

CHAPTER 288.

[ S. H. B. 396. ]

OLD AGE ASSISTANCE AND PUBLIC WELFARE.

AN ACT relating to old-age assistance and public welfare; defining terms; prescribing eligibility therefor; providing for the payment thereof; authorizing appeals and the assertion and enforcement of certain claims and liens by the state; amending sections 2, 3, 4, 5, 9, and 12 of chapter 1, Laws of 1941, as amended (secs. 9998-35, -36, -37, -38, and -42, Rem. Rev. Stat.; secs. 921-3, -5, -7, -9, -17, and -23, PPC); repealing section 15, chapter 1, Laws of 1941, (sec. 9998-48, Rem. Rev. Stat.; sec. 921-29 PPC); declaring when this act shall take effect; and making an appropriation.

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

SECTION 1. Section 2, chapter 1, Laws of 1941 (sec. 9998-35, Rem. Rev. Stat.; sec. 921-3, PPC) is amended to read as follows:

Declaration of Intent.

Section 2. *Declaration of Intent.* It is the duty of the State of Washington to take full advantage of matching funds provided by the Federal government for old age assistance. It is therefore the intent of this act to provide for Washington's Senior Citizens over sixty-five years of age as liberally as is possible under the terms of the Federal Social Security Act.

SEC. 2. Section 3, chapter 1, Laws of 1941, as amended by section 1, chapter 7, Laws of 1945 (sec. 9998-36, Rem. Rev. Stat.; sec. 921-5, PPC) is amended to read as follows:

Definitions.

"Applicant."

Section 3. *Definitions.* (a) "Applicant" shall mean any person applying for a Senior Citizen Grant under the provisions of this act.

"Recipient."

(b) "Recipient" shall mean any person receiving a Senior Citizen Grant.

"Grant" or "Senior Citizen Grant."

(c) "Grant" or "Senior Citizen Grant" shall mean the funds, federal and/or state made available to recipients under the terms of this act.

(d) "Senior Citizen" shall mean a person eligible for a grant under the terms of this act, and shall not be construed as limiting eligibility for grants to citizens of the United States or the State of Washington. "Senior Citizen."

(e) "Department" shall mean the Department of Social Security or any other agency or department which may hereinafter be designated to administer the provisions of this act. "Department."

(f) "Director" shall mean the administrative head of the Department, whether an individual or a board. "Director."

(g) "Income" shall mean net income in cash or kind of applicant or recipient or his spouse, so long as they are living together, the receipt of which is regular and predictable enough to afford security in the sense that the applicant or recipient can rely upon it to contribute appreciably toward meeting his needs. Income in kind shall include payment in goods or services in exchange for the services or labor of the applicant or recipient, or basic maintenance items or services which he produces or which are available to him in a manner which substantially reduces or eliminates otherwise necessary money expenditures. "Income."

(h) "Resources" shall mean any asset in which an applicant or recipient or his spouse, so long as they are living together, has ownership rights and which may be applied toward meeting the cost of his requirements. The term shall include all real and personal property holdings contributing toward the maintenance of the applicant or recipient, or representing investments or savings, the capital value of which may be drawn upon or converted into cash for maintenance purposes. "Resources."

(i) The ability of friends or relatives, other than the spouse with whom he is living, to support or contribute to the support of the applicant or recipient shall not be considered as a resource in the Ability of others to support not a resource.

Proviso. administration of this act: *Provided*, That where such friends or relatives voluntarily make regular or periodic contributions which substantially affect the maintenance of the applicant or recipient, such contributions shall be considered as income except for small gifts commemorating special occasions.

SEC. 3. Section 4, chapter 1, Laws of 1941, as last amended by section 2, chapter 7, Laws of 1945 (sec. 9998-37, Rem. Rev. Stat.; sec. 921-7, PPC) is amended to read as follows:

Eligibility. Section 4. *Eligibility*. A Senior Citizen Grant shall be awarded to any person who:

Age 65. (a) Has attained the age of sixty-five, and

In need. (b) Is in need. For the purpose of this act a person shall be considered in need:

Without resources. (1) Who is without marketable property holdings, resources, savings or investments other than:

