

Initiative Measure No. 172

BALLOT TITLE

"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 and 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."

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 eco-

nomie 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.

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

(c) "Grant" or "Senior Citizen Grant" shall mean the funds, Federal and 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 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.

(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."

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

(g) "Income" shall mean net income in cash or kind available to ap-

plicant 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.

(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.

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 include 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.
- (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.

(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.

(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.

Sec. 6. *Applications.* Application for a grant shall be made to an authorized agency of the Department 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.

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.

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 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 De-

partment 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.

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.

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

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.

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.

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 an 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.

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.

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 state-

ment 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.

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 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.

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.

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:

(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.

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

(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.

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

(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

(b) The provisions of Sections 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.

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

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

(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.

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.

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.

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

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.

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.

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.

STATE OF WASHINGTON—ss.

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

EARL COE,
Secretary of State.

ARGUMENT FOR INITIATIVE MEASURE NO. 172

Dear Fellow Citizen: Initiative 172 provides minimum grants of \$60 a month for Senior Citizens and the blind, and sets forth provisions for determining aid to dependent children and grants of general assistance. Liens on property to recover grants are prohibited. 172 provides medical and dental care by a practitioner of any of the healing arts licensed by the State of Washington, and of the recipient's own choice. These important provisions, together with some minor benefits, are intended to deal more justly and fairly with persons receiving public assistance than the present laws provide.

172 re-enacts the basic provisions of Initiative 141, adopted by an overwhelming majority vote of the people in 1940. Despite the fact that 141 and the improvements of it by successive legislatures operated successfully for six years with wide public approval, the 1947 legislature substantially repealed this program, **without permitting a referendum vote of the people.**

What are the basic guarantees destroyed by the '47 legislature which 172 re-enacts?

1. 172 re-establishes a floor under Senior Citizen and Blind grants—setting \$60 as the minimum—which at today's inflated prices actually buys less than \$40 did in 1940! 172 re-enacts the "escalator clause" gearing pensions to living costs.

2. 172 repeals the "lien law" and other 1947 pauperization features which have caused pensioners real and needless anguish. Repeal of the lien will reassure the Senior Citizens that Washington's voters do not regard them as "second-class citizens" or "thriftless ne'er-do-wells," but rather honor them as the pioneer builders of our state.

3. 172 provides that the same standards which determine pensions shall also determine grants to dependent children, their mothers, and other recipients. 172 abolishes all "ratable" pension cuts, and repeals the 1947 straight-jacket clause (attached to the appropriation) which has sentenced

pensions to a night-mare of uncertainty and insecurity.

172 will benefit YOU, if you work for a living, by reducing the number of older workers competing for jobs on the labor market. If you are a businessman or farmer, 172 will increase the purchasing power of your customers. 172 is being fought only by that small handful who put **private greed above public need!**

172 is **not** a substitute for a nation pension based on right. But until such a pension is won, 172 will provide at least minimum guarantees of economic, medical and mental security. 172 is a moderate, but important, step toward winning freedom from want and fear.

DON'T BE MISLED BY CRIES THAT "172 will bankrupt the state." The increase in Federal matching funds of \$5 (effective Oct. 1st, 1948) will finance approximately **half** the additional cost of pensions under 172. 172 will **not** jeopardize full appropriations for schools, veterans, and other vital state functions. Remember—Washington is the fourth wealthiest state in the Union, and as of July 1, 1948, had a surplus of over \$60,000,000 in the General Fund. 172 is in conformity with every requirement of Federal law to receive full Federal matching funds.

READ THE ENTIRE TEXT OF 172 THROUGH FOR YOURSELF. DON'T BE MISLED BY LABELS THAT OPONENTS WHO, LACKING SOUND ARGUMENTS, WILL FRAUDULENTLY USE TO ATTEMPT TO DEFEAT IT.

We welcome requests for more information on 172. Write to either address below.

STATE TOWNSEND CLUBS OF
WASHINGTON

Room 406 Bernice Bldg.,
1106 Pacific Avenue, Tacoma

WASHINGTON PENSION UNION
303 Mutual Life Building,
Seattle 4, Wash.

