

government employees and discussed the question of extending the system to additional territory. The Council suggested that the short operating history of social insurance and the consequent lack of reliable experience make it desirable to defer immediate coverage of the public workers.

Inclusion of additional territory under the insurance programs was recommended, but only after further development and observation of the operations in the Federal District. The present Government has issued a decree (No. 90, December 13, 1945) calling for preparatory studies in

order that the system may be established in the States of Zulia, Carabobo, and Aragua.

The initial successes of the Venezuelan social security enterprise augur well for the future. The years of discussion between the Labor Law proposals of 1936 and the start of effective operations in 1944 helped to give the public a better understanding of social insurance, while the time taken to set up a sound and simple system appears to have been well spent. Insurance against occupational accident and disease, an integral part of the social insurance program, provides the

basis for distinct improvements in protection against work injuries. Through inspection services, the publication of safety standards, and the use of a variety of educational methods, the social insurance system has dedicated itself actively to industrial safety. Because operations began during a period of high employment, collections of contributions have substantially exceeded the original estimates. Tentative plans for extension of services have followed promptly upon establishment of the first Regional Fund. These are signs of healthy growth.

Legislative Changes in Public Assistance, 1945

By Jules Berman and Haskell Jacobs*

DURING 1945, legislative sessions were held in all States except Mississippi. Louisiana and Virginia had special sessions restricted to subjects other than public assistance. The remaining States (including the District of Columbia, Hawaii, and Alaska) enacted in all about 500 laws which were pertinent to the programs of old-age assistance, aid to the blind, and aid to dependent children.

There was a marked trend toward extending the programs to additional groups of needy persons, through elimination or liberalization of conditions of eligibility, and toward increasing the amount of assistance payments, through abolishing or raising the statutory maximums on payments. Some States extended their programs beyond the coverage or potential levels of assistance payments for which Federal matching would be available.

Two new programs were established which were accepted by the Social Security Board during 1945. Delaware's plan for aid to the blind was approved October 26, and Alaska instituted a plan for aid to dependent children, approved July 31. Alaska's program, which is administered by the agency administering old-age assistance, extends aid to children under 16 years of age. There are no resi-

dence requirements. In addition to the relatives listed in the Social Security Act in the definition of a "dependent child," the Alaska law specifies "any person standing in loco parentis." The maximum payment is \$25 a month for the first child and \$15 for each additional child.

Delaware's new law, administered by the Commission for the Blind, makes aid available to any needy blind person 21 years of age or over who is not an inmate of a public institution or not publicly soliciting alms, who was a resident of the State at the time he lost his sight, or who has resided in the State 5 out of the last 9 years prior to application, the last year continuously. A \$40 monthly maximum on assistance is set.

The following summary includes the significant legislative changes relating to levels of assistance payments, eligibility requirements, medical care, institutional residence, fair hearings, agency personnel, and State and local administrative organization.

Standards and Practices

Level of Assistance Payments

Considerable legislative activity was directed toward increasing the amount of assistance payments. Some States removed the maximum limitation on payments, and various others made changes in the maximums set in their laws. Oregon and Hawaii eliminated

the maximum for old-age assistance; Nebraska, Colorado, and Maryland for aid to dependent children; and Iowa and Hawaii for aid to the blind. South Carolina removed from its constitution the provisions concerning maximums for all programs but retained the maximums written into the public assistance law.

Washington established a minimum base of \$50 a month (less income and resources) for old-age assistance in place of its previous \$40 maximum. Maximums for old-age assistance were raised from \$45 to \$60 in Alaska; from \$40 to \$50 in Wyoming;¹ from \$40 to \$45 in Illinois; from \$30 to \$40 in Vermont, South Dakota, and North Carolina; and from \$25 to \$30 in Delaware. Connecticut and Minnesota retained the \$40 maximum but amended their laws to permit higher payments to meet the cost of medical care; Michigan raised the maximum from \$40 to \$60 to cover the costs of hospital and nursing-home care. California made permanent an increase from \$40 to \$50 which had been previously enacted but was due to expire. Aged recipients in Utah became entitled to payments of \$40, less income and resources, rather than \$30, less income and resources; as before, that amount may be increased by payments for medical expenses.

In aid to dependent children, South Dakota raised its maximum from \$18 to \$30 for the first child but kept the \$12 maximum for each additional child. Minnesota raised its maximums of \$23 for the first and \$15 for

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¹The maximum for recipient and spouse is \$80.

each additional child to \$40 for the first child, \$15 for the second, and \$12 for each additional child. Iowa's maximum, formerly \$15 for the first and \$10 for each additional child, with a \$50 maximum for the family, is now \$18 for the first child and \$12 for each additional child; the family maximum is set at \$75.

