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Social Legislation

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sixteenth of February [4] No vehicle licenses and vehicle license number plates shall be valid beyond the fifteenth day of February of the year following their issuance.[5] Formerly, vehicle licenses and number plates might be issued for the ensuing year on and after November fifteenth and they could be used until December thirty-first of the next calendar year. A penalty was assessed if the application for renewal was not filed prior to January tenth in each year.

A new section requires that the owner or operator of any truck or trailer shall display either a vehicle license or receipt for personal property tax paid in the current year.[6]

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[4] L. 1953, c. 252, § 3, amending RCW 46.16.210 [Rem. Supp. 1947 § 6312-34].
[5] L. 1953, c. 252, § 4, amending RCW 46.16.220 [Rem. Supp. 1947 §6312-35].
[6] L. 1953, c. 252, § 5.

SOCIAL LEGISLATION

Unemployment Compensation. Chapter 8 of the Laws of the Extraordinary Session of 1953 makes several changes in what is now entitled the Employment Security Act.[1] A new fund, the "administrative contingency fund," is created into which the "interest" accruing on delinquent contributions is to be paid,[2] and out of which administrative expenses are to be paid in situations where no federal funds are available for the specific purpose, or to tide over the period between the request for, and the receipt of, federal funds.[3] This provision avoids the necessity of biennial appropriations by the state legislature to care for such contingencies. The federal act contemplates that all administrative expense shall be covered by grants of federal funds[4] but it forbids, on pain of termination of such grants, any payment of administrative expense from the primary or "unemployment compensation fund" into which contributions are paid.[5] The mandatory coverage of the act has been expanded to include public utility districts and public power authorities.[6]

Two new features of the act represent interesting developments in the law of judicial jurisdiction. Any employing unit which is not a

[1] Sec. 24.
[2] Sec. 16, amending RCW 50.24.040 [Rem. Supp. 1945 §9998-230].
[3] Sec. 5, amending RCW 50.16.010 [Rem. Supp. 1945 § 9998-198]. The new fund may never exceed $100,000 and payments therefrom may be made only with the approval of the governor.
[4] 42 U.S.C. §502 (1946).
[5] 42 U.S.C. §503 (1946).
[6] Sec. 1.

"resident"[7] of the state, or which ceases to be a "resident," "which exercises [or has exercised] the privilege of having one or more individuals perform service for it within this state" "shall be deemed thereby to appoint the secretary of state as its agent" for the "acceptance of process in any civil action" to collect delinquent contributions.[8] Previously, in such a case, the employer was subject to suit only if he was,[9] or had been,[10] "doing business" in the state, a concept of most ambiguous content,[11] and which does not necessarily coincide with "employment" as defined in the act.[12] Hereafter, jurisdiction in personam to collect contributions will always be present when contributions are payable, provided, of course, the provision is held constitutional. The reasoning of the United States Supreme Court in the *International Shoe* case,[13] however, would appear to be broad enough to validate the new basis of jurisdiction.[14]

The other feature of particular legal interest is a provision requiring the courts to entertain actions brought to collect contributions owing to other states or to the federal government.[15] This is a departure from the old doctrine that one state does not help another fill the latter's treasury,[16] a doctrine which is losing ground,[17] and one probably not relevant to the collection of what really amount to insurance premiums,[18] as distinguished from taxes.

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[7] This seems an inapt term to describe a foreign corporation. Presumably "resident" means subject to an action *in personam* based on service on an agent pursuant to RCW 4.28.080. [RRS§226].

[8] Sec. 17, amending RCW 50.24.120 [Rem. Supp. 1945 §9998-238]. The Secretary of State must send a copy of the process to the employing unit by registered mail. The procedure is essentially the same as in the case of actions against non-resident motorists. RCW 46.64.040 [RRS § 6360-150].

[9] International Shoe Co. v. State, 22 Wn.2d 146, 154 P.2d 801 (1945); affirmed, 326 U.S. 310, 90 L.Ed.95, 66 S.Ct. 154, 161 A.L.R. 1057 (1945) (leading case).

[10] State *ex. rel.* Bond & Goodwin & Tucker, Inc. v. Superior Court, 169 Wash. 688, 15 P.2d 660 (1932); affirmed, 289 U.S. 361, 77 L.Ed. 1256, 53 S.Ct. 624 (1933). The authorizing statute is RCW 23.52.050 [RRS §3836-18], which is available only where the corporation had appointed an agent to receive service of process.

