

Y 3.
W 89/2:
35
M 76



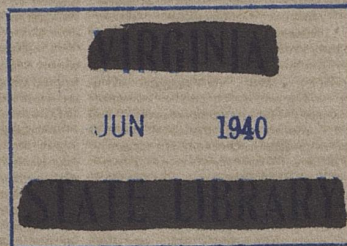
✓

WORKS PROGRESS ADMINISTRATION

HARRY L. HOPKINS, ADMINISTRATOR

CORRINGTON GILL
ASSISTANT ADMINISTRATOR

HOWARD B. MYERS, DIRECTOR
DIVISION OF SOCIAL RESEARCH



DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
MONTANA

GOVERNMENT PUBLICATIONS

UNIVERSITY OF KENTUCKY
LIBRARIES

DECEMBER 30, 1936



PREPARED BY ROBERT C. LOWE AND STAFF
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF
A. ROSS ECKLER, COORDINATOR OF SPECIAL INQUIRIES
DIVISION OF SOCIAL RESEARCH

CV

Preface

This bulletin is one of a series intended to present in abstract form the public welfare provisions of the laws of each of the States.

The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

The possibility of error in attempting with a limited staff and in a limited time to assemble and digest the formidable mass of material incident to such a study is frankly recognized. The cooperation of those who have occasion to use these digests in reporting any errors of omission or commission noted, or in suggesting improvement in form or content, is invited and will be greatly appreciated.

Meanwhile it is hoped that those interested in considering the reorganization or strengthening of public welfare services in the several States may find the digests of practical value.

June 1940. Va. Div. of Statutory Research & Drafting, 8

HV
95
A3
A2
Transferred to UK from LVA cont.
5/23/2012

DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF MONTANA

<u>Public Welfare Provisions</u>	<u>Page</u>
Poor Relief	2401
Emergency Relief	2403
Aid to Dependent Children in Their Own Homes	2404
Care of Dependent and Neglected Children (Institutions and Agencies)	2407
Old Age Assistance	2409
Veteran Relief.	2412
 <u>Administrative Provisions</u>	
State Relief Commission	2415
State Board of Charities and Reform	2419
State Old Age Pension Commission	2422
Secretary of State Bureau of Child and Animal Protection	2424
State Orthopedic Commission	2428
State Board of Commissioners for Insane	2430
Superintendent of State Insane Asylum and Hospital for Inebriates	2430
State Board of Prison Commissioners	2434
Warden of State Prison	2434
Veterans State Welfare Commission	2438
Board of Managers of the State Soldiers' Home	2440
Executive Board of the State Tuberculosis Sanatorium	2443
State Board of Education	2448
Executive Board of the State Orphans' Home	2450
Executive Board of the State Industrial School	2455
Executive Board of the State Vocational School for Girls	2459
Executive Board of the State School for the Deaf and Blind and State Training School for Feeble-minded Persons	2463
State Board of Pardons	2469
 District Court	2471
County Juvenile Improvement Committee	2478
Board of County Commissioners	2479
County Old Age Pension Commission	2483
County Relief Committee	2418
Chart Showing Public Welfare Agencies	

DIGEST OF PUBLIC WELFARE PROVISIONSPOOR RELIEF(a) Description of class

Every person without means, who is unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy, or other cause 1/; provided such person has no father, grandfather, mother, grandmother, children, grandchildren, brothers, or sisters able to support him. 2/

(b) Procedure for determining eligibility

Any person seeking relief must make application to the Board of County Commissioners, which may grant an order for temporary relief, but before granting any permanent order for relief the Board must obtain, by investigation, satisfactory evidence that applicant meets the necessary requirements to be entitled to relief. 3/

(c) Measure of responsibility

Care in poorfarm or workhouse (where established). 4/ Care by contract. 5/ Medical aid. 6/ Burial 7/, temporary care for non-residents 8/, hospitalization and nursing (by contract). 5/

(d) Qualifications imposed

Applicant must have been a resident of the county for one year immediately preceding date of application. 3/

-
1. Rev. Codes Ann. (1935), Sec. 4522.
 2. Ibid, Sec. 4524.
 3. Ibid, Sec. 4531.
 4. Ibid, Sec. 4534.
 5. Ibid, Sec. 4525.

The Board of County Commissioners may annually award to the lowest responsible bidder a contract for the care, support and maintenance of the county poor and indigent sick for the ensuing year. Ibid, Sec. 4526.

6. Rev. Codes Ann. (1935), Sec. 4527.
7. Ibid, Sec. 4530.
8. Ibid, Sec. 4533.

Persons who have not been residents of a county one year, may be furnished relief by the Board of County Commissioners in cases of extreme necessity and destitution. Ibid.

If on examination it appears that the applicant is a resident of some other county of the State, the Board of County Commissioners must, at the expense of the county, cause him to be removed to the county of which he is a resident. Ibid, Sec. 4532.

POOR RELIEF

(Cont'd)

(d) Qualifications imposed (Cont'd)

When pauper is an able-bodied male, the Board of County Commissioners may require such pauper to work out relief given, at the prevailing rate of wages for the particular class of labor performed on all unbudgeted governmental work. 9/

(e) Incidence of financial responsibility

County. 9/ (Obligation mandatory.)

(f) Taxes

Per capita tax not exceeding \$2; property tax not exceeding three-fifths of one percent of assessed valuation. 10/

(g) Administrative agencies

Board of County Commissioners. 11/

(h) Supervisory controls

The State Board of Charities and Reform must personally visit and investigate poorhouses in the State, and must collect statistics regarding the number of poor supported by towns or otherwise at public expense, outside poorhouses. 12/

9. Rev. Codes Ann. (1935), Sec. 4524.
10. Ibid, Sec. 4465 (4).
11. Ibid, Sec. 2295 (28).
12. Ibid, Sec. 330.

EMERGENCY RELIEF

(a) Description of class

People of the State whom economical conditions, industrial inactivity, old age, unemployment or other causes over which they have no control, have deprived of support. 1/

(b) Procedure for determining eligibility

The State Relief Commission must make all necessary rules and regulations in connection with the making of applications for relief and the investigation and granting of the same, and must require adequate standards of relief and the making of such reports as it deems necessary. 2/

(c) Measure of responsibility

Means for the sustenance of life, shelter and the relief of distress; employment to prevent persons from becoming objects of relief. 1/

(d) Qualifications imposed

No provision.

(e) Incidence of financial responsibility

On the State. 3/ (Obligation mandatory.)

(f) Taxes

No specific provision. (State Relief Fund.) 3/

(g) Administrative agencies

State Relief Commission 4/, assisted by County Relief Committee, where established. 5/

(h) Supervisory controls

No provision.

-
1. Rev. Codes Ann. (1935), Sec. 335.1.
 2. Ibid, Sec. 335.13.
 3. Ibid, Sec. 335.4.
 4. Ibid, Sec. 335.1, 335.4.
 5. Ibid, Sec. 335.12.

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES(a) Description of class

Each child under the age of 16 years, whose father is dead or an inmate of some State institution, except the State Prison, or who is physically or mentally incapacitated, which act of disability may have occurred while he was a resident of the State, and who has for a period of one year or more, failed to provide for the child, or whose father is an inmate of the State Prison and has, for a period of 90 days or more, failed to provide for such child, is entitled to such assistance as may help to make it possible for the child to be cared for in his or her own home without being sent to some public institution. This financial aid must be given to the mother of such child or children. 1/

The word "mother" includes mother by birth or legal adoption or person in loco parentis who has been sole support of child for one year immediately preceding application. 2/

(b) Procedure for determining eligibility

Application may be made by the mother to the Board of County Commissioners by a petition setting forth the facts required to receive aid, and in addition thereto, the age and residence of such child or children, the residence of the mother, and the financial condition of such mother and child or children, which petition must bear the signatures of at least 10 taxpayers, residents in the community where applicant has last made her home. Upon the filing of such petition the Board of County Commissioners must make personal investigation, or may designate the Bureau of Child and Animal Protection of the State, the County Probation Officers, or some other responsible resident of the county wherein the mother resides to make a thorough investigation of all the facts of the case, and the Board of County Commissioners must make an order setting the petition for hearing at the next regular meeting of the Board. 3/

Whenever the Board of County Commissioners determines that the allowance may be made, it must make an order in writing, which order among other things must set out the full name of the mother, her place of residence by street and number where possible, the names and ages of the children, and the amount allowed to each child. 4/

(c) Measure of responsibility

Cash allowance of \$20 per month for one child under 16. If there be more than one child, \$15 per month for the first child, \$10 per month for the second child, and \$5 per month for each additional child; provided the total amount paid to any one mother may not exceed \$50. 5/

-
1. Rev. Codes Ann. (1935), Sec. 10480.
 2. Ibid, Sec. 10482 (1).
 3. Ibid, Sec. 10482 (7).
 4. Ibid, Sec. 10483.
 5. Ibid, Sec. 10481.

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES

(Cont'd)

(d) Qualifications imposed

Child or children for whose benefit allowance is made must be living with their mother. 6/

The allowance may be made only when in the absence of such allowance, the mother would be unable properly to provide and care for the child or children without being required to work regularly away from her own home and children. 7/

The mother must, in the judgment of the Board of County Commissioners, be a proper person physically, mentally, and morally for the bringing up of her children. 8/

The allowance must in the judgment of the Board of County Commissioners be actually necessary for the support and maintenance of the child or children in the home. 9/

No person may receive the benefit of this act who is not a citizen of the United States, or who has not declared her intention to become a citizen, and who has not been a resident of the county in which the application is made for at least one year prior to the making of such application for such allowance. 10/

The provisions of this act must not apply in the case of any child who has property of its own sufficient for its support. 11/

No allowance shall continue after a child has reached 16 years of age; and when the mother of a child marries, the allowance shall cease. 12/

(e) Incidence of financial responsibility

County. (Obligation mandatory.) 13/

6. Rev. Codes Ann. (1935), Sec. 10482 (1).

7. Ibid, Sec. 10482 (2).

The mother may be at times absent for work with the approval of the Board of County Commissioners, if they deem it for the best interests of the child or children. Ibid.

8. Rev. Codes Ann. (1935), Sec. 10482 (3).

9. Ibid, Sec. 10482 (4).

10. Ibid, Sec. 10482 (5).

11. Ibid, Sec. 10482 (6).

12. Ibid, Sec. 10484.

13. Ibid, Sec. 10481.

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)(f) Taxes

No specific provision. (County poor fund.) 14/

(g) Administrative agencies

Board of County Commissioners. 14/

(h) Supervisory controls

State Relief Commission is the agency designated to allocate and administer State and Federal funds that may be made available for aid to dependent children. 15/

14. Rev. Codes Ann. (1935), Sec. 10483.

15. Ibid, Sec. 335.1, 335.4.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)

(a) Description of class

Any child 16 years of age or under, who is dependent upon the public for support, and who is destitute, homeless, or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill fame, or in any house of prostitution, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child, or whose environment is such as to warrant the State, in the interest of the child, to assume its guardianship or support. 1/

(b) Procedure for determining eligibility

Any officer of the State Bureau of Child and Animal Protection or any person who is a resident of the county, having knowledge of a child in his county who appears to be a dependent or neglected child, may file with the clerk of the district court a petition in writing, setting forth the facts which constitute the child dependent or neglected. 2/

Upon the filing of such petition, the judge must issue a citation fixing the day and time of hearing of such petition, which citation must be served upon one or both of the parents or guardian of the child, if either can be found in the county. 3/

On such hearing the child must be brought before the court, whereupon it is the duty of the court to investigate the facts and ascertain whether the child is a dependent child. 4/

Upon the hearing of any such case, if the child is found to be dependent or neglected, the court may enter an order committing it to the State Orphans' Home; or if, from any other reason, it appears to be to the best interest of the child, the court may make such disposition of the child as seems best for its moral and physical welfare. 5/

(c) Measure of responsibility

Care in County Detention Home or by State Bureau of Child and Animal Protection until court disposes of case. 6/

Care in State Orphans' Home 5/, family home, or approved institution, association or individual. 7/ Care in State Vocational School for Girls. 8/

-
1. Rev. Codes Ann. (1935), Sec. 10465.
 2. Ibid, Sec. 10467.
 3. Ibid, Sec. 10468.
 4. Ibid, Sec. 10469.
 5. Ibid, Sec. 10470.
 6. Ibid, Sec. 348, 12297.
 7. Ibid, Sec. 10471.
 8. Ibid, Sec. 12535.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)(d) Qualifications imposed

No provision.

