

CHAPTER 182.

[H. B. 532.]

OLD AGE PENSION.

AN ACT relating to and providing for old-age assistance; defining the powers and duties of certain officers in connection therewith; prescribing penalties; appropriating funds for such assistance; repealing chapter 29, Laws of 1933, abolishing county old age pension fund, amending section 9, chapter 55, Laws of 1933 and declaring its effective dates.

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

SECTION 1. The care of aged persons who are in need or whose physical or other condition seems to render permanent their inability to provide properly for themselves is hereby declared to be a matter of state concern and a necessity in promoting and preserving the public health and welfare. To provide such care a statewide system of old-age assistance is hereby established.

Creation of statewide system of old-age assistance.

SEC. 2. Subject to the provisions of this act, every person residing in the State of Washington, if in need, shall be entitled to old-age assistance from the state.

Eligibility of all persons in need.

SEC. 3. Old-age assistance shall be given under this act to any person who

Qualifications for assistance.

(a) Has attained the age of 65 years: *Provided*, That if the Federal government provides for Federal contribution to state old-age assistance payable to persons of age less than 65 years, then and in that event persons shall be entitled to assistance hereunder at such age as shall be provided in said Federal act.

(b) Has income which is inadequate to provide a reasonable subsistence compatible with decency and health;

(c) Is a citizen of the United States;

(d) Has been a resident of the State of Washington for at least five years within the ten years immediately preceding his application for old-age assistance;

(e) Is not at the time an inmate of any public or private home for the aged, or any public home, or any public or private institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a hospital;

(f) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance;

(g) Is not because of his physical or mental condition in need of continued institutional care.

Department
of public
welfare:

Duties of.

Amount and
nature of
assistance.

Federal par-
ticipation.

Medical,
surgical,
hospital
care.

Application
for
assistance.

SEC. 4. It shall be the duty of the department of public welfare to provide adequately for those eligible for old-age assistance under the provisions of this act. The amount and nature of old-age assistance which any such person shall receive, and the manner of providing it, shall be determined by the said department with due regard to the conditions existing in each case; but such assistance shall not exceed the sum of thirty dollars (\$30) per month to each recipient: *Provided*, That in the event Federal participation shall be granted in excess of fifteen dollars (\$15) a month per recipient, the maximum may be increased to twice the amount that may be recovered for each recipient from Federal sources. The old-age assistance may include, among other things, medical and surgical and hospital care and nursing.

SEC. 5. A person requesting old-age assistance under this act shall make his application therefor to the department of public welfare. An inmate of a public or private home for the aged, or of any public home, or of any public or private institution of a correctional, custodial, or curative character may

make an application while in such a home or institution, but the assistance, if granted, shall not be paid until after he ceases to be such an inmate. The person requesting an old-age assistance grant may apply in person, or the application may be made by another in his behalf. The application shall be made in writing or reduced to writing, upon standard forms, prescribed and furnished by the department of public welfare.

SEC. 6. The department of public welfare is hereby authorized to and shall make rules and regulations necessary for the carrying out of the provisions of this act to the end that old-age assistance may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of the state and that the spirit and purpose of this act may be complied with.

Rules and regulations necessary for administration.

SEC. 7. Whenever the department of public welfare receives an application for an old-age assistance grant, an investigation and record shall be promptly made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this act and such other information as may be required by the rules of the department. The department shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings and may examine witnesses under oath.

Investigation and record of applicant.

SEC. 8. Upon the completion of its investigation, the department of public welfare shall decide whether the applicant is eligible for and should receive an old-age assistance grant under this act, the amount of the assistance, the manner of paying or providing it and the date on which the assistance shall begin. The department may make such additional investigation as it may deem necessary, and shall make its decision as to the granting of assis-

Determination of eligibility.

tance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. The department shall notify the applicant of its decision in writing. Such decision shall be final.

Written decision.

No other relief.

SEC. 9. No person receiving old-age assistance grant under this act shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical and hospital care and nursing assistance.

If incapable of taking care of self or money.

SEC. 10. If the person receiving old-age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the director of public welfare may direct the payment of the installments of the old-age assistance to any responsible person or corporation for his benefit.

Funeral expenses.

SEC. 11. On the death of a recipient of old-age assistance, reasonable funeral expenses not exceeding one hundred dollars (\$100) may be paid by the department of public welfare if the estate of the deceased is insufficient to pay the same.

If imprisoned.

SEC. 12. If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment. In such cases, the assistance may be declared forfeited in the discretion of the department. The department may suspend temporarily the assistance granted to any person for any period during which such person is not in need thereof.

Temporary suspension.

If recipient becomes possessed of property or income.

