States will not be able to finance their administration adequately from the equivalent of 0.3 percent of their covered pay rolls. In the fiscal year 1947 the administrative expense of the entire employment security program in 13 jurisdictions was greater than the 0.3-percent tax collected from employers in the State—not because these States were more extravagant but because States are not economically equal units. Some are large and thinly populated, with small taxable pay rolls; others, small but densely populated, have huge taxable bases. The former group of States would have to dip into their reserves originally accumulated for benefit purposes or else have the type of State administration that is characteristic of some other areas of State government, as you know better than I do. If the proposal meant dipping into State reserves that were originally intended for benefit purposes, complaint against governmental expenditures, whether justified or not, would undoubtedly arise.

Other considerations come to mind. If the plan contemplates substituting State legislative appropriations for congressional appropriations, it may introduce greater rigidities, certainly in some States, than the system we now have. The omission or inclusion of Federal standards must be weighed against the ability of the Federal Government to apply the standards. Serious questions may arise over the constitutionality of a plan that proposes a Federal tax without Federal revenue and that would do away with an equivalent relationship between the Federal tax rate and State tax rates.

Basically the plan substitutes what is in effect a State system of employment security for the Federal-State system we now have. It is tantamount to outright repeal of the Federal tax and might well be followed by such action if we were left with only the shadow of a Federal-State system. It is a denial of the national concern with the maintenance of a Nation-wide employment security program. No legal provisions can assure the maintenance of a reasonably adequate program throughout the country that do not also ensure adequate administrative financing of that program in every State. Even an organization of State officials, which by its very nature and constitution recognizes the need for discussion and conference that goes beyond individual State lines, cannot be a satisfactory substitute for an effective partnership of the State and Federal Governments in providing a Nation-wide system of employment security.

I hope that we can move in the direction of strengthening that partnership rather than toward dissolving it.

Legislative Changes in Public Assistance, 1947

By Jules H. Berman*

CHANGES IN THE STATE public assistance laws or appropriations to support the programs were debated in the legislatures of all but one of the States during the 1947 legislative sessions. Kentucky is the only State in which the legislature did not meet in either regular or special session. Most legislatures meet regularly in odd-numbered years, a few meet annually, and some legislatures, meeting in even-numbered years, had a special session in 1947. The results of the 1947 sessions hold considerable interest because of the increasing importance of public assistance in State expenditures. The increase in the cost of living has had a direct impact on the cost of providing assistance to needy people. This factor, together with the increase in the case load[1] since 1945, when most of the legislatures last met in regular session, has strained the resources of many States, even with the added Federal funds made available under the Social Security Act Amendments of 1946. Previously, each successive session of the State legislatures has resulted in marked liberalization of the assistance program.[2] That this trend continued in 1947 despite difficulties of financing shows that members of the legislatures are increasingly aware of the needs of the assistance group.

This survey of 1947 legislation is based on laws officially submitted to the Bureau of Public Assistance as part of the material on State plans. When this summary was prepared, not all legislatures had adjourned, and some other States had not yet sent their new laws to the Bureau of Public Assistance. By October 1 the Bureau had received copies of approximately 380 laws pertinent to the programs of old-age assistance, aid to dependent children, and aid to the blind. Although apparently the total number of laws enacted will be somewhat smaller than the number passed in 1945 (500), this year's sessions in many ways showed a greater concentration of interest in the specific details of eligibility and administrative practice.

A review of the 1947 legislation reveals that liberalization of provisions continued to a considerable extent, but it also indicates the concern of legislatures over the increasing amount of State revenue going for public assistance. Many States explored the possibility of recovering from any available resources of recipients some of the assistance granted, and several enacted provisions for such recovery. Concern over the cost of the program was manifested in a few States by legislation intended to limit the scope of the program and to disqualify some groups that hitherto had been eligible for assistance. Some legislatures attempted to make certain that no ineligible person should receive assistance and to provide various penalties for those who receive aid fraudulently. The majority of the States, however, enacted no particularly limiting legislation, and even the States that passed some laws limiting certain aspects of the program also enacted other liberalizing provisions.

Eligibility requirements were broadened in many States, and nearly all legislatures showed a realization that the rise in living costs necessitated an

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[1] The rise in case loads from January 1945 to January 1947 under plans approved by the Social Security Administration was as follows: old-age assistance, from 2,059,148 to 2,212,945; aid to dependent children, from 641,892 to 905,785 (children); aid to the blind, from 56,236 to 60,186.

[2] See, for example, "Legislative Changes in Public Assistance, 1945," *Social Security Bulletin*, April 1946.

increase in the amount of the assistance payment. Changes made in the legislative maximums on assistance payments are particularly significant. These changes were brought about, in part, by the 1946 amendments to the Social Security Act, which raised the maximum payment in which the Federal Government would participate and provided for an increase in the proportion of the payment which the Federal Government would assume. Many States called special sessions in 1946 to amend their laws. Others waited until their regular 1947 sessions to make the changes necessary to take full advantage of the Federal amendments.