Two States, South Dakota and Nebraska, raised from \$30 to \$40 their maximum for aid to the blind, and California went from \$50 to \$60.

Missouri changed the \$30 maximum in old-age assistance to conform to whatever matching maximum is specified in the Federal act, made no change in the existing maximums of \$18 for the first child and \$12 for each additional child, but repealed the family maximums of \$60 for aid to dependent children and \$45 for old-age assistance.

Texas amended the sections of its constitution dealing with the three special types of public assistance to permit payments from State funds equal to the amount available from Federal funds under the maximums specified in the Social Security Act; the effect of these changes is to increase the maximum payments from \$30 to \$40 for old-age assistance and aid to the blind and from \$16 for the first child and \$24 as a family maximum in aid to dependent children to \$18 for the first and \$12 for each additional child. The constitution specifies \$20 as the maximum that can be expended from State funds for any aged recipient.

As a result of these legislative changes, 21 States now have no statutory maximum for old-age assistance, 25 have none for aid to the blind, and 37 have none for aid to dependent children. Of the 30 States with statutory maximums for payments to the aged, 20 will make payments up to \$40—the maximum payment in which the Federal Government will match State expenditures—5 have higher maximums, and 5 have lower. In aid to the blind, 22 States have statutory maximums; 18 of them have the Federal matching maximum of \$40, and 3 have higher maximums, while the law in 1 State will not permit payments as high as \$40. In the 13 States with a statutory maximum for aid to dependent children, 8 have maximums

equal to the maximum amount specified in the Social Security Act—\$18 for the first child and \$12 for each additional child—3 States have higher maximums, while 2 States have maximums below that figure.

Some States interested in increasing maximum payments made the increases contingent on changes in the amount of Federal funds made available to the State. Legislation to increase grants when the proportions of Federal financial participation are increased was passed in Tennessee (aged, blind, children), North Carolina (children), Wisconsin (aged and children), California, Illinois, and Wyoming (aged).

The Arkansas Legislature directed the State agency to increase the percentage of need met from 75 percent to 100 percent. Later, however, the appropriation act implementing this increase was declared unconstitutional.

Standards for Requirements

Three States took steps whereby standards for determining the needs of individuals would be based on studies of living costs. Under a Washington law, objective budget guides will be established for all three special types of public assistance, based on studies of living costs which are to be revised at least annually. The law further provides that, for budgetary purposes, recipients of old-age assistance and aid to the blind are to be divided into classes according to their living arrangements and that the budget guides are to reflect, in addition, the special needs of recipients with unusual living arrangements. The Oklahoma Legislature directed the State agency to revise and liberalize its standards for requirements for old-age assistance to take account of the increase in the cost of living and the recipient's health; the agency must, however, do this within the funds made available. The Illinois law directing the State agency to make periodic surveys of living costs looking toward adjustments in the standards for requirements of aged recipients was amended so that payments will provide a reasonable subsistence compatible with decency and health.

A provision in California, enacted to guide the State department in ad-

ministering aid to the blind, embodied the recognition that the needs of a blind person may differ from those of an aged person. New York modified its aid to dependent children law so that the allowance to a parent may include maintenance of the other parent. When the allowance is made to a relative, it may include the maintenance of a parent who is in the home and is incapacitated.

Nevada deleted a provision (old-age assistance) that casual income and inconsequential resources are not to be considered in establishing the amount of assistance payments. Minnesota, in amending its old-age assistance law, omitted a provision that the income of a recipient may be dedicated to the support of his needy dependents. An Illinois law provides that homesteads of aged recipients are not to be considered in fixing the amount of assistance except as they provide an income or shelter.

Income and Property Provisions Affecting Eligibility

Several State legislatures amended their statutory provisions concerning income and property. California changed its requirements so that specified resources which do not exceed \$500 and are earmarked for funeral expenses are not considered "personal property" in determining eligibility for old-age assistance. The provision requiring local agencies to consider the personal property of aged recipients was also liberalized. The law on aid to the blind was amended to provide that premiums on life insurance policies shall not be deemed income whether or not the premium is paid by a responsible relative of the applicant or recipient.

Vermont, in raising the maximum payment for old-age assistance, also deleted a clause providing that an aged person cannot receive assistance if his income is in excess of \$360 a year, or \$500 a year when combined with the income of his spouse.