(e) Incidence of financial responsibility

State. (Maintenance of State Orphans' Home. 9/)
(Obligation mandatory.)

(f) Taxes

No specific provisions. (State general fund.) 9/

(g) Administrative agencies

District court. 10/

(h) Supervisory controls

State Bureau of Child and Animal Protection must enforce all laws pertaining to children. 11/ All associations or individuals to whom children are committed are subject to visitation and inspection by the State Bureau of Child and Animal Protection, which Bureau if requested by the court must report to the court in regard to such associations or individuals. 12/

The State Board of Charities and Reform must inquire to what extent the provisions of the law in regard to binding out poor children are complied with. 13/

-
9. Rev. Codes Ann. (1935), Sec. 1499.
10. Ibid, Sec. 10469, 10470.
11. Ibid, Sec. 336.
12. Ibid, Sec. 10471.
13. Ibid, Sec. 330.

OLD AGE ASSISTANCE

(a) Description of class

Every person 65 years of age or over residing in the State, who is in need is entitled to old age pension assistance. 1/

(b) Procedure for determining eligibility

Application is made to County Old Age Pension Commission of the county in which the applicant resides or is establishing legal residence. 2/ The County Old Age Pension Commission must promptly investigate each application 3/ and upon completion of the investigation, must decide whether the applicant is eligible for and should receive an old age assistance grant, the amount of the assistance, and the date when such assistance is to begin and must notify the applicant of its decision in writing. Appeal is allowed to the State Old Age Pension Commission whose decision is binding upon the County Old Age Pension Commission. The State Commission may, upon its own motion, review any decision of the County Old Age Pension Commission. 4/

(c) Measure of responsibility

The measure of assistance is discretionary with the County Old Age Pension Commission. The amount must be sufficient to provide a reasonable subsistence compatible with decency and health. 5/ Varying costs of living in different parts of the State are taken into consideration. 6/

(d) Qualifications imposed

Applicant must be 65 years of age or over. 7/

Applicant's income when added to contributions in money, subsistence, and service from legally responsible relatives or others, must be inadequate to provide a reasonable subsistence compatible with decency and health. 8/

Applicant must be a citizen of the United States. 9/

Applicant must have been a resident of the State at least 5 years within the 10 years immediately preceding application. 10/

-
1. Rev. Codes Ann. (1935), Sec. 335.18.
 2. Ibid, Sec. 335.22.
 3. Ibid, Sec. 335.28.
 4. Ibid, Sec. 335.29.
 5. Ibid, Sec. 335.21.
 6. Ibid, Sec. 335.23.
 7. Ibid, Sec. 335.20(1).
 8. Ibid, Sec. 335.20(2).
 9. Ibid, Sec. 335.20(3).
 10. Ibid, Sec. 335.20(4).

OLD AGE ASSISTANCE (Cont'd)(d) Qualifications imposed (Cont'd)

Applicant must have resided in, and have been an inhabitant of the county in which application is made for at least one year immediately preceding date of application. 11/

Applicant must not at the time of receiving old age assistance be an inmate of any public or private institution, or be at the same time receiving any other relief from the State, or from any political subdivision thereof, except in the case of temporary medical or surgical care in a hospital. 12/ Applicant must not have made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance. 13/ Applicant must not because of his physical or mental condition be in need of continued institutional care. 14/

(e) Incidence of financial responsibility

On county subject to 75 percent reimbursement of the amount expended for assistance for each aged person. State Old Age Pension Commission pays all necessary expenses of County Old Age Pension Commission in carrying out the provisions of the Act. 15/ (Obligation mandatory.)

(f) Taxes

County: No specific provision. (County Poor Fund. 13/)

State: No specific provision. (State general fund. 15/)

11. Rev. Codes Ann. (1935), Sec. 335.20(5).

Any person otherwise qualified who has resided in the State for 5 years or more within the 10 years immediately preceding date of application, and who has no legal residence, must file his application in the county in which he is residing, and his assistance, if granted, must be paid entirely from State funds until he has established a legal residence in said county. For the purpose of this Act every person who has resided one year or more in any county in this State thereby assumes a legal residence in such county, which he must retain until he has acquired a legal residence elsewhere, or until he has been absent voluntarily and continuously for one year therefrom. Ibid.

12. Rev. Codes Ann. (1935), Sec. 335.20(5), 335.30.

13. Ibid, Sec. 335.20(7).

14. Ibid, Sec. 335.20(8).

15. Ibid, Sec. 335.25, 335.41.

OLD AGE ASSISTANCE (Cont'd)

(g) Administrative agencies

County Old Age Pension Commission. 16/

(h) Supervisory controls

The State Old Age Pension Commission. 17/

16. Rev. Codes Ann. (1935), Sec. 335.19, 335.21, 335.22, 335.29.
17. Ibid, Sec. 335.23.

VETERAN RELIEF 1/(a) Description of classSoldiers' Home:

Any soldier, sailor, or marine, who served in the army or navy of the United States during the Civil War, Mexican War, or during any troubles between the United States and the Government of Mexico, or the people of Mexico; the Spanish War, any insurrection in the Philippines; or during the Boxer troubles with China, or who, within the borders of the territory of Montana, served in the Sioux War of 1876 or the Nez Perce War of 1877, or any person who served with the United States Army in the campaign of 1890 and 1891 against the Sioux and Cheyenne Indians or other Indian campaign within the borders of Montana, or who served in Russia, Siberia or any other foreign country during the World War, or who, while a citizen of the United States, served in the army or navy of any of the allies of the United States and has returned to and lives in Montana, or during any troubles arising or growing out of any such war or wars, and has received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, or by reason of other disability. 2/

Wives or widows of soldiers, sailors, or marines who are inmates or who may be or may have been eligible to admission as inmates and who were married to such soldiers, sailors, or marines; provided that no woman may be admitted who has not attained the age of 50 years. 3/

Burial:

Any honorably discharged soldier, sailor, marine, or nurse, who has served in the army, navy, marine corps, or army nurse corps of the United States. 4/

(b) Procedure for determining eligibility

No provision.

(c) Measure of responsibility

Care in State Soldiers' Home of veterans and their wives and widows. 5/

-
1. See also "Veterans' State Welfare Commission".
 2. Rev. Codes Ann. (1935), Sec. 1535.
 3. Ibid, Sec. 1536.
 4. Ibid, Sec. 4536.
 5. Ibid, Sec. 1528, 1536.

VETERAN RELIEF (Cont'd)

(c) Measure of responsibility (Cont'd)

Burial expenses of veterans and nurses not to exceed \$150, provided, the burial expenses of a female inmate or member of the State Soldiers' Home must not exceed \$100, to be paid by the Board of County Commissioners of county where deceased resided prior to her admittance to the Home. 6/

(d) Qualifications imposed

Soldiers' Home:

Applicant must have resided within the State one year next preceding the date of his application. 7/

Applicant must have resided in the county from which he asks to be sent to the Home for 3 months immediately preceding date of application. 7/

Applicant must not have been convicted of a felony or of a crime involving moral turpitude; nor may an habitual drunkard be received into the Home except upon sufficient evidence of subsequent good conduct and reformation of character as may be satisfactory to the Board of Managers. 7/

In case the Home does not have capacity to receive all persons eligible and seeking admission, veterans of the Civil War must have preference as to admission. 7/

Burial:

This Act shall not apply to such soldiers, sailors or marines as may hereafter die in the State Soldiers' Home in this State, and this Act shall not apply to such soldiers, sailors or marines who, at the time of their death, shall not have a legal residence within the State. 8/

(e) Incidence of financial responsibility

Soldiers' Home:

State. 9/ (Obligation mandatory toward veterans, optional toward wives and widows.)

6. Rev. Codes Ann. (1935), Sec. 4536.

7. Ibid, Sec. 1535.

8. Ibid, Sec. 4541.

9. Ibid, H. B. 489, p. 464; Rev. Codes Ann. (1935), Sec. 1527.

VETERAN RELIEF (Cont'd)(e) Incidence of financial responsibility (Cont'd)Burial:

County of his residence, if any; otherwise, county where veteran died. 10/ (Obligation mandatory.)

(f) Taxes

No specific provisions.

(Soldiers' Home: State general fund. 11/)

(Burial: County general fund. 12/)

(g) Administrative agenciesSoldiers' Home:

Board of Managers of State Soldiers' Home. 13/

Burial:

Board of County Commissioners if burial is to be in county of veteran's residence; otherwise, officers of State Soldiers' Home or public institution. 14/

(h) Supervisory controls

No provision.

10. Rev. Codes Ann. (1935), Sec. 4537.

11. Ibid, Sec. 4541.

12. Ibid, Sec. 1528, 1536.

13. Ibid, Sec. 1529.

14. Ibid, Sec. 4536.

ABSTRACT OF ADMINISTRATIVE PROVISIONSSTATE RELIEF COMMISSION(Statutory Body) 1/I. General Powers and Duties

(1) The purpose of the State Relief Commission is to provide means for the sustenance of life, shelter, and the relief of distress among the people of the State whom economic conditions, industrial inactivity, old age, unemployment or other causes over which they have no control, have deprived of support, and to aid dependent children, and for such other economic security functions as are or may be assumed by the State; to provide further for necessary cooperation with other State and Federal agencies in the employment of those in need of employment to prevent them from becoming objects of relief; and to administer such funds as are appropriated by the State Legislature or made available to the State, or to the Governor, by any Act of Congress for any of the above mentioned purposes. 1/

(2) The members of the Commission may meet and elect such officers of the Commission as they deem advisable, and must meet thereafter at least 4 times a year and whenever called in session by the chairman, or the Governor, or by a majority of the members of the Commission. 2/

(3) The Commission has authority to allocate a portion of the relief fund for the purpose of matching any Federal funds which may become available for old age assistance or aid to dependent children, or other relief, welfare, or social security purposes for which the Federal funds are or may become available on a matching basis. 3/

(4) If the Federal Government requires the submission of a budget before authorizing the expenditure of allocation to the State of Federal funds, the Commission is authorized to prepare budgets in accordance with such requirements and forward the same to the Federal agency charged with receiving them; and if the Federal Government requires as a condition to the authorizing of the expenditures or allocation of Federal funds that certain rules and regulations be complied with in accounting for the expenditure of the funds, the Commission is empowered to do and perform any act necessary to comply with such requirements. 4/

(5) The Commission is authorized, and it is its duty to administer the relief fund. 5/

1. Rev. Codes Ann. (1935), Sec. 335.1. See "State Old Age Pension Commission" for provisions for administration of Old Age Assistance.