Excepted property. (a) A single piece of property which he retains in his possession and personally occupies and uses primarily for residential purposes; (b) Personal effects, including clothing, furniture, household equipment and a motor vehicle; (c) Insurance policies, the cash-surrender value of which does not exceed five hundred dollars (\$500); (d) Other real or personal holdings, the cash value of which does not exceed two hundred dollars (\$200); and

Insufficient cash income. (2) Who has income in cash or kind insufficient to meet his requirements as measured by the Department. For the purposes of measuring requirements the Department shall establish objective budgetary guides based upon actual living cost studies of the items in the budget. Such living cost studies shall be renewed or revised semi-annually. The budgetary guide shall provide for measuring the requirements of individuals in different living arrangements, include the cost of basic items essential to the maintenance of Senior Citizens, and

(c) Has been a resident of the State of Washington for at least five (5) years, of the last nine (9) years immediately preceding his application, and for one (1) year immediately preceding his application, and

Resident.

(d) Is not at the time of making application an inmate of a public institution of a custodial, correctional, or curative character: *Provided*, That this shall not prevent the Department from paying a grant to meet personal and incidental needs of Senior Citizens in county hospitals or infirmaries, and

Not an inmate of public institution.

(e) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for a Senior Citizen Grant. The burden of proof shall be upon the applicant to show that any such assignment or transfer was not made for that purpose. With his application the applicant shall file an affidavit showing ownership of or any recorded or unrecorded assignments or transfers of property made by him within five (5) years immediately preceding his application.

Has not made voluntary assignment, etc. in order to qualify.

SEC. 4. Section 5, chapter 1, Laws of 1941, as last amended by section 3, chapter 7, Laws of 1945 (sec. 9998-38, Rem. Rev. Stat.; sec. 921-9, PPC) is amended to read as follows:

Section 5. *How and When Grants Shall Be Paid.*

(a) Senior Citizen Grants shall be awarded on a uniform state-wide basis to each eligible Senior Citizen in an amount equal to his requirements as determined by the Department, less his income, and there is hereby appropriated from the General Fund to the Department the sum of eighty-five million dollars (\$85,000,000), or so much thereof as may be necessary, for the payment of Senior Citizen Grants: *Provided*, That the total obligations or payments made from this appropriation during the six-month period immediately following the effective date of this act shall not exceed the sum of twenty-one

How and when grants shall be paid.

Equal to requirements less income.

Appropriation.

Total six months amount.

Total proportion for remainder of biennium.

Reductions to apply rateably to all grants.

If age limit lowered for Federal grants state to conform.

When grant is payable.

Court appeals.

million two hundred fifty thousand dollars (\$21,250,000), and the total obligations or payments made during any succeeding three-month period shall not exceed an amount equal to the proportion of the unobligated balance of this appropriation which said three-month period bears to the remaining months in the biennium: *Provided further*, That any reduction in any grant to stay within the provisions hereof shall apply rateably to all grants of the same class. Upon any determination or redetermination of the need of the recipients the department shall inform each Senior Citizen of the amount of the grant and the basis upon which it is determined. To each Senior Citizen residing in a county hospital or infirmary, the Department shall award a grant to meet his needs of a personal and incidental character.

(b) If the Federal government lowers the age limit at which matching funds will be granted for old age assistance, then and in that event the state shall award Senior Citizen Grants in the same manner as prescribed above to all eligible persons above the age as established by the Federal government.

(c) A grant shall become payable as of the first of the calendar month following establishment of eligibility. An applicant may apply for a grant thirty days prior to his sixty-fifth birthday.

SEC. 5. Section 9, chapter 1, Laws of 1941 (sec. 9998-42, Rem. Rev. Stat.; sec. 921-17, PPC) is amended to read as follows:

Section 9. *Court Appeals*. In the event an applicant feels himself aggrieved by the decision rendered in the hearing provided for in the foregoing section, he shall have the right to appeal to 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 (60) days after the decision of the Department has been affirmed or modified as provided in the foregoing section. Upon receipt of the notice of appeal, the Clerk of the Superior Court shall immediately docket the cause for trial and no filing fee shall be collected of the applicant.

Notice and  
service.

Within ten (10) days after being served with a notice of appeal, the director 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.

Record.

