

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE
STATE OF GEORGIA 1937**

PART I.--GENERAL PUBLIC LAWS

TITLE IV. GOVERNMENT DEPARTMENTS ESTABLISHED

1937 Vol. 1 -- Page: 355

Sequential Number: 035

Short Title: PUBLIC WELFARE DEPARTMENT FUNCTIONS.

Law Number: No. 62.

Full Title: An Act to simplify the operations of the Executive Branch of the State Government by abolishing the Board of Control of Eleemosynary Institutions created under and by virtue of an Act approved August 28, 1931 (Acts 1931, pages 7, 15); by abolishing the Board of Welfare created under and by virtue of an Act approved August 18, 1919 (Acts 1919, pages 222, 228) and transferring the functions and activities of the two said Boards to the Department herein created; by transferring and removing from the Veterans Service Office the functions in administering, distributing, and supervising payment of pensions to ex-Confederate soldiers and sailors and their dependents as provided for in Title 78, Chapter 78-2, of the 1933 Code of Georgia, and vesting such functions in the Department herein created; by creating the State Department of Public Welfare of Georgia and distributing to said Department the above duties and functions of said Executive Branch; defining such powers, duties

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and functions and coordinating the same; and fixing salaries, terms of office, method of appointment and duties and qualifications of the personnel in charge thereof; by defining the State Department of Public Welfare as an institution of the State of Georgia within the meaning of the Constitution of the State as codified in Section 2-4901 of the 1933 Code of Georgia; by defining terms used in this Act, by providing for a Director and a State Board and their duties, by providing for activities of the State Department and a Department and County Organization with County Boards, County Directors, county staffs, and their respective duties, by providing for county and State appropriations, and for the State and County Directors to be bonded; by authorizing the Department to cooperate with the agencies and instrumentalities of the Federal Government in administering all of the provisions of Titles, 1, 4, 5 (Part 3) and 10 of Public Number 271, Seventy-Fourth Congress, House Resolution 7260,

being the Federal Social Security Act, with any amendment which may subsequently be enacted by the Congress of the United States; to authorize the creation within the Public Welfare Department of a Board of Trustees for the Milledgeville State Hospital and other eleemosynary institutions of the State, and, if created, to define its duties and powers; to permit said Public Welfare Department to certify and approve hospitals eligible to render hospital service under any group non-profit hospital insurance plan and to authorize said department to withdraw approval from any such hospital in its discretion and to provide for the rules and regulations controlling said hospitals in connection with the administration of their affairs; to limit the gross expenses assessed against a county for the administration of this Act; to restrict the sale of supplies or other items to the institutions benefited by this Act, by providing that no interested supervisor or member of the State or County Board shall be authorized to sell supplies to

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said institutions; by providing a saving clause and a short title; and repealing all laws and parts of laws in conflict herewith; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia and it is enacted by authority of the same, as follows:

Section 1. Definitions. As used in this Act, "State Department" means the State Department of Public Welfare: "State Board" means the State Board of Public Welfare: "Director" means the Director of the State Department of Public Welfare: "County Department" means the County or District Department of Public Welfare: "County Board" means the County or District Board of Public Welfare: "County Director" means the Director of the County or District Department of Public Welfare. [Sidenote: Definitions.]

Section 2. State Department of Public Welfare. There is hereby created a State Department of Public Welfare which shall consist of a State Board of Public Welfare, a Director of Public Welfare, and such officers and employees as may be hereinafter authorized. The State Department of Public Welfare is hereby declared to be an institution of the State of Georgia within the meaning of that term as defined in the Constitution and as codified in Section 2-4901 of the 1933 Code of Georgia, and as such institution, is empowered and authorized to administer, expend, and disburse funds appropriated to it and allocated to it by the General Assembly of Georgia and by the respective counties of said State and by the United States Government through its appropriate agencies and instrumentalities for the purpose of distributing old-age

assistance and all other benefits provided for in this Act.
[Sidenote: Department created as State institution.]

Section 3. State Board of Public Welfare. The State Board shall consist of the Director of said Board and six additional members, one of which said members shall be a medical doctor in active practice and one a dentist in

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active practice appointed by the Governor on the basis of recognized interest and knowledge of the problems of Public Welfare. The Governor is required by this Act to select and appoint from the ten Congressional Districts of this State the members of said State Board so that as far as practical a member of said State Board shall reside in the north, south, east and west parts of the State and shall as far as practical represent the various sections of the State. The members of the State Board shall be appointed for terms as follows: The Director thereof shall be appointed for a term of two years; the terms of the remaining six members of the Board shall be three for terms of one year and three for terms of three years, respectively, in the first instance, and thereafter upon the expiration of such terms, successors shall be appointed for a term of three years each. Members of the State Board, with the exception of the Director, shall receive no compensation for their services other than the amount of their traveling and other expenses incurred in the performance of their official duties.

