

Basis. shall be based upon tables to be prepared for that purpose by the State Insurance Commissioner and by him furnished to the State Treasurer, calculated upon standard mortality tables with an interest assumption of three per cent (3%) per annum.

Passed the House March 5, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 170.

[H. B. 423.]

SOCIAL SECURITY AND ASSISTANCE FOR THE BLIND.

AN ACT relating to Social Security, assistance for the blind, providing for reports of income and disbursements by certain persons and organizations, providing penalties and amending sections 8, 9, 10, 13 and 17, chapter 132, Laws of 1937 (sections 10007-6, 10007-7, 10007-8, 10007-11 and 10007-15, Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 8, chapter 132, Laws of 1937 section 10007-6, Remington's Revised Statutes) is amended to read as follows:

Eligibility.

Section 8. **ELIGIBILITY FOR ASSISTANCE.** Assistance shall be granted under this act to an applicant:

Age.

(a) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the State School for the Blind;

No vision.

(b) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

In need.

(c) Who is in need;

Residence.

(d) Who has resided in this state for five years during the nine years immediately preceding the

date of application, or who suffered loss of sight while a resident of this state and has resided continuously in this state since such loss of sight; and who has resided in this state continuously for one year immediately preceding the date of application;

(e) Who is not an inmate of any public institution: *Provided*, That an inmate of a public institution may make application while in such institution but the assistance if granted shall commence immediately upon his being discharged from such institution. Should a recipient become ineligible for assistance due to confinement in a public institution or hospital, if otherwise eligible, the assistance formerly granted shall be immediately restored to him upon being discharged from such institution: *Provided, further*, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty (30) days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care; and

No inmate of institution.

(f) Who is not, at the time of making application, suffering from mental or physical infirmity, which, in itself, would make him a charge upon any public institution or other public agency; and

Not public charge.

(g) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging.

Not begging.

SEC. 2. Section 9, chapter 132, Laws of 1937 (section 10007-7, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Application.

Section 9. APPLICATION. Any person claiming benefit under this act shall file an application with the Local Administrative Board in the county of residence. The word "residence" shall mean the permanent address where the person is living at the time he makes his application: *Provided*, That the residence of the husband or wife shall not be considered the residence of the other, unless they are actually living together: *Provided, further*, That a minor child shall be regarded as a resident of the state for the time he actually has been in the state irrespective of the residence or the domicile of his parents. The Local Administrative Board shall fully establish the facts set forth in the application and any other facts it deems necessary. The Board

Examination.

shall grant or deny the application within thirty (30) days from the date of its filing. An examination of the applicant's eyes by an ophthalmologist or physician skilled in the diseases of the eye shall be provided without charge to the applicant.

Amendments.

SEC. 3. Section 10, chapter 132, Laws of 1937 (section 10007-8, Remington's Revised Statutes) is amended to read as follows:

Payments.

Section 10. If the Local Administrative Board is satisfied that the applicant is entitled to assistance it shall, without delay, issue an order therefor to be paid from funds appropriated for public assistance, in monthly payments. The amount of assistance to which any applicant shall be entitled shall be, when added to the income of the applicant from all other sources, (including free items of maintenance and subsistence) not less than forty dollars (\$40) per month. Inconsequential items of income having no appreciable significance in meeting the requirements of the applicant shall be disregarded; nor shall any item be considered income which is not actually on hand and ready for the applicant's use when it is needed. Small inconse-

Amount.

quential sums resulting from casual earnings, unpredictable gifts of indeterminate value, and past income that will not continue in the future shall be disregarded. Income shall be computed on the basis of net income. The aid granted under this chapter shall be paid monthly. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the Board: *Provided*, That no recipient shall be required to dispose of property currently meeting his requirements as a place of abode.

Casual earnings disregarded.

Aid paid monthly.

Recipient not to dispose of property.

No parent, grandparent, brother, sister or other relative of an applicant, excepting of a minor, shall be legally responsible for the support and care of a blind person, and assistance shall not be denied or canceled on account of any obligation or duty on the part of any person to support an applicant.

Relatives not deemed responsible for support.

On the death of a recipient of aid to the blind funeral expenses in the sum of one hundred dollars (\$100) shall be paid by the Department of Social Security unless the funeral has been otherwise provided for by fraternal organizations or may be paid for by insurance or out of the recipient's estate. If the provisions of this act shall conflict with the provisions of section 17 of chapter 216 of the Laws of 1939, the provisions hereof shall prevail.

