

# State Public Assistance Legislation, 1951

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*Much of the public assistance legislation enacted by the States during the 1951 legislative sessions was designed to implement the 1950 amendments to the Social Security Act, several of which broaden the program. Thus the States' new provisions, by and large, continue the long-time trend toward liberalization. A few States, running counter to the general trend, enacted laws that are more restrictive than their earlier provisions. The survey that follows is based on information available to the Bureau of Public Assistance as of September 15, 1951.*

PUBLIC assistance legislation enacted by the States in 1951 was largely the result of the 1950 amendments to the Social Security Act, which required nearly all the States to make some legislative changes if they were to benefit from the Federal amendments. In a few States, some of the legislation reflected the criticism of certain aspects of the public assistance program. The publicity given both the amendments and the criticism has stirred general interest in the 1951 State legislation and raised certain questions. To what extent and in what way have the States responded to the Federal amendments, and has the concern about the assistance program been embodied in legislative changes that cut the scope of the program or the adequacy of its payments?

Most of the States hold legislative sessions in the odd-numbered years. A few meet in regular session only in the even-numbered years, and a few others meet annually. Forty-five State legislatures met in regular session in 1951; two of these States also held special sessions during the year, and one other State called a special session of its legislature.

The indications are that the volume of public assistance legislation enacted by the States may exceed considerably that for any other recent year. In 1949—the preceding odd-numbered year—the States had submitted by October 15 to the Bureau of Public Assistance 210 State laws pertinent to their public assistance programs. As of September 15, 1951, a total of 289

State laws had been officially submitted; undoubtedly more would follow.

This survey of the 1951 provisions is based on information from various sources, including the laws submitted to the Bureau. Detailed information on many of the new provisions will not be available until the States have interpreted the laws and submitted implementing material for putting them into operation as part of the State plans for administering the public assistance programs.

Most of the State legislatures acted promptly in adopting the legislation necessary to assure Federal grants under the amended public assistance provisions of the Social Security Act. Since several of the Federal amendments broaden the program, the States thus indicated their confidence in the public assistance program as a way of helping needy persons. There are, furthermore, other indications of a continuance of the long-time trend in State assistance legislation toward broadening the program and liberalizing the assistance paid to needy individuals. In the 1951 sessions, however, as in the past, some States enacted legislation that was restrictive in effect. On the basis of the legislation submitted or otherwise known to the Bureau of Public Assistance, these States appear to be few in number.

Although State legislation is an important indication of the attitude of the State legislatures toward the public assistance program, trends in public assistance can be only partially determined by a survey of legislation. The legislative base in many States is broad enough to permit relatively important changes in the program without special legislative action being

necessary. Increasingly, in recent years, States have been eliminating some of the detail and have been writing their public assistance laws in terms of broad enabling authority. The broad nature of the legal base under which the States are operating their public assistance programs is indicated by the fact that only 16 of the States with programs of aid to the permanently and totally disabled enacted legislation in 1951 for the purpose. Although some States had taken the necessary action in legislative sessions called late in 1950, other States found that the legislative authority already granted the State welfare department was sufficiently broad for the purpose.

## New State Programs

*Aid to the permanently and totally disabled.*—In 16 States,<sup>1</sup> as noted above, legislation was enacted that established programs of assistance to persons who are permanently and totally disabled; by September 30, 32 States were making payments under approved plans. In nearly every instance the new law follows closely the lines of the State's old-age assistance program.

A detailed analysis of the new legislation for the permanently and totally disabled cannot be made at this time. From the limited information now available, it appears that States that had had programs for disabled or crippled persons—Vermont and Wisconsin, for example—changed those programs to bring them within the scope of the Federal act. All 16 of the States in the group that based their program on new legislation established in their law a minimum age requirement of 18 years, and some States included a maximum age of 65 years. Citizenship and residence requirements seem to parallel those for the old-age assistance program.

<sup>1</sup> Arkansas, Delaware, Hawaii, Illinois, Maryland, Montana, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, South Dakota, Vermont, Washington, and Wyoming.

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*Other programs.*—The 1950 amendments to the Federal law authorized grants-in-aid under all four public assistance titles to Puerto Rico and the Virgin Islands; the proportion of the payment met from Federal funds is less, however, than in other jurisdictions. Plans for the four categories, based on authorizing legislation that had been enacted before 1951, have been approved for both Puerto Rico and the Virgin Islands. For a number of years both jurisdictions have been operating public assistance programs with legislative provisions comparable to those in the other States.

The amendments also authorized the Federal Security Administrator to approve, under certain conditions, plans for aid to the blind in those States that did not have approved plans on January 1, 1949. Pennsylvania and Missouri have submitted plans under this legislation. The Pennsylvania plan is based on legislation that was already on the statute books, and Missouri's plan is based on legislation that was passed in the 1951 session. Both plans, to be approved in accordance with the 1950 Federal legislation, must comply with all requirements of title X of the Social Security Act except the provision concerning the consideration of income and resources. Federal financial participation is limited, however, to payments made to individuals in need under the State's standards after income and resources have been taken into consideration.

Under legislation enacted by Alaska in 1951 a program of aid to the blind was established for that Territory. All the States and Territories except Nevada now either have an approved program of aid to the blind or have submitted a plan. All States and Territories have old-age assistance programs, and all but Nevada have programs of aid to dependent children.

### *Payments*

*Maximum.*—The Federal legislation adopted in 1950 included a provision increasing by \$27 a month the maximum amount in which the Federal Government will share in State payments for aid to dependent children. This provision recognizes the needs of the parent or other adult relative caring for the dependent child. Most

States took advantage of this Federal provision without enacting additional legislation. A few States, however—including Alaska, Maryland, Minnesota, Montana, and South Dakota—enacted special legislation providing for the consideration of the adult's requirements.

The legislature reduced the statutory maximums for all programs in only one State for which information is currently available. In nine States, on the other hand, the legislatures raised the maximum payments for one or more programs.

Ohio increased the maximums for old-age assistance and aid to the blind from \$55 to \$60 a month; it continued an earlier provision that permits the maximum on old-age assistance to be increased as much as \$200 a year for medical care expenses.