SEC. 13. If, at any time during the continuance of old-age assistance, the recipient thereof or the husband or wife of the recipient, becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of the assistance, it shall be the duty of the recipient immediately to notify the department of the receipt and possession

of such property or income, and the department may, on inquiry, either cancel the assistance or vary the amount thereof in accordance with circumstances, and any excess assistance theretofore paid shall be returned to the state and be recoverable as a debt due the state.

Notifying of department.

SEC. 14. If at any time the department has reason to believe, by reason of a complaint or otherwise, that old-age assistance allowance has been improperly granted, it shall cause an investigation to be made and if it appears as a result of any such investigation that the assistance was improperly granted, the department shall immediately cause all further payments under any such allowance to cease.

Improper granting.

SEC. 15. All assistance grants under this act shall be reconsidered from time to time, or as frequently as may be required by the rules of the department. After such further investigation as may be deemed necessary, the amount and manner of giving the assistance may be changed or the assistance may be withdrawn if the department finds that the recipient's circumstances have changed sufficiently to warrant such action. It shall be within the power of the department at any time to cancel and revoke assistance for cause, and it may for cause suspend payments for assistance for such periods as it may deem proper.

Reconsideration of grants.

SEC. 16. The department of public welfare is hereby authorized and directed to make such reports and in such detail as may be required of it to the Federal government. Within ninety (90) days after the close of each calendar year, the department shall make a report to the governor for the preceding year, stating (a) the total number recipients, (b) the amount paid in cash, (c) the total number of applications, (d) the number granted, (e) the number denied, (f) the number cancelled during the year,

Reports : to Federal government.

To governor. Contents of report.

and (g) such other information as may be deemed advisable.

Assistance
inalienable
and exempt.

SEC. 17. All assistance given under this act shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of this state.

Amount paid
lien upon
estate of
recipient.

SEC. 18. The total amount paid in assistance to the recipient of old-age assistance under this act shall be a lien upon the estate of such recipient. On the death of a person receiving assistance under this act, or of the survivor of a married couple, both of whom were assisted, the total amount paid as assistance shall be allowed and deducted from the estate by the court having jurisdiction to settle the estate, and paid to the state. The department may require as a condition to granting assistance in any case, that all or any part of the property, either real or personal, but not including household goods and personal effects, of a person applying for assistance be pledged to the state as a guaranty for the reimbursement of the funds so granted as old-age assistance pursuant to the provisions of this act. Before making any grant the department may take from each applicant a properly acknowledged agreement to reimburse the state for all assistance granted, in which agreement said applicant shall assign as collateral security for said assistance, such part of his personal property not including household goods and personal effects as the department shall demand. At any time the department may execute and file with the county clerk a certificate showing the amount of assistance paid to said person, and when so filed each said certificate shall be a legal claim against both the said person and his estate and shall have the same force and effect as a judgment at law. The county clerk shall keep a suitable record of such certificates without charging any fee therefor, and enter therein an acknowledgment of satis-

Agreement
to reimburse
state.

County clerk
to file
certificates.

Record of.

faction upon receipt of notice thereof from the department. All funds recovered under these provisions shall be paid to the state. No levy or lien shall be enforced against any real estate of the recipient while it is occupied by the recipient's surviving spouse, if the latter is not more than fifteen years younger than the recipient, and does not marry again: *Provided, however,* That this section shall be operative and take effect only if its inclusion is essential to obtain participation on the part of the Federal government in the assistance provided for by this act.

No levy or
lien.

SEC. 19. If at any time during a period not longer than one year following the termination of such assistance the department has reason to believe that a spouse, liable for the support of the recipient of assistance is or was reasonably able to assist him, it shall be empowered to bring suit against such spouse, to recover the amount, with simple interest at six per cent (6%) per annum, of the assistance provided under this act subsequent to the time when such spouse, became reasonably able to assist the recipient, or such part thereof as such spouse, was reasonably able to have paid.

Recovery of
amount with
interest.

SEC. 20. Any person who by means of a willfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

Misdemeanor.

- (a) Assistance to which he is not entitled;
- (b) Greater assistance than that to which he is justly entitled;
- (c) Payment of any forfeited installment grant;
- (d) Or aids or abets in buying or in any way disposing of the property of the recipient of assistance without the consent of the director of public welfare shall be guilty of a misdemeanor.

Assistance
subject to
any
amending or
repealing
act.

SEC. 21. All assistance granted under this act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be enacted, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act.

Age shall
not debar.

SEC. 22. A person 65 years of age or more not receiving old-age assistance under this act shall not by reason of his age be debarred from receiving other public relief and care.

Establish-
ment of
branch
offices.

SEC. 23. The department of public welfare, for the purpose of administration, shall have power to establish such branch offices and/or appoint such subordinate officers, agencies or employees throughout the state as may be reasonably necessary to carry out the purposes of this act expeditiously and with a minimum of delay to applicants for assistance.