Only part of the liberalizing changes made in 1947 can be attributed to the 1946 amendments to the Social Security Act, however. Many changes stemmed from a recognition that the State program had been too limited in

Table 1.—*1947 legislative changes in maximum payments*

State	Program [1]	Present maximum incorporating 1947 changes [2]	Exception to present maximum	Former maximum [2]
California	AB	$75		$60.
	OAA	$60		$55.
Colorado	OAA	$45 plus funds available in earmarked tax fund.		$45.
	AB	No maximum		$40.
Delaware	OAA	$40 a month or $480 a year		$30 a month or $360 a year.
	AB	$45	In case of total blindness, additional sums may be granted for medical and nursing care if all income and assistance from relatives do not yield enough to provide reasonable subsistence and medical and nursing care compatible with decency and health.	$40.
	ADC	$50 for only child, or $45 for first child, $20 for second, $15 each for third, fourth, and fifth, and $12 for each additional child.	Family maximum, $150	No maximum.
Florida	OAA	$50		$40.
	AB	$50		$40.
Illinois	AB	$50	As hitherto, not applicable to assistance based on need resulting from illness or disability.	$40.
Indiana	OAA	$45 [3]		$40.
	AB	$45 [3]		$40.
	ADC	$35 for single child, or $30 for first child, $18 for second, and $15 for each additional child.		$20 for first child, $18 for second, and $12 for each additional child.
Iowa	ADC	No maximum		$18 for first child, $12 for each additional child; family maximum, $75.
Maine	ADC	$50 for first child, $25 for second, and $20 for each additional child.	Expenses of extraordinary medical care may be added to maximum.	No maximum.
Maryland	AB	Maximum for Federal matching [4]	Additional amounts may be allowed for nursing or other special types of care provided under rules and regulations of the State department.	$40.
	OAA	No maximum		$40.
Michigan	OAA	$45		$40.
Minnesota	OAA	$50 [5]		$40.
	ADC	$50 for first child, $20 for second, and $15 for each additional child.		$40 for first child, $15 for second, and $12 for each additional child.
Nebraska	OAA	$50 exclusive of hospital, medical, or surgical care.		$40.
	ADC	Maximum shall not exceed twice the amount contributed by the Federal Government, except by authorization of the county board.		No maximum.
North Carolina	OAA	Maximum for Federal matching [4]		$40.
South Carolina	OAA	No maximum		$240 a year.
	AB	No maximum		$300 a year.
	ADC	$24 for first child and $15 for each additional child.		$15 for first child and $10 for each additional child.
South Dakota	ADC	$30 for first child and $12 for each additional child, but $40 may be allowed for the first child in emergency situations in which need warrants it.		Same except for emergency maximum of $40 for first child.
Tennessee	OAA	$45		$40.
	AB	$45		$40.
	ADC	$24 for first child and $15 for each additional child.		$18 for first child and $12 for each additional child.
Utah	OAA, AB, and ADC.	Maximum on budgetary need: $45 for one person, $90 for two, $114 for three, and $15 for each additional person; family maximum, $175. [6]	Exceptions can be made for specified needs, such as institutional and nursing care.	No maximum.
Vermont	OAA	$45 for 1 person, $80 for husband and wife living together.		$40 for 1 person, $60 for husband and wife living together.
Washington	OAA	Payment to be determined on basis of budgetary need less income.		$50 minimum payment.
Wisconsin	AB	Twice the maximum amount of Federal reimbursement. [7]		$40 on assistance payment, $780 annual limitation on aid and resources combined.
	OAA	Maximum for Federal matching [4]		$40.
Wyoming	OAA	$60 for 1 person, $96 for recipient and eligible spouse living together.		$50 for 1 person, $80 for recipient and eligible spouse living together.

[1] AB—aid to the blind, OAA—old-age assistance, ADC—aid to dependent children.
[2] All figures are monthly, unless otherwise specified.
[3] Payment may not exceed Federal reimbursement maximum if latter is changed.
[4] Has effect of $45 maximum under current Federal provisions.
[5] Increase limited to period ending Mar. 31, 1951. Until that date, provisions have also been suspended that prohibit the granting of any other assistance to old-age assistance recipients.
[6] Figures to be adjusted semiannually on the basis of cost-of-living studies.
[7] Has effect of $50 maximum under current Federal provisions.

scope and that the size of the payments was not commensurate with the increases in the cost of living. Many amendments extended the State program even beyond the point of Federal financial participation. This is especially true in aid to dependent children, in which the limitations on both the eligibility conditions and the Federal matching maximums are particularly severe.

Maximums on Assistance Payments

The progress of the last few years toward eliminating or raising the maximums on assistance payments continued. In 38 programs the legislatures made changes in the maximums or in other statutory limitations on assistance payments (table 1). Maximums were abolished in 5 programs (2 old-age assistance, 2 aid to the blind, and 1 aid to dependent children) and raised in 26 programs. On the other hand, 4 States imposed maximums in 6 programs that hitherto had had no statutory maximum. In addition, 1 State that previously specified a minimum on the old-age assistance payment removed that provision from the law. In increasing numbers the States have written into their old-age assistance and aid to the blind laws the provision that the State maximum shall be the amount specified in the Social Security Act, to be in a position to take advantage of any changes in the Federal legislation. The Bureau of Public Assistance has encouraged the States to enact legislation that would be an entity in itself and that can be understood and interpreted without reference to other legislation.

As of October 1, 1947, there were 90 assistance programs (24 old-age assistance, 30 aid to the blind, and 36 aid to dependent children) that had no specified statutory maximums on assistance payments. In 23 additional programs (9 old-age assistance, 6 aid to the blind, and 8 aid to dependent children) the maximums specified in the law were in excess of the Federal matching figure.