[Sidenote: Board members.]

[Sidenote: Appointment.]

[Sidenote: Terms of office.]

Section 4. Duties of the State Board. It shall be the duty of the State Board to serve as an advisory and policy forming Board advising with the director regarding the adoption of all policies, rules, and regulations for the State Department. The State Board in consultation with the director shall have the power and it shall be their duty to fix minimum standards of service and personnel, and to formulate salary schedules for the classified service based upon training, experience, and general ability of persons selected for positions in the State Department and County Departments of Public Welfare hereinafter created.

[Sidenote: Duties.]

Section 5. Duties of the Director. The director shall be appointed by the Governor on the basis of his training, ability, and experience in public welfare administration. His term shall run concurrently with that of the Governor and his salary shall be fixed at the sum of \$6,000.00 per annum. Said director shall give bond for the faithful performance

of his duties and the faithful accounting of all moneys coming into his hands as such director in such a manner and under such terms and conditions as may be prescribed and provided for by the Comptroller-General of the State of Georgia. The director shall serve as the executive and administrative officer of the State Department. He shall prepare and submit to the State Board for its approval an annual budget of all funds necessary to be appropriated by the Legislature for the State Department for the purposes of this Act, including in such budget an estimate of Federal funds which may be allotted to the State by the Federal Government for the purposes of this Act. He shall prepare annually a full report of the operations and administration of the State Department together with recommendations and suggestions, and such report shall be submitted to the Governor not later than three months after the close of the fiscal year. The Director shall appoint such personnel as may be necessary for the efficient performance of the duties prescribed in this Act.

[Sidenote: Director's duties.]

Section 6. Activities of the State Department. The State Department shall be charged with the administration or supervision of all county welfare departments of the State as hereinafter provided. The State Department shall:

[Sidenote: Administration duties.]

(1) Administer or supervise all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old-age assistance, aid to dependent children, aid to the blind or otherwise handicapped; the operation of State charitable and eleemosynary institutions; the supervision of agencies and institutions caring for dependent or mentally or physically handicapped or aged adults; approval of the incorporation of charitable agencies; and such other welfare activities or services as may be vested in it;

[Sidenote: Public assistance.]

(2) Administer or supervise all child welfare activities, including those services as provided for in Public Number

271, Title 5, (Part 3) as enacted by the 74th Congress of the United States in House Resolution 7260, the importation of children; licensing and supervising of private and local public child caring agencies and institutions; the care of dependent, neglected, and delinquent children in foster family homes, or in institutions, the protection of

children for adoption or those of illegitimate birth; the operation of State institutions for children and cooperation in the supervision of juvenile probation;
[Sidenote: Child welfare.]

(3) Cooperate with the Federal Government, its agencies or instrumentalities, in establishing, extending and strengthening services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent, and to receive and expend all funds made available to the department by the Federal Government or State, or its political subdivisions, for such purposes;
[Sidenote: Cooperation.]

(4) Administer or supervise all mental hygiene work, including the operation of all State institutions for the care of mentally ill or feeble-minded persons, and of non-institutional care for this group;
[Sidenote: Mental hygiene.]

(5) Cooperate in the supervision of all correctional activities, including the operation of all the penal and correctional institutions of the State, together with parole, supervising of probation services, segregation of first offenders, and the inspection of local jails;
[Sidenote: Penal institutions.]

(6) Provide services to county governments including the organization and supervision of county welfare departments for the effective administration of welfare functions, and the compilation of statistics and necessary information relative to public welfare problems throughout the State;
[Sidenote: County departments.]

(7) Prescribe qualifications and salary standards for welfare personnel in State and county welfare departments;
[Sidenote: Standards.]

(8) Assist other departments, agencies and institutions of the State and Federal Government, when so requested, by performing services in conformity with the purpose of this Act;
[Sidenote: Assistance.]

(9) Act as the agent of the Federal Government in welfare matters of mutual concern in conformity with this Act and the administration of any Federal funds granted to the State to aid in the furtherance of any functions of the State Department;
[Sidenote: Federal agency.]