Payment
from general
fund.

SEC. 24. All old-age assistance grants under this act shall be a charge against and payable out of the general fund of the state. Payment thereof shall be by warrant of the state auditor to be drawn upon vouchers duly prepared and verified by the director of public welfare.

State
treasury.

SEC. 25. Any moneys which may be received by the State of Washington from the Federal government as aid in defraying the cost of old-age assistance under this act shall be deposited in the state treasury to the credit of the general fund but separate accounts shall be kept in order that the state may make such reports and render such accounting as may be required by the appropriate Federal authority.

State accepts
act pending
before
Congress.

SEC. 26. The state hereby accepts the provisions of that certain act now pending before the Congress of the United States entitled, "A bill to alleviate the

hazards of old-age, unemployment, illness and dependency, to establish a social insurance board in the department of labor, and for other purposes," and for such other act with like or similar objects as may be enacted. Formal acceptance of the provisions of such act, relating to allotments to states for old-age assistance, if the act is enacted substantially in its proposed form, shall be signified by the governor in the event that the legislature shall not be in session when said act of Congress is finally enacted.

Formal acceptance by governor.

SEC. 27. Whenever in this act the masculine pronoun is used it shall, in proper cases, be held to include the feminine.

Both sexes.

SEC. 28. In order to effectuate and carry out the purposes of this act, there is hereby appropriated out of the general fund of the state, for the biennium ending March 31, 1937, the sum of ten million dollars (\$10,000,000), or as much thereof as shall be found necessary: *Provided*, That the cost of administration of the act shall not exceed five (5) per cent of the total amount expended for all purposes under its provisions.

Appropriation.

Limit on cost of administration.

SEC. 29. Chapter 29, Laws of 1933, is hereby repealed and no rights or privileges which may have been granted to any individual under said act shall be deemed continued by this act. Each county auditor shall, upon the taking effect of this act, immediately transmit to the department of public welfare all such records in his possession, or in possession of the board of county commissioners, as bear upon the eligibility of persons to assistance under the provisions of this act.

Repeal of ch. 29, Laws of 1933.

SEC. 30. That section 9, chapter 55 of the Laws of 1933 be amended to read as follows:

Amends § 9, ch. 55, Laws of 1933.

Section 9. In addition to the license fees required by this act, the licensee shall pay to the rac-

5% pari-mutuel receipts paid to commission.

Disposition of funds.

Salaries.

80% paid to state treasurer.

County old-age pension fund abolished.

ing commission five (5) per centum of the gross receipts of all pari-mutual machines at each race meet, which sums shall be paid daily to the racing commission. All sums paid to the commission, together with all sums collected for license fees under the provisions of this act, shall be disposed of by the commission as follows: Twenty (20) per centum thereof shall be paid to and retained by the commission for the payment of the salary of its members; of its secretary, and the salaries of all other clerical, office, and other help employed by the commission, together with all expenses in connection with the carrying out of the provisions of this act, except that no payment need be made for office accommodation furnished by the state: *Provided, however,* That no salary, wages, expenses or compensation of any kind shall be paid by the State of Washington for, or in connection with the work of the commission in carrying out the provisions of this act; and the remaining eighty (80) per centum of all sums collected by the commission shall, on the next business day following the receipt thereof, be paid to the state treasurer, and by him placed in the general fund of the state treasury. Any moneys collected or paid to the commission under the terms of this act, and not expended by the commission as herein provided, at the time of making its report to the legislature, shall be paid to the state treasurer and be placed in the general fund of the state treasury.

SEC. 31. The county old-age pension fund is hereby abolished as of July 1, 1935. After the payment of all claims outstanding as of said date, which are a proper charge against such fund, the balance, if any, remaining in the county old-age pension fund in each county of the state shall by the proper county officers be paid over and transferred to the current expense fund of said county.

SEC. 32. If any portion, section or clause of this act shall for any reason be declared invalid or unconstitutional such adjudication shall not affect the remainder of the act.

Partial
invalidity.

SEC. 33. This act is necessary for the preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect April 1, 1935: *Provided, however,* That no payments of old-age assistance shall be made under this act, and the repeal of chapter 29, Laws of 1933 and the amendment of section 9, chapter 55, of the Laws of 1933 shall not become effective, until after July 1, 1935.

Date
effective.

Date
payments
begin.

Passed the House March 12, 1935.

Passed the Senate March 10, 1935.

Approved by the Governor March 23, 1935.

CHAPTER 183.

[S. H. B. 420.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for certain emergencies, and for sundry civil expenses of the state government, and for purposes specified in certain acts of congress, and for miscellaneous purposes, for the fiscal biennium beginning April 1, 1935, and ending March 31, 1937, except as otherwise provided, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the moneys in the several funds in the state treasury hereinafter

Appropriation.