Table 2.—*1947 legislative changes in State residence requirements*

State	Program	Present provision incorporating 1947 changes	Former provision
Colorado	OAA	5 years out of last 9	Same plus year's residence before application.
Florida	AB	5 years out of last 9, 1 year continuously preceding application.	Same with alternative provision for child born within the State within year before application.
Indiana	ADC	Child must be resident of State for 1 year immediately preceding application, or mother must be resident of State 1 year immediately preceding child's birth, or mother must have resided in State for at least 1 year immediately preceding date of application.	Same without alternative concerning mother's residence preceding date of application.
Maryland	OAA	1 year preceding application [1]	Same plus 5 years out of last 9.
Minnesota	AB	1 year preceding application	Same plus 5 years out of last 9.
Nebraska	AB	1 year preceding application [2]	Same plus 5 years out of last 9.
North Dakota	ADC	1 year preceding application; or if child born in the year preceding application, mother's residence in State for the number of months preceding child's birth that, added to child's age in months, will total 12 months; or mother's residence in State for 1 year immediately preceding child's birth.[3]	Same without alternate provision concerning residence of mother preceding birth of child.
Utah	OAA, AB, and ADC.	No durational residence requirements	5 years out of 9 preceding application, the last year continuously (aged and blind), and 1 year (children).
Vermont	OAA	3 years out of 10 preceding application	5 years out of 10 preceding application.
Washington	OAA	5 years out of last 9, the last year continuously.	5 years out of 10 preceding application.
Wyoming	OAA and AB.	1 year preceding application	Same plus 5 years out of last 9.
	ADC	Has resided in State 1 year immediately preceding application, or relative with whom he lives has resided in the State 1 year immediately preceding application, or if born within the year immediately preceding application, was born within the State or has resided in the State substantially from the time of birth.	Same and a residence requirement for the parents or the relatives with whom child lives in the case of a child who has resided in the State substantially from birth or who was born in the State within the year preceding application.

[1] Unless the Social Security Act is amended to prohibit the States from imposing such a requirement; same stipulation applicable to aid to dependent children.

[2] Absence from State before Aug. 1, 1946, for reasons of health is not to be excluded from residence period needed for eligibility.

[3] Mothers of unborn children eligible if mother has resided in State 1 year preceding application.

Residence

The question of residence continued to be of great interest to State legislatures. In 1947, 11 States passed 17 laws—approximately the same number as were passed in 1945—relative to residence as an eligibility requirement for public assistance. With minor exceptions, all the changes made for liberalization.

Utah took out of its law the requirement for a specified period of residence in the State for all three programs. In addition, Maryland (aged), Minnesota (blind), Nebraska (blind), and Wyoming (aged and blind) reduced residence requirements from 5 years out of the last 9 years, the last year continuous, to 1 year preceding application. Other liberalizing changes were made in several States, as shown in table 2. Maryland also amended its aid to dependent children law to provide for automatic deletion of residence requirements if the Social Security Act should be amended to prohibit such a requirement; a similar provision that had been in the aid to the blind law, on the other hand, was deleted. The only limiting changes were made in Washington, which increased its requirement for old-age assistance slightly (to 5 years out of the last 9 years, the last year continuous) and in Florida, which made a technical change that will exclude a few otherwise eligible blind children. The Maine Legislature gave the State agency authority to develop reciprocal agreements with other States concerning the question of residence. A minor change in the residence requirements for aid to dependent children in Montana will qualify a few children hitherto excluded.

As of October 1, 1947, there were five States with no legislative residence requirements for old-age assistance, eight with none for aid to dependent children, and six with none for aid to the blind.

Property or Income Limitations

The States enacted a considerable number of laws relating to the posses-

Table 3.—*1947 legislative changes in property or income limitations*

State	Program	Present provision incorporating 1947 changes	Former provision
California	AB	$3,500 real and/or personal property, less encumbrances.	$3,000 real and/or personal property less encumbrances.
	ADC	$600 cash or securities held by child, children, or parents in group or individually.	Cash or securities held by child, children, or parents limited to $250 for 1 child or $500 as a total for the parent and child in 1 family.
	ADC	$3,000 real property, less encumbrances, held by child or his parents.	Same without "less encumbrances."
	OAA	$3,500 real property, less encumbrances, held by husband or husband and wife.	$3,000 real property, less encumbrances, held by husband or husband and wife.
Colorado	OAA	Assistance available to individual who has insufficient income to meet his needs.	Assistance limited to individual with net income of less than $45 a month.
Arizona	OAA	$600 annual limitation on income not counting assistance.	No income limitation.[1]
Michigan	OAA	$6,000 real property, less encumbrances...	$3,500 real property, less encumbrances.
South Carolina	OAA	No income limitation	$240 annual income limitation.
Utah	OAA, AB, and ADC.	For single individual $300, and for couple $600, of real and personal property, exclusive of home occupied or furnishings thereof.	For single individual $300, and for couple $600, of personal property, exclusive of clothing and household furnishings.

[1] Annual income limitation of $360 was repealed in 1946.

sion of property and income by recipients. Eleven laws in six States changed the amount of income or property an applicant for assistance may have and still be eligible. These laws, summarized in table 3, show that the movement was in the general direction of liberalization, probably in recognition of the increased dollar value of property as a result of the general movement upward in prices.

