year from the date of an order granting an old age pension, and at the expiration of each year thereafter, unless the pension has been cancelled by order of the board or the recipient has died, the board, after such hearing and investigation as it shall deem necessary, shall have the power to enter an order renewing such pension for the ensuing year, in which order the amount of monthly allowance may be decreased, or increased to any sum not exceeding thirty dollars per month, as to the board may be just.

SEC. 9. If at any time the recipient of an old age pension or the husband or wife of such recipient, shall become possessed of any property or income in excess of that owned or being received at the date of the application, or if, at any time any relative of the recipient responsible in law for his support, shall

become able to support him in whole or in part, it shall be the duty of the recipient to immediately notify the board in writing of the facts in the case, and the board, upon such notification, or upon learning the facts from any source, shall have the power, and it shall be its duty to investigate the matter and cancel, or reduce the amount of the pension as the facts may warrant.

Cancellation or reduction.

SEC. 10. If, at any time, before, or at the death of the recipient of an old age pension, it shall appear to the board that at the date of the application the applicant was possessed of property or income in excess of that stated in his application, or that subsequently he became possessed of additional property or income and failed to notify the board thereof, and that such excess or additional property or income was of sufficient amount to have prevented the granting or warranted the cancellation of the pension, the board shall have the right to recover from the recipient or his estate by civil action in the name of the county, double the total amount of all pension payments made by reason of the fraudulent concealment.

Fraudulent concealment.

Penalty.

SEC. 11. If on the death of the recipient of an old age pension it shall appear to the satisfaction of the board that his estate is insufficient to pay his funeral expenses, the board shall have the power to order the payment of the installment of pension then accruing and such additional sum as may be necessary, not exceeding the total sum of one hundred dollars, to such person as the board may direct for the funeral expenses of the deceased pensioner.

Death.

Funeral expenses.

SEC. 12. At the death of the recipient of an old age pension, or the surviving husband or wife of the recipient, the county shall have a claim against the estate of the recipient or survivor, for the amount of pension payments made, together with five per cent interest from the dates of payment, which claim

Claim v. estate.

shall be preferred to all claims against said estate except taxes, expenses of administration, expenses of last sickness and funeral expenses, which claim when collected shall be paid into the county treasury.

Aid, exclusive.

SEC. 13. No recipient of an old age pension, while receiving the same, shall receive any other aid from the state or any political subdivision thereof except for sickness.

Inalienable.

SEC. 14. Old age pensions shall be inalienable by voluntary or involuntary assignment, transfer, sale, attachment, execution or otherwise, and in case of bankruptcy shall not pass to the trustee or other person acting on behalf of the creditors of the pensioner.

False statements, etc.

SEC. 15. Every person who knowingly makes any false statement or representation, or impersonates another person, with the intent to obtain, or for the purpose of obtaining an old age pension, or increase thereof, for himself or another, or obtains or attempts to obtain, or aids or abets in obtaining an old age pension or increase thereof for himself or another, by means of any false statement, representation or impersonation, or aids or abets in the buying, selling, or in any way disposing of, any property belonging to the recipient of an old age pension, without the consent of the board granting the pension, shall be guilty of a gross misdemeanor, and in case the recipient of an old age pension is found guilty of violating this section, his pension shall be cancelled and he shall be disqualified from applying for an old age pension for a period of one year from the date of cancellation.

Penalty.

Imprisonment.

SEC. 16. If any recipient of an old age pension shall be convicted of a crime and punished by imprisonment for one month or longer, the board shall suspend the payment of the installments of pension during such imprisonment.

SEC. 17. If at any time it shall appear to the satisfaction of the board by the testimony of two or more reputable citizens that any recipient of an old age pension is incapable of caring for himself, or his pension, the board shall have the power to order the pension to be paid to some person designated by the board, for the use of the pensioner, until his disability is removed.

Disability of pensioner to care for self.

SEC. 18. Nothing in this act shall be construed as repealing any other act or part of an act for the support of the poor, but the provisions of this act shall be construed as an additional method of supporting the poor of the county, and nothing herein shall be construed as vesting in any person the right to an old age pension, or the continuance thereof.

No statutes repealed.

Supplementary.

SEC. 19. Whenever in this act the masculine pronoun is used, it shall, in a proper case, be held to include the feminine.

Masculine, feminine.

SEC. 20. This act shall be known and may be cited as "The Old Age Pension Act of the State of Washington."

"Old Age Pension Act of the State of Wash."

Passed the House February 16, 1933.

Passed the Senate February 15, 1933.

Approved by the Governor February 21, 1933.