(10) Under rules and regulations prescribed by the State Department, designate county departments to serve as agents in the performance of all State welfare activities in the county;
[Sidenote: County agency.]

(11) Administer such additional welfare functions as are hereby or hereinafter may be vested in it by law;

(12) Administer the payment of pensions to ex-Confederate soldiers and sailors and their dependents and perform all of the duties and responsibilities therewith which have heretofore been under the supervision and jurisdiction of the Veterans Service Office under and by virtue of Title 78, Chapter 78-201 of the 1933 Code of Georgia and as may hereafter be more specifically provided for in Section 19 of this Act;
[Sidenote: Pensions.]

(13) Have the right which is hereby vested in said State Department to designate private institutions as State institutions, and contract with such private institutions for such activities, in carrying out the provisions of this Act, as the Department may deem necessary from time to time, and to exercise such supervision and cooperation in the operation of such designated private institutions and/or agencies, so designated, as the Department may deem necessary;
[Sidenote: Private institutions.]

(14) Have the right and authority to accept gifts or donations with full power to execute in connection with such

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gifts and donations for welfare purposes as may be prescribed by the donors thereof;
[Sidenote: Gifts.]

(15) Be empowered with authority to delegate in whole or in part the operation of any institution or other activity of this Department to any other appropriate Department or Agency of the State, County, or Municipal Governments and to contract with and cooperate with such departments or subdivisions in any manner proper for carrying

out the purposes of this Act.

[Sidenote: Delegation and cooperation.]

(16) Be empowered with authority to create and establish a Board of Trustees for the Milledgeville State Hospital, and/or any other eleemosynary institution of the State, with general representation from each Congressional District of the State on any board which may be established; such board or boards to be empowered with duties and authority delegated to them by the State Department and to function under the direction of the State Department, and to cooperate with the State Purchasing Department in connection with the purchasing of supplies and necessities for such institution or institutions; such Board or Boards in the discretion of the State Department to be established whenever and/or wherever practicable and advisable for the operation of such institution or institutions.

[Sidenote: Trustees of State Hospital, etc.]

(17) Certify and approve such hospitals applying therefor, which may be found to be eligible to render hospital service under any group non-profit hospital insurance plan, which may be approved and become effective, and supervise the services rendered by hospitals operating under such plan, with authority to withdraw approval from any hospital which subsequently may under rules and regulations of the State Department become ineligible for rendering such services, provided that in fixing rules and regulations in this connection, or in enforcing such rules, hospitals interested therein shall be given opportunity to be heard.

[Sidenote: Hospital service.]

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Section 7. Department Organization. There shall be created in the department such divisions as the State Department may find necessary for the effective administration of the State Department. The director shall have the power to allocate and reallocate functions among the divisions within the Department with the advice of the State Board.

[Sidenote: Organization.]

Section 8. State Grants-In-Aid. In administering any funds appropriated or made available to the State Department for welfare purposes, the State Department shall have the power:

[Sidenote: Powers.]

(1) To require as a condition for receiving grants-in-aid that the county shall bear the proportion of the total expense of furnishing aid, as is fixed by the law relating to such assistance;

[Sidenote: Aid to counties.]

(2) To make use of all local processes to enforce the minimum standards prescribed under or pursuant to the laws providing for grants-in-aid;

[Sidenote: Enforcement.]

(3) To administer and disburse any and all funds which may be allocated by any municipality of the State or private organization or society, for such purposes as may be designated by such municipality or other agency; and provided that in the distribution or use of such funds a reasonable percentage for administrative costs may be used therefrom not to exceed 10% of the total sum thus administered.

[Sidenote: Administration of funds.]

Section 9. County Departments. There shall be established in each county of the State a County Department of Public Welfare which shall consist of a county board of public welfare, a county director of public welfare, and such additional employees as may be necessary for the efficient performance of the welfare services of the county. With the approval of the State Department, two or more counties may, however, unite and form a district department of public welfare, in which case each county composing the

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districts shall appoint a county board of public welfare as hereinafter provided, and those boards acting together shall constitute the district board and shall select one director of public welfare and administrative staff to serve the entire district. All duties and responsibilities set forth in this Act for county departments of public welfare shall also apply to district departments of Public Welfare.

[Sidenote: County Departments.]