2. Rev. Codes Ann. (1935), Sec. 335.2.

3. Ibid, Sec. 335.4.

4. Ibid, Sec. 335.8.

5. Ibid, Sec. 335.5.

I. General Powers and Duties (Cont'd)

(6) The Commission must supervise the expenditure of the relief fund of the State, and the expenditure of all Federal funds appropriated by Act of Congress and/or allocated to the State by any department of the United States Government. 6/

(7) The Commission is directed to establish effective and efficient cooperation with all agencies and/or departments of the United States Government through which any funds have been or may be allocated to the State, and also to establish rules and regulations for the distribution of the funds herein mentioned consistent and in conformity to rules and regulations of the Federal Government with reference to the expenditure of such funds. 7/

(8) The Commission must make all necessary rules and regulations in connection with the making of applications for relief and the investigation and granting of the same, and must require adequate standards of relief, require the making of such reports as it deems necessary, and supervise and regulate the distribution of relief funds received from the R.F.C. and/or any and all other agencies of the United States for the purposes mentioned in this Act, or which may be made available to the State by gift, grant, or otherwise from private or other sources, and may compel compliance with the rules and regulations of the agencies of the United States Government as a condition precedent to securing relief. 8/

(9) The Commission has power to acquire by purchase, exchange, or gift, on such terms and conditions and in such manner as it may deem proper, and to acquire by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, any land, rights, easements, and other property, either real or personal, necessary or proper to carry out the purposes set forth in this Act. Title to property purchased, or condemned or acquired in whatever manner, must be taken in the name of the Commission, but the Commission must be under no obligation to accept and pay for any property condemned under this Act, except from the funds provided by this Act. 9/

(10) The Commission is empowered to enter into contracts and leases with the United States to carry out any of the purposes set forth in this Act, and may in such contracts or leases authorize the United States to exercise such supervision over any property belonging to the Commission, or any matter or thing the subject of the contract or lease, as it may be required by the United States, until such time as any money expended, advanced, or loaned by the United States and agreed to be repaid thereto by the Commission has been fully repaid. It is the purpose

6. Rev. Codes Ann. (1935), Sec. 335.9.

7. Ibid, Sec. 335.10.

8. Ibid, Sec. 335.13.

9. Ibid, Sec. 335.15.

I. General Powers and Duties (Cont'd)

and intent of this Act that the Commission may be authorized and empowered to accept cooperation from the United States in all matters deemed necessary by the Commission to carry out the purposes of this Act, and the Commission has full power to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under Federal legislation heretofore or hereafter enacted. 10/

II. Composition and Appointment of Governing Body

The Commission consists of 5 members, each of whom must be a citizen of the United States, and a resident and taxpayer of the State for a period of 3 years prior to his appointment. 11/ Members are appointed by the Governor for terms of 2 years each. Vacancies are filled by the Governor. Each member must give bond of \$25,000. The Commission elects its own officers. 12/ Members receive as compensation \$10 per day for each day they are engaged in the duties of their office plus necessary expenses. 13/

III. Reports

The Commission must keep complete records and reports of all receipts of moneys, disbursements made thereof, all of which records and reports are subject to examination and audit by the State Examiner. 14/

The Commission must require the making of such reports as it deems necessary. 15/

IV. Executive

The Commission must appoint a State Relief Administrator who holds office at the pleasure of the Commission and who receives such salary and traveling expenses as the Commission may prescribe, and who, if and so long as Federal funds are available to the State Commission, must be a person acceptable to such Federal authority as is charged by law with the administration and/or allotment of such Federal funds. The Administrator is the administrative officer for the Commission. The Commission must determine the policies of the Relief Administration, but all administrative and executive authorities and duties are vested in the Administrator. 16/

V. Staff

Appointments by the Administrator of major department heads are subject to the approval of the Commission. 16/

-
- 10. Rev. Codes Ann. (1935), Sec. 335.16.
 - 11. Ibid, Sec. 335.1.
 - 12. Ibid, Sec. 335.2.
 - 13. Ibid, Sec. 335.3.
 - 14. Ibid, Sec. 335.5.
 - 15. Ibid, Sec. 335.13.
 - 16. Ibid, Sec. 335.11.

V. Staff (Cont'd)

County Relief Committee: The Relief Administrator, with the approval of the Commission, may appoint committees in such counties of the State as may ask and receive relief through the Commission or any agency of the United States Government whose funds are distributed as herein provided, whenever in its judgment such committees will be of service in carrying out the purposes of this Act. All (members) of such committees serve without compensation. 17/

VI. Financial Provisions

The State Treasurer is directed to set up and establish a fund known as the "Relief Fund", to which must be distributed such moneys as are provided therefor by the legislative assembly, and such funds as are made available to the State by the Federal Government; or by gift or grant from private sources or from any sources whatsoever, for any of the purposes set forth in this Act. 18/

For the purpose of carrying out this Act \$3,000,000, or so much thereof as may be necessary, is appropriated out of the relief funds of the State Treasury, for the period March 2, 1935 to March 1, 1937. 19/

The State Treasurer must deposit 5 percent of the proceeds of the State income tax 20/ and 5 percent of the proceeds from the payment of license taxes 21/ to the Relief Fund. He shall also, until March 1, 1937, deposit 70 percent of all of the proceeds from the State Inheritance tax to the Relief Fund until said Relief Fund shall receive in the aggregate the sum of \$250,000 22/ and shall deposit 5 percent of the proceeds of the electrical energy producers license tax to the State Relief Fund. 23/ He shall also deposit 5 percent of the natural gas tax to said Fund. 24/

-
- 17. Rev. Codes Ann. (1935), Ch. 335.12.
 - 18. Ibid, Sec. 335.4.
 - 19. Laws (1935), Ch. 109, Sec. 30.
 - 20. Rev. Codes Ann. (1935), Sec. 2295.28.
 - 21. Ibid, Sec. 2355.9.
 - 22. Ibid, Sec. 10400.49.
 - 23. Ibid, Sec. 2343.3.
 - 24. Ibid, Sec. 2408.9.

STATE BOARD OF CHARITIES AND REFORM(Statutory Body) 1/I. General Powers and Duties

(1) It is the duty of the Board to investigate and supervise the whole system of charitable and correctional institutions supported by the State, or receiving aid from the State Treasury, by personal visits to such, to become familiar with all matters necessary to be understood in judging of their usefulness, and of the honesty and economy of their management; it is its duty to recommend such changes and additional provisions as it may deem necessary for their greater economy and efficiency. 2/

(2) It is the duty of the Board to conduct a course of investigation into the condition of poorhouses in the State, personally visiting and inspecting them from time to time, ascertaining how many persons of each sex are therein maintained, at what cost, and under what circumstances, as to health, comfort, and good morals; how many insane persons are therein confined, and whether such arrangements are made for their care as humanity demands. It must also ascertain how many idiotic persons are therein supported; also how many poor children the poorhouses contain, and what provision is made for their suitable care and education. It must also collect statistics as to the number of the poor who are supported or relieved by towns or otherwise at the public expense, outside of poorhouses, the cost of such support or relief, and any other important facts therewith connected. It must also inquire to what extent the provisions of the law in regard to binding out poor children are complied with; and in general it must seek to collect such facts as may throw light upon the adequacy, and efficiency of existing provisions for the support and relief of the poor, and any causes operating to increase or diminish the amount of pauperism in the State, or to place the burden of relieving it where it does not properly belong. 3/

(3) It is the further duty of the Board to conduct a course of investigation in regard to jails, city prisons, houses of correction, and other places in the State in which persons convicted or suspected of crime, or any insane persons are confined, ascertaining by visits or otherwise their sanitary condition, their arrangement for the separation of hardened criminals from juvenile offenders, and from persons suspected of crime or detained as witnesses. It must also ascertain whether any useful employment is furnished for prisoners, whether the insane are treated with due regard to humanity, and what efforts are put forth for the reformation of criminals; and in general it must endeavor to ascertain, for the information of the Legislature, any important facts or considerations bearing upon the best treatment of criminals and the diminution of crime. 4/

-
1. Rev. Codes Ann. (1935), Sec. 326.
 2. Ibid, Sec. 329.
 3. Ibid, Sec. 330.
 4. Ibid, Sec. 331.

I. General Powers and Duties (Cont'd)

(4) The Board has full power at all times to look into and examine the condition of the institutions and establishments mentioned herein, to inquire into and examine their methods of treatment, instruction, and government and management of their inmates, the official conduct of trustees, managers, directors, superintendents, and other officers and employees of the same, the condition of the buildings, grounds and other property connected therewith, and all other matters pertaining to their usefulness and good management. For this purpose it may have free access to all parts of the buildings and grounds, and to all books and papers of the institutions and establishments, and all persons connected with the same are required to give such information and afford such facilities for inspection as the Board requires. 5/

II. Composition and Appointment of Governing Body

The Board consists of 3 members, who are nominated by the Governor and confirmed by the Senate. They are appointed for 6-year rotating terms. 6/ The Board meets twice a year. 7/ It elects one member as president and another as secretary. 8/ Members receive no compensation but are paid actual expenses. 9/

III. Reports

The Board must annually present to the Governor a report of its proceedings and of its expenses. This report must contain a concise statement of the condition of each of the charitable and correctional institutions supported by the State, or receiving aid from the State Treasury, together with its opinion of the appropriation proper to be made, for each, for the following year. The report must also embody the results of the Board's investigations during the year in regard to the support of the poor and the treatment of criminals, and any information, suggestions, or recommendations which it may choose to present upon the matters assigned to its supervision and examination. 10/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

No provision.

-
5. Rev. Codes Ann. (1935), Sec. 332.
 6. Ibid, Sec. 326.
 7. Ibid, Sec. 327.
 8. Ibid, Sec. 328.
 9. Ibid, Sec. 335.
 10. Ibid, Sec. 333.

VI. Financial Provisions

The State Board of Charities and Reform is financed by appropriations from the general fund of the State. 11/

Amount of Appropriation:

For the fiscal biennium beginning July 1, 1935 and ending June 30, 1937, there is appropriated the sum of \$200. 11/

Limitation of Funds:

Salaries and expenses. \$200 11/

11. Laws (1935), H. B. 532, p. 492, 506.

STATE OLD AGE PENSION COMMISSION

(Statutory Body)

I. General Powers and Duties

(1) The State Old Age Pension Commission must supervise the administration of old age assistance under this Act by the County Old Age Pension Commission. 1/

(2) The Commission must prescribe the form of and print and supply to the County Old Age Pension Commission blanks of application, reports, affidavits and such other forms as it deems advisable. 1/

(3) The Commission must make rules and regulations necessary for the carrying out of the provision of this Act to the end that old age assistance may be administered uniformly throughout the State, having regard for the varying costs of living in different parts of the State. 1/

(4) The Commission has the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings. The Commission may also designate officers and employees to administer oaths and examine witnesses under oath. 2/

(5) If an applicant is denied assistance, or the grant is deemed inadequate by the applicant, he may appeal to the State Old Age Pension Commission. This Commission upon receipt of such an appeal must review the case. It may also, upon its own motion, review any decision made by the County Old Age Pension Commission. All decisions of the State Commission are binding upon the County Old Age Pension Commission. 3/

(6) If the person receiving an old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the State Old Age Pension Commission may direct the payment of the installments of the old age assistance to any responsible person for his benefit. 4/

(7) If it appears as a result of an investigation that assistance was improperly granted, the State Old Age Pension Commission must immediately notify the County Old Age Pension Commission that it will not approve any payment made thereafter. 5/

-
1. Rev. Codes Ann. (1935), Sec. 335.23.
 2. Ibid, Sec. 335.28.
 3. Ibid, Sec. 335.29.
 4. Ibid, Sec. 335.31.
 5. Ibid, Sec. 335.33.

II. Composition and Appointment of Governing Body

The State Old Age Pension Commission is composed of the members of the State Relief Commission who receive no additional compensation. 6/ See "Composition and Appointment of Governing Body" under "State Relief Commission".

III. Reports

The State Old Age Pension Commission must make such reports and in such detail as may be required of it to the Federal Government. The Commission must also report annually to the Governor. 7/

IV. Executive

No provision.

V. Staff

No provision.

