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Aged And Blind Aid

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney General has prepared a title and summary of the chief purposes and points of the proposed measure, as follows:

AGED AND BLIND AID. INITIATIVE CONSTITUTIONAL AMENDMENT. Adds Article XXV to Constitution. Increases maximum aid from \$60 to \$75 monthly for aged persons, and from \$75 to \$85 monthly for blind persons. Makes continuing appropriations from State Treasury to finance same. Changes eligibility standards; lowers age and residence requirements for aged aid; increases income and property exemptions permitted to recipients of aged and blind aid. Makes Director, Department Social Welfare, elective office; names first director. Places aid program entirely under State administration, eliminating county functions. Prescribes administrative procedures. Creates lien against State Treasury for cost of aid and administration.

STATE OF CALIFORNIA,
COUNTY (or City and County) of **SAN LUIS OBISPO** } ss.

To the Honorable Secretary of the State of California:

We, the undersigned, registered, qualified electors of the State of California, residents of County (or City and County), present to the Secretary of State this petition and hereby propose an amendment to the Constitution of the State of California, by adding Article XXV thereto, hereinafter set forth in full and petition that the same be submitted to the electors of the State of California for their adoption or rejection, at the next succeeding general election or as provided by law. The proposed constitutional amendment reads as follows:

**ARTICLE XXV
OLD AGE SECURITY AND SECURITY FOR THE BLIND LAW**

Section 1. The purpose of this article is to increase the amount of old age security to the needy aged of this State from its present maximum of \$60 per month to \$75 per month, and to increase the security to the needy blind from its present maximum of \$75 per month to \$85 per month and other provisions designed to improve the applicant's or recipient's way of life.

Increased cost of living has made the present amount of security to the needy aged and blind of this State inadequate, and in order to provide for the protection, care, and assistance to the people of the State in need and to promote the welfare and happiness of all of the people of the State, the increase of assistance to the needy aged and needy blind as provided by this article is necessary.

It is also the purpose of this article that this assistance shall be administered promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, religion, or political affiliation; and that assistance shall be so administered as to encourage self respect, self reliance, and the desire to be a good citizen useful to society.

It is the purpose of this article to give security to every aged and blind person eligible under this article and who is needy, according to the provisions laid down by the Federal Government.

This article shall be cited as the Old Age Security and Security for the Blind Law, and all references to same shall be Old Age Security and Security for the Blind.

All security given under this article shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise. In case of bankruptcy the security shall not pass through any trustee or other person acting on behalf of creditors.

No officer or employee of the State shall make any demand on any person to contribute to the support of the applicant for, or recipient of, old age security or blind security under this article, or to agree so to contribute or shall threaten any such person with any legal action against him or with any penalty against him whatsoever.

Nothing in this article shall prevent any applicant from exercising any rights to sue for support that he may have under any other provisions of law and security shall not be withheld unless he exercises such rights.

As used in this article, security shall mean any grants provided to an individual under this article.

Sec. 2. The amount of security to which any applicant for old age security shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, seventy-five dollars (\$75) per month. If, however, in any case it is found the actual need of an applicant exceeds seventy-five dollars (\$75) per month, such applicant shall be entitled to receive old age security in an amount, not to exceed seventy-five dollars (\$75) per month, which when added to his income (including value of currently used resources, but excepting causal income and inconsequential resources) from all other sources shall equal his need.

The amount of security to which any applicant for blind security shall be entitled, shall be when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources eighty-five dollars (\$85) per month. If, however, in any case it is found the actual need of an applicant exceeds eighty-five dollars (\$85) per month, such applicant shall be entitled to receive blind security in an amount not to exceed eighty-five dollars (\$85) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

Sec. 3. For the purposes of this article, income and earnings of an applicant shall not be deemed income or resources of the applicant and shall not be deducted from the amount of old age security and blind security to which the applicant would otherwise be entitled; except if the net income and earnings exceed \$360 annually.