The interest of the Texas Legislature in the problem of income and property requirements is shown by the adoption of a resolution declaring the legislature's desire that the State welfare agency allow each aged or blind recipient to possess money, bonds, or property up to \$300 in value without requiring denial of aid. Ore-

gon deleted the provision that membership in a fraternal order, lodge, or institution which provides care for its members shall be considered a financial asset in determining the aged person's eligibility and the amount of assistance.

California repealed a provision that no child shall be considered needy if \$25 or more is paid monthly for his or her support. A new provision of the Wisconsin law (aged, blind, and children) permits recipients to qualify for assistance by giving the agency a lien on property in excess of the maximum permitted, if the sale of that property at the time of application would involve a loss.

Residence

Six States—Pennsylvania, Vermont, North Dakota, Illinois, Maryland, and Wisconsin—reduced residence requirements. Pennsylvania will now grant old-age assistance and aid to dependent children to anyone residing in the State, except that an applicant who has lived there less than a year is eligible only if he formerly lived in a State which grants assistance to applicants without regard to residence. Vermont changed residence requirements for aid to the blind from 5 out of the last 9 years, the last year continuously, to include also individuals residing in the State 2 out of the last 5 years, the last year continuously.

North Dakota and Illinois reduced residence requirements for old-age assistance from 5 out of the last 9 years, the last year continuously, to 1 year preceding application. North Dakota, however, may require more than a year for applicants who are eligible for assistance from another State. The State's authority to develop reciprocal agreements with other States concerning residence requirements was repealed. The Illinois provision under which the State agency granted permission for recipients to leave the State temporarily was also repealed.

Maryland reduced the requirement for aid to the blind to 1 year and provided for the repeal of that requirement if the Federal Government should prohibit any residence requirement as a condition for assistance. Wisconsin reduced residence requirements for old-age assistance and aid to the blind from 5 out of the last 9 years, the last year continuously, to 1

year prior to application. An applicant who has resided in the State for less than a year is eligible if the State from which he came grants similar rights to former residents of Wisconsin.

North Dakota made some minor liberalizing changes in residence requirements for aid to dependent children, as did Minnesota, which abolished the necessity for the State agency's granting permission to recipients to move to another county. Michigan amended its old-age assistance law to provide that a husband and wife should not be precluded from acquiring a legal residence if they are living apart. South Carolina took out of its constitution, but left in its law for old-age assistance and aid to the blind, the residence requirement of 5 out of the last 9 years.

Delaware, Iowa, Massachusetts, Michigan, and Wyoming passed legislation on payments to recipients living out of the State. Massachusetts (aged and children) and Delaware (aged) may make such payments until the recipient acquires a new residence. The Massachusetts amendment also gives the State agency authority to develop reciprocal agreements with other States. In Iowa, aged recipients remain eligible provided they do not establish a domicile outside the State even though for reasons of infirmity of age, health, or economic necessity they take up residence in the household of a relative or friend in another State. Wyoming permits out-of-State payments under all three programs to those who intend to retain Wyoming residence or who leave the State to better their living conditions. Michigan extended from 60 days to 6 months the period during which out-of-State payments may be continued for aged and blind recipients, and an extension beyond that time may be made. Michigan also will continue old-age assistance for a person moving out of the State until a new residence is established.

At the end of 1945, 2 States had no statutory residence requirements for old-age assistance, 4 had none for aid to dependent children, and 3 had none for aid to the blind. Of the 49 States with statutory residence requirements for old-age assistance, 32

have some variation of the maximum State residence requirement permitted under the Social Security Act—5 out of the 9 years prior to application, including the last year; 2 States have a 3-year requirement; 1 State, a 2-year requirement; and 14 States require 1 year of residence.

In aid to the blind, 25 of the 44 States with statutory residence requirements specify the maximum period under the Federal act or a slight variation of that maximum; 2 States require 3 years' residence; 2 States require 2 years; and 15 States have a 1-year requirement. In addition, 18 States waive all residence requirements if the individual became blind while he was residing in the State.

All 46 States with a legal residence requirement for aid to dependent children require the maximum period—a year—specified in the Social Security Act.

