

remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Effective
immediately.

SEC. 10. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 2, 1939.

Passed the House February 22, 1939.

Approved by the Governor February 24, 1939.

CHAPTER 25.

[S. S. B. 47.]

OLD AGE ASSISTANCE.

AN ACT relating to old age assistance, prescribing the maximum amount thereof, amending section 4, chapter 182, Laws of 1935, as amended by section 2, chapter 156, Laws of 1937, defining the eligibility of persons entitled thereto and the basis for determining the amount of such assistance to be given in individual cases, barring certain claims and judgments as valid claims and judgments against the state and its political subdivisions, and declaring an emergency.

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

Intent.

SECTION 1. DECLARATION OF INTENT. The legislature hereby expressly declares its intent to be that the old age assistance authorized to be granted to individuals by chapters 156 and 180, Laws of 1937, or their antecedent acts, shall not be available to persons as a matter of right but rather that such old age assistance shall be available only to persons who are in need thereof as that term is hereinafter in this act defined. The State of Washington hereby disclaims liability for any and all claims heretofore

filed or entered, or which may hereafter be filed or entered against it, wherein the state is sought to be held for grants of old age assistance to persons or individuals as a matter of right and not upon the basis of need as defined in this act, and no such claim shall ever be recognized as a valid claim against the State of Washington or any political subdivision thereof.

SEC. 2. That section 4, chapter 182, Laws of 1935, as amended by section 2, chapter 156, Laws of 1937, (section 9998-4 Remington's Revised Statutes) be amended to read as follows:

Amends
9998-4 Rem.
Rev. Stat.

Section 4. It shall be the duty of the department of social security 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 together with the applicant's resources as defined in this act 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.

Assistance.

Maximum
pension
payment.

SEC. 3. Upon receiving an application for old age assistance, the officer authorized by law to consider and pass upon the same shall within forty-five (45) days, make or cause to be made such investigation as he deems necessary to determine the applicant's eligibility therefor, and render his decision and, if the applicant be found eligible, the amount of assist-

Prompt
action upon
applications.

ance is to be granted in accordance with the uniform standard theretofore established.

Eligibility.

Old age assistance shall be granted only to such persons as are in need. A person shall be considered to be in need within the meaning of this act who does not have resources sufficient to provide himself and dependents with food, clothing, shelter and such other items as are necessary to sustenance and health.

Resource defined.

“Resources” are hereby defined to be (1) assistance in cash, in kind, or in support given by relatives, friends or organizations, (2) ability of relatives within the classes described in this section to contribute to such support: *Provided*, That where such relative or relatives shall refuse to so contribute such officer may, in his discretion and upon written findings of fact filed by him, determine that ability of a relative or relatives to so contribute shall not constitute a resource sufficient to render the applicant ineligible to assistance and (3) real and tangible personal property (excluding the home, household goods and personal effects of the applicant, and all foodstuffs produced by the applicant for himself and family), insurance policy cash surrender values and loan values (excluding cash surrender values less than \$300 and loan values less than \$100 under insurance policies which have been in effect for more than five years), cash income or cash in hand, bank deposits, savings accounts, postal savings, stocks and bonds, notes, mortgages and all other property of whatsoever nature.

The amount of assistance to be granted in each individual case shall be determined on a budgetary basis, taking into account the need of the applicant and his dependents and the resources of the applicant and of persons responsible for care of the applicant. “Persons responsible for care of the applicant” are hereby declared to be husband or wife, and sons and daughters of legal age residing within the state who

are financially able to contribute to the support of the applicant in whole or in part, the determination of which shall be made by the officer administering old age assistance.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

SEC. 5. If any section or provision of this act be held invalid by a court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion so held to be invalid. Partial invalidity.

Passed the Senate February 24, 1939.

Passed the House February 23, 1939.

Approved by the Governor February 25, 1939.

CHAPTER 26.

[H. B. 8.]

RESIGNATION OR REMOVAL OF EXECUTOR OR ADMINISTRATOR.

AN ACT providing for notice of resignation or removal of executor or administrator and amending section 121 of chapter 156 of the Laws of 1917.

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

SECTION 1. Section 121 of chapter 156 of the Laws of 1917 (section 1491 of Remington's Revised Statutes; section 9842 of Pierce's Code) is hereby amended to read as follows: Amends
§ 1491 Rem.
Rev. Stat.;
§ 9842 P. C.

Section 121. In case of resignation or removal for any cause of any executor or administrator, and the appointment of another or others, after notice has been given by publication as required by law, by such executor or administrator first appointed, to persons to file their claims against the estate, it shall Resignation
or removal.