Other States made certain changes that are not shown in the table. California broadened variously the real and personal property limitations in all three programs. Washington made extensive changes in its old-age assistance law, which will result in tightening the property limitations on eligibility. Amendments in North Carolina, Oregon, and Utah dealt with the transfer of recipient-owned property before application for assistance. North Carolina repealed its provision that an applicant for old-age assistance must not have made a property transfer for purposes of qualifying. Oregon now prohibits, for 3 years preceding application, the transfer of property to defeat or avoid the lien provisions of the statute and stipulates that anyone who violates this provision shall not receive assistance. Utah changed its laws with reference to the transfer of property of aged and of blind recipients and made the provisions applicable to aid to dependent children as well. The law provides that any applicant who transfers property within 5 years with intent to make himself eligible is disqualified; under the amendment, the length of his period of disqualification in months is determined by dividing the value of the property by the amount of the monthly payment he would otherwise have qualified for.

Liens and Recoveries

One of the most controversial questions in public assistance is whether efforts should be made to obtain reimbursement from any available property of recipients for assistance paid them. The recovery of assistance paid in error or obtained fraudulently raises few questions of policy. The recovery of assistance paid to eligible persons in accordance with the law, however, has been debated in many State legislatures. In an effort to obtain such reimbursement, some States have limited themselves to making the amount paid in assistance a claim on the estate of deceased recipients, while other States have acted to take various kinds of security devices (liens, mortgages, claims, and so forth) on the property of living recipients. The 1947 legislation touched on all aspects of this problem. Eighteen significant changes were enacted in 14 States, in contrast to 3 States in 1945.

Indiana, Michigan, and Washington enacted lien provisions. Both Indiana and Washington had had such provisions but had repealed them. Utah greatly strengthened its mild provisions for recovery. Idaho made some changes in its recovery provisions, which had applied to all three programs, and made them applicable only to old-age assistance. The significant details of this and other legislation in the area of recoveries are shown in table 4.

In addition to the legislative changes shown in this table, other important changes were made. Maryland repealed the provisions in its old-age assistance law that gave the counties some authority to require the assignment of property as a condition of receiving assistance. Connecticut repealed its provisions requiring recovery of double the amount of assistance, when fraud was present. Nebraska made more specific provisions in its old-age assistance law to require claims against recipients' estates to be presented to courts for processing. Formerly the State agency had some discretion in this matter. New York clarified some details of its law, affecting all three assistance programs, concerning the sale of property acquired by the recovery process.

West Virginia amended its old-age assistance law to provide for the release of liens that have been satisfied. In Maine the provision for court procedure to determine the amount responsible relatives must pay the agency for the current support of recipients of old-age assistance was amended to include reimbursement to the State for assistance granted.

Determination of Need and Amount of Payment

In addition to other types of legislation relating to the determination of need (such as income and property limitations), some of the 1947 amendments directly affected the State laws under which need and the amount of payment are determined.

California, for example, decided that the money amounts established for food, clothing, transportation, household expenses, and incidentals in determining the old-age assistance budget must be compatible with health and decency. Nebraska amended its laws (aged and blind) to provide that an amount for recreation must be included in each grant but stipulated that the amount must come within the $50 maximum on assistance payments. Utah's amended law, under which all three programs oper-

ate, specifies that the State agency is to use the Bureau of Labor Statistics consumers' price index to determine changes in living costs; the law shows the concern of the legislature over the standards of assistance used by stating, however, that the standards for any recipient should not be fixed at a level higher than that enjoyed by persons who are in the same occupation or enterprise and who support themselves on their earnings. Formerly, under the old-age assistance law, a budget to meet standards of decency and health was used in determining need, with the minimum set at $40 a month for an individual.

Colorado changed the basis for determining the amount of the old-age assistance payment by deleting the $45 maximum and specifying that the amount of payment shall be such as "to represent need" but shall be limited, however, by the revenue in the old-age assistance fund in the treasury. By this change the "jack-pot" payment, under which assistance recipients received annually equal shares of all the money left in the old-age assistance fund, will be reduced to a purely nominal amount.

A Kansas amendment affecting all three programs now requires that the combined income of husbands and wives who are living together shall be considered in determining the eligibility of either or both for public assistance. The application statement must also contain information about the income and property of both husband and wife. Maryland amended its aid to dependent children law by adding the word "available" in those sections dealing with income or resources; as a result, only "available" income and resources shall be considered in determining eligibility and amount of payment.

Under a California amendment, to become effective upon the necessary changes in the Social Security Act, the earnings of applicants and recipients of aid to the blind will not be deducted from any assistance payment.