In Delaware the old-age assistance maximum was raised from \$40 to \$50 a month, and the limitation on the amount of income plus assistance that a person may have and be eligible for old-age assistance was deleted from the law. Delaware also raised the maximum payment under aid to dependent children from \$50 to \$75 for the first child, with additional amounts for additional children up to a total of \$150 a month for a family.

In Utah the statutory maximums for all programs were raised. The South Dakota maximums on aid to the blind and old-age assistance payments were increased from \$40 to \$50. In Vermont the maximum on old-age assistance payments was raised from \$45 for a single individual and \$80 for a couple to a \$50 maximum for a single individual and \$90 for a couple. Minnesota increased the old-age assistance maximum to \$60 a month, though this maximum, like the earlier one, may be exceeded to meet the costs of medical care. Alaska raised the maximum payment under aid to dependent children from \$50 to \$60 a month for a parent and one child, with an additional amount not to exceed \$30 a month for each additional child in the home. Wisconsin's maximum for old-age assistance and aid to the blind was increased to \$75 a month.

Nevada's maximum on old-age assistance payments, formerly \$55, was increased to \$58; the additional \$3 is

to be paid entirely from State funds, with the State and counties continuing to share in the remaining amount. Nevada also increased from \$30 a month to \$40 a month the maximum for the State contribution for blind pensions; this program operates without Federal financial participation.

The Arizona Legislature reduced the maximum on assistance payments so that assistance plus income in all programs of assistance may not exceed \$80 a month for a single individual, \$120 for two recipients in one family, and \$150 for three or more recipients in one family.

In Illinois the Governor vetoed a measure that would have provided a cost-of-living increase of 10 percent for old-age assistance payments; he gave as his reason the fact that the State already had a provision in its law relating the assistance payment to changes in the consumers' price index.

*Other provisions.*—Several States enacted legislation relating to guardianship provisions. Maine now provides that aid to dependent children may be paid to guardians and conservators of the relative with whom the child is living if the relative is found incapable of taking care of his money. Michigan legislation provides that old-age assistance payments may be made to the recipient, even though a guardian has been appointed. Nebraska amended its guardianship law to provide that the term "estate" be defined to include any benefits derived or arising from public funds and that the meaning of "spendthrift" include "lack of discretion in managing his estate."

New York legislation prohibits the cashing of assistance checks by persons in establishments holding licenses under the alcoholic beverage control law, and the statute establishes penalties in the event checks are cashed by such establishments.

### *Relatives' Responsibility*

In recent years, State legislatures have increasingly been considering legislation designed to require specified relatives to support their needy kin. This year the legislation enacted took two forms, both of interest to public welfare agencies.

A number of States enacted legis-

lation recommended by the Council of State Governments and designed to establish a system of interstate cooperation in obtaining support from parents who have deserted their children and live in a different State. This legislation, known as the "uniform reciprocal enforcement of support" act, is somewhat similar to legislation recommended by the Council in 1950. During that year and 1951, a total of 38 States enacted this type of legislation, which provides for reciprocity in the enforcement of support orders.

The other type of legislation relates directly to the establishment of responsibility of relatives to support assistance recipients. In some States the legislation is a new development, but in most States the bills enacted amend already existing laws.

In Georgia, legislation was enacted that requires children to support their parents. The extent of their responsibility is to be determined by an income and resources scale, and authority is given to the State agency to recover from the relatives for the assistance granted. Tennessee imposed a penalty for failure to support a dependent child and made provision for recovering from the husband or parent the assistance paid on behalf of a dependent child. During its consideration of State policy on the responsibility of relatives to support recipients, Tennessee also removed from the law a provision that only income that is actually available is to be considered in determining eligibility for assistance.

Arkansas enacted various provisions establishing relatives' responsibility for public assistance recipients; detailed provisions were included for enforcement and for recovery of assistance granted. An amendment to the old-age assistance law of Nevada introduced a contribution scale to determine, according to the number of persons dependent on his income, the amount a responsible relative is required to contribute. Hawaii, New Hampshire, Oklahoma, and Wyoming also enacted legislation that, in general, tightens the laws regarding the responsibility of relatives.

In Illinois the Public Aid Commission may now require the needy person to sue responsible relatives for support; formerly, such action had to

be initiated by the assistance agency. In California, statements by responsible relatives need no longer be made under oath; the law provides, however, that the persons filling out such statements are subject to penalties for perjury.

In Nebraska, stepfathers have been made responsible for their minor stepchildren. In the same State, old-age assistance may now be furnished for a reasonable time pending the determination of a suit for support from a responsible relative. In the past, assistance was paid for a maximum period of 60 days while the relatives' ability to support was being investigated.

Florida amended one of its laws to require more specifically that fathers of illegitimate children be required to support the children. The amount such fathers are to contribute is increased from \$50 a year to graduated amounts, ranging from \$40 a month to as high as \$110 a month; the amount to be paid is based on the age of the child and may be increased or lowered at the discretion of the court.

### *Eligibility Factors Related to Need*

*Income exemption—aid to the blind.*—One of the provisions in the 1950 amendments states that, effective July 1, 1952, all States shall disregard the first \$50 of earned income of aid to the blind recipients; before the effective date the States may disregard up to that amount of earned income. According to reports received by the Bureau, 29 States<sup>2</sup> enacted legislation in 1951 to comply with this provision. From the information available, it appears that about half these States made the exemption effective at once, under the permissive provision in the Federal amendment, while the other States made it effective July 1, 1952. The language used by the States in nearly all instances is similar to that in the Federal act, which provides for disregarding "earned income." An exception is Vermont,

<sup>2</sup> Arkansas, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Maine, Maryland, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Vermont, Washington, Wisconsin, and Wyoming.

which provides for disregarding "gross earned income."

*Property limitations.*—Five States enacted legislation relating to the amount of property an individual may hold and be eligible for old-age assistance. The Arizona Legislature established a limitation on the value of property a person otherwise eligible may own. Homestead property owned by a recipient of old-age assistance or aid to the blind may not have a fair market value in excess of \$8,000; a cash-reserve maximum of \$800 is set for a single recipient, and one of \$1,200 for a recipient and spouse or two or more recipients in a single homestead.

