

1940

Year

619

Chapter

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State of New York

In Assembly

1940

Ordered, That the Clerk deliver the bill entitled

AN ACT

Relating to social welfare, amending the state charities law generally, and consolidating therein the provisions of the public welfare law with amendments

to the Senate, and request their concurrence in the same.

By order

ANSLEY B. BORKOWSKI

Clerk

IN SENATE

Passed Without Amendment

MAR 28 1940

By order of the SENATE

William S. King
CLERK

STATE OF NEW YORK
DEPARTMENT OF SOCIAL WELFARE

Re: An Act relating to social welfare, amending the state charities law generally, and consolidating therein the provisions of the public welfare law with amendments.

A. Int. 1292, Pr. 1361, 2903

I. LEGISLATIVE MANDATE

By legislative mandate (Laws of 1936, Chapter 373 as last amended by Laws of 1939, Chapter 2), the State Board of Social Welfare was directed to make a thorough study of the State Charities Law, the Public Welfare Law and other pertinent statutes and to recommend by not later than March 1, 1940 a comprehensive codified statute designed to encompass all of the necessary provisions of law.

II. METHOD OF COMPLIANCE THEREWITH

1. A careful review of the provisions of all of the consolidated laws, as well as the unconsolidated laws as far back as seemed practical, was made.

2. From this came a preliminary tentative draft consolidating the two laws (Public Welfare and State Charities) and making some substantive changes. This was given general circulation in the State in October 1933, and 5 public hearings were held.

3. As a result of these hearings and the work of the many local committees which had been formed to study this draft several hundred pages of comment have been submitted to the Department. Well over a thousand interested persons have worked directly on these comments and helped to make the final product possible.

4. Consequently, the Board decided that the first step should be a consolidation of these two laws into one Social Welfare Law, which is the bill now under consideration. The primary purpose of this consolidation is to set up in orderly form the provisions of both laws and to make such amendments as will eliminate repetitious and obsolete matter therefrom and provide uniform terminology therein insofar as practicable. (As expressed in § 18 of the bill, found on page 356 and entitled "Legislative Intent"). It was further decided to leave for a subsequent time after the enactment of the consolidated statute, the making of substantive changes to the present provisions of either the Public Welfare or State Charities Laws.

III. GENERAL SUPPORT OF THE BILL

The first print of this bill was given wide circulation to public officials and private agencies. Suggestions for amendments, mostly of a

minor nature, have been carefully considered, agreed to and incorporated in this print - #2903. Approval and request for its passage has been received from:

1. The Association of Public Welfare Officials representing the city and county commissioners of Public Welfare in the State.
2. The Mayors' Conference.
3. The Association of Towns.
4. The State Association of Administrators of ADC.
5. The State Charities Aid Association.
6. The New York State Catholic Welfare Committee.

The American Legion has recorded itself as not opposed to the bill, in that it makes no substantive change from the present law.

Delay in enactment will be discouraging to those who have worked so hard in studying this bill. The belief will become general that there will never be any consolidated law and future requests for study and suggestion will be ignored.

Substantive changes which may be necessary can be effected more readily and intelligently with one consolidated law than under the present, existing two laws.

Section 18.2 (page 356) of the bill takes care of any amendments to the existing law made by other bills passed this season.

The effective date is March 1, 1941.

at
A 1292

Wadsworth Bill
H. R. No. 2902

Ellenberg

~~Memo on New State Welfare Law~~

This memo is limited to a discussion of the question as to whether or not new section 158 makes a substantive change in the "home relief" provisions which may result in increased liability of the state for reimbursements ^{expanding for} for "home relief" and its administration.

Section 158 of the new law (page 216 of Wadsworth Bill H. R. No. 2902) reads as follows:

§158. Eligibility. Any person unable to provide for himself, or who is unable to secure support from a legally responsible relative, who is not receiving needed assistance or care under other provisions of this chapter, or from other sources, shall be eligible for home relief.

The source of §158 is not stated in the bill. It is apparently a new provision of law and not derived from any existing provision of law.

5

When the T. E. R. A. act was

(12)

first enacted as an emergency measure in 1931, (798/1931) section 9 of the act limited the relief provided by the act to "needy persons, who are unemployed or, if employed, whose compensation therefrom is inadequate to provide the necessaries of life and who have been residents of the state for at least two years prior to the 1st day of November, 1931, and to the dependents of such persons."