The Court shall decide the case on the record and if it finds that the Director has been arbitrary or capricious, it shall remand the case to him for correction; otherwise the decision of the Director shall be affirmed. Either party may appeal from the decision of the Superior Court to the Supreme Court of the state, which appeal shall be taken and conducted in the manner provided by law or by the rules of Court applicable to civil appeals: *Provided, however,* That no bond shall be required on any appeal under this act. In the event that either the Superior Court or the Supreme Court renders a decision in favor of the applicant, said applicant shall be entitled to the statutory attorney's fees and costs.

Decision on  
record.

Appeal to  
Supreme  
Court.

No bond  
required.

Attorney's  
fees and  
costs.

SEC. 6. Section 12, chapter 1, Laws of 1941 (sec. 9998-45, Rem. Rev. Stat.; sec. 921-23, PPC) is amended to read as follows:

Section 12. When grants hereunder have been secured or received through fraud or deceit or in any other manner contrary to the provisions of this act, such grants shall be recoverable as a debt due the state. Upon the death of any recipient the director shall file with the County Clerk and County Auditor of the county in which the recipient resided or owned property a claim for the total amount of assistance granted such recipient since April 1, 1947.

Grants  
secured  
through  
fraud  
recoverable.

Claims to  
be filed on  
death.

Lien against estate.

Priority.

Claim not to be enforced against certain persons.

Limitation not to run against state.

Recoveries distributed between state and Federal governments.

Director may compromise or settle state's claim.

Repeal.

Such claim shall constitute a lien upon the property and estate of such recipient as of the date of the filing thereof and shall have priority over all claims against or liens upon the property and estate of such recipient except homestead exemptions, liens recorded prior to such recipient's death, and funeral expenses in a reasonable amount and expenses of administration. Such claim shall not be enforced against any real estate and household goods which are inherited by or devised or bequeathed to the surviving spouse, or while it is occupied or used by any person who is in need as defined in section 4, chapter 1, Laws of 1941, as amended by this act and other laws, and who receives it by inheritance, devise or bequest, nor shall such claim be enforced against any real estate or household goods for a period of three (3) years while it is occupied or used by any other person who inherits the same or receives it as a devise or bequest and who was living with the decedent for a period of one (1) year immediately prior to his death, but the statutes of limitation shall not run against such claim so long as the enforcement and collection thereof is delayed or prohibited as hereinabove provided. All recoveries under this section shall be distributed between the county, state and Federal governments in the proportion they have respectively contributed to the payments made to such recipient. The Director is authorized to settle, compromise, adjust or release the state's claim on any property.

SEC. 7. Section 15, chapter 1, Laws of 1941 (sec. 9998-48, Rem. Rev. Stat.; sec. 921-29, PPC) is hereby repealed.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect April 1, 1947. Effective immediately.

Passed the House March 9, 1947.

Passed the Senate March 9, 1947.

Permitted to become a law without the signature of the Governor.

BELLE REEVES,  
*Secretary of State.*

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## CHAPTER 289.

[ S. H. B. 397. ]

### PUBLIC WELFARE.

AN ACT relating to public welfare; defining terms; prescribing conditions and limitations upon grants of general assistance; prescribing duties of counties and certain county officers in connection therewith; changing the name of the Social Security Committee to Public Welfare Committee and the name of the Department of Social Security to the Department of Public Welfare and the name of the Director of the Department of Social Security to the Director of Public Welfare; amending section 1, chapter 216, Laws of 1939 (sec. 10007-101a, Rem. Rev. Stat.; sec. 922-3, PPC); further amending said chapter by adding thereto three new sections to be designated sections 17-a, 17-b, and 17-c; repealing section 13 of chapter 1, Laws of 1941, as amended, (sec. 9998-46, Rem. Rev. Stat.; sec. 921-25, PPC) and chapter 80, Laws of 1945 (sec. 10007-300, -301, and -302, Rem. Rev. Stat.; secs. 918-51, -53, -55, -57, PPC) and section 17a, chapter 216, Laws of 1939 as amended (sec. 10007-117c, Rem. Rev. Stat.; 922-36, PPC); making an appropriation; and declaring when this act shall take effect.

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

SECTION 1. Section 1, chapter 216, Laws of 1939 (sec. 10007-101a, Rem. Rev. Stat.; sec. 922-3, PPC) is amended to read as follows:

Section 1. For the purposes of this act, unless otherwise clearly indicated by the context: Definitions.

The word "assistance" shall mean public aid to persons in need thereof for any cause, and shall in- "Assistance."