

CHAPTER 6.

[ Initiative Measure No. 172. ]

CITIZENS' SECURITY ACT.

AN ACT relating to Citizens' Security, providing a minimum standard of living of sixty dollars (\$60) a month for needy Senior Citizens and needy Blind, establishing uniform standards for eligibility and amounts of assistance for all categories of public assistance, providing for additional care and funeral benefits, providing for administrative procedures and conformance with Federal Social Security laws, abolishing liens, repealing certain acts with parts of acts in conflict herewith, and appropriating six million five hundred thousand dollars (\$6,500,000).

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

SECTION 1. *Title.* This act shall be known, and may be cited as the "Citizens' Security Act of 1948 of the State of Washington."

Declaration of intent.

SEC. 2. *Declaration of Intent.* It is hereby declared to be the intent of the people of the State of Washington to take the fullest possible advantage of the provisions of the Federal Social Security Act to provide grants and other assistance to Senior Citizens, and others covered by this act, as liberally as is consistent with receiving matching funds under the terms of the Federal Social Security Act.

The Senior Citizens of the State of Washington are our pioneer citizens. It is their years of labor, of paying taxes, of raising families, of citizenship service which has built our great State of Washington. Through no fault of their own, a large proportion of them find themselves, in their seniority, robbed of security and in need of both financial and medical assistance. Increasingly throughout the United States the realization is growing that the only adequate and just solution is a uniform national pension paid as a matter of right, not need. Until such a national pension is enacted, it is the duty of the State of Washington at least to provide for its own people a minimum of security, and to guarantee

them, as far as it is within the state's power to do so, freedom from want and freedom from fear.

The payment of liberal pensions is not just a matter of humanity and justice; the lack of purchasing power in the hands of such an increasingly large proportion of our population is a contributing factor in causing economic depressions, and the payment of liberal pensions helps to create a market for the products of labor, agriculture and industry.

It is also the intent to apply certain provisions of this act in determining grants of Aid to Dependent Children, Aid to the Blind and General Assistance. No sound basis can be found for varying the standards of assistance according to the categories of the recipients. While this act is intended to assure uniformity of treatment of all needy persons receiving public assistance, it is intended to establish the \$60 monthly minimum grant for the Senior Citizens and the Blind only.

### SEC. 3. *Definitions.*

(a) "Applicant" shall mean any person applying for a grant under the provisions of this act.

Definitions.

"Applicant."

(b) "Recipient" shall mean any person receiving a grant.

"Recipient."

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

"Grant" or  
"Senior Citizen Grant."

(d) "Senior Citizen" shall mean a person eligible for a grant under the terms of section 4 of this act, but shall not be construed as limiting eligibility to citizens of the United States or of the State of Washington, nor as limiting any rights provided under section 16 hereof or under any other section or part of this act.

"Senior Citizen."

(e) "Department" shall mean the department or agency designated to administer the provisions of this act, and the department shall be called the "Department of Social Security."

"Department."

"Director."

(f) "Director" shall mean the administrative head of the Department of Social Security.

"Income."

(g) "Income" shall mean net income in cash or kind available to applicant or recipient, the receipt of which is regular and predictable enough to afford security in that applicant or recipient may rely upon it to contribute appreciably toward meeting his needs.

"Resources."

(h) "Resources" shall mean any asset which may be applied toward meeting the needs of an applicant or recipient, including real and personal property holdings contributing toward the maintenance of the applicant or recipient or representing investments or savings which may be drawn upon for maintenance purposes, excluding therefrom:

- (1) Insurance policies the cash surrender value of which does not exceed \$500;
- (2) Cash or its equivalent not exceeding \$200;
- (3) Personal effects clothing, furniture, household equipment and a motor vehicle;

*Provided, however,* That ownership or possession of a home, homestead, or place of residence of applicant or recipient or his family shall not render such applicant or recipient ineligible to receive a grant;

*Provided further,* That proceeds from the sale or exchange of items enumerated in subsections (1), (2), and (3) or from the sale of the home, homestead, or place of residence of applicant or recipient or his family shall not, to the extent that such proceeds are used within a reasonable time for the purchase of property excluded in subsections (1), (2), and (3) hereof or for the purchase of a home, homestead, or place of residence of applicant or recipient, be considered a resource rendering applicant or recipient ineligible for a grant;

*Provided, finally,* That the ability of relatives or friends of the applicant or recipient to contribute to the support of applicant or recipient shall not be considered a resource.

Ability of  
others to  
support not  
a resource.