[11] See RESTATEMENT, CONFLICT OF LAWS §167 (1934).

[12] See RCW 50.04.110, 50.04.120 [Rem. Supp. 1945 §§9998-151, 9998-153].

[13] Note 9 *supra.*

[14] Compare RESTATEMENT, JUDGMENTS §23 (1942) which caveats the situation here presented.

[15] Sec. 17, amending RCW 50.24.120 [Rem. Supp. 1945 §9998-238]. The statute apparently authorizes such actions even where the basis of jurisdiction is the new one just discussed, which appears to be going to the verge of constitutional power, if not beyond it. See RESTATEMENT, JUDGMENTS §23, comment e (1942).

[16] RESTATEMENT, CONFLICT OF LAWS, §610 (1934).

[17] RESTATEMENT, CONFLICT OF LAWS §610 (1948 revision); State *ex rel.* Oklahoma Tax Commission v. Rodgers, 238 Mo.App. 1115, 193 S.W.2d 919, 165 A.L.R. 785 (1946).

[18] *See* Ohio *ex rel.* Duffy v. Arnett, 314 Ky. 403, 234 S.W.2d 722 (1950), collection of industrial insurance premiums payable into state fund as in this state.

Workmen's Compensation. Chapter 143, adding a section to the Industrial Insurance Act, deals with the conversion of monthly payments into lump sums. Some background is necessary for an understanding—or rather, an attempt at understanding—of the effect of the new statute.

The Department of Labor and Industries is authorized to convert future monthly payments in a case of death or permanent total disability into a lump sum equal to the present value of such payments as certified by the insurance commissioner, but not to exceed $5,000, upon written application of the workman or beneficiary and at the discretion of the Department; and "within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the department and applicant."[19] Apparently the Department, prior to 1937, assumed that the quoted language authorized compromise settlements for amounts less than $4,000, the then maximum, in cases where there was a dispute as to the right of the claimant to receive a "pension" award.

Booth v. Department,[20] however, held that the Department's authority to convert did not extend to a conversion into a lump sum less than $4,000 or the present value of the monthly payments actuarilly computed. Moreover, since the unwarranted action appeared upon the face of the order issued, the order was not made binding because of the failure of the claimant to take a timely appeal. This holding was reaffirmed and strengthened in *Southern v. Department,*[21] wherein it was flatly declared that the Department has no authority to compromise a disputed claim under any circumstances, and apparently, that a claimant is not barred from claiming the balance asserted due even where he has entered a formal settlement and release and joined in a motion to dismiss a pending appeal on the docket of the suprior court.[22] Thus it is clear that, at least prior to the recent amendment, the Depart-

[19] RCW 51.32.130 [Rem. Supp. 1941 §7681]. Essentially similar provisions were in the original act. L. 1911, c. 74, §7 RCW 51.32.150 [Rem. Supp. 1949 §7679 (j)] confers similar authority with respect to beneficiaries residing without the state.

[20] 189 Wash. 201, 64 P.2d 505 (1937). After compromising her claim for a death pension, disputed by the Department on the ground that she had remarried, for a lump sum of $2600, a widow filed a further claim for $1400 after time for appeal had lapsed and was successful upon appeal. Similar results were reached in Hagen v. Department, 193 Wash. 555, 76 P.2d 592 (1938) and Horton v. Department, 199 Wash. 212, 90 P.2d 1009 (1939).

[21] 39 Wn.2d 475, 236 P.2d 548 (1951).

[22] On the latter point, the Southern case, without mentioning it, presumably overruled Godfrey v. Department, 198 Wash. 71, 86 P.2d 1110 (1939), which held that claimant was barred under the circumstances stated.

ment could not depart from the substantive requirements of RCW 51.32.130 [REM. SUPP. 1941 § 7681].

However, a failure to comply with the formal requirements of receiving a written application from the claimant and a certification of present value by the insurance commissioner does not prevent a lump sum payment from being a conversion in whole or in part. In *Anderson v. Department*[23] the claimant, holding an award for permanent total disability, received several "cash advances" and then applied for a lump sum settlement of $4,000, contending that the absence of the statutory formalities precluded the Department from treating the advances as partial conversions. The supreme court held for the Department.