Table 4.—*1947 legislative changes in State laws providing for liens and recoveries for assistance granted*

State	Program	Present provision incorporating 1947 changes	Former provision
Connecticut	ADC	Any sum received as a result of fraud or misrepresentation recoverable from a recipient or his responsible relatives.	None.
	OAA	Liens on real estate for assistance granted before July 1, 1941 (when the general lien law was repealed) can be foreclosed under certain conditions if repayment is not made.	Same without provision for foreclosure.
	OAA and AB	Assistance granted to any person who is not in need shall be a lien on real property if the recipient, at the time of receiving assistance, had sufficient resources to maintain himself in decency and health.	Assistance granted is a lien on real property if recipient has, at the time of action for recovery, sufficient income and resources to maintain himself in decency and health.
	ADC	All assistance granted is recoverable by civil action if parent or parents of child are found to have sufficient means to support child at reasonable standards of health and decency and, in addition, have other available funds.	None.
Idaho	OAA	All assistance granted shall be a claim against the estate of deceased recipient, except that no claim shall be exercised on real property used as a home by a surviving spouse, or on property valued at less than $100. State agency given discretionary authority in pressing claim.	Same without the exclusion from the claim of property valued at less than $100 with waiver on claim to property occupied as a home by a surviving spouse or a dependent. Former recovery provisions applicable to old-age assistance, aid to the blind, and aid to dependent children.
Indiana	OAA	All assistance granted represents a claim against the estate of a deceased recipient, but claim is not to be exercised on real property occupied as a home by a surviving spouse. Law specifies further that assistance granted is a lien on the estate as well as a blanket lien on all real property. State agency has some discretionary authority to compromise the claim. Recipient must sign a reimbursement agreement as a condition of assistance.	None since repeal in 1941 of a similar law.
Michigan	OAA	All assistance granted represents a claim against the estate of a deceased recipient. Law permits State to file claim for reimbursement on a discretionary basis against estate of deceased recipient for assistance granted. Claims filed by county general assistance agency have precedence over categorical assistance claims.	None.
North Dakota	OAA	Total amount of assistance granted allowed as a preferred claim against the estate of a deceased recipient, but claim is not to be enforced against real estate used for the support, maintenance, or comfort of the surviving spouse or dependent, or personal property necessary for the support, maintenance, or comfort of the surviving spouse or dependent, or personal effects up to $200 in value.	Same except that the limitation on exercising the claim was on real estate "occupied by a surviving spouse or dependent."
Utah	OAA, AB, and ADC.	The State shall have a lien on property of recipient equal to the amount invested in such property by State in the payment of mortgage or for necessary improvements. Lien shall not be enforced until the death of the recipient or the death of both husband and wife when they hold the property jointly. In old-age assistance, all real property assessed in excess of $1,200 shall be pledged as a guarantee for reimbursement for assistance. Pledge is equivalent of a lien, with $1,200 exemption on such lien. Applicant is required to enter into reimbursement agreement to evidence such pledge. Wife of married man required to become a party to such agreement.	In old-age assistance, claim allowed on property of deceased recipient when there is no decedent of the first or second degree and when estate is valued in excess of $3,000; in aid to the blind, all assistance granted is a claim against the estate of recipient. No such provision in aid to dependent children.
Vermont	AB	Lien on real estate taken as a condition of assistance. Assistance granted is a preferred claim against the estate of deceased recipient except that lien cannot be enforced against real property used by a surviving spouse if not remarried.	Same except that lien could be enforced if surviving spouse was more than 15 years younger than recipient.
Washington	OAA	Assistance obtained through fraud and deceit shall be recoverable as a debt due the State. All assistance granted after Apr. 1, 1947, represents a lien on the property and estate of a recipient; liens not to be enforced if estate is willed to a surviving spouse or while it is occupied or used by any person who is in need as defined by the old-age assistance law and who receives the property by inheritance, devise, or bequest, or for 3 years against real estate or household goods occupied or used by any other person who inherits or receives them and who was living with the recipient for 1 year preceding his death.	None since repeal in 1941 of a comparable law.

Eligibility Requirements Other Than Need and Residence

The States made notable progress in 1947 toward broadening their eligibility requirements at least to the minimum specified for Federal financial participation under the Social Security Act.

Maryland amended its old-age assistance law to provide for the automatic deletion of the citizenship requirement when the Social Security Act is amended in this respect.

In the special eligibility requirements for the blind, Arizona, Indiana, Minnesota, and Utah all made liberalizing changes that will qualify some needy blind persons who were formerly ineligible. Illinois, on the other hand, set up a minimum age requirement of 18 years for receipt of aid to the blind.

Considerable progress was also made in revising the special eligibility requirements for aid to dependent children. Two States deleted or liberalized the requirement that assistance can go only into a "suitable home." Two States raised the maximum age for receiving aid to dependent children, while one liberalized its definition of "continued absence from the home." Two States moved to extend aid to dependent children beyond the scope of Federal matching; North Dakota will extend assistance to children from 18 to 21 years of age in special circumstances, and Wisconsin will grant aid to some children living in approved foster homes. Maine now requires that the specified relative in

Table 5.—*1947 legislative changes in eligibility requirements other than need and residence*