VI. Financial Provisions

All money appropriated by the Legislature for old age assistance, all money received from the United States Government in aid of old age assistance, and all money received from any other source for the purposes of old age assistance shall be paid into the State Treasury and constitute a special fund to be designated as the State Old Age Assistance Fund and said money shall be disbursed as herein provided and in accordance with the laws of the State. 8/ State must reimburse each county an amount not exceeding .75 percent of the amount expended for assistance for each aged person. 9/ All necessary expenses incurred by the County Old Age Pension Commission in carrying out the provisions of this Act must be paid by the State Old Age Pension Commission. 10/

6. Rev. Codes Ann. (1935), Sec. 335.18.

7. Ibid, Sec. 335.36.

8. Ibid, Sec. 335.42.

9. Ibid, Sec. 335.25.

10. Ibid, Sec. 335.41.

SECRETARY OF THE STATEBUREAU OF CHILD AND ANIMAL PROTECTION 1/

(Statutory Office)

I. General Powers and Duties(a) Secretary of the Bureau of Child and Animal Protection:

(1) The Secretary of the Bureau of Child and Animal Protection, or the deputy so appointed by him, is authorized and empowered when, in extreme cases of cruelty or neglect, in his judgment it is absolutely necessary to protect minor children under 18 years of age, to seize the same and have them cared for at the expense of the county in which they reside, until a judicial inquiry can be made as to their condition by the courts of the county; and it is the duty of the secretary or deputy to institute proceedings for a judicial investigation into the condition of such child or children, and the same to be disposed of by the court, according to the State laws relating to minor children. 2/

(2) The secretary is vested with authority to make arrests of any person or persons violating any provisions of the laws relating to wrongs to children and dumb animals, and is further vested with authority to enter workshops, factories, stores, mines, mills, and smelters, and all other places where children may be employed, and do what may be necessary in the way of investigation, or otherwise, to enforce the laws pertaining to minor children and dumb animals. 3/

(b) Deputies:

The Deputies have the same power and authority as fixed by law in the principal (secretary). All Deputies have authority to investigate cases reported to the Bureau from any section of the State of Montana when called or directed to do so by the Secretary of the Bureau. 4/

(c) Deputy Humane Officer:

(1) It is the duty of such officer to investigate into the welfare of all children who have heretofore been or may hereafter be adopted, or who have been placed in homes, from the State Orphans' Home and other places. 5/

1. Rev. Codes Ann. (1935), Sec. 336.

The purpose of the Bureau of Child and Animal Protection is to enforce the laws of the State of Montana pertaining to children and dumb animals; and to promote the growth of education and sentiment favorable to the protection of children and dumb animals. Ibid.

2. Rev. Codes Ann. (1935), Sec. 348.

3. Ibid, Sec. 349.

4. Ibid, Sec. 340.

5. Ibid, Sec. 342.

I. General Powers and Duties (Cont'd)

(c) Deputy Humane Officer: (Cont'd)

(2) The Humane Officer has like powers and authority as now possessed by deputies in the State Bureau of Child and Animal Protection, and it is his duty to assist the Bureau, when not otherwise employed. 6/

(d) Any officer of the Bureau:

(1) Any officer of the Bureau having knowledge of a child in his county who appears to be a dependent or neglected child may file with the clerk of the district court a petition in writing praying that the court assume jurisdiction of the case. Whenever any such child is in danger of violence, any officer of the Bureau may take immediate custody of the child, without any process whatever. 7/

(2) All associations or individuals to whom the district court commits for the care of dependent or neglected children is subject to visitation or inspection by the Bureau. 7/

(3) Any officer of the Bureau may make application to the district court, or to a judge thereof, for admission of feeble-minded and epileptic persons to the State Training School for Feeble-minded persons. 8/

(e) Bureau:

The State Bureau of Child and Animal Protection may be designated by the Board of County Commissioners to investigate applications for aid to dependent children in their own homes. 9/

II. Composition and Appointment of Governing Body

The Governor is authorized and empowered to appoint a secretary, at a salary of \$2,400 per year, who is chief of the Bureau and whose duty it is to carry out the purposes of the Bureau as herein set forth. 10/

6. Rev. Codes Ann. (1935), Sec. 343.

Nothing herein contained must be construed to mean that the special humane officer may not be allowed to first perform his special duties required by this Act, to the end that friendless, deserted, or destitute or abandoned children who are adopted or who have been placed in homes may, after such adopting or placing in homes, be cared for in a humane and proper manner. Ibid.

7. Rev. Codes Ann. (1935), Sec. 10467, 10471.

8. Ibid, Sec. 1475.

9. Ibid, Sec. 10482 (7).

10. Ibid, Sec. 337.

III. Reports

The Secretary of the Bureau must make a biennial report fully prepared for publication, to the Governor, embracing the proceedings of the Bureau and statistics showing the work of the Bureau, together with such papers, facts, and recommendations as the secretary may deem useful to the interest of children and dumb animals in the State. 11/

The deputies must make full and complete reports every month to the principal (secretary) showing all their official acts, with names of persons accused and against whom prosecutions may have been instituted, and the results thereof. 12/

The Deputy Humane Officer must make written reports relative to all children who have heretofore been or may hereafter be adopted, or who have been placed in homes, to the Secretary of the Bureau at such times as may be by the Secretary of the Bureau required and to make reports annually to the State Bureau, stating therein, in detail, the work and investigation performed by him. 13/

At request of courts, the Bureau must report to courts on associations or individuals to which children are committed, and which have been visited and inspected by the Bureau. 14/

IV. Executive

See "Secretary" under "Composition and Appointment of Governing Body".

V. Staff

The Secretary has power to appoint 6 deputies, one of whom must have his office in the City of Butte, one in Great Falls, one in Havre, and one in Billings, one in Missoula, and one in Kalispell. 12/ The deputies each receive a salary of \$1,800 per year. They may be removed at any time by the Secretary. 12/

The Secretary of the Bureau is authorized and empowered to appoint a special Deputy Humane Officer, and to remove him at any time for cause. 15/ The special Deputy Humane Officer receives \$1,800 per year and traveling expenses. 16/

-
11. Rev. Codes Ann. (1935), Sec. 339.
 12. Ibid, Sec. 340.
 13. Ibid, Sec. 342.
 14. Ibid, Sec. 10471.
 15. Ibid, Sec. 341.
 16. Ibid, Sec. 344.

V. Staff (Cont'd)

The Secretary is authorized and empowered to appoint one clerk at a salary not exceeding \$50 per month, who serves at the pleasure of the Secretary of the Bureau. 17/

VI. Financial Provisions

The Bureau of Child and Animal Protection is financed by appropriations from the general fund of the State. 18/

Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated the sum of \$15,280. 18/

Limitation of Funds:

Salaries and expenses. \$15,280 18/

17. Rev. Codes Ann. (1935), Sec. 345, 346.
18. Laws (1935), H. B. 532, p. 506.

STATE ORTHOPEDIC COMMISSION

(Statutory Body)

I. General Powers and Duties

(1) It is the duty of the Commission to examine into the matter of all applicants for relief, whenever any child or person within the State who is crippled and in indigent circumstances applies for relief in the matter of obtaining medical, surgical and hospital expenses. 1/

(2) Whenever the need for relief has been established to the satisfaction of the Commission, a special order is made for the care, treatment, and if necessary, an operation, in any hospital properly equipped for the treatment of such cases. All bills and statements for services so rendered for any crippled child or person, upon an order given by the State Orthopedic Commission, is first referred to the Commission and if found correct by it, it so designates upon the claim, and the claim is then allowed and paid from the appropriation to the Commission, upon presentation to, and approval by, the State Board of Examiners. 2/

II. Composition and Appointment of Governing Body

The Commission is composed of 5 members as follows: The Secretary of the State Board of Health, the President of the State Medical Association, a representative of the Montana Tuberculosis Association, and 2 members of the Montana Federation of Women's Clubs, the latter 3 members appointed by the Governor to serve until such time as they are removed by him. Such Commission serves without pay; except the members thereof are entitled to the actual necessary and traveling expenses incurred when serving on the business of the Commission. 3/

III. Reports

No provision.

IV. Executive

The Commission in its discretion is authorized to employ not more than one field investigator whose salary and expenses must be paid from the money appropriated to the Commission; provided such salary and expenses do not exceed the sum of \$4,000. 1/

1. Rev. Codes Ann. (1935), Sec. 2513.

Purpose: Care of all children or persons of the State who are crippled and in indigent circumstances. Ibid.

2. Rev. Codes Ann. (1935), Sec. 2514.

3. Ibid, Sec. 2512.

V. Staff

No provision.

VI. Financial Provisions

The State Orthopedic Commission is financed by appropriations from the general fund of the State. 4/

Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated the sum of \$50,000. 4/

Limitation of Funds: 4/

Salaries and expenses.....\$50,000

4. Laws (1935), H. B. 532, p. 498, 511.

STATE BOARD OF COMMISSIONERS FOR THE INSANE
(Statutory Body)

SUPERINTENDENT OF STATE INSANE ASYLUM 1/
AND HOSPITAL FOR INEBRIATES 2/
(Institutions established by statute)

I. General Powers and Duties

(a) State Board of Commissioners for the Insane:

(1) The management, control, and supervision of the State Insane Asylum is vested in the Board of Commissioners for the Insane. 1/

(2) The Board of Commissioners for the Insane has supervision and control of the State Hospital for Inebriates. 2/

1. Rev. Codes Ann. (1935), Sec. 1413.

Commitment to Insane Asylum: The district judge, or chairman of the Board of County Commissioners may hold a hearing for any alleged insane person of the county. Ibid, Sec. 1431. Commitment proceedings held by the chairman of the Board of County Commissioners must be examined and certified and approved or rejected by the Judge or the District Court. Ibid, Sec. 1443.

Upon examination, and after certificate made by 2 physicians, if the judge or chairman of Board of County Commissioners believes the person to be so far disordered in his mind as to endanger health, person or property, he must make an order that the party be confined in the Insane Asylum. Ibid, Sec. 1438.

2. Rev. Codes Ann. (1935), Sec. 1446.

Hospital for Inebriates: There is established at the State Insane Asylum a department of the institution which is called the State Hospital for Inebriates and is used for the detention, care, and treatment of all persons suffering from mental affliction occasioned by the use of drugs or intoxicants. Ibid, Sec. 1445.

Patients who may be admitted to Hospital for Inebriates: The Hospital for Inebriates must receive all patients regularly committed to it who are dipsomaniacs, inebriates, or who are addicted to the excessive use of morphine, cocaine or other narcotic drugs, and who have been regularly examined and found of unsound mind as a result of the use of any such intoxicant or drug. Ibid, Sec. 1447.

Commitment to Hospital for Inebriates: Application for commitment must be made to the judge of the district court of the district which embraces the county in which the person whom it is proposed to commit resides. Such application may be made in person by any dipsomaniac, inebriate, or user to excess of morphine, cocaine, or other narcotic drug, or may be made against any such person by any other person. Ibid, Sec. 1448, 1449.

On presentation of the application, the person in question must be examined by the court in the manner now provided by law for the examination of insane persons. If the judge determines that the accused or (Footnote forwarded)

I. General Powers and Duties (Cont'd)

(a) State Board of Commissioners for the Insane: (Cont'd)

(3) The Board must prescribe the duties of the Superintendent of the State Insane Asylum. 3/

(4) The Board must provide for the care, custody, maintenance, and treatment of the insane in safe and suitable buildings for that purpose, to be known as the State Insane Asylum. The Board must also make inquiry into the condition of the asylum, and see that the inmates are properly cared for in respect to clothing, food, and medical attendance, and that they have proper apartments. 3/

(5) The Board must keep a record of its proceedings, which must be open at all times to the inspection of any citizen. 3/

(6) The Board may, at the expense of the State, when satisfied it is for the best interest of any insane person, send him to friends outside of the State. 4/

(7) The Board may, when satisfied it is for the best interest of any insane person in the State, send him to some other institution, with its consent, outside the State. The expense of sending and supporting him at such institution must be paid by the State, providing the person is indigent. 5/

(Footnote #2 - Continued)

applicant is a proper person to be committed to the Hospital for Inebriates, he must make the order committing him thereto. The term of detention and treatment must be until the patient is cured. Rev. Codes Ann. (1935), Sec. 1448, 1449.

State Board of Eugenics: The purpose of the findings and orders of the Board and operation performed thereunder, is for the betterment of the physical, mental, neural or psychic condition of the inmate, or to protect society from the menace of procreation by the inmate, and not in any manner as a punitive measure. Ibid, Sec. 1444.8.

All decisions of the Board are appealable to the district court. Ibid, Sec. 1444.6.

The State Board of Eugenics consists of the chief physician of each custodial institution (a habitation providing food and lodging, restraint, treatment, training, care or residence for inmates declared mentally deficient through constituted legal channels); the President of the State Medical Association; a female member named by the State Medical Association; and the Secretary of the State Board of Health. Ibid, Sec. 1444.3.