Section 10. County Boards. The County Board of Public Welfare shall consist of five members appointed by the County Commissioner or Board of Commissioners, or the constituted fiscal or financial agent of each respective county with the approval of the State Department, provided that no elected officer of the State or any subdivision shall be eligible for such appointment. Two members of the county board shall serve for terms of two years and three members shall serve for terms of three years in the first instance, and thereafter all members of the county board shall serve for three years. Appointments to fill vacancies caused by death, resignation or removal before the

expiration of such term shall be made for the residue of such term in the same manner as herein provided for original appointments. The members of the county board shall serve without compensation except that they shall be reimbursed for the amount of their traveling and other expenses actually incurred in the performance of their official duties. In the event that any County Board is not named within a reasonable time as provided for in this section, then the director of the State Department may name such County Board of the same number of members who may serve until a permanent County Board is named as provided for herein. Provided, however, the gross expenses so assessed against a county shall not exceed the amount of the budget of said county previously set aside and levied by said county authorities for said purpose.

[Sidenote: County Boards.]

Section 11. Duties of the County Board of Public Welfare. It shall be the duty of the County Board of Public

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Welfare to appoint a County Director of Public Welfare, who shall meet the qualifications prescribed by the State Department. The tenure of the county director shall be at the pleasure of the county board and the salary of the county director shall be fixed by the county board in accordance with the salary schedule prescribed by the State Department. The County Director shall give bond for the faithful performance of his duties and the faithful accounting of all moneys coming into his hands as such director, in such a manner and under such terms and conditions as may be prescribed by the State Department.

[Sidenote: Duties.]

[Sidenote: Office tenure.]

[Sidenote: Bond.]

Section 12. Duties of the County Director. The County Director shall serve as the executive and administrative officer of the county department and shall be secretary of the county board. He shall prepare and submit to the county board for its approval an annual budget of all funds necessary for the county department. He shall prepare annually a full report of the operations and administration of the county department. The county director, with the approval of the county board, shall appoint such a staff as may be necessary to administer welfare activities within his county and to perform all other duties required of him.

[Sidenote: County director's duties.]

Section 13. Activities of the County Department. Subject to the rules and regulations of the State Department, the County Department of Public Welfare shall be charged

with the administration of all forms of public assistance in the county including home relief, indoor and outdoor care for those in need, aid to dependent children, old-age assistance, aid to the blind and otherwise handicapped, the care and treatment of dependent, neglected, delinquent and handicapped children, and such other welfare activities as shall be delegated to it by the State Department of Public Welfare or by the County Commissioners. The county department shall also investigate and pass upon all applications for admission to and discharge from county institutions

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which provide care and treatment for indigents. If appointed by a court of competent jurisdiction, the Department of Public Welfare shall perform under the supervision of such court the function of probation officer or agent of the court in any welfare or penal matters which may be before it.

[Sidenote: County Department functions.]

Section 14. County Staff. Staff appointments shall meet the qualifications prescribed by the State Department. The salaries of the members of the staff shall be fixed by the county board in conformity with the salary schedule prescribed by the State Department.

[Sidenote: County staff.]

Section 15. County Appropriations. The County Commissioner or Board of Commissioners, or the constituted fiscal or financial agent of the county shall make appropriations to maintain the necessary welfare service within the county and to defray the cost of the administration of these services. In the case of a district welfare department, each county forming a part of said district shall appropriate funds necessary to care for the welfare activities of the individual county, and the administrative expenses of the district department shall be defrayed by all of the counties in said district in the proportion that the population of each county bears to the population of the entire district. Ninetenths of the administration cost of the County Department shall be reimbursed to the county by the State Director of Public Welfare from funds appropriated or made available for this purpose, if the county department is operated in accordance with rules and regulations prescribed by the State Department. For the purpose of this Act, administrative expenses shall mean salaries of the Director of Public Welfare and other employees of the staff of the county department engaged in the performance of welfare services for which the State makes contribution, and the necessary traveling expenses of the county board and the administrative staff in the performances of the aforesaid services. Suitable office space and necessary equipment and supplies shall

be provided for the county department by the County Commissioner or County Commissioners, or the constituted fiscal or financial agent of each respective county. Provided: the gross expenses assessed against any county shall be not in excess of the amount available in accordance with the provisions of Section 10 of this Act. [Sidenote: Appropriations by counties.]