The new statute provides: "In pension cases when a workman or beneficiary closes his claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the workman or any beneficiary which would otherwise exist had such person not elected to close the claim: PROVIDED, The director may require the wife of such workman to consent in writing as a prerequisite to conversion and/or the closing of such claim."[24]

This is a good example of how statutes should not be drafted.[25] If, as would appear, the purpose is to alter the effect of the cited code sections, they should have been consolidated and reenacted in amended form. "In pension cases" is an inelegant, ungrammatical and ambiguous phrase to use as a definition of the scope of the rule promulgated. A workman does not "close his claim"; that is what the Department does after a full conversion upon request of the claimant. More important, the effect of the new statute is most ambiguous; it might be construed to make no change in the law, to make a minor change, or to make a major change.

That "full conversion" to a lump sum of $5,000 bars any further claim has never been doubted, and similarly as to a series of partial

[23] 40 Wn.2d 210, 242 P.2d 514 (1952).
[24] L. 1953, c. 143, p. 275.
[25] In addition to the criticisms made in the text above, it might be pointed out that the proviso adds nothing to the previous "discretion" of the Department, whereas it has the vices of suggesting, albeit erroneously, that a release by a wife is necessary to bar her community property interest, and of suggesting, by negative inference, that the director has no authority to require a release from the invalid husband of a disabled workman although he is the "manager" of the community property and a potential beneficiary under RCW 51.32.050 (7) [Rem. Supp. 1949 § 7679].

conversions totalling $5,000, according to the recent *Anderson* case, discussed above. Hence the new statute merely codifies the law in cases where the substantive requirements of RCW 51.32.130 [REM. SUPP 1941 § 7681] are met. If it is assumed that some change in the law was intended by the legislature, the new statute might be construed, by a negative inference, to limit the conclusive effect of a conversion to cases where the formal requirements of RCW 51.32.130 [REM. SUPP 1941 § 7681] are met, *i.e.*, a conversion in the "manner provided" therein, thus repudiating the *Anderson* case; or it could be construed as authorizing the Department to enter binding compromise settlements, contrary to the holdings in the *Booth* and *Southern* cases. It would appear that the first of the three alternatives was that intended by the legislature.

Chapter 218 amends the Industrial Insurance Act by shifting to the accident and medical aid funds liability for "all administrative expenses" of the safety division of the Department, provided that the total expense paid shall not exceed five percent, presumably of the total receipts of the combined funds. The effect will be to impose the cost of safety inspection and education upon the industries covered by the Industrial Insurance Act, which cost will be reflected in increased premium rates which in turn will be covered into the price of goods and services. The motive, of course, is to increase the amount available for support of the state government without increasing "taxes."

Compensation for Civil Defense Workers. Chapter 223 sets up a system of workmen's compensation for "civil defense workers"[26] injured[27] in the course of civil defense service,[28] including training activities.[29] The compensation system is administered by either county or city "compensation boards,"[30] as the case may be, who hear and decide all applications for compensation[31] and are authorized to subpoena witnesses and administer oaths.[32] Such "recommendations" are reviewed by the state director, whose disagreement throws the case

[26] Defined as a registered worker holding an identification card or a public employee assigned to civil defense service. L. 1953, c. 223, §2.

[27] Defined to include accidental injuries and occupational diseases "arising out of civil defense service." The injury, to be compensable, must "proximately caused" by the civil defense service. L. 1953, c. 223, § 10(3).

[28] The civil defense system was created by L. 1951, c. 178, (uncodified). The new statute constitutes an amendment thereof.

[29] L. 1953, c. 223, §2.

[30] Sec. 4. The boards are composed of specified county or city officers.

[31] Sec. 7

[32] Sec. 6.

to the state civil defense council for decision.[33] An applicant may appeal from any action of the board within one year "by writing to the department of the civil defense."[34] If the applicant is aggrieved by the decision of the state council, he "shall have the same right of appeal . . . to the same extent as provided in RCW 51.52.050 to 51.52.110."[35] This is an astonishing provision. It provides this weird sequence: a hearing before the compensation board, an "appeal" to the state council[36] or state department,[37] followed by an "appeal" to the Board of Industrial Insurance Appeals, which hears the case "de novo,"[38] followed by an "appeal" to the superior court,[39] but apparently no appeal to the supreme court.[40] Futhermore, the scope of review by, and the form of proceeding before, the superior court are not defined.[41] Let us hope that there will be no occasion to test this array of procedural machinery.