By chap. 567/1932, the residence requirement provision was amended to read "and who have been residents of the state for at least two years prior to the date of application for aid under this act and to the dependents of such persons."

The residence requirement continued without further change although section 9 was again amended by chap. 15 of the laws of 1934.

Section 9, containing the residence requirement is still in force and effect, unless it has been superseded or repealed by implication or otherwise.

~~for discussion~~

In 1936, by chapter 873 of the laws of that year, the ^{life of the} T. E. R. A. was terminated and its functions and duties were assigned and transferred to the state department of social welfare. This act did not incorporate into the public welfare law all of the provisions ^{of the original Welfare act (790/1931)} governing the granting of home relief by municipal corporations. ~~under the~~ Nor did it expressly repeal those provisions of law. It did, however, incorporate as a permanent part of the public welfare law, the provisions under which the state reimburses localities for "home relief" expenditures. By § 3-2 of the public welfare law, added by the 1936 act, it was expressly provided that "such reimbursement shall be based only upon ^{the} expenditures for relief for those persons who have been resident within the state of New York for a period of two years prior to such application for home relief"

(4)

By § 2 of the 1936 act, ~~any inconsistent~~
provisions of law ~~inconsistent with~~
those of the 1936 act were, ^{to be deemed} repealed
or superseded by the 1936 act.

By chap. 358 of the laws of 1937,
section 3-4 of the public welfare law
(added by the 1936 act) was amended
The last sentence of the section, ^{containing the two year residence requirement} was
changed to read as follows: "Such
reimbursement shall be based upon
the expenditures for home relief and
its administration for persons who
have settlement within the state
of New York."

By chap. 69 of the laws of 1938,
the above provision was again amended
to read as follows: "Such reimbursement
shall be based upon the expenditures
for home relief and its administration
for persons for whose support the city,
county or town is responsible."

8 As thus amended, this provision
has been incorporated in the new

(J)

social welfare law. (Last sentence of new § 160)

But the introduction of new § 158 preserving the eligibility for home relief, in my opinion, makes it the duty of the city, county or town to give home relief to needy persons regardless of their length of residence in the state or their lack of settlement in the state and, consequently, makes the state liable for reimbursement for such relief. In other words, § 158 is a sort of "catch-all" provision for relief, intended to take care of all persons who need relief and are not receiving some ^{other} form of categorical relief. Were § 158 not inserted into the new social welfare law, the duty of municipal corporations to grant home relief ~~and~~ ^{may} will be limited to "persons who have been residents of the state for at least two years prior to the date of application" under the original Mills act. (§ 9 of 798/1931, as amended by Chap. 15/1934.)

(6)

In my opinion, the provisions of the "Welfare and Government Home Relief" ^{or any other provisions of the former act} should have been incorporated into the new social welfare law since the concept of "home relief" has apparently changed from ^{its original} an emergency character to a permanent form of public assistance and cost. Yet, only the provisions of ^{eligibility, ~~of the former act~~} government and state reimbursement for this form of relief have been inserted into the "consolidation" act. (§§ 157 to 163).

It is my opinion that the "eligibility" provision (§ 158) overrides the "eligibility" provision of the original Social Welfare Act (§ 9 of the T. E. R. A. Act) and that consequently, the cost to the state for reimbursement for expenditures for home relief and its administration will be greatly increased.

MEMORANDUM

TO: Mr. Weber and Mr. Arnstein
FROM: Mr. Mattox
SUBJECT: Objections Raised to Material Substantive Changes in the Consolidated Social Welfare Law.

A conference with representatives of the Department of Social Welfare resolved our list of questions with but two exceptions.

Correct
omit
next year
NYC

1. Section 127 of the Social Welfare Bill, page 193, "Removal of non-resident and alien needy to other states and counties", is substantially identical to Section 71 of the Public Welfare Law under which the Department exercises its authority. Section 27 of the State Charities Law gives a broader power of removal which is not made dependent upon the presence of friends willing to support the alien needy outside the State. The department representatives insist that this broader grant of authority is not followed by the Department because there is a question of constitutionality. However, until this is determined, the section should remain in the statutes and be used to obtain the removal of needy cared for at the expense of the state and public welfare districts. Irrespective of any constitutional question, Section 27 authorizes the Department to turn alien needy over to Federal authorities for deportation as they may determine.