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

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

(b) Has been a resident of the State of Washington for at least five years within the last ten, and

(c) Is not 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 the incidental and personal needs of a Senior Citizen who is an inmate of a county hospital or infirmary, and

(d) Has not made a voluntary assignment or transfer of property or cash for the purpose of qualifying for a Senior Citizen Grant, and

(e) Is in need; for the purpose of this act a person shall be considered to be in need who does not have income and resources sufficient to provide himself and dependents with food, clothing, shelter and such other items as are necessary to afford a reasonable subsistence in accordance with the minimum standards established by the Department pursuant to the budgetary guide provisions of section 5 (a) (1) of this act, which shall assure to each applicant or recipient of a Senior Citizen Grant, a standard of living of not less than \$60 per month.

**SEC. 5. How and When Grants Shall Be Paid.** Grants shall be awarded on a uniform state-wide basis:

(a) To each eligible applicant or recipient for the purpose of assisting him to meet his needs, *Provided*:

(1) That such grant when added to his income shall equal not less than \$60 a month. In order to determine a Senior Citizen's needs, the Department shall establish objective budgetary guides based upon actual living cost studies of the items of the budget. Such living cost studies shall be renewed or revised at least semi-annually, and new standards of assistance reflecting current living costs shall determine budgets of need. The budgetary guide shall in-

clude the cost of basic items essential to the maintenance of the Senior Citizen, and shall make provision for other items, including but not limited to, telephone, transportation, laundry and dry cleaning, and ice, which though not common to all may be essential to the maintenance of a wholesome standard by certain Senior Citizens;

- (2) That each Senior Citizen, whether living alone or in some joint living arrangement, found to be without any resources and income shall receive a grant of not less than \$60 per month;
- (3) That upon any determination or redetermination of the needs of any applicant or recipient, the Department shall inform such Senior Citizen of the amount of the grant and the basis upon which it is determined;
- (4) That upon approval of an application, the grant shall be paid as of the date of application, except that in the case of an applicant not yet 65, such applicant may apply 30 days in advance of reaching his 65th birthday, and if found eligible his grant shall be paid commencing on his 65th birthday.

Lower age limit for Federal matching funds.

(b) In the event that the Federal government lowers the age limit at which matching funds will be granted for Senior Citizen Grants, the state shall award Senior Citizen Grants to persons of that age on the same conditions and terms as set out in the rest of this act for Senior Citizens over 65 years of age.

Increase in Federal matching funds.

(c) In the event that the Federal government increases its contribution to the expenditures for Senior Citizen Grants, the Department shall take full advantage of any such increases in the payment of Senior Citizen Grants.

Senior citizen in county hospital.

(d) To each Senior Citizen in a county hospital or infirmary whose general subsistence is provided for, but whose needs of a personal or incidental character are not provided for, the Department shall award a grant to meet his needs of a personal or incidental character.

Application for grants.

SEC. 6. *Applications.* Application for a grant shall be made to an authorized agency of the Depart-

ment by the applicant or by another on his behalf, shall be reduced to writing upon standard forms prescribed by the Department, and a copy of the application upon such standard form shall be given to each applicant at the time of making application. An inmate of any public institution may apply for a grant while in such institution, and except as otherwise provided in subsection (d) of section 5, shall, if found otherwise eligible, be awarded a grant as of the date of his leaving such institution.

Grants to inmates of public institutions.

SEC. 7. *Investigation.* Whenever the Department or an authorized agency thereof receives an application for a grant an investigation and record shall be promptly made of the facts supporting the application. The Department shall be required to approve or deny the application within thirty days after the filing thereof and shall immediately notify the applicant in writing of its decision: *Provided,* That if the Department is not able within thirty days, despite due diligence, to secure all information necessary to establish his eligibility, the Department is charged to continue to secure such information and if such information, when established, makes applicant eligible, the Department shall pay his grant from date of application.

Investigation record.

Action within 30 days.

SEC. 8. *Fair Hearings on Grievances.* Any applicant or recipient feeling himself aggrieved by the decision of the Department or any authorized agency of the Department shall have the right to a fair hearing to be conducted by the Director of the Department or by a duly appointed, qualified and acting Supervisor thereof, or by an examiner especially appointed by the Director for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the Depart-

Hearings by Director.

Transcript made.

Copy to  
appellant.

ment. A copy of this transcript shall be given the appellant.

Notice of  
appeal.

Any appellant who desires a fair hearing shall within sixty days after receiving notice of the decision of the Department or an authorized agency of the Department, file with the Director a notice of appeal from the decision. It shall be the duty of the Department upon receipt of such notice to set a date for the fair hearing, such date to be not more than thirty days after receipt of notice. The Department shall notify the appellant of the time and place of said hearing at least five days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the Department.

Notice of  
hearing.Attorney  
may  
examine  
record.