The schedule of awards is that of the Industrial Insurance Act.[42] Similarly, a worker injured by the "negligence or wrong of another not on civil defense duty" may elect to sue in tort or take under the act, and if the latter election is made, the tort claim is "assigned" to the department of civil defense.[43] A worker has no claim against the state or any subdivision thereof because of any injury compensable under the act,[44] unless such injury is caused by the state or subdivision in the exercise of a "proprietary function,"[45] in which event, presumably, the worker has his election as just noted. Moreover, the act carefully provides that if the federal government should undertake to provide medical or financial assistance to an injured worker, the compensation payable under the act shall be reduced accordingly,[46] or be denied entirely if such denial is necessary to enable the worker to receive

[33] Sec. 7.
[34] Sec. 8. The time allowed seems unnecessarily long and the form of appeal seems unwisely informal.
[35] Sec. 17.
[36] If the director disagrees with the board. Sec. 7 But under sec. 17 the department has the authority to "dispose of all claims."
[37] If the applicant is aggrieved. Sec. 8. This section seems to contemplate an *ex parte* determination by the department.
[38] RCW 51.52.100 [Rem. Supp. 1949 § 7697].
[39] RCW 51.52.110 [Rem. Supp. 1949 § 7697].
[40] The provisions of RCW incorporated by reference do not include RCW 51.52.140 [Rem. Supp. 1949 § 7697], authorizing such an appeal.
[41] These are covered in RCW 51.52.115 [Rem. Supp. 1949 § 7697; RRS § 7697-2], which is not incorporated by reference.
[42] Sec. 13, incorporating RCW 51.32 and any future amendments thereto.
[43] Sec. 14.
[44] Secs. 3 and 9.
[45] Sec. 9.
[46] Secs. 19, 20, 21.

federal assistance.[47] All compensation payments come from the general fund of the state, if and when an appropriation is made.[48]

Public Assistance. The statutes in this area have been very extensively revised by Chapter 174 of the regular session and Chapter 5 of the extraordinary session. The most basic change is the centralization of authority in the newly named department of public assistance,[49] to the almost complete exclusion of county governments.[50] The property tax levy of two mills, formerly collected by the counties for public assistance purposes, has been shifted to the state.[51] A similar transfer of authority and responsibility to the state government, accomplished in large part in 1951,[52] has been made more complete in relation to medical and hospital services for all needy persons, regardless of their eligibility for other forms of public assistance. The old territorial statute[53] imposing this duty on counties is repealed,[54] thus eliminating, to a large extent at least, the basis for the maintainance of county hospitals. The "administrative responsibility" for providing such services is in the state department of health[55] which is given substantial control over the budgets[56] of county hospitals and authority to prescribe minimum standards of operation and care for all hospitals utilized in its program.[57]

No attempt will be made to describe the multitude of other changes made by the new acts except for a few deemed of particular interest to the legal profession and one which seems inconsistent with the general policy of fiscal retrenchment generally so much in evidence during the recent sessions of the legislature.

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[47] Sec. 22.

[48] My search has not disclosed any special appropriation, and it is doubtful whether the general appropriation to the department of civil defense will authorize compensation payments.

[49] L. 1953, c. 174, §§1, 2, 3, 48. The former name was department of social security.

[50] L. 1953, c. 174, §6, amending RCW 74.04.050, provides that the department shall serve as the single state agency to "administer" public assistance. The former statute used the verb "supervise." Secs. 12 and 13, amending RCW 74.04.040 and 74.04.070, vest administration at the field level in county offices described as "local offices" of the department under the direction of "county administrators" appointed by the state director. The former law vested field administration in county administrators, appointed by the county commissioners.

[51] L. 1953, c. 174, §43, amending RCW 74.04.150 [Rem. Supp. 1943 § 10007-110a].

[52] RCW 74.08.140 to 74.08.200 [Rem. Supp. 1949 §9998-330]. All of these sections have been superseded by L. 1953 Spec. Sess., c. 5.

[53] RCW 36.39.020 [RRS §9986], dating from the Code of 1881.

[54] L. 1953, c. 5., §13.

[55] *Id.* §1.

[56] *Id.* §4 (1).

[57] *Id.* §6.