State	Program	Present provision incorporating 1947 changes	Former provision
		Citizenship	
Maryland	OAA	Applicant must have United States citizenship (unless the Social Security Act is amended to prohibit the States from imposing such a requirement).	Same except for reference to the Social Security Act.
		Special eligibility requirements for aid to the blind	
Arizona	AB	No age requirement for receipt of temporary or additional aid for purposes of preventing blindness and restoring sight.	Minimum age, 16.
Illinois	AB	Minimum age, 18 years	No minimum age requirement.
Indiana	AB	Minimum age, 18 years	Minimum age for males, 21; for females, 18.
Minnesota	AB	Minimum age, 18 years	Only adults eligible.
Utah	AB	Definition of blindness in economic terms	Blindness defined in specific terms.
		Special eligibility requirements for aid to dependent children	
Indiana	ADC	Eligible child must be living in "a family home" [1]	Child must be in "a suitable home."
Kansas	ADC	"Suitable home" provision deleted	Child must be in "a suitable home."
Maine	ADC	Person with whom child lives must be fit to bring him up and must have good character.	None.
Minnesota	ADC	Child eligible if parent has been continuously absent from home for 1 month; warrant for the arrest of the parent abandoning the child must be issued either just before application or as soon after as possible, but not later than 120 days from application.	Child eligible if parent has been continuously absent from home for 3 months; reasonable effort must be made to find deserting parent, including the issuance of abandonment warrant.
New York	ADC	Assistance payment may include the needs of the incapacitated parent and those of the other parent in the home.	The needs of the parent, other than the one receiving the payment, can be included only if such parent is incapacitated.
North Dakota	ADC	In certain circumstances, assistance may be granted to children between 18 and 21 years. Assistance may also be granted to the mothers of unborn children, to children in a licensed foster home, and to children in boarding homes in other States.	Maximum age, 18 years. No provision for aid to mothers of unborn children and to children in foster or boarding homes.
South Carolina	ADC	Assistance available to children from age 16 to 18 if they are regularly attending school.	Maximum age, 16 years.
Wisconsin	ADC	Definition of specified relatives broadened so that assistance may be granted to children living in licensed foster homes.[2]	Assistance available only to children living with relatives specified in the Social Security Act.
		Institutional care of assistance recipients	
California	OAA	No provision regarding licensing of nonprofit institutions in which recipients may live.	Inmates of nonprofit institutions eligible only if institution is licensed.
Indiana	OAA and AB	Recipients who are voluntary inmates of county homes or institutions, other than penal or correctional, for the care of persons who are aged, destitute, infirm, homeless, or chronically ill, may receive assistance if otherwise eligible, provided these homes or institutions meet the standards established by the State department. Recipients eligible for assistance payments are also eligible for voluntary admission to any county institution for necessary temporary care.	None.
Maryland	OAA and AB	If Federal matching funds become available, inmates of public institutions are to be eligible for assistance payments.	None.
Nebraska	AB	Assistance may be paid to persons in hospitals operated by counties or municipalities without stipulation that their stay be "temporary."	Assistance available only for temporary care in public hospitals.
South Carolina	OAA	Assistance available to inmates of public institutions	No assistance to inmates of public institutions.
Utah	OAA	No provision regarding recipients in need of continued institutional care.	To be eligible, recipients must not be in need of continued institutional care.
Washington	OAA	Payments may be made for personal and incidental expenses of persons in county infirmaries and county hospitals.	Payment may be made for personal and incidental expenses of persons in county hospitals.

[1] 1947 legislation also permits broadening of list of specified relatives if the definition of a dependent child in the Social Security Act should be changed.

[2] State and locality will share cost of payments for which no Federal matching is available.

charge of the child have a "good character."

In the area of institutional care for assistance recipients, Indiana and South Carolina amended their laws to make assistance, as specified, available to inmates of public institutions. Nebraska amended its aid to the blind law to conform to a 1946 change that had made old-age assistance available to the inmates of public hospitals. Nine States[8] now make payments to persons in some approved public institutions. This assistance is financed without Federal aid. California repealed a provision in its old-age assistance law that had made it necessary for inmates of nonprofit private institutions to be living in licensed institutions to qualify for assistance.

Miscellaneous

Several States enacted amendments that directly affect the process by which an applicant applies for assistance. Numerous changes were made in the California law, all designed to emphasize the applicant's right to have his application investigated promptly and fairly. In old-age assistance the law now requires that, within 10 days after request, all applicants or recipients shall be given an itemized report setting forth the amount of money deducted for any reason, the amount of aid granted, and the total requirements allowed each individual. If the application is for the reinstatement of assistance after a period of employment, and if the investigation is not completed within 30 days, aid shall be restored immediately, but conditionally. The investigation is to continue until completed, and if eligibility is established the aid shall commence as of the first day of the month in which the 30-day period ends. California also changed the provisions for aid to the blind to require that only one reputable citizen—rather than two, as before—need give evidence of satisfactory fulfillment of the residence requirement.

Under a new section of its law, California stipulated that all persons administering aid to the blind shall conduct themselves with courtesy, consideration, and respect for the applicant. They are to try to secure for each person the maximum aid to which he is entitled, without attempting to elicit any unnecessary information and without comments on or criticism of any fact concerning applicants or recipients that is not directly related to the administration of assistance.

California further amended the laws affecting all three assistance programs by specifying the legislative intent that assistance shall be administered promptly and humanely, with due regard to the preservation of family life, without discrimination on account of race, religion, or political affiliation. Utah enacted a similar provision, specifying that public assistance is to be administered without discrimination on racial, religious, or political grounds.

To make certain that former recipients of aid to the blind who ask reinstatement of their assistance payment within a year after its discontinuance shall have assistance reinstated promptly, the California law was amended to require that if the recipient is eligible he shall be granted aid without having to file a new application.

An amendment to the Maine old-age assistance law requires that the applicant must swear to the facts about income, assets, and liabilities set forth in the application. Indiana deleted the requirement enacted in 1945 that each recipient of old-age assistance must certify to his continuing need every 6 months.