A law in Michigan, among other changes, increased from \$6,000 to \$10,000 the limit on the value of homestead property occupied by a recipient and limits ownership of other real and personal property to \$500 for an individual and \$750 for married couples.

In Nebraska the legislature adopted a resolution to increase from \$300 to \$500 the personal property limit in old-age assistance and aid to the blind; the limitation of \$600 for a husband and wife was raised to \$1,000. Ohio established \$6,000 as the net value of real property, used as a homestead, that an individual may possess and be eligible for aid. Net value in excess of that amount disqualifies an individual, but—as before enactment of this amendment—exceptions may be made; the State agency is authorized to determine the maximum amount of personal property and real property (other than a homestead) a person may own and remain eligible for aid. Minnesota legislation increases from \$5,000 to \$7,500 the net value of property that an applicant or an applicant and spouse together may own and be eligible for assistance.

The California Legislature made several changes in provisions relating to personal and real property in the aid to dependent children program. One law limits to \$600 the value of the personal property that a family receiving aid to dependent children may possess. Not included in this amount are essential household furnishings and equipment, personal effects, and personal jewelry. Another law expresses the intent of the legislature to encourage the employment and self-maintenance of parents of

needy children. This law exempts from the limits on personal property the value of supplies and equipment, as well as other items that are needed in a program designed to assist a family to maintain and support itself. The legislature also enacted a law exempting from the personal property limitation the value of tools and equipment necessary to implement a vocational rehabilitation program. Legislation also provides that real property owned but not occupied as a home by the child receiving aid, or by his parent, shall be used to provide for the needs of the child or of his parents. It is provided, however, that no child shall be disqualified for aid if such property is not actually available for sale or use.

In Arizona, recipients of old-age assistance, aid to the blind, and aid to dependent children must file a quarterly report of all income from all sources during the preceding year. The Maine Legislature authorized the welfare department to require recipients to file sworn statements regarding their income, assets, and liabilities; a similar sworn statement is to be obtained, whenever possible, from the spouse, parents, and each adult child of a recipient residing in the State.

By legislation adopted in Connecticut, provisions previously in effect for old-age assistance and aid to the blind are now applicable to aid to dependent children. Under these provisions, property that is valued at \$100 or more and that is received by a recipient must be promptly reported to the assistance agency. The legislation also provides that no person shall sell, encumber, or transfer property valued at more than \$100 without the agency's consent.

*Transfer of property.*—Several State legislatures took action to revise the provisions in the law to make certain that recipients do not transfer property without adequate compensation before they apply for assistance.

In Idaho an applicant becomes ineligible for assistance if, within the 5 years preceding the application for old-age assistance, he transfers property without receiving adequate monetary consideration. In Tennessee, the law that had made ineligible any applicant for old-age assistance or aid

to the blind who transferred property within 2 years of applying for assistance was amended to make the period 5 years.

Maine enacted legislation providing that an applicant who divests himself of any property without reasonable consideration or for the purpose of qualifying for aid to the blind is not eligible. In Kansas the transfer of property without adequate consideration makes a person ineligible for assistance. Previously, the law provided that the transfer of property without the consent of the county welfare board would make an individual ineligible for aid.

Modifications in the laws governing old-age assistance, aid to the blind, and aid to the disabled in Wyoming established as an eligibility factor a prohibition against the transfer of property by a recipient. In Connecticut the law now provides that the transfer of property within the 3 years preceding the application for assistance without the receipt of reasonable compensation will disqualify an applicant for old-age assistance or aid to the blind. Previously the law had established a 1-year period. Florida, in a similar law applicable to the old-age assistance program, increased the period of time from 2 years to 3 years. Georgia legislation, applicable to old-age assistance, established the 4 years before application as the period in which transfer of property for the purpose of evading the lien provisions makes an individual ineligible for aid.

### **Other Eligibility Factors**

*Determination of blindness.*—During the course of the 1951 legislative sessions, 22 States<sup>3</sup> enacted amendments to their aid to the blind programs that permit an examination by an optometrist in determining whether an individual is blind. This legislation was adopted by the States as a result of the 1950 amendments to the Social Security Act. Under the Federal amendments, State plans must provide for an examination by a physician skilled in the diseases of

<sup>3</sup> Arizona, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Indiana, Maine, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Texas, Washington, and Wyoming.

the eye or by an optometrist, and after July 1, 1952, the decision as to whether a physician or an optometrist makes the examination must be left to the applicant.

A Montana law also provides that, in the event treatment for the condition causing blindness is indicated, an examination shall also be made by a physician skilled in the diseases of the eye.

*Special requirements in aid to dependent children.*—The Colorado Legislature deleted from the law the requirement that assistance may be granted to a dependent child only when he is living in a "suitable home."

Both Arkansas and Florida enacted legislation this year that requires a closer scrutiny of the eligibility of children whose parents are physically or mentally incapacitated. The Arkansas law provides for a report from two competent physicians as to the evidence of disability, while Florida requires a medical examination and a certification from a physician as to the inability of a parent to support his children because of incapacity.

Alaska expanded its program for aid to dependent children to include children aged 16–18 if they are regularly attending school. Under a further amendment, persons standing in loco parentis to a child are eliminated from the list of relatives with whom an eligible child may live.

Georgia enacted a law that would deny assistance for more than one illegitimate child of a mother. The State's attorney general advised the State agency that, because of the doubtful constitutionality of the law, the present plan be continued in effect pending further advice from him; accordingly, the agency has not operated under the new law.

In California a change in the law specifies that, when an application for assistance is made for a child because his parents are separated or because one parent has deserted, the child shall not be considered eligible if the period of the parent's absence is less than 3 months. Another law in California provides that a child may be disqualified for assistance if his parent has refused reasonable employment or vocational rehabilitation; the law also establishes procedures for developing rehabilitation plans in co-

operation with the State department of education.