The last reference is to the substantial liberalization of "funeral" assistance. The old law authorized a maximum payment of $100 for this purpose, but only in case the decedent was a "recipient" of some form of public assistance. [58] The new law[59] directs the department to "assume responsibility for the funeral of deceased persons dying without assets sufficient to pay for the minimum standard funeral," which term is defined to include "appropriate memorial services, including necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave." The only safeguards for the state treasury are a provision for the fixing of a "standard of such services" and the "uniform amounts to be paid," not more than "cost" (?) to the supplier, by the department after consultation with the interested trade associations, and a provision that the department shall pay nothing if relatives or friends either pay anything or provide for other than "minimum standard" service. All in all, this is a strange section which raises a serious question of policy and numerous problems of administration that will not, however, be elaborated here.

The new provision of probably the greatest interest to lawyers is the third revisal[60] of the much debated "lien clause," whereunder, generally speaking, the state has a claim against the estate of a deceased recipient for the total amount of assistance paid to him during life. The pendulum has swung again,[61] but only part way this time. The new act applies only to claims for old age assistance. Like the earlier lien provisions, the new act defers enforcement of the state's claim against real property while occupied by the surviving spouse or dependent child of the recipient unless foreclosure is necessary to protect the state against

[58] RCW 74.08.120 [Rem. Supp. 1949 §9998-33m]. An act of 1951 imposed on the county commissioners the duty of providing for the "disposition of the remains" of other indigent decedents whose bodies were unclaimed by relatives or friends. RCW 36.39.030. It would appear that this section is now superseded and should have been repealed.

[59] L. 1953, c. 174, §32.

[60] L. 1953, c. 174, §36.

[61] The act of 1939 (c. 216, §24), creating a claim against the estate of the recipient of any form of public assistance, was repealed as to "senior citizens" by Initiative No. 141, L. 1941, c. 1, §6, and as to recipients of "aid to the blind" by L. 1941, c. 170, §6. The second "lien", applicable apparently only to recipients of old age assistance, was created in 1947 (c. 288, §6) and repealed in 1948 by Initiative No. 172, L. 1949, c. 6, §12, except as to claims for grants received contrary to law.

[62] L. 1953, c. 174, §36. A mysterious paragraph does authorize a claim with respect to any form of public assistance which "materially improved or benefited any real estate owned by the recipient." It appears highly unlikely that this condition will be met with any frequency.

other creditors.[63] The novel feature is a proviso permitting the state's claim to be defeated if the "heirs, devisees or legatees" of the recipient "demonstrate to the satisfaction of the probate court[64] that they were financially unable to render him support" while a recipient. This is the sort of draftmanship which breeds litigation almost of necessity If some heirs are financially able and others not, will the state's claim be defeated entirely, or only as to the property descending to the impecunious heirs, or will the "lien" be good against all heirs? What if the heir is a daughter married to a man of means who has clutched his purse strings tightly? And so on. Apparently, the state's claim covers all old age assistance paid, both before and after the act's effective date.[65] This would appear to raise no serious constitutional doubt insofar as heirs, etc., are prejudiced, since they have only an "expectancy" prior to the death of the ancestor.[66] However, unsecured creditors are also prejudiced and they do have standing to challenge constitutionality, that is, as to claims for assistance paid prior to April 1, 1953, under the contract and, perhaps, due process clauses. This is not the occasion to attempt prediction of the outcome of such a challenge.

A novel feature of the new medical aid act is a provision whereby the state is "subrogated" to a recipient's claim against a tortfeasor whose misconduct causes injuries necessitating the medical assistance, to the extent of the "value" of such assistance.[67] In one aspect, this is similar to the "lien clause" in that it permits the state to secure reimbursement from an asset of the recipient, *i. e.*, the state can reach the proceeds of the tort claim in the hands of the recipient; but it goes further in that it authorizes the state to proceed directly to realize on a chose in action of the recipient. It should be noted that the state's cause of action is not original but derivative, and that any defense good against the recipient, *e. g.*, contributory negligence, would defeat the state's direct action. Had the legislature created an independent cause of action in favor of the state, a new and very important doctrine would

[63] The state's claim is preferred to all unsecured creditors except for the expenses of the last sickness, funeral, and administration, but is subject to the "homestead" allowance provided in RCW 11.52.

[64] Is this phrase intended to have a different meaning than "prove" or "sustain the burden of proving?"

[65] The previous "lien clauses" were specifically made prospective only.

[66] The new act might be construed to authorize the filing of state claims against the estates of recipients who died prior to the act's effective date, April 1, 1953. If so construed, the heirs in such a case would have much stronger grounds for challenging validity.