This section shall take effect if, when, and to the extent that amendments to the Federal statutes or rules and regulations of The Federal Security Administrator take effect, permitting this State to give effect to this section without thereby rendering this State ineligible to receive Federal grants in aid for old age and blind security in this State.

Sec. 4. The Director of the Department of Social Welfare shall prescribe the form of application, the manner and form of all reports, and such additional rules and regulations as are necessary for the carrying out of the provisions of this article, and not inconsistent therewith. The Director of the Department of Social Welfare shall make such reports in such form and containing such information as the Federal Security Administrator may from time to time require, and



State of California; all of the signatures to the attached section were made in my presence and upon the date mentioned above each signature and were solicited by me within the above named County (or City and County) of State of California; and to the best of my knowledge and belief each signature to said section is the genuine signature of the person whose name it purports to be

shall comply with such provisions as the Federal Security Administrator may from time to time find necessary to assure the correctness and verification of such report.

The Director of the Department of Social Welfare shall be elected by the people for a term of four years, beginning in 1950, at a salary of not less than twelve thousand dollars (\$12,000) per year, plus the usual necessary expenses.

The Director of the Department of Social Welfare shall administer all of the functions now imposed upon him by law and such other duties as the Legislature may from time to time provide.

The Director of the Department of Social Welfare may appoint, with the consent of the Senate, a committee or board of not to exceed seven (7) members, to aid and assist in the program under his jurisdiction. The committee or board so appointed shall serve at the pleasure of the Director of the Department of Social Welfare. The compensation of the members shall be set by the Legislature.

Members of the committee or board shall receive necessary expenses incurred in the course of their duties.

The Director of the Department of Social Welfare shall be empowered to act for the State in any matters required by the Federal Government that have to do with his line of duties.

Until the election of the Director of the Department of Social Welfare in 1950, Mrs. Myrtle Williams, 420 Avondale, Monterey Park, shall be Director; if she declines to act, Assemblyman Gordon R. Hahn, of Los Angeles County, shall be Director; if he declines to act, Assemblyman John W. Evans, of Los Angeles County, shall be the Director.

Sec. 5. Old age security shall be granted under this article to any person who is a citizen of the United States and comes within the description in subdivision a or b and within the description in subdivision c:

- (a) Is 65 years of age or over and has been a resident of the State of California for at least five years within the nine years immediately preceding his application for old age security, or
- (b) Is 63 years of age or over but has not yet reached his 65th birthday, and has been a resident of the State for at least ten years within the fifteen years immediately preceding his application for old age security.

If and when and during such time as the Federal Government shall provide or make available to this State grants in aid to persons who have attained the age of 60 years, the ages contained in this section shall be reduced to 60 years and those who come within all the descriptions hereinafter contained shall be eligible for old age security under this article.

Unless and until the Federal Government makes available payments to Group (b), total payments to said Group (b) shall be assumed by the State of California.

The residence requirement in this section shall automatically conform to any changes required by the Federal Government in order to maintain compliance with the Federal Social Security provisions.

- (c) Is not, at the time of receiving such security, an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding two calendar months in duration. Any such inmate, however, may make an application for security under this article and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon while he is such an inmate, and, if he is otherwise qualified under the terms of this article, such application shall be approved. Payment of security granted shall commence within one month following such approval and the applicant may remain an inmate until he receives his first monthly payment whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted security but no such security shall be granted if such persons are cared for under a contract for a period of time exceeding one month.

Notwithstanding any provision of subdivision (c) of this section to the contrary, security shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or nonprofit organization, if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance.

If on the first day of the month a recipient of security is eligible for security though an inmate of an institution or hospital, he is entitled to receive security for the month. If a recipient of aid becomes ineligible for security due to confinement in an institution or hospital, the order suspending his security may provide that the security shall be restored to him when the recipient ceases to be an inmate without further order from the Director of the Department of Social Welfare.

Sec. 6. No security under this article shall be granted or paid to any person who owns personal property, the value of which, less all encumbrances of record, exceeds fifteen hundred dollars (\$1500).