Correct
omit
be changed
NYC

2. Section 36-b, Social Welfare Bill, page 25, embodies the provision of section 3-d giving the Commissioner the power to study and collect information with respect to unemployment, poverty, etc. However, the limiting phrase "in so far as available appropriations will permit", is omitted. This would allow the Department to undertake special studies in place of the regular program of the Bureau of Research and Statistics and then demand appropriations to carry on the regular work. The phrase

serves notice on the Commissioner that he must obtain an allocation or appropriation specifically covering any extraordinary research project.

In Section 20-3b, page 10, the phrase "within the limit of available appropriations" is retained with respect to department administration of the discretionary fund.

April 11, 1940

Ueber

MEMORANDUM

RE: PROPOSED SOCIAL WELFARE LAW
 QUESTIONS RAISED REGARDING MATERIAL SUBSTANTIVE CHANGES IN THE
 CONSOLIDATION.

In addition to consolidating the provisions of the Public Welfare Law within the State Charities Law, it is the stated purpose (Sec. 18) "to make such amendments as will eliminate repetitious and obsolete matter therefrom and provide uniform terminology therein insofar as practicable". Apart from the numerous inconsequential changes, the detailed comparison revealed the following substantive changes which should be questioned:

Social Welfare Bill	State Charities Law
---------------------------	---------------------------

See May 1911 memo to State
See also 1910 of Child Law

Sec. 127
p. 198

Sec. 27

The old provision gave the Board and Department full power of removal of non-resident and alien poor. Why is power narrowed and removal made dependent on the presence of friends willing to support him outside of the State and on the welfare of the person?

See p. 46 Sec. 304.11

Why was the sentence omitted in new section 379 and 385 which stated that "The expenses of removing and caring for such children as public charges shall be paid as provided by the public welfare law"? Where is this provided in Social Welfare Law?

Omitted Art. 17&18

Why were these repealed?

Article 17 - aged, decrepit and mentally enfeebled person.

Article 18 - Care of inebriate women.

Social Welfare Bills Public Welfare Law

Handwritten notes

Sec. 36-b 3-d p. 25

Why was phrase omitted that studies to be conducted "insofar as available appropriations will permit"?

Sec. omitted (See p. 251) 124-K

Why was last sentence omitted - "For the purposes of the annual departmental estimates for the executive budget, the probable amount needed for expenditure from State funds under this article shall be regarded as financial needs of the State Department of Social Welfare"?

Omitted 182.2

Why was this omitted?

Social Welfare Law

Sec. 158 - p. 216

Will the definition of eligibility broaden the scope of State responsibility?

Sec. 334.3 p. 334

What is the effect of this new provision?

Sec. 336.3 p. 336

Why is the provision included "Whenever practicable, assistance shall be granted in the form of cash or a check"? (Assistance to the Blind).

Sec. 343 - p. 343

What is the meaning of this?

See 350.4 p. 290

STATE OF NEW YORK
DEPARTMENT OF SOCIAL WELFARE

Re: An Act relating to social welfare, amending the state charities law generally, and consolidating therein the provisions of the public welfare law with amendments.

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II. METHOD OF COMPLIANCE THEREWITH

1. A careful review of the provisions of all of the consolidated laws, as well as the unconsolidated laws as far back as seemed practical, was made.

2. From this came a preliminary tentative draft consolidating the two laws (Public Welfare and State Charities) and making some substantive changes. This was given general circulation in the State in October 1933, and 5 public hearings were held.

3. As a result of these hearings and the work of the many local committees which had been formed to study this draft several hundred pages of comment have been submitted to the Department. Well over a thousand interested persons have worked directly on these comments and helped to make the final product possible.

4. Consequently, the Board decided that the first step should be a consolidation of these two laws into one Social Welfare Law, which is the bill now under consideration. The primary purpose of this consolidation is to set up in orderly form the provisions of both laws and to make such amendments as will eliminate repetitious and obsolete matter therefrom and provide uniform terminology therein insofar as practicable. (As expressed in § 18 of the bill, found on page 356 and entitled "Legislative Intent"). It was further decided to leave for a subsequent time after the enactment of the consolidated statute, the making of substantive changes to the present provisions of either the Public Welfare or State Charities Laws.