3. Rev. Codes Ann. (1935), Sec. 1414.

4. Ibid, Sec. 1418.

5. Ibid, Sec. 1419.

I. General Powers and Duties (Cont'd)(a) State Board of Commissioners for the Insane: (Cont'd)

(8) The Board must cause to be discharged from the asylum any patient, upon the written report of any person appointed by the Board to examine into the condition of the patient, that the patient is in fit condition to be at large. 6/

(9) The Board must allow any indigent person about to be discharged from the asylum \$20 in money, and a suit of comfortable clothing, including hat, shoes, and socks. 7/

(b) Superintendent of Insane Asylum:

(1) The Superintendent has immediate control and charge of the State Insane Asylum and the inmates thereof subject, however, to the orders, rules, and regulations made and prescribed by the Board of Commissioners for the Insane. 8/

II. Composition and Appointment of Governing Body

The Board of Commissioners for the Insane is composed of the Governor, the Secretary of State, and the Attorney General. The Governor is president and the Secretary of State, the secretary. 9/

III. Reports

No provision.

IV. Executive

A Superintendent of the State Insane Asylum who must be a regularly licensed physician of the State, is appointed by the Governor, and such appointment must be approved by the Senate. His term of office is for 4 years, and salary is \$5,000 per year plus \$1,500 allowed in the asylum commissary for food. He is subject to removal for cause by the Board of Commissioners for the Insane at any time. 10/

The officers of the State Insane Asylum constitute the officers of the Hospital for Inebriates, and receive no additional compensation for their services in connection with the Hospital. 11/

6. Rev. Codes Ann. (1935), Sec. 1421.

7. Ibid, Sec. 1422.

8. Ibid, Sec. 1416.

9. Ibid, Sec. 1413.

10. Ibid, Sec. 1415.

11. Ibid, Sec. 1446.

V. Staff

Assistant Superintendent of Asylum for Insane:

An assistant superintendent is appointed by the Governor, with the approval of the Senate, for a 4-year term. His salary is \$3,000 per year plus \$1,500 yearly allowance for food in the asylum commissary. He is subject to removal for cause by the Board of Commissioners. 12/

Other Staff Members:

The Superintendent may appoint additional medical assistants, subject to the approval of the Board of Commissioners for the Insane. Their salaries are fixed by the Board. 13/

Staff of Hospital for Inebriates:

The officers, contractors and employees of the State Insane Asylum constitute the officers, contractors, and employees of the Hospital for Inebriates, and receive no additional compensation for their services in connection with the Hospital. 14/

VI. Financial Provisions

The State Insane Asylum is financed by appropriation from the general fund of the State. 15/

Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated the sum of \$650,000. 15/

Limitation of Funds:

Salaries and expenses. \$650,000

12. Rev. Codes Ann. (1935), Sec. 1415.

13. Ibid, Sec. 1416.

14. Ibid, Sec. 1446.

15. Laws (1935), H. B. 489, p. 464, 466.

Expenses of Hospital for Inebriates are paid out of appropriation to the State Insane Asylum. The cost of maintenance at the Hospital is paid by the State when a patient or some responsible person is unable to pay for such costs. Rev. Codes Ann. (1935), Sec. 1451. The cost of examination and commitment is paid by the county. Ibid, Sec. 1442, 1450.

STATE BOARD OF PRISON COMMISSIONERS
(Statutory Body)

WARDEN OF STATE PRISON
(Institution established by statute)

I. General Powers and Duties

(a) State Board of Prison Commissioners: 1/

(1) The Board has supervision of all matters connected with the State Prison as is provided for by law. 2/

(2) The Board has full control of the State Prison grounds, buildings, prison labor, and prison property; has power to purchase, or cause to be purchased, all needed commissary supplies, all raw materials and tools necessary for any manufacturing purposes carried on at the Prison; and to sell all manufactured articles, and collect the money for the same. 3/

(3) The Board has power to make all needful rules and regulations in regard to the management of the Prison, the discipline of the convicts and the conduct and compensation of the guards and assistants. 3/

(4) The Board may, whenever in its judgment it would be for the best interest of the State, advertise for sealed proposals for the furnishing of supplies to the State Prison. But no contract must be made for furnishing more than one year's supplies, as estimated by the Warden. 4/

(5) The Board may, in its discretion, cause any number of the prisoners to be employed in any mechanical pursuits, and at hard labor, and furnish any convicts thus employed with necessary materials. The Board must, in all respects, have the exclusive control of the employment of the convicts, and may, from time to time, employ them in such manner as, in its opinion, will best subserve the interest of the State and the welfare of the prisoners. But neither the Board nor the Warden must let by contract to any person the labor of any convict in the Prison. 5/

(6) The Board and the Warden of the State Prison are hereby required to receive all criminals sentenced to the State Prison by the authorities of the United States, and to keep them at hard labor or at solitary confinement, agreeable to the order of the court pronouncing such sentence, until legally discharged therefrom; and the Warden must certify to the Board the expense of keeping all convicts thus sentenced, and the Board must certify the same to the State Auditor. 6/

-
1. See also "Executive Board of State Industrial School".
 2. Rev. Codes Ann. (1935), Sec. 12434.
 3. Ibid, Sec. 12435.
 4. Ibid, Sec. 12445.
 5. Ibid, Sec. 12446.
 6. Ibid, Sec. 12452.

I. General Powers and Duties (Cont'd)(a) State Board of Prison Commissioners: (Cont'd)

(7) The Board must, from time to time, cause to be placed in some conspicuous place or places about the Prison, so much of the laws of the State, and the rules, regulations, and by-laws of the State Prison as relates to the intercourse between visitors to the Prison and the prisoners therein confined. 7/

(8) The Board is authorized and required to grant to any convict confined in the State Prison, who well behaves himself and who may perform regular labor during good health, a credit of time from his sentence in the amount allowed by law. 8/

(9) The Board is authorized and required to adopt rules and regulations applicable solely to convicts employed upon public roads or other public works, whereby the convicts so employed may be granted additional good time allowance in addition to that already provided by law, conditioned upon such convicts' good behavior and compliance with all rules and regulations which may be made by the Board or Warden of the State Prison, for the management and control of the Prison and convicts. 9/

(10) Whenever the State Prison is insufficient to contain the prisoners sentenced to confinement therein, the Board must enter into contracts with the Commissioners of such counties as have jails suitable for keeping convicts, that may thereafter be sentenced to the State Prison, and must notify the district judges that such jails have been provided for State Prison purposes, and the judges, until further notice must sentence any prisoner convicted of a felony to one of the jails so designated. 10/

(11) It is the duty of the Board, or the secretary thereof, to cause to be kept in a book or books a full and complete account of all the transactions and proceedings of the Board. The Board must also cause to be kept at the State Prison a book wherein shall be recorded the name, nativity, age, height, weight, occupation, county convicted in, crime charged, term, date of sentence, date of incarceration, expiration of sentence without good time and expiration of sentence with full good time, of all prisoners therein confined. The Board must cause to be kept in the office of the Board such records as may enable the Board or any member thereof to ascertain the name of every prisoner confined, together with the cost of maintaining the same per month and the expenses incurred in the erection and improvement of buildings upon the Prison grounds. 11/

7. Rev. Codes Ann. (1935), Sec. 12453.

8. Ibid, Sec. 12455.

9. Ibid, Sec. 12456.

10. Ibid, Sec. 12459.

11. Ibid, Sec. 12465.

I. General Powers and Duties (Cont'd)

(b) Warden:

(1) The Warden has the general superintendence of Prison discipline and Prison labor. He must keep, or cause to be kept, a book wherein may be recorded the name, age, sex, occupation, place of birth, where sent from, the crime charged, date of incarceration, and the expiration of the term for which the prisoners therein confined were sentenced. He must file a monthly report of the same with the secretary of the Board, and securely file in his office all commitments of prisoners that may be sent to the State Prison, and keep or cause to be kept, a correct account, and certify any mileage that may be due to any sheriff for conveying prisoners to the State Prison. 12/

(2) All accounts for provisions, clothing, medicines, fuel, lights, or other stores furnished to the State Prison must be presented to the Warden and if the articles therein enumerated have been received, he must so certify. 13/

(3) All claims for salaries, repairs, buildings, or labor must be certified to by the Warden. 13/

(4) Whenever any convict is discharged from imprisonment the Warden must provide him with proper and sufficient clothing, at a cost not exceeding \$25, and must pay him in addition \$5 in money. 14/

(5) When the Warden is of the opinion that any prisoner is insane, he must certify that fact under oath to the Board, which may, in its discretion, order the removal of such prisoner to the insane asylum. As soon as the authorities of the asylum ascertain that the person is not insane, they must immediately notify the Board of that fact, and thereupon the Warden must cause the prisoner to be at once returned to the Prison, if his term of imprisonment has not expired. 15/

II. Composition and Appointment of Governing Body

The State Board of Prison Commissioners consists of the Governor, the Secretary of State, and Attorney General. 16/ The Governor is the president, and the Secretary of State the secretary of the Board 17/; and any 2 thereof constitute a quorum, with full power to transact any business that may be required of such Board. 18/

12. Rev. Codes Ann. (1935), Sec. 12440.

13. Ibid, Sec. 12444.

14. Ibid, Sec. 12458.

15. Ibid, Sec. 12461.

16. Ibid, Sec. 12434.

17. It is the duty of the secretary to keep, or cause to be kept, a full and complete account of all the transactions and proceedings of the Board. Ibid, Sec. 12437.

18. Rev. Codes Ann. (1935), Sec. 12436.

III. Reports

The Warden must annually make a detailed report to the Board stating the names of the guards, and assistants, and the other officers, with their salaries, the number of convicts, showing the name of each convict, his age and general appearance, when and where convicted, and of what crime, term of sentence and when it expires, and the number received and discharged during the year, the amount of manufacture and the money received from the same and the cost thereof, and a full statement of the condition, management and concerns of the Prison, and the Board must make a like report to each legislative assembly. 19/

IV. Executive

A Warden of the State Prison is appointed by the Governor, and such appointment approved by the Senate. Term of office is 4 years. Warden is subject to removal by Board of Prison Commissioners at any time for misfeasance, nonfeasance, or malfeasance in office. Salary \$4,000 per year. 20/ He must reside at the State Prison. 21/ He must give bond not exceeding \$20,000 for faithful performance of his duties. 22/

V. Staff

The Board has the power to employ a clerk. 23/

The Warden has power to appoint and remove all necessary guards and assistants, in and about the prison, subject to the approval of the Board as to the number appointed. 24/

VI. Financial Provisions

The State Prison Fund; the moneys appropriated by the legislative assembly and the proceeds of the labor of prisoners constitute the State Prison Fund. 25/

Amount of Appropriation: (From general fund)

For the period beginning July 1, 1935 and ending
June 30, 1937.

Limitation of Funds:

For salaries and expenses. . . . \$316,000. 26/

-
19. Rev. Codes Ann. (1935), Sec. 12462.
20. Ibid, Sec. 12438.
21. Ibid, Sec. 12443.
22. Ibid, Sec. 12460.
23. Ibid, Sec. 12465.
24. Ibid, Sec. 12439.
25. Ibid, Sec. 12463.
26. Laws (1935), H. B. 489, p. 463, 466.

VETERANS' STATE WELFARE COMMISSION(Statutory Body) 1/I. General Powers and Duties

(1) It is the duty of the Commission to disburse the Veterans' Welfare Fund for the aid and assistance of World War veterans. 2/

(2) The Commission may disburse the Veterans' Welfare Fund in such manner and for such purpose as in its judgment will best facilitate and promote the return of the veterans to civil life, especially among veterans within the borders of this State. To promote this end, the Commission may establish employment agencies, furnish employment, provide for institutions of any sort, assist the United States in any reclamation or reconstruction work that Congress may provide for, make grants or loans, or expend such money in any manner whatsoever for such persons as the Commission in its discretion may see fit. 2/

(3) The purpose of this Act is for the encouragement, aid, and assistance of United States World War veterans to get employment, to provide for the education, training and comfort, and the material and physical well-being of those who have been in the military and naval service of the United States during the World War. 3/

II. Composition and Appointment of Governing Body

The Commission consists of 3 members who are appointed by the Governor and may be removed at his pleasure. Each Commissioner serves without compensation but is allowed his necessary expenses. The Commission selects one of its number as chairman and one as secretary. 1/

III. Reports

The Commission must keep proper records of all expenditures which are audited by the State Board of Examiners. 4/

IV. Executive

No provision.