Responsibility of Relatives

Several States enacted legislation dealing with responsibility of relatives to support recipients of public assistance. Nevada determined that no relative shall be required to contribute to the support of an old-age assistance recipient; furthermore, no questionnaire on financial status shall be given to relatives nor shall any recipient be required to give the names of his relatives. A North Dakota statute holding an applicant or recipient ineligible for old-age assistance if he had a legally responsible relative capable of supporting him was amended to provide that the relative's refusal or neglect to provide the necessary assistance does not make the applicant ineligible. The provision that a blind applicant is ineligible if he has relatives able to support him was repealed. Nebraska clarified its provisions for the aged and blind regarding responsibility of relatives.

Maryland (blind) and Illinois (aged) also passed legislation repealing provisions disqualifying applicants who have relatives able to support them. Contributions from relatives are now considered on the same basis as any other resource.

Pennsylvania (aged and children) abolished the responsibility of grandchildren and grandparents for each

other's support; New York (aged, blind, and children) abolished the responsibility of grandchildren for grandparents' support.

The Massachusetts old-age assistance law was amended to prohibit action being brought in the event children fail to support parents under that section of the law providing for punishment for failure to support. Action can be brought by the town only if the State has approved. A further change increased the sliding scale of exemptions permitted a responsible relative before contributions are expected and provided that the sworn statement of a child shall be accepted without investigation.

California passed a law giving the local boards of supervisors the authority to determine if a responsible relative is able to contribute; previously the law had not specified who was to determine ability to support. The board may request the services of the district attorney in recovering from a relative for assistance granted and in obtaining an order for future payments. If the district attorney believes action should not be brought, he must file his reasons with the board of supervisors. The granting or continued receipt of assistance is not contingent upon such recovery.

Other Conditions of Eligibility

Aid to dependent children.—A number of States extended the age limit for aid to dependent children. Vermont, Tennessee, South Dakota, Oklahoma, New Hampshire, and Indiana, which formerly limited assistance to children up to 16 years of age, now make aid available to children from 16 to 18 if they are regularly attending school. South Dakota, moreover, waives that requirement if the young person is unable to attend school because of incapacity. Maryland removed the requirement that children aged 16 to 18 must be attending school. A Texas constitutional amendment permits the legislature to raise the age limit from 14 to 16 years. North Dakota enlarged the definition of "dependent child" to include children under 21 years of age in certain circumstances. South Carolina took out of its constitution, but left in its law, the maximum age limit of 16 years. New York enacted new and simplified eligibility requirements, omitting

the detailed and restrictive requirements in the old law dealing with the parent's desertion, incapacity, marital status, length of jail sentence, and so on.

California modified its definition of "half-orphan" to eliminate the provision that the father's whereabouts must be unknown and that a warrant must have been issued for his arrest before his children can qualify for aid. New Jersey repealed the requirement that a father in jail must be serving a sentence of specified length, to have his children qualify for assistance. Wisconsin reduced from 1 year to 5 months the anticipated period of need required before assistance may be given the child, and requires only 3 months if the parent is physically incapacitated or in a penal institution, if the father has deserted, or if similar reasons are present. Illinois added to the list of specified relatives with whom the child must be living "any other relative" approved by the State agency.

A provision in the North Carolina law requiring the agency to determine that the child is living in a "safe and proper home" was repealed.

Old-age assistance and aid to the blind.—North Dakota and Illinois repealed their minimum age requirement of 18 years for aid to the blind. Texas deleted a provision that old-age assistance and aid to the blind are not available to habitual drunkards and criminals.

North Carolina and Wisconsin repealed the citizenship requirement for old-age assistance, and Illinois amended its requirement so that aged aliens who have resided in this country 25 years or more may qualify for assistance.

Determination of Continuing Eligibility

An Indiana law (aged, blind, and children) was enacted to require each recipient to file a certificate every 6 months setting forth the changes, if any, in his condition since either his last certificate or his application. For old-age assistance, the law also provides that reinvestigations shall be conducted annually.

Wisconsin legislation specifies that budgets of recipients of aid to dependent children are to be worked out "periodically" instead of "annually."

Liens and Recoveries

The enactments concerning liens and recoveries tended to liberalize existing provisions in some States and to make them more restrictive in others. In the first group, Nevada prohibited conveyance, transfer, or assignment of real or personal property to the State as a condition of eligibility for old-age assistance. Vermont, on the other hand, made all property of a deceased recipient subject to the lien provision by deleting the previous exemption of furniture and personal belongings.

Minnesota set up a procedure whereby the county welfare board manages and sells the real and personal property acquired by the State through the operation of the old-age assistance lien laws. Under an amended Wisconsin law (aged, blind, and children), persons who cannot be considered needy because of the value of their property but who would suffer a loss in selling the property in a depressed market can qualify for aid by giving the county an assignment on the property.