*Residence and citizenship requirements.*—An analysis of the 1951 legislation reveals that few liberalizing changes in State residence provisions were made except those that were necessary because of changes to title IV of the Social Security Act. The Federal amendments specify that, effective July 1, 1952, State plans may not deny assistance to a child born within 1 year immediately preceding the application, if the parent or other relative with whom the child is living has been a resident of the State for 1 year immediately preceding the birth. Ten States<sup>4</sup> made legislative changes to bring their residence requirements in this program into conformity with the Federal provision.

Nine States made other types of changes in their statutory provisions regarding residence. These changes were mainly concerned with legislative policy affecting recipients who leave the State and with reciprocal arrangements among States for granting assistance to such persons. California, for example, decided that continued absence from the State by the recipient for a year or longer is prima facie evidence of intent of the recipient to have changed his residence to another State.

Kansas modified the provisions governing the payment of assistance to persons outside the State. The amendment provides that payments may be made for 12 months after an individual has left the State; it has been implemented by the State agency to provide payments beyond the 12-month period for persons who have not lost their Kansas residence. The Oregon law was amended to eliminate a provision that a recipient of aid to the blind obtain consent of the county public welfare commission for removal to another State.

Michigan amended its old-age assistance and aid to the blind residence requirements to permit reciprocity with other States. New Hampshire revised its provisions concerning reciprocal agreements with other States to grant assistance to persons from

such other States who meet the New Hampshire eligibility requirements except residence. Wisconsin limited its 1-year residence requirement by requiring that an applicant who comes to Wisconsin from another State will be ineligible until he meets the residence requirements of the other State, unless Wisconsin has a reciprocal agreement with that State.

South Dakota increased its residence requirement in old-age assistance from 1 year to 5 years of the last 9, with 1 year immediately preceding application. Utah incorporated in its law a uniform public assistance residence requirement of 1 year, with a provision for temporary assistance to persons who do not meet that requirement.

Four States enacted legislation relating to citizenship requirements in their old-age assistance programs. Maryland and Illinois deleted the citizenship requirement from their law. In Arizona the effect of legislation was to increase from 10 years to 25 years the length of time an alien has to reside in the United States to qualify for assistance in that State. Alaska, which had a citizenship requirement, now provides that anyone who has resided in the Territory since 1935 may qualify for assistance.

### *Medical Care*

*Medical assistance provisions.*—The 1950 amendments to the public assistance titles of the Social Security Act also influenced State legislation with respect to the medical aspects of public assistance. Federal financial participation is now possible not only in money payments to the assistance recipient but also in payments made by the State in his behalf to suppliers of medical services. Such participation is available to the extent that the total of the money payment and the payment for medical care does not exceed the specified maximums in the Federal act.

Several States adopted legislation to take advantage of the new Federal provision. Maine, Oklahoma, Oregon, and South Dakota amended their definition of assistance to include payments for medical care in behalf of individuals as well as money payments to them. The State agency in Michigan is given authority to con-

tract for the cost of hospitalization or medical care, or both, for recipients of assistance and to pay the cost directly to the contractor. Massachusetts amended its law to permit vendor payments for medical, visiting nurse, and convalescent and nursing-home services in old-age assistance and aid to dependent children. The State already had the authority to make vendor payments for hospitalization and certain other services. Connecticut and Illinois also acted to permit medical care payments to vendors under the provisions of the new Federal amendment. The legislation enacted in these two States also looks toward the establishment of a pooled fund, from which payments for medical care can be made with Federal financial participation.

Minnesota enacted legislation providing for medical care payments to vendors and authorized the assistance agency to establish methods for prepayment plans for medical care, provided that the recipient is not deprived of free choice of vendor and the vendor is not deprived of payment on a fee-for-service basis. North Carolina authorized the State Medical Care Commission to contribute funds for indigent patients who are hospitalized in approved hospitals.

Some other States also adopted legislation relating to medical assistance. A law in Hawaii transferred the responsibility for providing medical care for assistance recipients to the Territorial health department. Similarly, a Washington law transferred the responsibility for providing medical care to the State department of health; the State assistance agency was given responsibility for determining medical indigency.

Minnesota enacted legislation relating to county nursing homes. A county or any group of counties acting jointly may establish a county nursing home for the treatment of chronically ill or convalescent persons. The new law also provides that a county without a nursing home may purchase nursing-home care from another county. Wisconsin authorized the establishment of a system of county infirmaries, set up a method for their operation, and provided for reimbursement to the counties by the State. Of interest in the area of services for the aging is

<sup>4</sup> Colorado, Indiana, Maine, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Oregon, and Wyoming.

a North Carolina law that establishes a State boarding fund for the care of aged and infirm persons. Michigan legislation includes in the State's definition of medical care the services of a chiroprapist and includes chiropody with other professions for whose services funds may be made available in public assistance grants.

*Patients in public medical institutions.*—The Social Security Act Amendments of 1950 made Federal financial participation available, for the first time, for State assistance payments to persons who are patients in public medical institutions for more than a temporary period. The act provides, however, that Federal participation is not available for payments made to patients in mental hospitals or to persons who have been diagnosed as having tuberculosis or a psychosis and, as a result, are patients in a medical institution. Under the impetus of the Federal amendment, 17 States<sup>5</sup> amended their laws this year to provide for assistance payments to be made to patients in public medical institutions.

From the information available, the 1951 legislative sessions appear to be the first in recent years in which at least one State has not enacted legislation providing for payments to persons in public domiciliary institutions. Federal aid is not available in connection with such payments, and this year the emphasis seems to have been on providing assistance to persons in public medical institutions in order to qualify for Federal financial participation.

### ***Safeguarding Information***

Provisions in the Social Security Act have required all States to establish methods to safeguard the information about public assistance recipients and to use such information only for purposes of administering the program. These provisions were under critical scrutiny in the legislatures of several States, and the resulting legislation in a few States attracted Nation-wide attention.