V. Staff

The Commission may employ such persons as are necessary to assist in its work. 1/

-
1. Rev. Codes Ann. (1935), Sec. 5660.
 2. Ibid, Sec. 5661.
 3. Ibid, Sec. 5658.
 4. Ibid, Sec. 5664.

VI. Financial Provisions

The Veterans' Welfare Commission is financed by appropriations from general assembly and bond sales. (State bonds). 5/

Amount of Appropriations:

For the fiscal biennium beginning July 1, 1935 and ending June 30, 1937 there is appropriated the sum of \$20,000. 6/

5. Rev. Codes Ann. (1935), Sec. 5655, 5666; Laws (1935), p. 507.
6. Laws (1935), p. 494, 507.

BOARD OF MANAGERS OF THE STATE SOLDIERS' HOME

(Statutory Body)

I. General Powers and Duties

(1) The general supervision and government of the Home is vested in the Board of Managers. 1/

(2) The Board of Managers must formulate and publish all necessary rules and regulations to be reasonably and impartially enforced by the Commandant of the Home, subject to appeal to the Board of Managers. 2/

(3) The Board must hold 3 regular meetings each year, and may have special meetings on the call of the president and one other member of the Board. 3/

(4) The Board must keep a record of the proceedings of all regular and special meetings, as well as a full and complete account of all moneys or other property received by it, or that have come under its control from any source whatsoever; a detailed and itemized account of all the expenses; the names, places of birth, full record of service in the army or navy of persons admitted, and the last place of residence before such admission; all deaths, discharges, and removals, with the cause thereof; and the names of persons making donations to the Home, with a description of the same. 4/

(5) The Board has the power, on behalf of the State, to accept donations of land, money, or other valuables by gift, bequest, or otherwise. All titles to land and improvements thereon may be vested in the name of the State for the use of the Soldiers' Home, so long as the same may be necessary, to revert to the State when the necessity for such Home no longer exists. 5/

II. Composition and Appointment of Governing Body

The Board of Managers consists of 5 members, one of whom must be the Department Commander of the Grand Army of the Republic of the State (or in case such office be abandoned or discontinued, then the Department Commander of the Spanish American War veterans of the State for the time being may be a member of the Board), and the remaining 4 are appointed by the Governor, by and with the advice and consent of the Senate, for 4-year rotating terms. No less than 3 members of the Board may be ex-soldiers or sailors of the United States, and one of the Board must be a regular practicing physician, duly licensed under the laws of the State. 6/

-
1. Rev. Codes Ann. (1935), Sec. 1529.
See "Veteran Relief" under "Digest of Public Welfare Provisions".
 2. Rev. Codes Ann. (1935), Sec. 1533.
 3. Ibid, Sec. 1532.
 4. Ibid, Sec. 1534.
 5. Ibid, Sec. 1538.
 6. Ibid, Sec. 1529.

II. Composition and Appointment of Governing Body (Cont'd)

The members of the Board receive as compensation \$5 per day and traveling expenses while engaged in the business of the Board. 7/

The Board annually elects one of its number as president and one as secretary and treasurer. 8/

The Governor has the power to remove any member of the Board for inefficiency, or other good and sufficient cause, and in case of a vacancy in the Board, by death or otherwise, the Governor must appoint a suitable person to fill the vacancy for the unexpired term. 9/

III. Reports

The Board must annually transmit to the Governor a report containing a detailed statement of the transactions of the Board, and a full amount of receipts and expenditures of the Home for the preceding year, together with such suggestions as it may see fit to make for the future usefulness of the Home. 10/

IV. Executive

The Board appoints as Commandant of the Soldiers' Home, a resident of the State who has served in the army or navy of the United States during the Civil War, Spanish American War, or World War, and who has received an honorable discharge therefrom. He receives a salary not to exceed \$200 per month. The salary of the Commandant must be fixed by the Board of Managers; provided, that the compensation so paid may in no case exceed the reasonable and necessary compensation paid for like service in similar institutions. 11/

V. Staff

All subordinate officials and employees of the Home must preferably be selected from residents of the State who have served in the army or navy of the United States and have been honorably discharged therefrom. 11/

Any subordinate official or employee may be suspended or discharged by the Commandant for inefficiency or misconduct and a statement of the case must be reported to the Board. 11/

-
7. Rev. Codes Ann. (1935), Sec. 1540.
 8. Ibid, Sec. 1531.
 9. Ibid, Sec. 1529.
 10. Ibid, Sec. 1534.
 11. Ibid, Sec. 1533.

V. Staff (Cont'd)

The salaries of all subordinate and such other employees as may be necessary must be fixed by the Board of Managers; provided, that the compensation so paid may in no case exceed the reasonable and necessary compensation paid for like services in similar institutions. 12/

Chaplain:

The Board of Managers must select and appoint as Chaplain for the Soldiers' Home, a regular ordained minister of the Gospel, who must hold divine services at the Soldiers' Home at least twice a month, and also conduct the burial services upon the death of any of the inmates of the Home. He is paid a salary not to exceed \$25 per month. 13/

VI. Financial Provisions

The Soldiers' Home is financed by appropriations from the general fund of the State. 14/

Amount of Appropriation:

For the fiscal period beginning July 1, 1935 and ending June 30, 1937 there is appropriated to the Soldiers' Home the sum of \$89,000. 14/

Limitation of Funds:

Salaries and expenses.	\$77,000 <u>14/</u>
New water system, new bakery and cold-storage buildings	<u>12,000</u>
Total.	\$89,000

12. Rev. Codes Ann. (1935), Sec. 1533.

13. Ibid, Sec. 1546.

14. Laws (1935), p. 464, 467.

Any money left on deposit with the Home by a deceased member shall, if not claimed by his heirs in 10 years, revert to the Home to be placed in a welfare fund and expended under the direction of the Board of Managers. Rev. Codes Ann. (1935), Sec. 1546.

EXECUTIVE BOARD OF THE STATE TUBERCULOSIS SANATORIUM

(Statutory Body)

I. General Powers and Duties

(a) Executive Board:

(1) The Executive Board has such immediate direction and control, other than financial, of the affairs of the Sanatorium as are conferred on it by the State Board of Examiners, subject always to the supervision and control of the State Board of Examiners. 1/

(2) Subject to the approval of the State Board of Examiners, the Executive Board must establish such by-laws, rules, and regulations as it deems necessary or expedient for regulating the appointment and duties of officers and employees of the Sanatorium, and for the internal government, discipline, and management of the same; to maintain an effective inspection of the affairs and management of the institution; to keep in a book provided for that purpose an exact and full record of the doings of the Board, which must be open at all times to the inspection of its members, the Governor of the State, the State Board of Health, or any person appointed by the Governor or the Legislative Assembly. 1/

(3) The Executive Board must meet in regular session at least once in each quarter, and monthly or oftener if the business of the institution requires it, and the Board has the general charge of the administration of the institution. 1/

(4) The Board has power and authority to receive patients who have no ability to pay, provided such patient has been a citizen of the State for at least one year. (Female must have been a resident for at least 5 months, though not a citizen. 2/)

(b) State Board of Examiners:

The Board has power and it is its duty:

(1) To have general control and supervision of the Sanatorium and to provide, subject to the laws of the State, rules and regulations for the government of its affairs. 3/

(2) To adopt rules and regulations, not inconsistent with the Constitution or laws of this State, for its government, and proper and necessary for the execution of the powers and duties conferred upon it by law. 4/

-
1. Rev. Codes Ann. (1935), Sec. 1513.
 2. Ibid, Sec. 1520.
 3. Ibid, Sec. 1524 (1).
 4. Ibid, Sec. 1524 (2).

I. General Powers and Duties (Cont'd)

(b) State Board of Examiners: (Cont'd)

(3) To confer upon the President and Executive Board of the institution such authority relative to the immediate control and management, other than financial, and the selection of employees, as it deems expedient and for the best interests of the institution. 5/

(4) To have supervision and control of all expenditures of all moneys appropriated or received for the use of the institution from all sources, and the Board of Examiners has power to select and approve plans for buildings, let contracts, approve all bonds for any and all buildings and improvements, and it must audit all claims to be paid from any moneys, but it has the authority to confer upon the Executive Board such power and authority in contracting current expenses, and in auditing, paying, and reporting bills for salaries or other expenses incurred in connection with the institution, as the State Board of Examiners deems expedient and for the best interests of the institution. 6/

(c) President of Sanatorium:

The President must:

(1) Appoint such employees as are necessary and proper for a due administration of the affairs of the institution, prescribe their duties and offices, and, subject to the approval of the State Board of Examiners, fix their compensation within the appropriation fixed therefor. 7/

(2) Oversee and secure the individual treatment and personal care of each and every patient in the Sanatorium while resident therein, and keep a proper oversight of all the inhabitants thereof. 8/

(3) Have the general superintendence of the buildings and grounds, with their furnishing and fixtures, and the selection and control of all persons employed in and about the same. 9/

(4) Give from time to time such orders and instructions as he deems best calculated to induce good conduct, fidelity, and economy in any department for the treatment of patients. 10/

(5) Maintain a salutary discipline among all employees, patients, and inmates of the Sanatorium, and enforce strict compliance with his instructions and obedience to all the rules and regulations of the Sanatorium. He must, under the supervision and control of the Executive Board, discharge such patients, as are sufficiently restored to health. 11/

5. Rev. Codes Ann. (1935), Sec. 1524 (4).

6. Ibid, Sec. 1524 (5).

7. Ibid, Sec. 1517 (1).

8. Ibid, Sec. 1517 (2).

9. Ibid, Sec. 1517 (3).

10. Ibid, Sec. 1517 (4).

11. Ibid, Sec. 1517 (5).

I. General Powers and Duties (Cont'd)

(c) President of Sanatorium: (Cont'd)

(6) Cause full and fair accounts and records of the conditions and prospects of the patients to be kept regularly from day to day, in books provided for that purpose; and see that such accounts and records are in condition and are fully and properly inspected by the Executive Board at each regular meeting thereof; and that the principal facts and results, with a report thereon, are presented to the Executive Board at each regular meeting of the Board. 12/

(7) Conduct the official correspondence of the Sanatorium and keep a record or copy of letters written and files of all letters received. 13/

(8) Prepare and present to the Executive Board annually a true and perfect inventory of all the personal property and effects belonging to the Sanatorium, and account when required by the Board, for the careful keeping and economical use of all furnishings, stores, and other articles furnished for the Sanatorium. 14/

II. Composition and Appointment of Governing Body

The State Board of Examiners consists of the Governor, the Secretary of State, and the Attorney General. 15/

Executive Board:

The Governor, by and with the advice and consent of the State Board of Examiners, appoints 2 citizens of the State, one of whom must be a physician, who, together with the President of the Sanatorium as ex officio member, constitutes the Executive Board of the Sanatorium. The ex officio member holds office as long as he is President of the institution, and the 2 members appointed by the Governor hold office for 4-year rotating terms. Compensation is fixed by the Board of Examiners not to exceed \$5 per day (or \$125 per year) and expenses while carrying out duties. Two members constitute a quorum. 16/

The Executive Board must appoint a secretary of the Board, who may also act as Treasurer and who may or may not be a member of the Executive Board. The Treasurer of the Executive Board is treasurer of the institution. 17/

12. Rev. Codes Ann. (1935), Sec. 1517 (6).

13. Ibid, Sec. 1517 (7).

14. Ibid, Sec. 1517 (8).

15. Constitution, Art. VII, Sec. 20; Rev. Codes Ann. (1935), Sec. 116, 232.

16. Rev. Codes Ann. (1935), Sec. 1512.

17. Ibid, Sec. 1518.

III. Reports

The Executive Board must annually make a detailed statement and report of all its transactions and of the condition of the institution, including the number of physicians and other employees, with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of the institution, which report must contain such other information or recommendations as required by the State Board of Examiners, and the State Board of Examiners has authority to call for a report and statement from the Executive Board at any time it deems advisable, which must be immediately furnished upon request. All such reports by the Executive Board must be made in duplicate; one copy must be retained by the Board and the other copy filed with the State Board of Examiners. 18/

