

Initiative Measure No. 141

BALLOT TITLE

AN ACT providing a minimum of \$40 monthly to senior citizens over the age of 65 years; defining incomes; naming eligibility; conforming state and federal matching funds and age limit; providing for age and length of residence; providing for the investigation of applicants by either the Department of Social Security or other department designated by the legislature; providing for a fair hearing before the director and for appeals to the courts and introduction of new testimony; providing for burial expenses and other care; making all records confidential; abolishing liens on property; repealing all other acts in conflict herewith.

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 "Senior Citizens Grants Act."

SEC. 2. Declaration of Intent.

On no other issue are the people of the State of Washington, as well as our nation, as united as they are in recognition of the economic and social necessity of returning to our Senior Citizens, the fathers and mothers of our country, part of the wealth which their labor helped to create.

It is simple justice that our government, which owes its industrial construction, its farms, its factories, its entire capital wealth, in fact, to the labor of its pioneers, should provide as an obligation and not as charity, some measure of security to the pioneers.

Although a uniform national pension of prosperity proportions, based on the principles embodied in the Townsend and General Welfare Bills, awarded as a matter of right, not need, is the only adequate and just kind of a pension, until such a pension is won it still remains the duty of the State of Washington at least to take full advantage of the maximum in matching funds that the Federal Government is willing to provide under the Federal Social Security Act, for those without resources and income.

It is therefore hereby declared to be the intention of this measure to provide for Washington's Senior Citizens over sixty-five as liberally as is

possible under the terms of the Federal Social Security Act for securing matching funds.

SEC. 3. Definitions.

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

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

(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.

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

(g) "Income" shall mean regular or recurrent gains in cash or kind, excepting therefrom:

- (1) The value of the use or occupancy of the premises in which the applicant resides.
- (2) Foodstuffs, livestock, fuel, light or water produced by or donated to applicant or applicant's family exclusively for the use of applicant or applicant's family.
- (3) Casual gifts in cash which do not exceed \$100 in any one year.

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- (4) Casual gifts in kind which do not exceed \$100 in value in any one year.
 - (5) The proceeds from the sale of property which is not a resource, provided such proceeds are used for the purchase of property which is not a resource.
- (h) "Resources" shall mean any property which the applicant owns legally or beneficially, excepting therefrom:

- (1) The ability of relatives or friends of the applicant to contribute to the support of the applicant.
- (2) Insurance policies the cash surrender value of which does not exceed \$500.
- (3) The homestead, home or place of residence of applicant or the spouse of applicant.
- (4) Intangible property or personal property the cash value of which does not exceed \$200.
- (5) The personal effects of the applicant, including clothing, furniture, household equipment and motor vehicle.
- (6) Foodstuffs, livestock, fuel, light or water produced by the applicant, applicant's spouse or family, exclusively for the use of applicant or applicant's family.

Sec. 4. Eligibility.

Senior Citizen Grants shall be awarded to any person who is without resources and who:

- (1) Has attained the age of sixty-five
- (2) Has a yearly income which is less than \$480 and a monthly income which is less than \$40: *Provided*, That if Federal contributions to Senior Citizen Grants are made payable in excess of \$20 month any applicant shall be eligible whose yearly income is less than twenty-four times the maximum monthly Federal contribution, or whose monthly income is less than twice the maximum monthly Federal contribution.
- (3) Has been a resident of the State of Washington for at

least five years within the last ten.

- (4) Is not at the time of making application a permanent inmate of a public institution of a custodial, correctional or curative character.
- (5) Has not made a voluntary assignment or transfer of property or cash for the purpose of qualifying for a Senior Citizen Grant.

Sec. 5. How and When Grants Shall Be Paid.

Senior Citizen Grants shall be awarded:

(a) To each eligible applicant sixty-five years of age or over in the sum of not less than \$40 per month on a uniform state-wide basis, minus the income of applicant from other sources: *Provided*, That in the event Federal matching funds shall be available in excess of \$20 per month per person, the Grants shall be increased to not less than twice that amount, minus the income of applicant from other sources.