In Indiana, legislation was passed,

<sup>5</sup> Alaska, Colorado, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Nevada, Oklahoma, Oregon, South Dakota, Utah, and Wyoming.

over the veto of the Governor, that provided that certain information about assistance recipients was to be made available to specified county officials and was to be open for public inspection in the offices of the county auditors. When this legislation was formally submitted to the Federal Security Agency, a hearing was held by the Administrator to determine whether the Indiana plans for old-age assistance, aid to dependent children, and aid to the blind, with the provision included, would be in conformity with the Social Security Act. On the basis of the hearing, the Administrator determined that such legislation prevented the approval of plans under the Social Security Act, and, effective July 20, 1951, further Federal grants to the State were withheld. The validity of the Administrator's action was upheld by the United States District Court for the District of Columbia on September 7, 1951.<sup>6</sup>

Illinois and Alabama enacted somewhat similar provisions, although the legislation specifies that information about assistance recipients may be released to the public only if it can be done without the loss of Federal funds. Legislation comparable to the Indiana law was passed by the Florida Legislature but was vetoed by the Governor.

The legislatures of these four States and of two others—Georgia and Oklahoma—also memorialized the Congress to delete from the Social Security Act the provisions that have required the States to safeguard information about assistance recipients. The Missouri Legislature, on the other hand, strengthened its statutory provisions regarding the safeguarding of information by making such provisions specifically applicable to aid to dependent children and aid to the disabled, in addition to old-age assistance. California

<sup>6</sup> Subsequently, the Congress inserted in the Revenue Act of 1951 (Public Law 183, approved October 20) a section specifying that grants under titles I, IV, X, and XIV may not be withheld from States that have by legislative action provided the conditions under which public access may be had to records of disbursement or payments of public assistance, if such legislation prohibits the use of information obtained through such access for commercial or political purposes.

strengthened its law by making it illegal for any person to obtain or have in his possession, except in the course of official duty, an official list of applicants for and recipients of public assistance or one compiled from official sources.

### ***Other Significant Provisions***

*Notice to law-enforcement officials.*—A new plan requirement was introduced into the program for aid to dependent children by the Federal amendments. Effective July 1, 1952, the State plans must provide for prompt notice to the appropriate law-enforcement officials when aid to dependent children is granted with respect to a child who has been deserted or abandoned by a parent. Many States have found it possible to amend their plan in this respect without legislation. Special legislation was enacted in some States, including Arizona, Arkansas, California, Montana, Nebraska, New York, North Dakota, Tennessee, Vermont, and Wyoming.

*Standards for institutions.*—The 1950 amendments specify that, effective July 1, 1953, any State granting assistance to persons in private or public institutions must establish or designate a State authority or authorities that shall be responsible for establishing and maintaining standards for such institutions.

Five States enacted legislation in this area. California legislation provides that the State department of public health shall prescribe and promulgate standards for public medical institutions and certify to the State department of social welfare that such institutions meet the standards. Michigan now defines the homes for the aged requiring a license from the department of social welfare as "convalescent homes, and homes for the aged," rather than merely "homes," as formerly. Another law adds medical institutions to the list of those that the State agency must "approve" if recipients are to receive assistance while residing there.

New Hampshire legislation makes it possible for the State welfare agency to secure information from the department of health regarding the conduct and operation of institutions and homes. The law further

takes from the agency's responsibilities the inspection of public institutions; the agency continues to license and supervise certain institutions.

New York's new multiple residence law establishes minimum standards of fire protection, safety, and sanitation for multiple dwellings, which are defined to include convalescent and nursing homes. Washington provided for the licensing and regulation of nursing homes by the State health department. Wisconsin established a State licensing and crediting system for nursing homes, and designated the State board of health as the standard-setting authority for private nursing homes.

It is not surprising that the volume of legislation in this field was not especially heavy in 1951. The requirements of the Federal law do not become effective until July 1, 1953. Thus States that do not now have legislation for the establishment and maintenance of standards for institutions have considerable time to put such legislation on the statute books. Also, many States already have legislation providing for some kind of standard-setting authority, more or less comprehensive in nature, for institutions. According to the information available to the Bureau of Public Assistance, 43 States had such authority as of September 1, 1951.

*Right to apply, prompt payment of assistance, and fair hearings.*—In other areas, too, Federal legislation enacted in 1950 was reflected in the State legislation. The Federal act, as amended, specifically requires that each person who believes himself eligible shall have the right to apply for assistance and that, if he is eligible, he is to receive assistance promptly. The Federal provisions with respect to fair hearings were amended to require the States to afford a fair hearing to anyone whose application for aid had not been acted upon with reasonable promptness. Although nearly all States were able without legislative action to amend their plans to comply with the new Federal requirements, a few amended their laws.

Alaska, Colorado, Maine, Minnesota, Missouri, and Nebraska made various changes in their laws—to assure the opportunity to apply, to provide that

assistance be paid promptly, or to provide that a fair hearing be made available to persons whose application is not acted upon with reasonable promptness. In addition, a law enacted in Nevada specifically eliminated some legislative handicaps to the efficient handling of applications. Maine amended its aid to dependent children law to provide for speedier handling of the applications that are received by local town officials. Similar action was taken in Wyoming, where the law was amended to authorize the counties to approve assistance payments without previous State approval.

California made several changes affecting the application process. One new law states that the public assistance laws shall be administered fairly, so that all eligible applicants receive assistance promptly, with due consideration of their needs and the safeguarding of public funds. Another law permits county boards of supervisors to delegate to the county welfare director their authority to grant, deny, discontinue, or change public assistance grants. In aid to dependent children and aid to the blind, the former provisions to the effect that counties shall have 90 days to investigate eligibility are deleted from the law. Legislation in this State also prohibits anyone connected with the administration of aid to the blind from dictating to the recipient how he may spend his grant.

In Nebraska, legislation was enacted that reduces from 3 weeks to 2 weeks the minimum time that must elapse between the filing for a hearing and the holding of the hearing. Missouri eliminated a provision that assistance be continued while an appeal is pending and now provides for reinstatement and retroactive payment to the date assistance was terminated if the appeal is sustained. The authority of the Michigan State Welfare Department to establish waiting lists was abolished by legislation.