IV. Executive

The Governor, by and with the advice and consent of the State Board of Examiners, must appoint a President of the Sanatorium, who must be a well educated physician, legally qualified to practice medicine in Montana, with an experience of at least 6 years in the actual practice of his profession, including at least a year's actual experience in a general hospital, and reasonable experience in the treatment of tuberculosis. The President may be discharged or suspended at any time by the State Board of Examiners at its discretion. 19/ His compensation is fixed by the State Board of Examiners. 20/

V. Staff

All medical assistants must be appointed by the Executive Board. They must be well educated physicians, legally qualified to practice medicine in Montana, and must have an experience of at least 2 years in the actual practice of the profession, including at least one year's actual experience in a general hospital. 21/ Their salaries are fixed by this Board of Examiners. 20/

Subject to approval of the State Board of Examiners the Executive Board must establish such by-laws, rules and regulations as it deems necessary for regulating the appointment and duties of officers and employees of the Sanatorium. 18/

The President must appoint such employees as are necessary and proper for a due administration of the affairs of the institution, prescribe their duties and offices, and, subject to the approval of the State Board of Examiners, fix their compensation within the appropriation fixed therefor. 22/

18. Rev. Codes Ann. (1935), Sec. 1513.

19. Ibid, Sec. 1516.

20. Ibid, Sec. 1524 (3).

21. Ibid, Sec. 1519.

22. Ibid, Sec. 1517 (1).

There is also the following provision: The State Board of Examiners has the power and it is its duty to confer upon the President and Executive Board of the institution such authority relative to the immediate control and management, other than financial, and the selection of employees, as it deems expedient and for the best interests of the institution. Rev. Codes Ann. (1935), Sec. 1524 (40).

VI. Financial Provisions

The Tuberculosis Sanatorium is financed by appropriations from the general fund of the State. 23/

Amount of Appropriation:

For the fiscal biennium beginning July 1, 1935 and ending June 30, 1937 there is appropriated the sum of \$155,000. 23/

Limitation of Funds:

Salaries and expenses \$155,000 23/

23. Laws (1935), H. B. 489, p. 464, 467.

STATE BOARD OF EDUCATION

(Statutory Body)

I. General Powers and Duties

(1) The State Board of Education must have general control and supervision of the State Orphans' Home, State Industrial School, State Vocational School for Girls, and the State School for the Deaf and Blind (and State Training School for Feeble-minded Persons.) 1/

(2) The Board must adopt rules and regulations not inconsistent with the Constitution and laws of this State, for its own government, and proper and necessary for the execution of the powers and duties conferred upon it by law. 1/

(3) The Board must have, when not otherwise provided for by law, control of all books, records, buildings, grounds and other property of the institutions named herein. 1/

(4) The Board has power and it is its duty to receive from the State Board of Land Commissioners, or other boards, or persons, or from the Government of the United States, any and all funds, incomes, and other property to which any of the institutions may be entitled, and to use and appropriate the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of the institutions. 1/

(5) The Board must choose and appoint a President and faculty for each of the various State institutions named herein, and fix their compensation. 1/

(6) The Board has power and it is its duty to confer upon the Executive Board of each of the institutions such authority relative to the immediate control and management, other than financial, and the selection of faculty, teachers, and employees as may be deemed expedient, and may confer upon the President and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the institutions. 1/

II. Composition and Appointment of Governing Body

The State Board of Education consists of 11 members, of which number the Governor, State Superintendent of Public Instruction and Attorney General are ex officio members. 2/

1. Rev. Codes Ann. (1935), Sec. 836.

2. Ibid, Sec. 830.

II. Composition and Appointment of Governing Body (Cont'd)

The Governor appoints, by and with the advice and consent of the Senate, the remaining 8 members of the Board. Such appointments are made in the following manner: The appointees are equally divided between the first and second congressional districts of the State and are so selected that not more than 4 of such members are affiliated with the same political party. The terms of office are 4 years. 3/

A majority constitutes a quorum. 4/ The members receive no compensation, but are allowed actual expenses. Regular meetings are held quarterly. 5/

The Governor is president of the Board, the Superintendent of Public Instruction is the secretary, and the State Treasurer is the treasurer. 6/

III. Reports

The Board has power and it is its duty to make an annual report on or before the first day of January each year, which may be printed under the direction of the State Board of Examiners. 7/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

There is an appropriation out of the Common School Equalization Fund of \$1,800 per year for a clerk. 8/

VI. Financial Provisions

The State Board of Education is financed by appropriations from the general fund of the State. 8/

Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated out of the State general fund and out of the Common School Equalization Fund to the State Board of Education, the sum of \$5,500. 8/

Limitation of Funds: 8/

Out of the State general fund:

Salaries and expenses \$1,900 8/

Out of Common School Equalization Fund:

Salary of one clerk 3,600 8/

3. Rev. Codes Ann. (1935), Sec. 831.
4. Ibid, Sec. 834.
5. Ibid, Sec. 835.

6. Ibid, Sec. 833.
7. Ibid, Sec. 836.
8. Laws (1935), H.B. 532, p. 490, 503.

EXECUTIVE BOARD OF THE STATE ORPHANS' HOME 1/

(Statutory Body)

I. General Powers and Duties(a) Executive Board (Board of Trustees):

(1) The Executive Board has such immediate direction and control, other than financial, of the affairs of the Home as may be conferred on it by the State Board of Education, subject always to the supervision and control of the State Board of Education. 2/

(2) The Executive Board also has power and authority in contracting current expenses, and in auditing, paying, and reporting bills for salaries, or other expenses incurred in connection with the Home; provided, the Board of Examiners may not limit the power of the Executive Board in making expenditures or contracts which in no single instance or for any single purpose exceed \$250. 2/

(3) The Executive Board is authorized, at its discretion, to provide free education at the expense of the State Orphans' Home for any orphan, foundling, or destitute child who now is, or may hereafter be admitted to the Home. 3/

(4) It is the duty of the Executive Board to keep a record of the habits and scholarship of all inmates of the institution, and the Board must annually on or before the first day in August of each year, certify to the State Board of Education the names of the inmates designated by the Board as eligible to the free education provided for in this Act. Not more than 2 persons from the Home may be designated as eligible to the education provided for in this Act. The Executive Board must fairly and impartially select from the institution the 2 inmates thereof, chosen by the Superintendent and Executive Board as eligible to free education provided for by this Act. 4/

1. Rev. Codes Ann. (1935), Sec. 1484.

Admission: Every orphan, foundling, or destitute child, under 12 years of age, of sound mind and body, must be received into the Home at the expense of the State. Children over 12 and under 16, and children with slight physical defects, may be admitted to the Home if deemed advisable by the Board of Trustees. The Board of Trustees may return to any county any child not a proper subject for the institution. Ibid, Sec. 1485. Application for admission must be made to the judge of the district court. Ibid, Sec. 1503. The court may also commit children to the Home. Ibid, Sec. 1504. See "District Court".

2. Rev. Codes Ann. (1935), Sec. 847.

3. Ibid, Sec. 1492.

4. Ibid, Sec. 1495.

Any inmate of the State Orphans' Home who, while in the Home, has completed the course of study there given, and has shown evidence of studious and industrious habits, is entitled upon recommendation of the (Footnote forwarded)

I. General Powers and Duties (Cont'd)

(a) Executive Board (Board of Trustees): (Cont'd)

(5) The Executive Board must designate the particular educational institution to which each student may be sent. 5/

(b) State Board of Education:

(1) The State Board of Education must have general control and supervision of the State Orphans' Home. 6/

(2) The State Board of Education has power to confer upon the Executive Board of the School such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees as may be deemed expedient, and may confer upon the President (Superintendent) and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the School. 7/

(3) The Board affords to all pupils under its charge such literary, technical, industrial, and other education as can be made beneficial to them. 8/

(4) The Board of Education has power, and it is its duty from time to time, as means may be provided and placed at its disposal, to provide suitable grounds and buildings and make purchases or leases thereof for the use of the Home. 9/

(Footnote #4 - Continued)

Executive Board, to receive free education, at the expense of the State, for a period of 4 years at either the State University, the State Normal College, the State Agricultural College, or the State School of Mines, and is likewise entitled to receive at the expense of the State the necessary high school or other training, if any be needed, to enable such student to enter any of the institutions of higher learning herein mentioned. Rev. Codes Ann. (1935), Sec. 1493.

5. Rev. Codes Ann. (1935), Sec. 1496.

Any inmate of the Home, while attending high school, college, or any other educational institution, remains subject to the control of the Executive Board, and the Board has authority to discontinue the free education of any student whenever, in its judgment, the character, habits, or scholarship of the student are such that the student no longer merits the benefits of such free education. Ibid, Sec. 1496.

6. Rev. Codes Ann. (1935), Sec. 836.

Note: Ibid, Section 1486 provides as follows: The general supervision and control of the State Orphans' Home is vested in the State Board of Education and a local Executive Board.

7. Rev. Codes Ann. (1935), Sec. 836.

8. Ibid, Sec. 1490.

9. Ibid, Sec. 1498.

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body" under "State Board of Education".

The Executive Board consists of 3 members, 2 of whom are appointed by the Governor, by and with the consent of the State Board of Education. The Superintendent of the Home is an ex officio member and chairman of the Executive Board. 10/ The chairman holds office as long as he is head of the Home. The 2 members appointed by the Governor hold office for the term of 4 years. 11/ Each of the members of the Board, except the chairman, receives such compensation for his services as may be fixed by the State Board of Education, not exceeding the sum of \$5 for each day actually spent in the discharge of his official duties, and not exceeding the sum of \$125 in any one year for each member. Each member must also be reimbursed from the amount appropriated by the Legislature for the maintenance and support of the institution, all expenses necessarily incurred by him in discharge of his official duties. 12/

At least 2 of the members of the Executive Board must reside in the county where the institution is located. 13/

III. Reports

The Executive Board must, on or before the first Monday in June of each year, make a detailed statement and report of all its transactions and of the condition of the institution, including the number of teachers and employees, with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of the institution. This report must contain such other information or recommendations as may be required by the State Board of Examiners, or by the State Board of Examiners and the State Board of Education, and the State Board of Education and the State Board of Examiners have authority to call for a report and statement from the Executive Board at any time the Boards deem it advisable. This report must be made in triplicate; one copy must be retained by the Executive Board, one copy filed with the State Board of Education, and one copy filed with the State Board of Examiners. 14/

The Executive Board must annually on or before the first day in August of each year certify to the State Board of Education the names of the inmates of the Home designated by the Executive Board as eligible to free education. 15/

10. Rev. Codes Ann. (1935), Sec. 842, 843.

11. Ibid, Sec. 844.

12. Ibid, Sec. 846.

13. Ibid, Sec. 842.

14. Ibid, Sec. 848.

15. Ibid, Sec. 1495.

IV. Executive

The State Board of Education has power to employ a Superintendent. 16/ He must be a person of acknowledged ability and fitness for his office, and sustain a good moral character. He has entire control of the educational, moral, and dietetic treatment of the inmates and pupils, and must see that the several employees of the institution faithfully and diligently discharge their respective duties. 17/ The State Board of Education fixes the Superintendent's compensation. 18/

V. Staff

The State Board of Education has power to employ a Matron for the Home. 16/ The Matron, under the direction of the Superintendent, has general supervision of the domestic arrangements of the institution, and must do what she can to promote the comfort and welfare of the inmates. 19/ Her compensation is fixed by the State Board of Education. 16/

The Superintendent may employ such attendants, nurses, servants and such other persons as he deems necessary for the efficient and economical management of the institution, and assign them their respective places and duties. 18/ Their compensation is fixed by the State Board of Education. 17/

The State Board of Education appoints the faculty of the State Orphans' Home and fixes their compensation. 18/

VI. Financial Provisions

The State Orphans' Home is financed by appropriations from the general fund of the State. 20/

16. Rev. Codes Ann. (1935), Sec. 1487.

17. Ibid, Sec. 1488.

The State Board of Education, however, may confer upon the Executive Board such authority relative to the immediate control and management of the Home, other than financial, and the selection of faculty, teachers and employees as may be deemed expedient, and may confer upon the President (Superintendent) and faculty of the Home such authority relative to immediate control and management of the Home, other than financial, and the selection of teachers and employees, as the State Board of Education may deem for the best interest of the Home. Ibid, Sec. 836.