III. GENERAL SUPPORT OF THE BILL

The first print of this bill was given wide circulation to public officials and private agencies. Suggestions for amendments, mostly of a

minor nature, have been carefully considered, agreed to and incorporated in this print - #2903. Approval and request for its passage has been received from:

1. The Association of Public Welfare Officials representing the city and county commissioners of Public Welfare in the State.
2. The Mayors' Conference.
3. The Association of Towns.
4. The State Association of Administrators of ADC.
5. The State Charities Aid Association.
6. The New York State Catholic Welfare Committee.

The American Legion has recorded itself as not opposed to the bill, in that it makes no substantive change from the present law.

Delay in enactment will be discouraging to those who have worked so hard in studying this bill. The belief will become general that there will never be any consolidated law and future requests for study and suggestion will be ignored.

Substantive changes which may be necessary can be effected more readily and intelligently with one consolidated law than under the present, existing two laws.

Section 18.2 (page 356) of the bill takes care of any amendments to the existing law made by other bills passed this season.

The effective date is March 1, 1941.



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Mr. Sobel -3-

A 1292

Ass. Int. 1292 Pr. 2906
" " 1777 Pr. 1973

(Wadsworth)

[Handwritten mark]

Ass. Int. 696 S. 2308

Sincerely yours,

[Handwritten signature]

Mr. Nathan R. Sobel
Counsel to the Governor
Capitol
Albany, New York

JJW:P

Resolution No. 28

Opposing Social Welfare Law known
as Chapter 55 of the Consolidated
Laws.

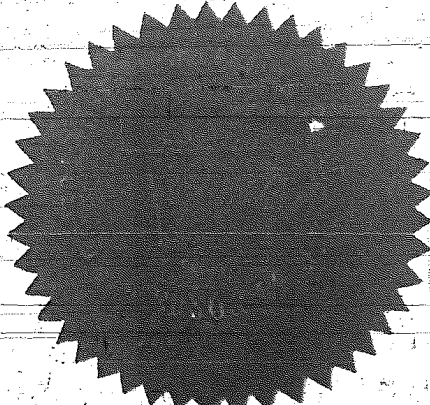
By Supervisor - WILLIAM W. TRIPP

Handwritten: H 1292

RESOLVED, That the Board of Supervisors of Jefferson County do hereby go on record as being unalterably opposed to the enactment of the Social Welfare Law to be known as Chapter 55, of the Consolidated Laws, and introduced in the Assmby as Introductory No. 1292, and numbered 1361, and be it.

FURTHER RESOLVED, That a copy of this Resolution be sent to the Senator and Assemblyman of this District, and to the Governor.

Seconded by Supervisor s - KENT A. OVERTON
F. E. WAITE



I do hereby certify, that at a Regular Session of the Board of Supervisors of the County of Jefferson held on the 14th day of February, 1940, the foregoing Resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Board this 15 day of February 193 40

Ray M. Reeves
Clerk Board of Supervisors,
Jefferson County, N. Y.

OFFICERS

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President
MAYOR VINCENT R. CORROU, Utica
Vice President
MAYOR JOHN BOYD THACHER, 2ND, Albany
Treasurer
WILLIAM P. CAPES,
Executive Secretary

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AND
OTHER MUNICIPAL OFFICIALS
OF THE STATE OF NEW YORK

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HON. WILLIAM J. WALLIN, Yonkers
HON. THOMAS A. WILSON, Binghamton
HON. SAMUEL A. CARLSON, Jamestown
HON. FREDERICK C. McLAUGHLIN, White Plains
HON. JOHN B. HARRIS, Watertown
HON. WALTER G. C. OTTO, New Rochelle
HON. WENDELL E. PHILLIPS, Port Jervis
HON. CHARLES STANTON, Rochester
HON. CHARLES D. OSBORNE, Auburn

OFFICE OF THE EXECUTIVE SECRETARY

CITY HALL, ALBANY, N.Y.

DIAL 3-4111

April 3, 1940

A 1292

MEMORANDUM

Assembly Bill Intro. 1292, Print 2903 by Mr. Wadsworth

Relating to social welfare, amending the state charities law generally, and consolidating therein the provisions of the public welfare law with amendments

The legislative committee of the New York State Conference of Mayors has approved this bill as amended. The committee's study shows that there has been no important substantive change in existing law. It believes that the consolidation of the Public Welfare Law and the State Charities Law is a forward step and much needed.