(b) If the Federal government lowers the age limit at which matching funds will be granted for old age grants, then and in that event the state shall award Senior Citizen Grants of at least twice the maximum Federal funds available per person per month to all eligible above the age as established by the Federal government, such grants to be awarded on the terms and conditions as provided for in Section 5, subsection (a).

(c) Upon approval of an application, the grant shall be paid as of the date of application.

Sec. 6. Applications.

Application for Senior Citizen Grants shall be made to the Department, or an authorized agency of the Department. An applicant may apply in person or the application may be made by another in his behalf. Such application may be made in writing or reduced to writing upon standard forms prescribed and furnished by the Department and a copy of his application shall be furnished to each applicant at the time of application.

An inmate of an institution of a curative, correctional or custodial character may make application while

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in such institution and if found otherwise eligible shall be given one month's grant immediately preceding his departure from such institution.

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. The failure of the Department to notify the applicant of its decision within thirty days after the date of filing the application shall constitute a denial of said application.

SEC. 8. Fair Hearings on Grievances.

Any applicant feeling himself aggrieved by the decision of the Department or an 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 Department. A copy of this transcript shall be given the appellant.

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 the time and place of said hearing at least five days prior to the date thereof, either by registered mail or by personal service upon said appellant.

At any time after the filing of the notice of appeal with the director, any appellant or attorney, or authorized

agents 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.

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.

SEC. 9. Court Appeals.

In the event the 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.

Within ten (10) days after being served with a 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, and no further pleadings shall be necessary to bring the appeal to issue.

The applicant and the Director shall have the right to present any additional evidence which the court shall deem competent, relevant or material to the case. The Superior Court shall decide the case on the record, and on any evidence introduced before it. The court may affirm, modify or reverse the decision of the Director and fix the amount of assistance to which the applicant shall be entitled under this act. Either party may appeal from the decision of the Superior Court or 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

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Court or the Supreme Court renders a decision in favor of the applicant, said applicant 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 an applicant who has appealed, assistance shall be paid from the time of application.

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 Senior Citizen Grants may 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.

Sec. 11. *Age and Length of Residence Verification.*

Proof of age and length of residence in 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 of 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 the 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.

Sec. 12. *Liens on Property Prohibited.*

Senior Citizen Grants given to an applicant under the provisions of this act shall not be recoverable as a debt due the state, except where such funds 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 Chapters 25 and 216 of the laws of 1939 are hereby renounced and declared to be null and void.

Sec. 13. *Burial Expenses.*

Upon the death of any recipient under this act, funeral expenses in the sum of \$100 shall be paid by the Department.

Sec. 14. *Copy of Law to Be Distributed.*

A copy of all laws relating to the application and granting of Senior Citizen Grants shall be given to each applicant upon application.

Sec. 15. *Additional Care.*

In addition to Senior Citizen Grants, the Department shall provide for those eligible medical, dental, surgical, optical, hospital and nursing care by a doctor of recipient's own choosing; and shall also provide artificial limbs, eyes, hearing aids and other needed appliances.

Sec. 16. *Grants Not Assignable Nor Subject to Execution.*

Grants awarded under this act shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 17. *Violation or Attempted Violation a Felony.*

Any violation, or attempted violation or evasion of the provisions of this act by any official or employe of the Department or of its agencies shall constitute a felony and shall disqualify such official or employe from further employment in the Department or any of its agencies.

Sec. 18. *Appropriations.*

The legislature shall levy such additional taxes and appropriate from the general fund such additional taxes as may be necessary to pay the grants provided under this act.

Sec. 19. *Administration.*

Sufficient administrative staff shall be hired to carry out in an efficient manner, and under the merit system,

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the provisions of this act. All employes, including home visitors, shall be state employes, and as such shall be covered by the state minimum wage law.

SEC. 20. *Records Confidential.*

All applications and income records concerning any applicant shall be confidential and shall be open to inspection only by persons duly authorized by the state or the United States in connection with their official duties: *Provided*, That this shall not be construed as interfering with the right of applicant, or his attorney or authorized agent from examining such records when applicant's case is on appeal, as provided above.

SEC. 21. *Unconstitutionality of One Section Shall Not Affect Others.*

If any portion, section or clause of this act shall for any reason be declared unconstitutional, invalid or not in accordance with the provisions of the Federal Social Security Act, such adjudication shall not affect the remainder of the act.