Several States amended their laws with respect to the provision of services to recipients. Delaware now specifies that supplementary services to recipients of aid to the blind may include cost of necessary travel and other expenses to receive treatment in hospitals and clinics. Maryland redefined "assistance" in its old-age assistance law to include payments necessary for services to recipients in addition to money payments.

Maryland also changed its assistance laws for all three programs to provide that, in the event funds are not available to meet need as established by the State standards, the agency shall make a uniform plan of adjustment in the amount of payments. Massachusetts amended its laws to specify that recipients of old-age assistance and aid to dependent children shall have the right to choose between public assistance and State veterans' benefits.

Medical Care

The legislatures of six States, as compared with nine States in 1945, dealt with the administration of medical care for public assistance recipients. The changes show a recognition of the importance of flexibility in meeting the medical needs of assistance recipients. Massachusetts, for example, changed its aid to the blind law to provide that the State agency may supply medical care to those who need it, though such care must be provided within the $40 maximum on the assistance payments. The Ohio old-age assistance law now explicitly permits payments to be made directly to vendors for medical care, dental care, and hospital care. Connecticut amended its old-age assistance and aid to the blind legislation to permit direct payments for medical care when corresponding changes are made in the Social Security Act. Indiana legislation, affecting all three programs, provided for the establishment of a plan for providing medical care for recipients, taking into account local needs and local facilities. Connecticut raised payments for hospital care for recipients of aid to dependent children from $4 to $5 a day.

Washington amended its old-age assistance law to make the counties responsible for the provision of medical care, and it also repealed the provisions making recipients of aid to the blind and aid to dependent children eligible for the same medical care as is provided for old-age assistance recipients. Nebraska now requires the counties to share in the cost of providing medical care to recipients, hitherto a State responsibility.

Penalty Provisions

Five States enacted new provisions and other States strengthened old provisions providing penalties for violation of public assistance laws or regulations. Most of these provisions were directed at recipients who dispose of property either without the approval of the State agency or in an effort to defeat the recovery provisions of the

[8] Arizona, Illinois, Indiana, Nebraska, North Dakota, Ohio, South Carolina, Washington, and Wisconsin.

State laws. The penalties vary from making assistance received after the violation recoverable by the agency to the penalty for a misdemeanor.

Only three States enacted comparable laws in the 1945 legislative sessions. The emphasis placed on this aspect of the program seems a further indication of the concern of the State legislatures about the cost of the program and the need for keeping ineligible persons from receiving assistance.

Responsible Relatives

Legislation concerning the legal responsibility of relatives to support recipients of assistance was largely directed toward emphasizing the necessity of such support. The 1945 legislation, in contrast, tended mainly toward releasing relatives, under certain conditions, from any statutory requirement to support recipients.

Maine requires under its new law that an application for old-age assistance shall not be considered unless it is accompanied by a statement, sworn to individually by the spouse or each adult child who is living in the State, that he is unable to support the applicant. Other changes made in the law apply this provision equally to persons currently receiving assistance. The law gives the State agency some discretionary authority, however, to take account of the possibility that these specified relatives may not be willing to give such a statement. For aid to dependent children, an amendment requires the State agency to make careful inquiry into the resources of every member of the household. The agency is to take all lawful means to obtain support of relatives, and it is directed to encourage all members of the household to obtain employment.

Nebraska amended its aid to the blind law to add husband and wife to the list of relatives responsible for support. Previously only the parent and child were held responsible for support. Washington amended its old-age assistance law to strengthen the provisions relating to the responsibility of husband and wife to support each other. Maryland amended its old-age assistance law to make it clear that a liberalizing change made in 1945 was not intended to repeal the relatives' responsibility provisions.

Table 6.—*1947 legislative changes in penalty provisions*

State	Program	Present provision incorporating 1947 changes		Former provision
		Infraction of law or regulation	Penalty	
Connecticut	OAA and AB.	Selling, transfer, or encumbrance of property valued at more than $100, without agency approval.	Fine or imprisonment	None.
	ADC	Receiving payment as result of misrepresentation; making intentionally false statements; impersonation; or other fraudulent acts.	Assistance recoverable; fine of $200 or imprisonment for not more than 6 months or both.	Same penalty except for recovery of assistance granted.
Idaho	OAA	Receipt of a deed by a recipient which he fails to record; failure to specify the consideration in a deed that is recorded; or failure to receive fair consideration for transfer of property.	Such transaction considered fraudulent, and the State agency may request the attorney general to file suit to rescind such transactions.	None.
Indiana	OAA	Receipt of assistance after failure to report income, if it can be shown that assistance was received fraudulently.	Assistance recoverable as a claim against estate or against living recipient, plus 20-percent penalty.	Assistance recoverable, plus 100-percent penalty.
Maryland	OAA	Purchase from or sale by a recipient of property with intention of evading the law.	Subject to penalty for misdemeanor.	None.
Nebraska	OAA	Receipt by any individual of property of a recipient without adequate consideration, to evade the law.	Subject to penalty for misdemeanor; county attorney may initiate action, to set aside such conveyance.	None.
Washington	General assistance.	Receipt of assistance to which knowingly not entitled.	Subject to penalty for misdemeanor.	None.

California specified that no payment of aid to the blind shall be withheld because a financial investigation of responsible relatives has not been completed.