W. P. Caves
Executive Secretary

STATE CHARITIES AID ASSOCIATION

CHILD PLACING AND ADOPTION
COUNTY CHILDREN'S AGENCIES
MENTAL HYGIENE
VISITATION OF PUBLIC CHARITABLE INSTITUTIONS



SOCIAL WELFARE LEGISLATION
TUBERCULOSIS AND PUBLIC HEALTH
(EXCLUSIVE OF NEW YORK CITY)
PUBLIC WELFARE COMMITTEES
IMPROVEMENT OF PUBLIC RELIEF

OFFICERS

105 EAST 22ND STREET
NEW YORK

TELEPHONE—GRAMERCY 5-1454

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CHARLES E. HUGHES *Honorary Vice-President*
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GEORGE MACDONALD } *Vice-Presidents*
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HOMER FOLKS *Secretary*
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MISS SOPHIE VAN S. THEIS } *Assistant*
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ALLEN WARDWELL
MISS LILLA C. WHEELER
OWEN D. YOUNG

April 3, 1940

Hon. Herbert H. Lehman, Governor
State of New York
Executive Chamber
Albany, New York

In support of:

Assembly Int. 1292, Pr. 2903
by Mr. Wadsworth

My dear Governor Lehman:

The purpose of this bill is to consolidate the Public Welfare Law and the State Charities Law into a Social Welfare Law without making substantive changes. The only change which could be held to be substantive is that the provision of the 1938 Constitution relating to the powers of visitation and inspection of the State Board of Social Welfare in respect to institutions not in receipt of public funds has been substituted for a provision in the State Charities Law which is obsolete because based on the old Constitution. This change was obviously necessary but no other changes, no matter how much needed even to remove inconsistencies, have been made.

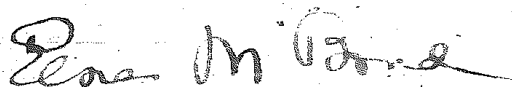
The arrangement of the proposed Social Welfare Law is orderly and should facilitate its use by the public welfare officials and the private social agencies affected by it. It represents a great deal of work on the part of the staff of the State Department of Social Welfare and groups interested in social welfare in all parts of the State. If it becomes law, further study can be given to various phases of the public welfare system which need substantive revision. As a comprehensive revision of the law was not practicable, this consolidation

April 3, 1940

of the two laws will form the basis for a slower revision which will eventually result in a more satisfactory law governing social welfare than we now have:

I believe the enactment of the proposed Social Welfare Law will constitute the first step toward a more satisfactory legal structure relating to social welfare. I therefore urge that you give this bill your approval.

Sincerely yours,



Assistant Secretary

EMB:S

EDWIN W. WALLACE
PRESIDENT
GARDEN CITY, N. Y.

EMMETT R. GAUHN
FIRST VICE-PRESIDENT
ROCHESTER, N. Y.

JESSE STARBUCK
SECOND VICE-PRESIDENT
WARRENSBURG, N. Y.

NEW YORK STATE ASSOCIATION
OF
PUBLIC WELFARE OFFICIALS

JOHN H. POST
TREASURER
115 NORTH TIOGA STREET
ITHACA, N. Y.

ELSIE M. BOND
SECRETARY
108 EAST 22ND STREET
NEW YORK CITY

April 5, 1940

Hon. Herbert H. Lehman, Governor
State of New York
Executive Chamber
Albany, New York

In Support of:

Assembly Int. 1292, Pr. 2903
by Mr. Wadsworth

My dear Governor Lehman:

At its mid-winter meeting held on March 5th, the Association of Public Welfare Officials considered the proposed consolidation of the Public Welfare Law and the State Charities Law into a Social Welfare Law. It was the opinion of the commissioners of public welfare that it would be advantageous to have this consolidation passed, provided certain amendments were made to the bill then pending to remove some substantive changes which had been inadvertently made.

The amended form before you contains the corrections which we considered necessary. I therefore urge that you give your approval to the bill enacting a Social Welfare Law.

Sincerely yours,

Edwin W. Wallace

President

NEW YORK STATE
CATHOLIC WELFARE COMMITTEE

April 9, 1940

A 1292

Hon. Nathan Sobel
Executive Chamber, Capitol
Albany, New York

Dear Mr. Sobel:

We wish to be recorded in favor of executive approval of Assemblyman Wadsworth's bill, A. Int. 1292, Pr. 2903, which enacts a new Social Welfare Law by combining the present State Charities and Public Welfare Laws without change of substance.

The combination of these two old laws into a new Social Welfare Law has been done with the utmost care and has been examined and approved by practically all of the social welfare agencies throughout the State and accepted as an excellent piece of work.