Medical Care

Provision of medical care for recipients of public assistance received considerable attention. Maryland enacted a program of medical care for the indigent and the medically indigent under the direction of the State health department, and appropriated \$200,000 for the first 2 years of the program. Although recipients of public assistance are eligible for this service, Federal matching funds cannot be provided since the payment for this care would not be made directly to the recipient.

Washington passed a law ensuring to recipients of aid to the blind and aid to dependent children medical care similar to that already in effect for aged recipients. The law provides for free choice of doctors and dentists as well as free medicine and appliances.

A Nebraska law permits the use of assistance funds in a program of medical, surgical, and hospital care for recipients of public assistance. The law gives authority to set up a fee schedule, and payments can be made directly to the vendors.

In redefining "assistance" under all three public assistance programs,

North Dakota omitted the provision that, if a Federal medical care program is established, the assistance payments are to be made in such a way as to conform to the requirements of the Federal program.

In enacting new legislation to prevent discrimination against duly licensed members of the healing arts profession, Rhode Island specified inclusion of osteopathic physicians and optometrists and California included practitioners of any kind of therapeutic treatment recognized as a branch of the healing arts.

As noted earlier, the old-age assistance maximum payments were raised in Connecticut and Minnesota to include the cost of medical care and in Michigan to include the cost of hospital and nursing-home care.

The Wisconsin Legislature made some State funds available to the counties to assist in meeting the cost of medical care for general assistance recipients and for recipients of old-age assistance, aid to dependent children, and aid to the blind whose medical care costs are not met through the money payment.

Amendments to the Illinois and Massachusetts laws make possible direct payments to those who supply medical services for recipients of aid to dependent children. These payments would be without Federal matching.

Payments to Persons in Institutions

There was considerable interest in the problem of providing old-age assistance and aid to the blind to persons in institutions, as shown by legislation passed relating to inmates of both public and private institutions. North Dakota amended its old-age assistance and aid to the blind laws to make payments to inmates of public institutions approved by the State agency. Washington directed the State agency to make old-age assistance payments covering personal and incidental needs of recipients in county hospitals. Illinois amended its aid to the blind and old-age assistance laws to permit inmates of county homes or institutions, other than penal or correctional, to receive assistance if the institution meets the standards established by the State Public Aid Commission. The law specifies that the recipient may use

his assistance payment to buy care at the institution. A Nevada law declares that no recipient having a dependent shall be deprived of his "pension" because of any temporary confinement in a public institution. Payments made to aged and blind recipients who are inmates of public institutions cannot be matched by Federal funds except for temporary medical care.

Several States repealed restrictions against granting assistance to inmates of private institutions, while retaining the restriction against assisting inmates of public institutions. These States include Oklahoma (aged and blind), Michigan (blind), Vermont (blind), Connecticut (aged), and New Hampshire (aged).

Oregon and California amended their laws to specify how long a person in a hospital may receive assistance. Oregon (old-age assistance) decided that confinement up to 12 weeks in a hospital should not be cause for deduction from a payment for actual need. California (blind) changed from 30 days to 2 months the time a person may be in a public hospital and not be considered an inmate of a public institution and amended the old-age assistance law similarly by changing the 60-day period to 2 months. To make State funds available to assist the counties in caring for otherwise eligible inmates of public institutions, the California State agency, in instances in which blind recipients are inmates of county institutions for medical care longer than 2 months, is to pay the local unit the State's share in the assistance the recipient was receiving when he entered the institution.

California also changed the basis for receiving applications for aid to the blind from inmates of private nonprofit homes or institutions which have been paid for life care for the inmate. Under the amended law, aid shall be granted if the private institution has not been paid for life care, regardless of whether the applicant has agreed to pay the institution for maintenance in the event he receives assistance.

Vermont and California amended provisions on receiving applications from inmates of public institutions. In Vermont, applications may be made for old-age assistance while the ap-

plicant is still an inmate although he must leave the institution when he receives assistance; formerly he had to leave in order to apply. California amended its law (aged and blind) to provide that inmates of a public institution deemed eligible for assistance are to receive payment on the first day of the month in which the determination is made, but not prior to application; formerly payments began within a month of the time the application was approved.

Safeguarding Public Assistance Information

Nevada set up a new statute to protect the confidential nature of public assistance records, to replace the statute repealed by an initiative measure. California gave the State agency the authority to provide information to other private or public social welfare or health agencies.