SEC. 22. *Repealing Acts in Conflict.*

All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 23.

This act is necessary for the preservation of the public peace, health and safety, the support of the state government and its existing institutions.

ARGUMENT FOR INITIATIVE MEASURE NO. 141

"THE \$40 A MONTH PENSION INITIATIVE"

It is only common justice, patriotism and humanity to provide a \$40 a month pension for our senior citizens over sixty-five in their remaining years. They have helped to develop the northwest from a wilderness to a great state with over three billion dollars of tangible wealth.

Under 141 our state agrees to put up \$20 to match the \$20 a month which the Federal Government has appropriated for each senior citizen without resources. It is just good business for us to take advantage of the full amount the government has made available to us for senior citizen grants, because for every dollar the state provides, the Federal Government gives us another dollar to match it.

At this crucial time when the markets of the world are being cut off, it is essential that we develop our markets at home. 141, by increasing nearly a million dollars a month the purchasing power of those now least able to buy the products of farm and factory is our state's contribution to a national program to build markets at home.

Thus, 141 will benefit you, if you work for wages or for a salary, or if you are an independent business man. There will be more people to buy your goods or your services. Your job or your business will be more secure.

141 will benefit you if you are a farmer. It will augment the orange and blue stamp plan of the Federal Government to sell surplus farm products on a home market. An estimated 80,000 senior citizens will be better able to buy needed food products.

141 will benefit you if you have relatives over sixty-five. No longer will they be refused a pension just because you have a job, even though that job may pay you scarcely enough to support your own family.

141 will benefit you if you are now eligible to receive a pension. You will no longer be subjected to useless and humiliating obstacles in the way of receiving the grant you are entitled to. 141 abolishes the requirement that you must assign all your prop-

erty to the state before you can receive a pension, and it cancels previous assignments. It abolishes all of the arbitrary and inhuman rules now enforced by the Social Security Department. Under 141, senior citizen grants will be paid in accordance with the law, and those unjustly deprived are afforded a speedy and fair appeal. For these and many other reasons, 141 is worth while even if it failed to raise pension payments by a single penny.

Under 141 it is mandatory that the legislature and the administration appropriate the revenue to pay the full \$40 senior citizen grant. The law will be enforced.

141 will be supported by those who want the means of raising revenue left to the legislature. The Washington State Grange and other organizations interested in taxation according to ability to pay have proven that there is vast untaxed wealth in the state, sufficient to provide revenue for the full \$40 grant of 141, with enough left over substantially to increase funds for schools and other necessary state functions. This revenue can be raised without in the least increasing the tax burden of those least able to pay.

141 meets all the requirements of the Federal Social Security laws to secure Federal matching funds. Upon its passage it will go into effect as an amendment to the present state Social Security act. Funds will be immediately available under existing laws to pay senior citizen grants.

It is fair and just that all the citizens of our state support 141, that all may benefit.

Endorsed by: Many farm, labor, community and pension groups.

Sponsored by:

WASHINGTON OLD AGE
PENSION UNION,

WILLIAM J. PENNOCK,
Executive Secretary.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, July 11, 1940, by Wm. J. Pennock, Executive Secretary, Washington Old Age Pension Union. BELLE REEVES,
Secretary of State.

ARGUMENT AGAINST INITIATIVE MEASURE NO. 141

Under present law this state is one of the three most liberal in the United States in its care for the needy aged. Initiative 141 is said by its sponsors to enlarge and improve upon our present old age assistance program. In sober fact, it does precisely the contrary. Initiative 141 by outright repeal of present law destroys our high standard of old age aid, provides no workable substitute, and even denies to our legislature power to enact such a substitute for the next two years. While deceptively holding out to the aged a baseless hope of added aid, it actually would take from them the help they now receive, and for two years would deny them any substitute. Friends of the aged needy will vote **AGAINST** Initiative 141.