AID TO DEPENDENT CHILDREN
UNION

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State July 19, 1948.

EARL COE,
Secretary of State.

ARGUMENT AGAINST INITIATIVE MEASURE NO. 172

Under present law the State of Washington has the most liberal program of assistance to the needy of any state in the Union. It is by far the best balanced among all categories—the aged, the blind, dependent children, and recipients of general assistance. We spend more per capita than any other state but one for this purpose, although eleven other states exceed us in per capita income of their citizens. We are now doing more for our needy than any other state—and far more in proportion to our income.

All this would be jeopardized by passage of Initiative 172, which thoughtful citizens will vote AGAINST.

By adding untold millions to the cost of public welfare, Initiative 172 would endanger every other function of the state government. Public welfare is already the largest single state expenditure, taking money that otherwise could go toward support of the schools, institutions, and other services. Friends of the schools will vote AGAINST Initiative 172.

No one knows what total costs may result, so loosely and broadly is the proposed legislation drawn. Its own proponents estimate the **additional cost in excess of \$1,000,000 per month**. But they also state: "\$60 will be the minimum pension paid. Grants will, in most cases, go much higher. \$60 is the floor—and there is **no ceiling**."

The possible effect of such a measure on other vital functions of government is incalculable, but its effect may be even more disastrous to the very needy whom it presumes to assist—the aged, dependent children, the blind, and other unfortunates. Initiative 172 is not designed to protect those in greatest need, but rather to establish an artificial "floor" under the pensions of those who need the least.

Washington voters should be reminded of Initiative 157 on the ballot in 1944, which contained similar provisions, but fixed a \$50 floor instead of the currently proposed \$60. After it was overwhelmingly rejected at the polls by the people, the same left-wing faction now sponsoring Initiative 172 succeeded in forcing a similar law through the 1945 Legislature.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State July 28, 1948.

Exactly as predicted, the two following years proved to be a nightmare of uncertainty, with loss of vital "matching funds" a constant threat due to non-compliance with the Federal law. Despite a greater appropriation than ever before for welfare purposes, a deficit of \$12,000,000 was piled up, reaching a rate of nearly \$1,000,000 per month in excess of available funds.

This deficit had to be made up by the 1947 Legislature, which, in addition, made the largest appropriation in the state's history for welfare purposes—\$135 million. It also—at the urgent instance of the Social Security Department—took steps to correct the unworkable legislation of 1945.

Do not be fooled by the left-wing's hysterical name-calling. The so-called "straight-jacket" clause is simply the sound requirement that expenditures be held within available funds. Its repeal by Initiative 172 would mean a return to confusion, uncertainty, and unlimited deficit.

Do not be fooled by the noisy but completely groundless attacks on the "lien clause." This is merely the provision for recovery from the estate of a pensioner of funds advanced during his lifetime. If you believe that some of this money should be returned for the use of other **actually needy** persons rather than to **collateral heirs** who have not contributed to the pensioner's support, you will vote AGAINST Initiative 172.

Do not be fooled about Federal "matching" funds. This state has for years been making pension grants beyond what the Federal government would match. And who puts up the "matching" funds but you!

Do not be fooled by wild stories of an imagined state surplus that will make the payment of unlimited pensions painless. The \$60,000,000 general fund "balance" is meaningless unless considered against existing obligations. Actually, the general revenue funds are already operating "in the red." They have fallen by more than \$13 million in the past two years.

Do not be fooled. Initiative 172 does not give something for nothing. Its passage means either higher taxes or less money for other purposes. And your state is now the **highest taxed in the Union**. Unless you want higher taxes, or fewer schools and other services, you will vote AGAINST Initiative 172.

Do not be fooled. Read the full text of this dangerous proposal yourself. Then remember to vote AGAINST Initiative 172.

WASHINGTON STATE TAX-
PAYERS ASSOCIATION

By Daniel L. Hill

Director of Information

EARL COE,
Secretary of State.