*Liens, recoveries, and penalty provisions.*—During 1951, as in other recent years, the States showed considerable interest in legislation providing for the recovery of assistance granted from the estate of deceased recipients and thus reducing their public assistance costs. Many States

now have laws that establish the conditions under which a recovery will be made for assistance paid. In the sessions just ended, 11 States enacted legislation relating to liens and recoveries. For some States, this was the first legislation of this type; other States amended existing laws.

North Carolina created, for the first time, a lien on the property of assistance recipients. New York, also for the first time, established a lien on the property of applicants and recipients who are responsible relatives of children receiving aid to dependent children.

Georgia established a procedure for recovering from the estate of old-age assistance recipients the amount of assistance they had received. This claim is subordinate only to prior liens and funeral expenses up to \$200 a year. The law outlines the procedure for the filing of the liens. Legislation in Hawaii also establishes, for the first time, a lien in the old-age assistance program.

Ohio legislation, amending the old-age assistance laws, abolishes the State agency's authority to accept in trust any property owned by a recipient. Legislation establishes a mandatory lien, however, on any and all real property of the recipient or his or her spouse, whether that property is presently owned or subsequently acquired. This lien takes the place of the trust mortgages on real estate that were formerly accepted by the State agency.

Tennessee increased from \$100 to \$250 the exemption allowed for funeral expenses in connection with recoveries from the estate of deceased recipients of old-age assistance and aid to the blind. Connecticut modified its public assistance law to make possible the recovery from the estate of deceased recipients the value of assistance granted in the form of a vendor payment for medical care; previously, the recovery was limited to assistance granted in the form of a money payment.

The role of the judge of the district court in Wyoming, in making a recovery from the estate of deceased recipients, was modified by new legislation. He is now to review all claims of the State welfare department against the estates of recipients, and

payment from the estate is to be at his discretion. Previously, the recovery had been mandatory on the court. Another change in the Wyoming old-age assistance law provides that no recovery is to be made in the event that the real or personal property of the deceased recipient is needed for the support, maintenance, or education of a spouse, minor child, or other dependent.

Florida, Hawaii, Maine, Maryland, Oklahoma, and Oregon enacted provisions relating to penalties for fraud or to the recovery of assistance illegally received. The Florida law also establishes penalties against an employee who fails to report evidence of ineligibility or fraud.

### *Organization and Administration*

The 1951 legislatures made several important organizational changes in the structure of State public assistance agencies. Delaware established a department of public welfare that will administer all public welfare programs except the programs for the blind; while previously each category was administered separately, now only the Commission for the Blind continues as a separate agency. A board of welfare, appointed by the Governor and consisting of 12 members, controls the new department and appoints its director.

In Arizona, legislation provided for merging into one agency the departments of public welfare, public health, and institutions and the Parole Board. This act, however, has not gone into effect because of the filing of a petition for a referendum. Whether the reorganization will become effective is dependent upon a popular vote at the next general election.

Florida enacted a reorganization law that creates a State department of public welfare. Under the new legislation the State board retains its administrative functions and, in addition, has the responsibility for appointing the State welfare director and for prescribing his duties and functions. Formerly, the director was appointed by the Governor. The district pattern of organization is retained, and the membership of the district welfare boards is enlarged

to include at least two members from each county in a district.

Under new legislation in Georgia the crippled children's services program was transferred from the State department of public welfare to the State department of health.

The composition of State and local welfare boards and the members' term of office were the subject of legislation in three States. Wisconsin amended an earlier law to provide that appointments to the State welfare board shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. The president of the Wisconsin Public Welfare Association was also designated to be a member of the nominating panel. The term of office for the members of the Illinois Public Aid Commission was changed from 4 years, with overlapping periods of service, to 2 years, with all members to be appointed in January of the odd-numbered years. The Indiana law now provides that no elected official shall serve as a member of a county welfare board.

Other significant provisions relating to organization and administration were adopted. In Alaska, legislation redefining the duties of the agency makes several changes. The State agency is authorized to administer not only old-age assistance, aid to dependent children, and aid to the blind but all other assistance programs for which funds may thereafter be available. The agency is directed to cooperate with the Federal Government by adopting plans that would make the Territory eligible for Federal funds for public assistance. Authority is available to permit the agency to enter into reciprocal agreements regarding public assistance, welfare services, and institutions.

The California Legislature, in an effort to bring about a further coordination of the State programs for the blind, established a coordinating council that will make recommendations to the legislature. Another law requires each county with 250 or more blind recipients to establish a special bureau for the blind.

In Massachusetts, where the town or city is the unit of local administration, legislation authorizes direct

State administration of old-age assistance, aid to dependent children, and general assistance in one town. Another law passed by the Massachusetts Legislature provides for State administration of old-age assistance to persons without settlement who were in a State hospital on December 1, 1950.

Iowa, Hawaii, and Wyoming enacted legislation relating to the procedure to be followed in the promulgation of rules and regulations by the State agencies. The term "rule" in Wisconsin has been defined by legislation as having the effect of law. The legislation further establishes the procedures for the establishment of rules. In Texas, new legislation requires that all State agencies file with the secretary of state a copy of any agreement they make with the Federal Government. Provisions for the destruction of public records were enacted by Alaska, California, Missouri, and New York.

In past sessions the legislatures of several States have authorized studies and investigations of various State departments, including departments of public welfare. Various kinds of studies were authorized in a number of States this year, including California, Georgia, Idaho, Indiana, Michigan, Minnesota, Nebraska, New York, South Dakota, Texas, Washington, West Virginia, and Wisconsin. The legislatures in Michigan, Minnesota, New York, and Wisconsin authorized studies of the problems of the aging, and New York also authorized a study of Federal-State relations in the administration of Federally aided welfare programs.

### *Fiscal Provisions*

Colorado increased from 75 percent to 85 percent the State funds for county administrative expenses in all programs, and it also consolidated all county public welfare funds into one common county welfare fund. Connecticut legislation relieves the local units of government of the responsibility of contributing toward the cost of aid to dependent children, previously fixed at three-tenths of the cost.