Initiative 141 would add about \$26,000,000.00 annually (Fraternal Order of Eagles' estimate varies—see Appendix) to the state's operating costs, and provides not even a suggestion as to where to find the money. There is no possible way in which to extract \$26,000,000.00 more per year in taxes from this state's already burdened workers, farmers, homeowners and industries. Sponsors of the Initiative know this, and by avoiding the issue they attempt to load the burden of inevitable failure upon the legislature. Notwithstanding that no provision is made for obtaining the funds, the Initiative would make criminals of those public officials who fail, as fail they must, to spend this fantastic sum of money. Their only possible legal recourse would be to deduct the necessary money from schools, relief, aid to the blind and other state wards, and from other necessary state services. Schools are the largest single state obligation, and would therefore suffer first and most. Friends of the schools will vote **AGAINST** Initiative 141.

Initiative 141 fails to comply with the provisions of the Federal act, under which funds are made available for old age assistance only if the state act meets Federal standards. Our present law, which this Initiative would repeal, does meet those requirements, and provides old age aid on a basis equalled in liberality by only two other states in the Union. Initiative 141 deviates from Federal

requirements in at least two fundamentals; it does not confine payments to the actually needy, and it does not provide any means for, nor assurance of, its own financing. The Executive Director of the Federal Social Security Board, in a recent letter regarding this Initiative, says, "Unless the State has funds available to meet (its) proportion of the cost, or is able to provide the Board with reasonable assurance that such funds will be available, the Board would not be authorized to make grants to the State."

Chief sponsor of Initiative 141 is the Washington Commonwealth Federation, whose radical leanings need no comment here. A principal aim of the W. C. F. is the creation of conditions favorable to the propagation of its own peculiar political philosophy. No more fertile seed-bed for Communist propaganda could be imagined than one created by the bitter disappointment and suffering resulting from adoption of Initiative 141 with its inevitable destruction of present old age assistance, and its denial of any opportunity to provide adequately for the aged for another two years. Friends of American democracy will vote **AGAINST** Initiative 141.

Let us keep the solid gains we have made for our needy aged, improve them as we can, and protect them by voting **AGAINST** Initiative 141.

WASHINGTON STATE TAX-
PAYERS ASSOCIATION.

By **FLOYD OLES**, *Manager*.

APPENDIX

SEATTLE AERIE NO. 1

FRATERNAL ORDER OF EAGLES

"Seattle, Washington
July 19, 1940

"Washington State Taxpayers Association
Seattle, Washington

Seattle, Washington

"Dear Sir:

"In answer to your inquiry regarding the attitude of the Eagles of the State of Washington toward Initiative 141, you are informed that a resolution has been adopted by the Washington State Eagles Old Age Pension Committee recommending amend-

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ments to liberalize the present laws and also recommending increased appropriations by the 1941 state legislature.

"We will continue fighting for the needy aged of the state. As to Initiative No. 141, however, the unanimous resolution of the Eagles Old Age Pension Committee speaks for itself. It reads as follows:

"*Be It Further Resolved* that the Washington State Eagles Old Age Pension Committee, believing that the interests of the needy aged of the State of Washington must at all cost be protected and preserved, and after a most careful and serious study and investigation of Initiative 141, commonly known as the Senior Citizens Grants Act, finds that said initiative should not pass, and opposes the same for the following reasons:

- "1. It repeals all existing old age pension legislation in the State of Washington.
- "2. No provision is made in the initiative for raising or appropriating the necessary funds to pay the grants therein mentioned with the result that the payment of assistance will be wholly dependent upon action of the State Legislature.
- "3. The initiative would require the expenditure of not less

than \$80,000,000 per biennium, which is more than the taxpayers can pay without new and oppressive taxes.

- "4. There is grave doubt as to whether the provisions of the Federal Social Security Act would permit the payment of matching funds to the state under the provisions of Initiative 141.
- "5. There is grave doubt as to whether funds appropriated under the present old age assistance laws could be legally used to pay pensions between December 5, 1940, the time the initiative would go into effect if passed, and the enactment of new appropriations by the Legislature.

"Sincerely yours,

"JAMES W. BRYAN, *Chairman*
Washington State Eagles
Old Age Pension Committee

"FRANK DOWD, *Secretary*"

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, July 23, 1940, by Floyd Oles, Manager, Washington State Taxpayers Association.

BELLE REEVES,
Secretary of State.