Massachusetts amended its law to make the provision concerning confidential information apply to all public assistance programs, not just to the three special types. Indiana provided that applications and awards and modifications or revocations of awards and payments under any of the three State-Federal programs shall be open to inspection of duly elected State and county officials and township trustees; the law specifies that such inspection shall be for purposes connected with the administration of the program.

Appeals and Fair Hearings

Five States amended their laws with respect to appeals and fair hearings. Michigan provided that the aged applicant or recipient may appeal any decision of the State agency to the county district court, which may review any question of law involved in the decision.

Washington extended to children and blind recipients the same terms and conditions for fair hearings as now apply to aged recipients. Illinois gave the State agency and the county units the power to subpoena witnesses for a hearing, to require the production of books and papers, and to administer oaths. The county judge may compel obedience by proceedings as for contempt.

California passed several laws relat-

ing to appeals and hearings. In one, the boards of supervisors are directed to notify recipients of old-age assistance whenever grants are canceled, suspended, or revoked, giving the reasons and advising the recipient of his right to appeal. Another law sets a time limit of a year within which recipients of any of the three types of assistance may file appeals for acts complained of; previously no time limit had been set. California strengthened the authority of the State agency to enforce its decisions in appeals cases by stating that the boards of supervisors are to comply with every award of the State board made for the three types of public assistance.

An amendment to California's aid to the blind law makes several changes in the appeals procedure. The boards of supervisors are to notify applicants of decisions immediately after they are made; within 30 days, under this amendment, the applicant or recipient may appeal to the county board for a hearing. This procedure is an alternative to a direct appeal to the State agency. The amendment also provides that the county board must pay the blind person the award decided on by the State as a result of the hearing, without the applicant's having to establish his present need. The applicant may appeal further to the court, without cost to himself.

The provision that an applicant for old-age assistance may appeal directly to the State agency for a hearing was amended to provide that he may do so without first asking the county board for a review. In this instance, also, the county boards are ordered to pay the amounts specified by the State, after the hearing, without the applicant's having to establish his present need, and an appeal to the court is specifically provided for.

In Wisconsin, cancellation or modification of an award and failure to act on an application within a "reasonable period" were added to the reasons for which a recipient or applicant may request a hearing.

Guardianship

Four laws were passed with respect to the appointment of guardians of recipients. North Dakota can no longer make payments to "some suitable person" recommended by the

State agency but only to guardians appointed by a court of competent jurisdiction. New legislation allows Wyoming to make payments to a custodian appointed by the county department and approved by the State, if the recipient is found incompetent to make best use of his grant. Payments in such cases would not be matched by Federal funds.

North Carolina amended its general guardianship law to set up a plan for appointing guardians after a hearing, for recipients of blind assistance who are pronounced incompetent to handle their own affairs. California authorized the appointment of public guardians in the largest counties of the State. In "proper cases," these public guardians may apply to the court for appointment as guardians for persons declared insane or for recipients of public assistance who appear to require guardians. Federal matching would be available for payments made only to guardians appointed by the court.

Miscellaneous Laws

A South Carolina law provides that the State agency is to attach a notice to each assistance check (aged, blind, and children) reminding the recipients that they need not join any organization or subscribe to any newspaper in order to obtain an increase in their assistance. Maryland redefined "assistance" so that payments may include amounts for necessary services to recipients of aid to the blind and aid to dependent children. Indiana added a provision requiring the county director, before he can take action on an application for aid for an illegitimate child from a mother who already has an illegitimate child, to submit such application to the juvenile court judge.

Three States—Maine (aged and blind), North Carolina (aged), and Wisconsin (aged)—passed legislation concerning the disposition of the last assistance checks for recipients who die before endorsing such checks.

California amended its old-age assistance law to permit applicants to apply for assistance as much as 60 days before their sixty-fifth birthday, but assistance is not to begin until the applicant is 65 years old. Wisconsin deleted a provision of the old-age assistance law which barred a re-

jected applicant from reapplying for 6 months. California, on the other hand, added a similar provision to its aid to the blind law but limited it to decisions made as a result of fair hearings, set the elapsed period at 1 year, and permitted certain exceptions.

Wisconsin, Maryland, and Illinois passed legislation on penalties and recoveries for fraud and for other causes. Wisconsin set up a series of penalties for willful misrepresentation, failure to report the acquisition of resources, and other actions. Illinois deleted the provision specifying that in the event of fraud the agency shall recover from the recipient's estate twice the amount of old-age assistance granted.