Yours very truly,

CJT/FEG


Secretary

STATE OF NEW YORK

ALFRED H. SCHOELLKOPF, CHAIRMAN
STATE BOARD OF SOCIAL WELFARE

DEPARTMENT OF SOCIAL WELFARE

DAVID C. ADIE, COMMISSIONER

ALBANY

April 9, 1940

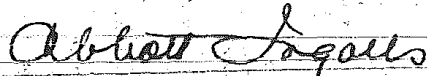
Mr. Nathan R. Sobel
Counsel to the Governor
Executive Chamber, Capitol
Albany, New York

Dear Mr. Sobel:

Since your telephone call yesterday I have carefully reviewed the consolidation bill - Assembly Int. 1292, Pr. 2903, particularly Article 5, titles 6, 7 and 8 pertaining to Old Age Assistance, Aid to the Blind and Aid to Dependent Children respectively, as well as Article 6, title 3 pertaining to Child Welfare Services, and other sections which might be relevant. I do not find any change from the present law which would in any way affect Federal financial participation in those programs under which the State receives Federal money. The word changes which have been made are in line with the legislative intent contained in section 18.1 of the bill to provide uniform terminology insofar as practicable.

For your information Deputy Commissioner Byrne and Mr. Fensterstock of this Department discussed this bill in detail with the Budget Director's office, after the latter had studied it carefully. While they raised several points, none of these raised the question of changes which would affect Federal financial participation.

Very truly yours,



Assistant to the Commissioner

STATE OF NEW YORK

ALFRED H. SCHÖELLKÖPF, CHAIRMAN
STATE BOARD OF SOCIAL WELFARE

DEPARTMENT OF SOCIAL WELFARE

DAVID C. ADIE, COMMISSIONER

ALBANY

APR 12 1940
April 9, 1940

Mr. Nathan R. Sobel
Counsel to the Governor
Executive Chamber, Capitol
Albany, New York

Dear Nat:

Assembly Int. 1292, Pr. 2903 by Mr. Wadsworth is before the Governor for action. This bill amends the State Charities Law generally and consolidates therein the provisions of the Public Welfare Law, with amendments.

Since 1936, when Chapter 873 placed a Legislative mandate on the Board of Social Welfare, to study the State Charities Law, the Public Welfare Law and other pertinent statutes and make recommendations as to a comprehensive codified document, work has been going forward. The attached copy of Legislative Document (1940) No. 22 is the special report of the Board covering the work of its study up to the introduction of this bill.

The bill is a consolidation of the State Charities and Public Welfare Laws. The Legislative intent as expressed in section 18 of the bill states that the primary purpose of this consolidation is to set up in orderly form the provisions of both laws and to make such amendments as will eliminate repetitious and obsolete matter therefrom and provide uniform terminology therein insofar as practicable. There have been many conferences held on the bill, and the suggestions and changes resulting from these conferences have been included in the final print as it is now before the Governor. The general support given the bill--it passed the Assembly unanimously and the Senate with four dissenting votes--indicates an understanding and acceptance of the work which the bill represents.

Mr. Nathan R. Sobel

April 9, 1940

I am enclosing the Department's memorandum of explanation of the bill. It will greatly help the work of the Department and encourage those who have worked so conscientiously with us on it, if this bill can become law.

Both the Board and the Department of Social Welfare respectfully urge the Governor to sign this bill.

Very sincerely yours,

Dave
Commissioner

Enc.

STATE OF NEW YORK

SPECIAL REPORT

OF THE

NEW YORK STATE

BOARD OF SOCIAL WELFARE



ALBANY
J. B. LYON COMPANY
1940

LETTER OF TRANSMITTAL

To the Legislature of the State of New York:

Pursuant to Chapter 2 of the Laws of 1939 the State Board of Social Welfare at its meeting on January 16, 1940, unanimously adopted the following resolutions:

RESOLVED, that in compliance with Chapter 2 of the Laws of 1939, there be submitted to the Legislature for enactment, as a first step toward consolidation and revision of the Public Welfare and State Charities Laws and other pertinent statutes, a social welfare law. The primary purpose of this shall be to consolidate in one consolidated law, the provisions of the State Charities and the Public Welfare Laws, eliminating obsolete and repetitious matter, and providing for uniform terminology insofar as practicable; and be it further

RESOLVED, that a bill be recommended to the Legislature amending Chapter 2 of the Laws of 1939, removing therefrom the present date of March 1, 1940, and permitting revision by separate bills dealing with particular matters over a period of time.