Section 16. State Appropriations. For the purpose of carrying out the duties and obligations of the State Department for performance of welfare services of the State; for administration costs; for matching such Federal funds as may be available for all of the aforesaid services; for the purpose of establishing an equalization fund to be used in assisting those counties which may be unable otherwise to bear their proportionate share of the expenses of administration and of dispensing the benefits provided for under the terms of this Act; and for dispensing all of the benefits provided for under the terms of this Act, the General Assembly shall make appropriations out of the general fund of the State or otherwise for the various and separate activities of the State Department. Be it further enacted that the department is authorized to pay the expenses incurred in assembling the necessary data used in preparing this bill and establishing the State Department of Public Welfare on a basis whereby it may be permitted to cooperate in the instances provided herein with the Federal Social Security Board, and the preliminary expenses of drafting this legislation necessary for participation of the State of Georgia in the Social Security program of the Government of the United States. All funds appropriated or allocated to the State Department or to the county departments by the General Assembly of Georgia and the fiscal authorities of the respective counties and by the Federal Government of the United States, through its appropriate agencies and instrumentalities, are hereby declared to be funds provided for a public purpose and all appropriations provided for herein and hereafter may be expended and distributed by

the State Department for the purposes provided for under the terms of this Act. [Sidenote: Appropriations by State.]

Section 17. Abolition of Board of Public Welfare. The Board of Public Welfare created and established by an Act approved August 18, 1919 (Act 1919, Pages 222-228) which board subsequently is transferred to and vested in the Board of Control of eleemosynary institutions by Section 44-A of an Act approved August 28, 1931,

creating the Board of Control, is hereby abolished. Such activities and authority as have heretofore been carried on by said Board and not in conflict with the present Act, are hereby transferred to and vested in the State Department of Public Welfare of Georgia.

[Sidenote: Board of Public Welfare abolished.]

Section 18. Abolition of Board of Control and Transfer of Functions Heretofore Performed by said Board of Control. The Board of Control of Eleemosynary Institutions heretofore created under and by virtue of an Act approved August 28, 1931 (Acts 1931, Pages 7, 15) is hereby abolished. The activities, authority, and delegated duties which have heretofore been carried on by the Board of Control and defined in detail in Title 35 in its entirety of the 1933 Code of Georgia are hereby transferred and removed to the State Department of Public Welfare and all of such functions and activities heretofore entrusted to such Board of Control of Eleemosynary Institutions shall hereafter be administered through the State Department as created in this Act; Provided, however, that effective July 1, 1937, the authority and duties in supervising and conducting the management of the State Tuberculosis Sanatorium, as laid down in Chapter 35-4 of the 1933 Code of Georgia are hereby transferred and removed to the State Board of Health of Georgia.

[Sidenote: Board of Control abolished.]

Section 19. Transfer of Supervision of Ex-Confederate Soldiers and Sailors and dependents. All of those duties which have heretofore devolved upon the Veterans Service

Office and the Director of the Veterans Service Office under and by the virtue of Title 78, Chapter 78-2 of the 1933 Code of Georgia, having to do with the administration of pensions to ex-Confederate soldiers and sailors and their dependents are hereby removed from the supervision and administration of the Veterans Service Office and are vested in the State Department of Public Welfare and hereafter all of those functions pertaining to such ex-Confederate soldiers and sailors and dependents as prescribed and laid down in Chapter 78-2 of the 1933 Code of Georgia are hereby designated as a part of the duties of the State Department of Public Welfare, which department is hereby vested with the responsibility of administering all of such functions. The Director of the State Department of Public Welfare is hereby substituted for the Director of the Veterans Service Office in connection with the administration of the duties provided for in Chapter 78-2 of the 1933 Code of Georgia, and wherever a duty devolves upon the ordinary of the respective counties of the State in said chapter, such duty is hereby transferred to and shall hereafter be

administered by the county director in each respective county.
[Sidenote: Confederate Veterans, etc. Transfers of supervision.]

Section 20. Saving Clause. If any section or portion of this Act shall be held unconstitutional, the remaining provisions shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.
[Sidenote: Constitutionality.]

Section 20-a. That no individual, supervisor, or member of the State or County Boards herein created, having to do with the administration of this Act, shall be authorized or permitted, directly or indirectly, to sell supplies or other items of any kind or character to any of the institutions to be benefited by this Act.
[Sidenote: Sales of supplies.]

Section 21. Short Title. This Act may be cited as "The Welfare Reorganization Act of 1937."

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Section 22. Repeal of Existing Laws. All provisions of the law, and parts of laws, in conflict with this Act are hereby repealed.

Approval Date: Approved February 26, 1937.