Memorials to Congress

The legislatures of California, Colorado, Maryland, Massachusetts, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Rhode Island, South Dakota, and Wyoming enacted memorials to Congress asking changes in various aspects of the public assistance program. California asked that the Social Security Act be amended so that ownership or occupancy of a home will not be considered income or resources in determining allowances for aid to the blind. California also asked Congress for legislation to permit the use of funds for aid to dependent children to return run-away, vagrant, or transient children who have gone from one State to another without proper legal consent. Colorado asked that recipients of old-age assistance be permitted to live in public institutions without loss of Federal matching for assistance payments. Maryland requested Congress to make several broad changes in titles I, IV, and X of the Social Security Act, including extension of aid to dependent children, establishment of a general assistance program, and Federal matching of State payments for medical care. Massachusetts asked for Federal matching for old-age assistance payments up to \$50 a month. Montana asked Congress to broaden the social security laws.

Nebraska requested an amendment to the Social Security Act so that recipients of old-age assistance can earn up to \$25 a month without affecting

the assistance granted them. Nevada petitioned for removal of the restrictions against the possession of property or cash by recipients of old-age assistance. North Dakota memorialized Congress and the President to enact the Townsend Plan. Oklahoma asked that the Social Security Act be amended to permit assistance recipients to earn as much as \$240 a year without being penalized, that Federal payments to the States for old-age assistance be increased, and that the State agency receive postal franking privileges.

Rhode Island asked for a larger share of Federal financial participation for all three programs, for removal of the maximum in aid to dependent children, and for direct payment for medical care. South Dakota asked that the Federal Government recognize its responsibility for paying 100 percent of the cost of assistance to Indians. Wyoming petitioned for reduction of the eligible age for old-age assistance to 60 years.

Organization and Administration

Personnel

Activity in the area of personnel legislation was centered chiefly on veterans' legislation and salary adjustment. Twenty-five States² passed laws setting up or revising systems of veterans' preference for employment in the State service or providing for reemployment rights for employees in the military service.

Nineteen States³ voted salary increases, either general in character or for specific positions and including temporary "cost-of-living" increases as well as permanent raises.

Oregon replaced its merit-system council, which operated a merit system for the social security programs only, with a State-wide civil-service commission. Nebraska amended its

law setting up a merit-system council for programs under the Social Security Act to have the council serve other State agencies and departments as well. Nevada enacted legislation to establish a merit-system council for the programs under the Social Security Act; the new system will replace for public assistance the merit system operated by the State agency administering old-age assistance.

Uniform Administrative Procedure

In recent years several States have enacted laws concerned with administrative procedure, designed primarily to govern the promulgation of rules and regulations by the various government departments. The trend toward legislation of this type continued in 1945 when California, Connecticut, Illinois, Indiana, Minnesota, Nebraska, and Wisconsin either enacted new or revised existing laws of this kind. Illinois also enacted specific laws for each State program and agency, bringing them under the provisions of the general law. Although the legislation was not primarily designed for agencies administering public assistance programs, those agencies fall within its scope. In general, such legislation provides for publication of rules and regulations, hearings for interested parties before the rule may become effective, and procedure for court review; it usually excepts from these requirements regulations affecting the internal operation of an agency.

Organization

State agencies.—After an investigation of the State welfare department, authorized by the last session of the legislature, Indiana enacted legislation abolishing the State board and authorizing a new one of the same size—five members. The Governor, rather than the board, is authorized to appoint the State director, who will continue, however, to serve under the guidance of the State board. A provision is added for the State board to review cases personally on the request of any applicant, recipient, or "aggrieved person." Certain changes were made in the board's authority over personnel. In general, responsibility for giving examinations and establishing lists for State and local jobs was transferred to the Indiana

personnel board. The law now provides for the appointment of three regional directors to assist the State administrator in administering and interpreting the program in the respective areas of the State to which they are assigned.

The Vermont Department of Public Welfare now has a State advisory and policy-making board, created by the 1945 legislature. The board, which consists of five members appointed by the Governor, has authority to appoint the State commissioner, general authority over the department, and specific authority to conduct hearings and make determinations on the cases appealed.

California passed legislation changing the organization and authority of the State agency. The department rather than the board is named in the amended law as the "single State agency" to administer the three State-Federal assistance programs. The board is made a policy-making rather than an administrative body, with power to adopt, promulgate, repeal, and amend rules and regulations. The director of the department is named head of the department in the new legislation. A further amendment to the public assistance law requires the State agency to publish rules and regulations and make copies available for sale.