Funeral expenses.

Exception.

SEC. 4. Section 13, chapter 132, Laws of 1937 (section 10007-11, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 13. RIGHT OF APPEAL. Any blind applicant for or recipient of financial assistance who is dissatisfied with the action of the Division for the Blind regarding his application for benefit under this act may appeal to the Local Administrative Board, which shall hear the case within thirty (30) days following the taking of such appeal. If not satisfied an appeal may be made to the Director

Applicant may appeal to board.

Notice.

of Social Security, and upon such appeal shall be granted a further hearing. Written notice shall be given of the date and place of such hearing. The opportunity shall be given to present all facts with supporting evidence which bear upon the eligibility for assistance. The claimant and the Division for the Blind shall be duly notified of the decision which shall be deemed to be the final decision, unless within ten days further appeal is initiated showing pertinent facts not filed at the time of hearing. In such instances the Director if he deems the facts to have a bearing upon the decision shall give written notice of rehearing.

May appeal to Superior Court.

In the event the applicant feels himself aggrieved by the decision rendered in the hearing 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 become final. 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.

Director to file record in Court.

Within ten (10) days after being served with notice of appeal, the Director of the Social Security Department shall file with the Clerk of the Court the record of the case on appeal before an Examiner or the Director, and no further pleadings shall be necessary to bring the appeal to issue. The Superior 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 the Director for correction; otherwise the decision of the Director shall be confirmed; and either party may appeal from the decision of the Superior Court to the Supreme Court of this state, which appeal shall

Case heard on record.

Appeal to Supreme Court.

be taken and conducted in the manner provided by law or by the rules of court applicable to such cases; but no bond shall be required on any appeal under this act. In the event that either the Superior or the Supreme Court renders a decision in favor of the applicant, said applicant shall be entitled to a reasonable attorney's fee and costs. If a decision of the Director or of the Court is made in favor of an applicant who has appealed, assistance shall be paid from the time of application.

Applicant
entitled to
fees and
costs.

SEC. 5. Section 17, chapter 132, Laws of 1937 (section 10007-15, Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 17. RULES AND REGULATIONS. The Director of the Department of Social Security shall have the power to make rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this act. The provisions of this chapter shall be liberally construed to effect its objects and purposes. No person concerned with the administration of this chapter shall dictate how any applicant shall expend the aid granted to him.

Director to
make rules.

SEC. 6. Chapter 132 of the Laws of 1937 is hereby amended by adding a new section to be known as section 16-A to read as follows:

Amend-
ments.

Section 16-A. Blind assistance given to an applicant under the provisions of this act shall not be recoverable as a debt due the state except for such funds as have been received by the applicant contrary to the provisions of this act or by fraud or deceit. Any claims which have accrued or which shall in the future accrue under the provisions of chapter 216 of the Laws of 1939 are hereby renounced and declared to be null and void.

Assistance
not recover-
able by State
except for
fraud.

Certain
claims void.

SEC. 7. Every person, firm, corporation, association or organization receiving twenty-five per

Organization supported by recipients to make report.

cent (25%) or more of its income from contributions, gifts, dues, or other payments from persons receiving direct relief, work relief, home relief, old age assistance, Federal-aid assistance, or any other form of public assistance from the State of Washington or any agency or subdivision thereof, and engaged in political or other activities in behalf of such persons receiving such public assistance, shall, within ninety (90) days after the close of each calendar year, make a report to the Director of the Department of Social Security for the preceding year, which report shall contain:

Contents.

(a) A statement of the total amount of contributions, gifts, dues, or other payments received;

(b) The names of any and all persons, firms, corporations, associations or organizations contributing the sum of twenty-five dollars (\$25.00) or more during such year, and the amounts contributed by such persons, firms, corporations, associations, or organizations;

(c) A full and complete statement of all disbursements made during such year, including the names of all persons, firms, corporations, associations, or organizations to whom any monies were paid, and the amounts and purposes of such payments; and

Report is public record.

(d) Every such report so filed shall constitute a public record;

Penalty for violation.

(e) Any person, firm, or corporation, and any officer or agent of any firm, corporation, association or organization, violating this act by failing to file such report, or in any other manner, shall be guilty of a gross misdemeanor.

Passed the House March 13, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.