The term personal property shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least 12 months prior to the date of application if the present surrender value of the policy or policies to the applicant or recipient does not exceed one thousand dollars (\$1,000). Premiums paid by others on life insurance policies shall not be deemed income or resources of the applicant or recipient.

For the purposes of this article, the interest of an applicant or recipient in an estate as heir, devisee, or legatee shall not be considered property of the applicant or recipient until it has been distributed to him and is available for expenditure or disposition by him; and the interest of a beneficiary of a trust shall not be considered to be property of the beneficiary until it has been made available for expenditure or disposition by him.

For the purposes of this article, the term "personal property" shall not include personal effects of the applicant or recipient. Personal effects include clothing, personal jewelry, furniture, motor vehicle, household equipment, food stuffs and fuel, interment plots as defined in Section 7022 of the Health and Safety Code, or insurance for funeral or interment expenses or similar purposes, or contract rights connected therewith.

For the purposes of this article only, the ownership of stock in a water company not appurtenant to the land shall be considered real property to the extent of and in the amount necessary to obtain water for agricultural purposes.

For the purposes of this article, estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than ten years, shall be considered real property.

For the purposes of this article, any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property.

STATE OF CALIFORNIA: All of the signatures to the attached section were made in my presence and upon the date shown above each signature and were solicited by me within the above named County (or City and County) of _____ State of California; and to the best of my knowledge and belief each signature to said section is the genuine signature of the person whose name it purports to be.

No security under this article shall be granted or paid to any person who owns real property the assessed value of which as assessed by the county assessor, less all encumbrances thereon of record, exceeds three thousand five hundred dollars (\$3,500) at the time such person makes application for security.

Sec. 7. Application for security under this article shall be made to the Department of Social Welfare at the department office nearest to the residence of the applicant. An applicant shall apply in person unless he is physically unable to do so, in which event the application may be made by his authorized representative in his behalf. This application may be made in writing or reduced to writing upon the standard form prescribed by the Director of Social Welfare, and a copy of his application shall be furnished to each applicant at the time of application. The form shall contain questions, the answers to which will provide the information necessary to establish eligibility for security under this article.

Application for security under this article may be made within 60 days prior to the date on which the applicant will attain the minimum age of eligibility for such security, and the application shall be promptly investigated and acted upon; but in no event shall the security, if granted, be commenced as of a date prior to the date on which the applicant attains the minimum age of eligibility therefor.

The State Department of Social Welfare, directly or through an authorized investigator shall upon receipt of an application for security, promptly without any unnecessary delay and with all diligence make the necessary investigation. Such investigation shall be completed within 60 days after receipt of application.

Money received by a recipient of old age and/or blind security from the condemnation sale of his home shall not be deemed personal property within the provisions of this article, until the expiration of 12 months from the date of the receipt of said money.

For the purposes of this article, money derived from the sale of real property shall be considered real property for a period of six months from the date of its receipt by the vendor.

Sec. 8. Within ten days after the completion of the investigation of his application, every applicant shall be given an itemized report setting forth the amount of deductions, if any, and old age and/or blind security granted to him, and if his security is computed on the basis of his excess need, the budget allowances made in determining the amount of security granted to him. The pricing established for food, clothing, incidentals and personal needs, household operations and transportation shall be based upon the current price of articles of a high standard quality.

No rule or regulation shall be adopted by the Director of the Department of Social Welfare, which results in discrimination against practitioners of any type of therapy, treatment by prayer or spiritual means or other treatment or any branch of the healing arts.

No political subdivision shall discriminate against an applicant or recipient of security or charge said person for hospitalization or health services.

Sec. 9. If this article is adopted by the people, it shall take effect five days after the date of the official declaration of the vote by the Secretary of State and become operative upon the first day of the first month following the fourth day after the date of the official declaration of the vote.

Until this article becomes both effective and operative the provisions of the Welfare and Institutions Code as in effect prior to the effective date of this article shall remain operative.

All provisions of the Welfare and Institutions Code not in conflict with this article shall remain operative until amended or repealed by the Legislature.