Organization

The legislatures of 16 States enacted laws that affect significantly the organization of their public assistance programs. The most comprehensive was the law enacted in Vermont, which abolished the State Old-Age Assistance Commission and the State Department of Public Welfare and set up a new Department of Social Welfare to administer the three special types of public assistance in addition to other services for adults and children. Various functions formerly carried by the State Department of Public Welfare are now to be carried by a Department of Institutions and Corrections, also established by the legislature. The Department of Social Welfare is to be headed by a board, appointed by the Governor, which is responsible for the appointment of the State commissioner.

Kansas replaced its three-man administrative board, which directed the affairs of the State agency, with a two-man board. Two States changed the name of the State agencies. In Washington the State Department of Social Security became the State Department of Public Welfare, and the name of the committee that directs the affairs of the agency was changed from the State Social Security Committee to the State Public Welfare Committee. New Jersey changed the name of the agency administering aid to dependent children from the State Board of Children's Guardians to the State Board of Child Welfare.

Colorado added to its provisions concerning the State Board of Public Welfare the requirement that at least two members shall be known to favor the Colorado plan of administration of old-age assistance but specified that no assistance recipients can serve on the board. The Nebraska Legislature provided for the appointment of a five-member advisory committee to the State Board of Control. This committee is to be appointed by the Governor from among members of the county boards of supervisors or county boards of commissioners. An amendment to the Idaho law requires that the State commissioner, who is appointed by the Governor, must be chosen on the basis of known ability in public administration and interest in public welfare.

A change in the Indiana law deleted

the provision for three regional directors of the State agency; this provision was enacted in 1945 but the directors were never appointed. Legislation enacted in Wisconsin increases the per diem allowances to members of the State Board of Public Welfare.

Several legislatures enacted laws governing the rule-making power of all the agencies in the State. California, for example, amended its law to require all State agencies to file their rules and regulations and their procedures for adopting rules. In Nebraska, all rules and regulations must be filed with the secretary of state and must be submitted to the attorney general for approval. New Mexico requires all State agencies to file copies of rules and regulations with the librarian of the State supreme court, who is instructed to keep them available for public inspection. Michigan legislation regulates the rule-making power of all the State agencies and gives the legislature the right to approve, alter, suspend, or abrogate any rule. Rules and regulations, in these States, have generally been limited by definition to substantive matters affecting the public generally.

In Indiana the county board of welfare in the largest county of the State is to be appointed by the judge of a court other than the court formerly specified. Kansas legislation permits two or more counties to employ the same county director. North Carolina legislation affecting old-age assistance and aid to dependent children allows county board members to receive a per diem payment as well as the payment of expenses authorized under previous legislation, if the county commissioners approve the change. Ohio repealed the provision for the appointment of local advisory boards in connection with the old-age assistance program.

Legislation in Arkansas emphasized the responsibility of local officials to provide adequate office facilities. Oklahoma provided that the size of county welfare boards may be increased from three members to five or seven. In Utah, legislation that had permitted the State agency to combine counties into districts was amended to provide that the combination can be made only if the counties approve.

Indiana, Utah, and Wisconsin enacted legislation providing for cooperation with the Federal Government in all grant-in-aid programs.

Fiscal

The legislatures of seven States—California, Kansas, Maryland, Montana, Nebraska, Tennessee, and Utah—made changes in the proportions of public assistance expenditures to be met by local financing. California increased the maximum payments for aid to dependent children in which the State will participate financially. California also specified that the counties are to receive all the Federal funds granted for aid to the blind, rather than half, as formerly. Kansas made adjustments in all three programs to take account of the 1946 amendments to the Social Security Act and raised the State share of non-Federal costs from 30 to 40 percent for the period ending May 1, 1949. Maryland made a similar adjustment in its old-age assistance program to reduce the county share of assistance payments. In Montana, changes were made to bring about a slight reduction in the local share of assistance payments under the three programs. Similarly Tennessee increased the State share of assistance payments in all three programs.

Nebraska, on the other hand, where both old-age assistance and aid to the blind had been operated without local financial participation, provided for local sharing of payments made for medical, hospital, or surgical care in excess of the maximum in old-age assistance. For aid to dependent children, payments made in excess of the amount paid entirely out of State and Federal funds are to be financed in part with local funds. Utah deleted the provision from its law requiring the local communities to contribute 15 percent toward the cost of assistance payments under all three programs.

A significant law enacted in Oregon provided for a State equalization fund to assist counties that are unable to raise their share of the assistance payment. All counties are required to impose a tax of 4½ mills. When the yield from this tax is not sufficient to meet a county's share—approximately 20 percent of the amount up to the Federal matching maximum and 40 percent of the amount above the maximum—the State equalization fund can be drawn on to supplement the tax yield.

Legislation enacted in Florida made it possible to transfer funds from an assistance account that has a surplus to one that is not likely to have enough money to assure full payment of need. A California amendment set up a procedure to be followed if Federal grants-in-aid are delayed.

Iowa changed the basis for financing its old-age assistance program from a special tax fund to the general fund of the State. Nevada increased the rate of the authorized local tax to be imposed to meet the local share of old-age assistance payments. Maine provided that payments to recipients of old-age assistance and aid to the blind are to be made semimonthly rather than monthly.

Utah imposed a limitation on the amount to be spent for administrative cost, holding it to 6 percent of the appropriation.