[67] L. 1953 Spec. Sess., c. 5., §14.

have been introduced, namely, that a third person whose misconduct creates the necessity for rendering "public asistance" thereby inflicts a legal injury upon the state because the state, like a parent, is under a legal duty—not a moral or charitable obligation—to furnish aid.[68] This proposition might lead to some startling and far-reaching extensions of state power, including measures of prevention as well as reimbursement. Even as it stands, the new law is by no means insignificant, as it is a step, although short, in the direction of the state becoming the "guardian" of the recipient. One wonders why the legislature did not see fit to empower the state to recover the costs of the "minimum standard funeral" from a person wrongfully killing, say, an unknown vagrant, or to extend subrogation to include the cost of "disability assistance"[69] where the victim is permanently disabled.[70]

Two important changes have been made in the appellate procedure available to aggrieved applicants for assistance. The prior statute[71] provided that review of a decision by the superior court should be upon the record made before the administrative tribunal, but authorized the court to remand the cause for the taking of additional testimony "to complete the record" and for reconsideration by the department in light thereof. The new act omits this remand provision.[72] Apparently the court from now on must affirm, reverse or modify the decision on the basis of the record, even though it is patently "incomplete." The impact of this change will probably be to the detriment of applicants, particularly those not represented by legal counsel at the administrative hearing.

The other procedural change probably was designed to enhance the chances of applicants. The old statute provided:[73] "The findings of the director as to the facts shall be conclusive unless the court determines (that such findings are without support in the evidence in the record.)" The new statute replaces the words within parentheses with the following: "that the evidence in the record preponderates against such find-

[68] *See* United States v. Standard Oil Co., 332 U. S. 301, 91 L. Ed. 2067, 67 S. Ct. 1064 (1947), holding that the United States may not recover from a tortfeasor for the medical expenses necessitated by injury to a soldier. The decision was based upon the absence of such a right at common law, but the opinion expressed no doubt as to the power of Congress to create the right.

[69] Provided in RCW 74.10. This is cognate with old age assistance.

[70] L. 1953 Spec. Sess., c. 5, §14 applies only to "assistance furnished under this act," *i.e.*, c. 5, dealing only with "medical . . services" as distinguished from money payments.

[71] RCW 74.08.080 [Rem. Supp. 1949 § 9998-33j].

[72] L. 1953, c. 174, §31.

[73] Note 71 *supra.*

ings."[74] Since litigation in this area typically involves only questions of "fact," and "facts," moreover, of a rather nebulous nature such as "residence," "need," "available resources," and the like, the statutory change has the potentiality of shifting to the courts a considerable authority to "administer" the program of public assistance, for no apparent reason and with some possibility of conflict with the requirements of the Federal Social Security Act. The federal act, as a condition of making federal "matching funds" available, requires that the state plan conform to specified standards, including inter alia, that it be "administered" by a "single state agency," and that it "provide such methods of administration . as are found by the [federal] Administrator to be necessary for the proper and efficient operation of the [state] plan."[75] It could be contended that a court which has authority to find the facts in individual cases is an "agency" which "administers," in part, the plan, and it may well be doubted whether a second determination of factual questions and an encouragement of appeals by applicants promote "efficient operation."[76]

Finally, Chapter 174 modifies the previous prohibition against disclosure of information concerning recipients of public assistance, which prior to 1951 was a condition of eligibility for federal grants-in-aid.[77] In that year Congress consented to the disclosure of such information if the state "prohibits the use of any list or names obtained . for commercial or political purposes."[78] The new state act confers upon "any individual" the right to receive "an affirmative or negative answer" from the county welfare office to the question whether a named individual is receiving public assistance, with a prohibition under criminal sanction of the use of such information for commercial or political purposes.[79] One can only speculate on the difficulties of conviction for this offense.

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[74] Note 72 *supra.*
[75] 42 U.S.C. §302 (a) (3),(5) (Supp. 1952).
[76] *See* Morgan v. Dept. of Social Security, 14 Wn.2d 156, 127 P.2d 686 (1942), dealing with a somewhat similar conflict with the federal standards.
[77] 42 U.S.C. §302 (a) (8) (Supp. 1952).
[78] 26 U.S.C. §3805 (Supp. 1952).
[79] L. 1953, c. 174, §7, amending RCW 74.04.060 [Rem. Supp. 1941 §10007-106].