The name of the North Carolina agency was changed from State Board of Charities and Public Welfare to State Board of Public Welfare. The names of the county agencies were changed similarly. Michigan passed legislation permitting the head of the State Department of Social Welfare to act also as supervisor of the Department's Bureau of Social Security. Delaware merged the State Board of Welfare and the Commission for Aid to Dependent Children in a new agency which keeps the name of the State Board of Welfare and which will administer all services and assistance for children.

Arizona repealed an earlier limitation on administrative expenditures, while West Virginia cut from 8 percent to 6 percent the proportion of funds which can be used for administration.

Local agencies.—The Wisconsin Legislature provided for the establish-

² California, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Maine, Maryland, Minnesota, Massachusetts, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Washington, West Virginia, Wisconsin, Texas.

³ Alaska, California, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Maine, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Texas, Utah, Wisconsin.

ment of county welfare departments and 5-man county welfare boards in all counties of the State except the largest one. The county director is to be appointed by the new board and will serve under its direction. The law specifies that the county boards are to be policy-making bodies, determining the outlines and principles of administration. The new county departments, when they are set up, are to administer aid to dependent children, formerly administered by the county judges.

In Indiana, changes were made in county organization. The provision requiring one member of a county board to be appointed from that group of the population which provided the greatest per capita case load was repealed. The members of the county board are to be appointed by the juvenile court judge rather than by the circuit court judge in counties where there are separate juvenile courts.

Minor changes were made in local welfare organization in several other States. In North Carolina the length of term for local board members was increased from 2 to 3 years, but no member may serve more than two terms. Minnesota increased the number of board members from three to five in the larger counties and increased their per diem from \$3 to \$5. Tennessee amended its provisions for old-age assistance, aid to dependent children, and aid to the blind to permit the regional directors of the State agency to delegate authority for approving all decisions on applications and awards.

Cooperation With the Federal Government

Several States passed laws providing for cooperation with the Federal Government in carrying out the

State-Federal programs. Additional States made changes in their present programs contingent on changes in the Social Security Act.

Georgia passed a law permitting the State to accept more than 50 percent Federal matching, if the Social Security Act is changed, and authorizing the State agency to accept and disburse the maximum amount of Federal financial aid. If Congress should set up a State-Federal general assistance program, the State department is further authorized to cooperate and comply fully with Federal requirements. Existing appropriations for the State welfare department are to be available to meet the State's share of any such program.

Rhode Island set up a bipartisan commission on cooperation and extension of postwar programs to take advantage of Federal assistance to the State for any "meritorious program." Although the commission is established primarily for public works programs, it has authority to take advantage of nonconstruction projects, defined as programs "designed to encourage postwar employment."

The South Dakota State agency received additional power to cooperate with, or request the cooperation of, the Federal Government in performing services in the interest of economic, social, and vocational adjustment of families and persons. The Tennessee Legislature authorized various departments of the State government to accept Federal grants, with the approval of the Governor, and to use these grants and enter into necessary agreements with the Federal Government. No agreement, however, shall require expenditures beyond those available by appropriation or otherwise. Alabama legislation gives the Governor power to accept Federal grants and advances, for any

purpose of the State not contrary to the Alabama Constitution, and to meet the terms and conditions imposed by such grants and advances. The Governor is authorized to delegate his authority to the State departments and agencies.

A Vermont law makes it the duty of the State agency to cooperate with any appropriate Federal agency concerned with public welfare and to administer for the State any public welfare program which is financed by the Federal Government and for which no other State agency has been designated.

The Colorado State agency is authorized to receive and use Federal funds if they are for a purpose within the scope of the State welfare department. Pennsylvania amended its definition of "general assistance" to provide that it may be financed out of Federal and/or State funds. Nevada is to reduce its aid for old-age assistance when Congress changes the minimum age requirement in the Social Security Act.

Investigations and Studies

Six State legislatures voted to make new investigations of their public assistance programs or to continue investigations or studies already in operation. Ohio is to study all "public pension" programs, including aid to the aged; New Hampshire is to investigate old-age assistance; Maine is to study all pension plans; and Kansas, the problems of children under 16 years, including dependent children. The New York State Legislature voted to continue the work of the Committee on Interstate Cooperation, which included a study of the State welfare program. The Indiana investigation of the State welfare program, in operation for 2 years, is to continue for another 2 years.