At any time after the filing of the notice of appeal with the Director, any appellant or attorney, or authorized agent of the appellant shall have the right of access to, and can examine any files and records of the Department in the case on appeal.

Notice of  
decision.

It shall be the duty of the Department within thirty days after the date of the hearing to notify the appellant of the decision of the Director and the failure to so notify the appellant shall constitute an affirmation of the decision of the Department.

Appeal  
to Superior  
Court.

SEC. 9. *Court Appeals.* In the event an appellant 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

Notice of  
appeal.

Time limit.

immediately docket the case for trial and no filing fee shall be collected of the appellant.

No filing fee.

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.

Director to file record.

The Court shall decide the case on the record. In the event the Court finds that for any reason additional testimony should be taken to complete the record, the Court may direct the taking of such additional testimony before the Department. After the taking of such additional testimony, the Director may modify his decision if warranted in doing so by such additional testimony. The findings of the Director as to the facts shall be conclusive unless the Court determines that such findings are without support in the evidence in the record.

Decision on record.

Findings of Director conclusive.

The Court may affirm the decision of the Director or may modify or reverse any decision of the Director where it finds the Director has acted arbitrarily, capriciously, or contrary to law and remand the cause to the Director for further proceedings in conformity with the decision of the Court. 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 appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision of the Director or of the Court is made in favor of the appellant, assistance shall be paid from date of application, or in the case of a recipient, from the effective date of the decision from which he has appealed.

Judgment.

Appeal to Supreme Court.

No appeal bond.

Attorney's fees for applicant.

Effective date of assistance.

Department  
authorized to  
make rules.

SEC. 10. *Rules and Regulations.* The Department is hereby authorized to make rules and regulations not inconsistent with the provisions of this act to the end that this act shall be administered uniformly throughout the state, and that the spirit and purpose of this act may be complied with. Such rules and regulations shall be filed with the Secretary of State thirty (30) days before their effective date, and copies shall be available to the public upon request.

Rules  
filed with  
Secretary  
of State.

Proof of  
age and  
residence.

SEC. 11. *Age and Length of Residence Verification.* Proof of age and length of residence in the state of any applicant may be established as provided by the rules and regulations of the Department: *Provided,* That if an applicant is unable to establish proof of age or length of residence in state by any other method he may make a statement under oath of his age on the date of application or the length of his residence in the state, before any Judge of the Superior Court or any Justice of the Supreme Court of the State of Washington, and such statement shall constitute sufficient proof of age of applicant or of length of residence in the state: *Provided, however,* That any applicant who shall wilfully make a false statement as to his age or length of residence in the state under oath before a Judge of the Superior Court or a Justice of the Supreme Court, as provided above, shall be guilty of a felony.

False  
statement  
a felony.

Liens on  
property  
prohibited.

SEC. 12. *Liens on Property Prohibited.* Senior Citizen Grants awarded to an applicant under the laws of the State of Washington shall not be recoverable as a debt due the state, except where such funds have been received by the applicant contrary to law, or by fraud or deceit. Any and all claims accrued under the provisions of section 6, chapter 288, Laws of 1947, and under the provisions of section 24, chapter 216, Laws of 1939, as amended, or under any

Claims void.

other statute are hereby renounced and declared to be null and void, except those claims which have accrued or which shall accrue on the basis of grants which have been received contrary to law, or by fraud or deceit.

SEC. 13. *Funeral Expenses.* Upon the death of any recipient under this act, funeral expenses in the sum of \$100 shall be paid by the Department toward the total cost of the funeral.

Funeral expenses.

SEC. 14. A copy of all laws relating to the application and granting of Senior Citizen Grants shall be given to each applicant when he applies.

Copy of laws given upon request.

SEC. 15. *Additional Care.* In addition to Senior Citizen Grants, each recipient who is in need of medical and dental and other care to restore his health shall receive:

Additional care.

(a) Medical and dental care by a practitioner of any of the healing arts licensed by the State of Washington of recipient's own choice.

Medical and dental care.

(b) Nursing care in applicant's home and hospital care as prescribed by applicant's doctor, and ambulance service.

Nursing and hospital care.

(c) Medicine, drugs, optical supplies, glasses, medical and pharmaceutical supplies, artificial limbs, hearing aids, and other appliances prescribed as necessary: *Provided*, That when Federal matching funds become available for this program, it shall be the duty of the state to accept such matching funds; until such time this section shall be financed from state and county funds.

Medical supplies.

Federal matching funds.

SEC. 16. The provisions of this act shall apply in other categories of public assistance in the following manner:

Provisions shall apply to other categories.