Washington established a legislative budgetary committee with powers to examine and study administrative

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**Table 2.—Contributions and taxes collected under selected social insurance and related programs, by specified period, 1949-51**

[In thousands]

Period	Retirement, disability, and survivors insurance			Unemployment insurance		
	Federal insurance contributions <sup>1</sup>	Federal civil-service contributions <sup>2</sup>	Taxes on carriers and their employees	State unemployment contributions <sup>3</sup>	Federal unemployment taxes <sup>4</sup>	Railroad unemployment insurance contributions <sup>5</sup>
<b>Fiscal year:</b>						
1949-50.....	\$2,106,388	\$662,262	\$550,172	\$1,094,406	\$226,306	\$18,855
1950-51.....	3,119,537	684,343	577,509	1,364,590	233,537	24,681
<b>3 months ended:</b>						
September 1949.....	445,397	386,280	148,356	279,967	19,440	2,663
September 1950.....	702,261	397,026	137,355	332,359	16,802	6,014
September 1951.....	948,199	401,754	266,730	440,231	17,326	4,668
<b>1950</b>						
September.....	185,074	<sup>6</sup> 333,303	125,988	6,035	1,347	5,665
October.....	181,498	34,085	2,763	116,786	1,980	17
November.....	287,928	32,168	9,817	191,143	12,398	168
December.....	239,131	29,178	132,961	9,980	2,716	5,837
<b>1951</b>						
January.....	131,331	33,958	1,567	96,405	16,319	22
February.....	373,787	29,752	6,508	153,307	146,981	155
March.....	239,310	31,874	139,527	12,151	13,963	5,647
April.....	150,089	35,264	3,021	145,903	3,502	186
May.....	534,031	37,610	4,814	297,232	15,764	398
June.....	280,172	23,428	139,178	9,323	3,311	6,036
July.....	174,511	29,704	621	158,465	1,681	48
August.....	515,815	29,694	66,022	273,692	14,641	526
September.....	257,873	<sup>7</sup> 342,357	190,087	8,075	1,004	4,093

<sup>1</sup> Represents contributions of employees and employers in employments covered by old-age and survivors insurance.

<sup>2</sup> Represents employee and Government contributions to the civil-service retirement and disability fund (including Alaska Railroad, Canal Zone, and Office of the Comptroller of the Currency retirement and disability funds integrated since July 1949 with principal fund); Government contributions are made in 1 month for the entire fiscal year.

<sup>3</sup> Represents deposits in State clearing accounts of contributions plus penalties and interest collected from employers and, in 2 States, contributions from em-

ployees; excludes contributions collected for deposit in State sickness insurance funds. Data reported by State agencies; corrected to Oct. 22, 1951.

<sup>4</sup> Represents taxes paid by employers under the Federal Unemployment Tax Act.

<sup>5</sup> Beginning 1947, also covers temporary disability insurance.

<sup>6</sup> Represents contributions of \$28.3 million from employees, and contributions for fiscal year 1950-51 of \$305.0 million from the Federal Government.

<sup>7</sup> Represents contributions of \$32.4 million from employees, and contributions for fiscal year 1951-52 of \$310.0 million from the Federal Government.

Source: *Daily Statement of the U. S. Treasury*, unless otherwise noted.

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organization and procedures of State government and to eliminate overlapping and duplication. Legislation in Wisconsin provides for a centralized State review of all administrative budgets submitted to the Federal Government for matching funds. A Massachusetts appropriation measure deletes a section that formerly limited expenditures in the first 6 months of the year to half the total annual appropriation. In West Virginia, as a result of 1951 legislation, the director of the budget must approve requests and budgets of State agencies for Federal aid under the Social Security Act.

North Dakota now requires that the State shall reimburse the counties for the full cost of assistance to persons employed on Federal projects of such magnitude as to attract to a county a large number of persons from outside the county. Related legislation in the same State provides that the

State shall reimburse the counties for 80 percent of medical and hospital care granted to nonresidents.

Legislation in Maine directs that payments may be made for certain obligations incurred by old-age assistance recipients who were unable to indorse the check for the last payment approved for them before their death or commitment to an institution. The obligations that may be met in this way are board and medical and nursing services, but the cost of these items may not exceed the amount of the payment anticipated before the recipient's death or commitment. Provisions in the Oregon law with respect to the cashing of checks of deceased recipients of assistance, formerly applicable to old-age assistance and aid to the blind, were extended to cover all recipients of assistance. The amount the State will pay for the funeral expenses of old-age assistance recipients in Minnesota was raised by the legislature from \$100 to \$150.

Michigan legislation makes it possible for the State welfare depart-

ment to issue more than one check a month to a recipient.

## General Assistance

The information available about general assistance legislation is limited. There is no provision in the Federal Social Security Act for Federal financial participation in State expenditures for general assistance, and State laws for this program are not required to be submitted to the Bureau. The following information is from various sources.

Residence requirements for general assistance were reduced by Montana from 3 years to 1 year. Colorado lowered from 3 years to 1 year the residence requirements for State tuberculosis aid. New York State extended to July 1, 1952, the provisions in its social welfare law relating to work for general assistance recipients who are employable.

Legislation enacted in Hawaii requires employable recipients to work on public work projects as a condition of receiving aid. Similar legislation

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**Table 8.—Public assistance in the United States, by month, September 1950–September 1951<sup>1</sup>**

[Exclusive of vendor payments for medical care and cases receiving only such payments]