In compliance therewith the Board is respectfully submitting two bills.

“An Act relating to social welfare, amending the state charities law generally, and consolidating therein the provisions of the public welfare law with amendments”.

“An Act to amend section three of chapter eight hundred and seventy-three of the laws of nineteen hundred thirty-six, as last amended, to extend the time of the State Board

of Social Welfare for study and recommendation to the Legislature of statutes embracing the necessary provisions of law relating to social welfare",

covering the work of its study to and including the present date.

ALFRED H. SCHOELLKOPF, *Chairman*

DAVID M. BRESSLER

JOHN S. BURKE

CHARLES S. DESMOND*

MRS. AGNES G. FITZGERALD

LAWRENCE S. GREENBAUM

T. ARNOLD HILL

CHARLES H. JOHNSON

DR. J. RICHARD KEVIN

PAUL S. LIVERMORE

SOLOMON LOWENSTEIN

J. F. SABINE MEACHEM

MRS. MARY K. SIMKHOVITCH

DR. FRANCIS B. TRUDEAU

MRS. ALICE WOOD WYND

February 7, 1940.

* Resigned, January 12, 1940.

Memorandum to the Governor

Assembly bill 1361, 2903, int 1292

Mr Wadsworth

This is the new social welfare law which consolidated in it all the provisions of the public welfare law and the state charities law.

The bill has been carefully checked by Mr Arnstein, of the budget director's office, Seymour Ellenbogen and myself. Special attention has been given to those provisions which affect state appropriations for home relief and for aid and assistance under the social security act.

Only three important objections to the bill have been discovered:

1 The first is referred to in Seymour Ellenbogen's memorandum. Briefly, the old Wicks act contained a provision that home relief should not be given to any person unless he had been a resident of the state for at least two years. This is not to be confused with the settlement provisions which are concerned only with the question of whether the state or the local welfare district is to pay the cost of the relief.

You will recall that the Wicks act was a temporary measure which was extended from year to year and finally permitted to lapse. There is some question therefore as to whether the two-year requirement is still part of our law. I asked Commissioner Ingalls to drop into the office to discuss this question. He assures me that relief has been granted for the past few years to any person, whether or not he has been a resident of the state of New York for more or less

than two years.

Persons who have not acquired the one year settlement in the local districts are of course a charge against the state of New York. It undoubtedly would cost us considerably less money if the two-year provision were contained in the law. However, there are social aspects to this problem. The total cost for the care of non-settled persons - that is persons whose relief is paid for one hundred per cent by the state, amounts to approximately \$3,000,000 a year. Therefore, there is a considerable sum involved. In view of Commissioner Ingalls' assurance that they have been paying home relief to persons without regard to the two-year requirement, I raise no objection to this provision. However, the commissioner is having the social welfare board re-study this question, and if it becomes necessary to do so we shall amend this act before it becomes effective - on March first, 1941.

2 Mr Arnstein raises an objection with respect to the removal of non-resident alien needy to other states. This bill incorporates a provision that such persons may not be removed unless there are friends or relatives willing to support the alien needy outside the state. Under the public welfare law we have always had such a provision, but under the state charities law the power of removal is not made dependent upon there being friends or relatives willing to support the alien needy outside the state. Faced with an election, the sponsors of this bill chose to take the more

restrictive provision. I feel that the bill should be amended next year to conform with the state charities law, so that we will have complete discretion and power to remove any non-resident alien under any circumstances. I shall so recommend to the department.

3 Mr Arnstein raises a question with respect to the power given to the commissioner of social welfare to study and collect information with respect to unemployment, et cetera. Under the existing law the commissioner is limited in such studies by the phrase "insofar as available appropriations will permit." This phrase was left out of this bill.

I am recommending that it be reinstated before the bill becomes effective, in 1941.

The department has done an excellent job in preparing this bill. Unfortunately, instead of being effective immediately it becomes effective March first, 1941, presumably for the purpose of giving the department a chance to correct any errors. This will complicate the situation with respect to other amendments to the public welfare law and state charities law, which are before us. Such amendments if approved by you will have to be reenacted next year and made part of the omnibus special welfare law. This will be done by the department.

I recommend approval of this bill.

News Attached

Sobel.

April 13, 1940