Upon the operative date the Director of the Department of Social Welfare shall succeed to and be entitled to the possession and control of all county records, books, papers, equipment and other personal property belonging to the State and used in connection with the administration of the aid to the aged and aid to the blind under the Welfare and Institutions Code on that date and upon request the County shall give the Director of Social Welfare possession of such records, books, papers, equipment, and other personal property.

Payments to those qualified to receive security under this article shall be mailed or disbursed on or before the first day of each month.

The amount of security provided herein shall be paid to all eligible applicants and recipients as of the first day of January, 1949. If, however, the department is unable by that date to make adjustments in the payment of the security to any person eligible as of that date, the adjustment in the amount of the security shall be made retroactive to that date.

Sec. 10. The amount required to meet the allowances made by this article and administration thereof shall constitute a lien against all monies in the State Treasury, and the amount required for the payment or payments of the allowances herein required is hereby appropriated; in addition there is hereby appropriated the required amount of the cost of administration.

Sec. 11. No law shall be passed prohibiting or restricting the applicants or recipients of security under this article from securing and employing persons to represent them to secure the rights herein and hereafter established.

Sec. 12. If the Constitution is amended by the repeal of Sections 12 and 13 of Article XVI the liens, mortgages, and other encumbrances thereby released shall not be revived, and no law shall be passed providing for any such liens, mortgages, or other encumbrances as a condition for qualifying for the security herein granted.

State of California; all of the signatures to the attached section were made in my presence and upon the date of each signature and were solicited by me within the above named County (or City and County) of _____ State of California; and to the best of my knowledge and belief each signature to said section is the genuine signature of the person whose name it purports to be _____

File: 1948-f-1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney General has summarized the proposed measure as follows:

FISH NETS. INITIATIVE. Amends Fish and Game Code. Prohibits use of purse nets and round haul nets for fishing in ocean and tide waters of the State south of line extending due west from Point San Simeon in San Luis Obispo County. Expresses purpose of conserving fish supply. Subject to limitations, permits use of bait nets for taking bait fish. Provides penalties for violation.

STATE OF CALIFORNIA,

County (or City and County) of

} ss.

To the Honorable Secretary of State of the State of California:

We, the undersigned registered and qualified electors of the State of California, residents of the County (or City and County) of

..... present to the Secretary of State this petition and hereby propose amendments to the Fish and Game Code of the State of California by adding Sections 930 and 1412 to read as hereinafter set forth in full, and petition that the same be submitted to the electors of the State of California for their adoption or rejection, at the next succeeding general election or as provided by law. The proposed amendments to the Fish and Game Code read as follows:

“An act to provide for the conservation of the natural resources of this State and for that purpose to add Sections 930 and 1412 to the Fish and Game Code, relating to and prohibiting the use of certain nets in the waters of or adjacent to this State and establishing penalties for violations.”

The people of the State of California do enact as follows:

Section 1. Fish constitute one of the most important natural resources of this State, and their preservation is essential for the economic and recreational development of the State. In the waters of this State lying southerly of a line extending due west from the tip of Point San Simeon, San Luis Obispo County, fish the taking of which is made unlawful by this act have become so depleted as to constitute a threat as to the maintenance of even the present depleted supply thereof. In order that such supply be not further depleted, it is essential that this measure be enacted.

Sec. 2. Section 930 is added to the Fish and Game Code to read:

930. Notwithstanding any other provision of law, it is unlawful to use purse and round haul nets in any district or part of a district lying in the ocean waters and tidelands to highwater mark of this State and the islands adjacent thereto, lying southerly of a line extending due west from the tip of Point San Simeon, San Luis Obispo County, except that bait nets, as now defined in Section 919, not exceeding 220 fathoms in length on the cork line, including wings, and not exceeding 21 fathoms in depth, including apron, may be used for the taking of fish for bait purposes only.

Sec. 3. Section 1412 is added to the said code to read:

1412. Any violation of the provisions of Section 930 is a misdemeanor punishable by a fine of not more than \$500 or imprisonment in the county jail for not to exceed six months, or both. Upon conviction of the accused, any device or apparatus used in committing the offense may be forfeited as now prescribed in Section 1414.