Year and month	Total	Old-age assistance	Aid to dependent children		Aid to the blind	Aid to the permanently and totally disabled <sup>2</sup>	General assistance	Total	Old-age assistance	Aid to dependent children (families)	Aid to the blind	Aid to the permanently and totally disabled <sup>3</sup>	General assistance					
			Families	Recipients														
				Total <sup>2</sup>										Children				
Number of recipients													Percentage change from previous month					
1950																		
September		2,809,537	653,693	1,661,004	96,619		469,000	+0.2	-0.3	+0.4			-3.2					
October		2,793,711	655,251	2,244,576	97,194	58,250	408,000	-1.4	+2	+6			-13.0					
November		2,793,712	649,931	2,226,685	97,491	61,050	403,000	-2	-8	+3	+4.8		-1.3					
December		2,786,216	651,309	2,233,194	1,660,933	97,453	413,000	-3	+2	( <sup>4</sup> )	+12.7		+2.6					
1951																		
January		2,784,199	652,971	2,240,743	1,666,911	96,062	425,000	-1	+3	-1.4	+2.9		+3.0					
February		2,777,722	651,928	2,238,185	1,665,048	95,065	421,000	-2	-2	( <sup>5</sup> )	+5.4		-1.0					
March		2,771,640	651,356	2,236,472	1,663,919	95,905	412,000	-2	-1	-2	+7.3		-2.1					
April		2,760,691	645,822	2,218,670	1,652,472	96,974	384,000	-4	-8	+1.1	+9.8		-6.8					
May		2,754,884	640,606	2,198,894	1,638,116	96,990	355,000	-2	-8	( <sup>5</sup> )	+10.5		-7.6					
June		2,745,285	632,649	2,171,426	1,617,893	97,024	335,000	-3	-1.2	( <sup>5</sup> )	-7.4		-6.2					
July		2,737,675	618,394	2,123,693	1,582,218	97,256	324,000	-3	-2.3	+2	+4.5		-3.2					
August		2,732,021	612,128	2,104,348	1,568,029	97,349	319,000	-2	-1.0	+1	+2.2		-1.4					
September		2,722,945	606,073	2,085,610	1,554,250	97,163	311,000	-3	-1.0	-2	+1.6		-2.6					
Amount of assistance													Percentage change from previous month					
1950																		
September	\$194,647,657	\$123,086,457	\$46,051,975	\$4,436,195		\$21,073,000	-0.3	+0.3	+0.2	+0.5			-4.6					
October	192,265,677	121,124,389	45,811,754	4,463,099	\$2,389,435	18,467,000	-1.2	-1.6	-6	+6			-12.4					
November	192,572,324	120,824,056	46,220,553	4,472,924	2,533,761	18,521,000	+2	-2	+9	+2	+5.6		+3					
December	193,264,021	119,954,750	46,529,602	4,480,867	3,033,402	19,266,000	+4	-7	+7	+2	+19.7		+4.0					
1951																		
January	194,662,874	120,099,988	47,327,250	4,438,705	3,170,931	19,926,000	+8	+1	+1.7	-9	+4.5		+3.4					
February	194,437,286	119,131,206	47,857,550	4,454,255	3,383,275	19,611,000	-3	-8	+1.1	+4	+6.7		-1.6					
March	194,532,503	118,948,024	48,088,334	4,448,593	3,596,552	19,451,000	( <sup>5</sup> )	-2	+5	-1	+6.3		-8					
April	191,950,100	118,270,450	47,521,557	4,495,465	3,946,628	17,716,000	-1.3	-6	-1.2	+1.1	+9.7		-8.9					
May	191,037,004	118,929,307	47,021,843	4,523,461	4,399,393	16,163,000	-5	+6	-1.0	+6	+11.5		-8.8					
June	189,319,242	118,665,540	46,384,194	4,537,434	4,677,074	15,055,000	-9	-2	-1.4	+1.7	+6.3		-7.1					
July	188,142,875	119,304,317	45,002,602	4,536,052	4,847,904	14,452,000	-6	+5	-3.0	( <sup>4</sup> )	+3.7		-4.0					
August	188,194,866	119,308,258	44,745,286	4,558,093	4,950,229	14,633,000	( <sup>5</sup> )	( <sup>5</sup> )	-6	+5	+2.1		+1.3					
September	188,364,798	119,841,263	44,818,948	4,567,595	5,150,992	13,966,000	+1	+4	+2	+2	+4.1		-4.4					

<sup>1</sup> For definition of terms see the *Bulletin*, January 1951, p. 21. Excludes programs administered without Federal participation in States administering such programs concurrently with programs under the Social Security Act; beginning October 1950, includes data for Puerto Rico and the Virgin Islands; the first month these jurisdictions were included under the public assistance titles of the Social Security Act. All data subject to revision.

<sup>2</sup> Beginning October 1950, includes as recipients the children and 1 parent or other adult relative in families in which the requirements of at least 1 such adult were considered in determining the amount of assistance.

<sup>3</sup> Program initiated in October 1950 under Public Law 734.

<sup>4</sup> Decrease of less than 0.05 percent.

<sup>5</sup> Increase of less than 0.05 percent.

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in Pennsylvania enlarges the list of institutions and agencies that may request the services of employable recipients; the law provides, as before, that the work must be reasonable

in character. The agency requesting the service is not required to pay the worker who still receives public assistance.

In North Dakota the State has agreed to continue paying assistance to Indians under the general assistance program during the next biennium. New legislation in Wisconsin

authorizes the State department of public welfare to provide relief to needy Indians under certain circumstances. Responsibilities of the counties and municipalities are continued, but the State may, with the approval of the State Emergency Board, grant aid to Indians residing on tax-free land.

**RECENT PUBLICATIONS**  
(Continued from page 19)

*Act Amendments of 1950.* (Actuarial Study No. 31.) Washington: Office of the Commissioner, Division of the Actuary, Sept. 1951. 17 pp. Processed.

Estimates "the amount of life insurance in force as of January 1, 1951, as survivor insurance benefits" under the amended old-age and survivors

insurance program. Limited free distribution; apply to the Division of the Actuary, Social Security Administration, Washington 25, D. C.

**General**

CALIFORNIA. INDUSTRIAL WELFARE COMMISSION. *Budget for a Single Working Woman.* San Francisco: The Commission, 1951. 23 pp.

An official budget compiled as a

guide in establishing a minimum wage for women in California.

CHANDLER, LESTER V. *Inflation in the United States, 1940-1948.* New York: Harper & Brothers, 1951. 402 pp. \$6.

"Grants in Aid—Income—and Federal Taxes." *State Government*, Chicago, Vol. 24, Sept. 1951, p. 224. 50 cents.

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