(a) The provisions of section 3 (g), and of sections 7, 8, 9, 10, 11, 12, 13, 14 and 15 shall apply equally in all categories of public assistance.

Blind grants.

(b) The provisions of section 3 (h) and section 4 (b), (c), (d) and (e), and section 5 (a) (1), (2) and (3), and section 5 (c) and (d) of this act shall apply in determining eligibility for and the amount of Aid to Blind Grants.

Aid to dependent children.

(c) The provisions of section 3 (h) shall apply in determining eligibility for Aid to Dependent Children Grants.

General assistance.

(d) The provisions of section 3 (h), with the exception of 3 (h) (2), shall apply in determining eligibility for general assistance.

Children Grants and General Assistance.

(e) Section 4 (e) and section 5 (a) (1) shall apply to applicants for and recipients of Aid to Dependent Children Grants or General Assistance to the following limited extent: In determining the needs and computing the size of grants of applicants and recipients, standards of need shall be applied, and the same budgetary standards of assistance established in section (a) (1), within respective categories of need, shall be followed: *Provided*, That in computing grants to two or more recipients of Aid to Dependent Children or General Assistance, who have joint living arrangements grants may be computed on a family basis, *And further provided*, That this shall not be construed as establishing a \$60 minimum monthly grant for each recipient of Aid to Dependent Children Grants or General Assistance.

Residence requirement for General Assistance.

(f) The Department shall establish residence requirements for General Assistance, but in no event shall the Department impose a requirement of longer than one year's residence in the state, and shall have the power and is hereby instructed to make special provisions for emergency cases where the applicant for General Assistance has less than one year's residence.

Partial invalidity.

SEC. 17. If any portion, section or clause of this act, shall be declared or found to be invalid by any Court of competent jurisdiction, such adjudication

shall not affect the remainder of this act. If any plan of administration of this act submitted to the Federal Security Agency shall be found to be not in conformity with the Federal Social Security Act by reason of any conflict of any section, portion, clause or part of this act and the Federal Social Security Act, such conflicting section, portion, clause or part of this act is hereby declared to be inoperative to the extent that it is so in conflict, and such finding or determination shall not affect the remainder of this act.

Conformity  
with Federal  
Security Act.

SEC. 18. *Codification of Public Assistance Laws.* It is the intent of the people of the State of Washington in enacting this measure that all laws of the state relating to public assistance, including this act, shall be codified to eliminate duplication, provide uniformity and otherwise simplify such laws, and the enactment of this measure shall not be construed to prohibit the rearranging, renumbering or otherwise changing the order or form of this act without changing the substance thereof.

Codification  
of Public  
Assistance  
Laws.

SEC. 19. The Legislature shall appropriate an amount sufficient to carry out the purposes of this act.

Legislature  
to  
appropriate

SEC. 20. The following, being in conflict with this act, are hereby repealed: Section 5, chapter 1, Laws of 1941, as last amended by section 4, chapter 288, Laws of 1947; section 12, chapter 1, Laws of 1941 as amended by section 6, chapter 288, Laws of 1947; section 17, chapter 216, Laws of 1939 as last amended by section 3, chapter 289, Laws of 1947; section 5, chapter 289, Laws of 1947; and all other acts or parts of acts in conflict herewith are also hereby repealed.

Repealing  
clause.

SEC. 21. The effective date of this act shall be January 1, 1949, and grants payable hereunder shall be paid as of January 1st, 1949.

Effective  
date  
of act.

SEC. 22. In order to provide for the operation of this act until such time as the Legislature shall have had an opportunity to make an adequate appropriation, there is hereby appropriated for the remainder of the biennium the sum of six million five hundred thousand dollars (\$6,500,000), or so much thereof as may be necessary, from the General Fund.

Appropriation.

Filed in the office of Secretary of State February 26, 1948.

Passed by vote of the people November 2, 1948, at the general election.

Proclamation signed by the Governor December 2, 1948.

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## CHAPTER 7.

[ H. B. 50. ]

### APPROPRIATION—TEMPORARY PUBLICATION OF SESSION LAWS.

AN ACT appropriating the sum of ten thousand nine hundred dollars (\$10,900), or so much thereof as may be necessary for the temporary publication of Session Laws of the Thirty-first Session of the Washington State Legislature, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the General Fund the sum of ten thousand nine hundred dollars (\$10,900), or so much thereof as may be necessary for the printing and mailing of the temporary publication of the Session Laws of the Thirty-first Session of the Washington State Legislature.

Appropriation for temporary publication of Session Laws.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately.

Emergency.

Passed the House January 18, 1949.

Passed the Senate January 24, 1949.

Approved by the Governor January 27, 1949.