18. Rev. Codes Ann. (1935), Sec. 836.

19. Ibid, Sec. 1489.

20. Laws (1935), H. B. 489, p. 463, 465.

VI. Financial Provisions (Cont'd)Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated to the State Orphans' Home the sum of \$165,000. 21/

Limitation of Funds:

Salaries and expenses. \$165,000

21. Laws (1935), H. B. 489, p. 463, 465.

The State Orphans' Home must bear the expense of the education of any orphan, foundling, or destitute child admitted to the Home, and all bills for the same must be presented and paid in the same manner as are other expenses incurred by the Home. Rev. Codes Ann. (1935), Sec. 1494.

EXECUTIVE BOARD OF THE STATE INDUSTRIAL SCHOOL 1/

(Statutory Body)

I. General Powers and Duties

(a) Executive Board (Board of Trustees):

(1) The Board must investigate all charges made by the President against any inmate or inmates of the School, and may, if advisable, return any inmate to the court which made the commitment. 2/

(2) The Board has power, under the direction and subject to the approval of the State Board of Prison Commissioners, to regulate the workings of the School and from time to time, as may be necessary, to erect additional buildings, make necessary improvements, purchase implements needed in any trades taught in the School, and has general supervision and control of the institution, and may make such rules for its management and control as may be necessary; provided, that no rule made by the Board shall be in conflict with the provisions of the Constitution or laws of the State. 3/

1. Purpose of School: The objects and purposes of the State Reform School, as now provided by law, shall be and they are hereby made the objects and purposes of the State Industrial School. And the Board of Trustees of the State Industrial School has and is vested with all the powers, duties and obligations as now pertain to the Board of Trustees of the State Reform School. Rev. Codes Ann. (1935), Sec. 12490.

Commitments: The School is for the keeping and reformatory training of all youths between 8 and 21 years who are residents of the State who have been committed to the School by a duly authorized court. Ibid, Sec. 12494. No boy or girl who is not of sound intellect, free from cutaneous or other contagious disease, or who is subject to epileptic or other fits may be committed to the School. Ibid, Sec. 12503. The judge of any district court of any county may proceed under the provisions of this Act, provided that all proceedings before the district court may be reviewed on writ of error by the supreme court. Ibid, Sec. 12505. Every boy or girl must remain in the School until he or she reaches 21 years of age, unless paroled or legally discharged. Ibid, Sec. 12506. The Board of Trustees may parole inmates after one year's incarceration. Ibid, Sec. 12508.

2. Rev. Codes Ann. (1935), Sec. 12497.

3. Ibid, Sec. 12500.

There is footnoted to this section in the statute the following:

"Note: See section 12493". Section 12493 provides: "The general supervision and control of the State Industrial School is vested in the State Board of Education and a local Executive Board, as provided in sections 836 and 842 of the Political Code".

I. General Powers and Duties (Cont'd)(a) Executive Board (Board of Trustees): (Cont'd)

(3) The Board may, after a boy or girl has been in the School for a period of one year, discharge or release such boy or girl on parole, but in all cases where a boy or girl is released on trial or parole, he or she must, at stated intervals, report on his or her conduct to the President, and present certificates of good behavior; whereupon his or her leave may be extended, or the Board of Trustees by unanimous vote may grant him or her a full and unconditional pardon and order him or her finally released. It is the duty of the President to recall any boy or girl who might not be conducting himself or herself properly, or any boy or girl who may not have a suitable home. 4/

(4) The Executive Board has such immediate direction and control, other than financial, of the affairs of the School as may be conferred on it by the State Board of Education, subject always to the supervision and control of the State Board of Education. 5/

(5) The Executive Board also has power and authority in contracting current expenses, and in auditing, paying, and reporting bills for salaries, or other expenses incurred in connection with the School; provided, the Board of Examiners may not limit the power of the Executive Board in making expenditures or contracts which in no single instance or for any single purpose exceed \$250. 5/

(b) State Board of Education:

(1) The State Board of Education must have general control and supervision of the State Industrial School. 6/

(2) The State Board of Education has power and it is its duty to confer upon the Executive Board such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees as may be deemed expedient, and may confer upon the President and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the School. 6/

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body" under "State Board of Education".

4. Rev. Codes Ann. (1935), Sec. 12508.

5. Ibid, Sec. 847.

6. Ibid, Sec. 836.

II. Composition and Appointment of Governing Body (Cont'd)

The Executive Board consists of 3 members, 2 of whom are appointed by the Governor, by and with the consent of the State Board of Education. The President (Superintendent) of the School is an ex officio member and chairman of the Executive Board. The chairman holds office as long as he is head of the School. The 2 members appointed by the Governor hold office for the term of 4 years. 7/ Each of the members of the Board, except the chairman, receive such compensation for his services as may be fixed by the State Board of Education, not exceeding the sum of \$5 for each day actually spent in the discharge of his official duties, and not exceeding the sum of \$125 in any one year for each member. Each member must also be reimbursed from the amount appropriated by the Legislature for the maintenance and support of the institution, all expenses necessarily incurred by him in discharge of his official duties. 8/

At least 2 of the members of the Executive Board must reside in the county where the institution is located. 9/

III. Reports

The Executive Board must, on or before the first Monday in June of each year, make a detailed statement and report of all its transactions and of the condition of the institution, including the number of teachers, professors and employees, with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of the institution. This report must contain such other information or recommendations as may be required by the State Board of Examiners, or by the State Board of Examiners and the State Board of Education, and the State Board of Education and the State Board of Examiners have authority to call for a report and statement from the Executive Board at any time the Boards deem it advisable. This report must be made in triplicate; one copy must be retained by the Executive Board, one copy filed with the State Board of Education, and one copy with the State Board of Examiners. 10/

The Board of Trustees must report biennially to the Governor the list of employees and inmates, an account of expenditures, and as near as possible the advancement made by the inmates. The report must also show the needs of the School as far as buildings and improvements are concerned and may recommend the passage of any laws it may deem necessary for the benefit of the School. 11/

The President of the School at the close of each year must report to the Board of Trustees. 12/

-
7. Rev. Codes Ann. (1935), Sec. 842, 843, 844.
 8. Ibid, Sec. 846.
 9. Ibid, Sec. 842.
 10. Ibid, Sec. 848.
 11. Ibid, Sec. 12502.
 12. Ibid, Sec. 12501.

IV. Executive

The State Board of Education must employ a President and a Matron of the School. It is the duty of the President to take charge of the School, and have immediate control of the male department, and the Matron has control of the female department. The President has entire supervision of the School, subject, however, to the control of the State Board of Education; he holds office during the pleasure of the State Board of Education. 13/ The compensation of the President and Matron of the School is fixed by the State Board of Education. 14/

V. Staff

The State Board of Education appoints the faculty of the State Industrial School, and fixes their compensation. 14/

The local Executive Board appoints such other officers, teachers and employees as may be necessary for the management of the School. 13/ Their compensation is fixed by the State Board of Education. 14/

The Executive Board must investigate complaints made against the Director, Matron or other employee of the Reform School (Industrial School) and for good and sufficient reason, must remove the person against whom such complaint is made. 15/

VI. Financial Provisions

The State Industrial School is financed by appropriations from the general fund of the State. 16/

Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated to the State Industrial School the sum of \$108,000. 16/

Limitation of Funds:

Salaries and expenses. \$108,000 16/

13. Rev. Codes Ann. (1935), Sec. 12496.

14. Ibid, Sec. 836.

The State Board of Education, however, may confer upon the Executive Board such authority relative to the immediate control and management of the School, other than financial, and the selection of faculty, teachers and employees as may be deemed expedient, and may confer upon the President and faculty of the School such authority relative to the immediate control and management of the School, other than financial, and the selection of teachers and employees as the State Board of Education may deem for the best interests of the School. Ibid.

15. Rev. Codes Ann. (1935), Sec. 12497.

16. Laws (1935), H. B. 489, p. 463,465.

EXECUTIVE BOARD OF THE
STATE VOCATIONAL SCHOOL FOR GIRLS 1/
(Statutory Body)

I. General Powers and Duties

(a) Executive Board:

(1) The Executive Board has such immediate direction and control, other than financial, of the affairs of the School as may be conferred on it by the State Board of Education, subject always to the supervision and control of the State Board of Education. 2/

(2) The Executive Board also has power and authority in contracting current expenses, and in auditing, paying, and reporting bills for salaries, or other expenses incurred in connection with the School; provided, the Board of Examiners may not limit the power of the Executive Board in making expenditures or contracts which in no single instance or for any single purpose exceed \$250. 2/

(3) The Executive Board is authorized to receive in the name of the State any and all donations, gifts, or contributions to the School, whether in money, lands, labor, material or supplies. 3/

(4) The Executive Board has power and authority, under the direction and subject to the approval of the Governor and State Board of Education, to regulate the activities of the School, and from time to time, as may be necessary, to erect additional buildings, make necessary improvements, purchase machinery, tools and implements to be used in any industrial activities taught in the School, and has general supervision and control of the institution, and may make such rules for its management and control as may be necessary; provided, that no rule made by the Board may be in conflict with the provisions of the Constitution or laws of the State; and provided further, that such buildings and improvements must not exceed in cost the sum appropriated for such purpose. 4/

1. Rev. Codes Ann. (1935), Sec. 12519.

Commitments: When any girl between the ages of 8 and 18 years, in any court of record or by any judge of the district court, is found guilty of any crime except murder or manslaughter, or if, for want of proper parental care is growing up as a mendicant, vagrant or delinquent, the court may upon complaint thereof, and a hearing thereon, commit the girl to the School. Ibid, Sec. 12535. No girl may be committed who is subject to epileptic fits. The girl must be possessed of that degree of mental and bodily health which renders her a fit subject for the training of the School. Ibid, Sec. 12536. All proceedings of the district court may be reviewed on writ of error by the supreme court. Ibid, Sec. 12538.

2. Rev. Codes Ann. (1935), Sec. 847.

3. Ibid, Sec. 12524.

4. Ibid, Sec. 12534.

I. General Powers and Duties (Cont'd)(a) Executive Board: (Cont'd)

(5) The Executive Board may at any time, if a girl has been in the State Vocational School for a period of one year, discharge or release such girl on trial or parole, but in all cases where she is released on trial or parole she must at stated intervals report her conduct to the Principal and present certificates of good behavior, whereupon her leave may be extended. It is the duty of the Principal to recall any girl who is not conducting herself properly, or who may not have a suitable home. 5/

(b) State Board of Education:

(1) The State Board of Education must have general control and supervision of the State Vocational School for Girls. 6/

(2) The State Board of Education has power and it is its duty to confer upon the Executive Board of the School such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees as may be deemed expedient, and may confer upon the President (Principal) and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the School. 7/

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body" under "State Board of Education".

The local Executive Board consists of 3 members, 2 of whom must be women and all of whom must be citizens of the State, appointed by the Governor, by and with the consent of the State Board of Education, and the Principal of the institution is ex officio a member of the Executive Board, without vote. 8/ The ex officio member holds office while head of the School, and those members appointed by the Governor hold office for 4-year rotating terms. 9/ The Board elects one of its members as chairman and another as secretary. 10/ The regular meetings are held quarterly, and special meetings may be held by order of the chairman or any 2 members of the Board. Each member receives for his or her services as member of the Board, \$5 per day and traveling expenses. 11/

5. Rev. Codes Ann. (1935), Sec. 12541.

6. Ibid, Sec. 836.

Note: Ibid, Sec. 12522 provides: The local Executive Board shall have general supervision and control of the institution.

7. Rev. Codes Ann. (1935), Sec. 836.

8. Ibid, Sec. 12522.

9. Ibid, Sec. 12531.

10. Ibid, Sec. 12524.

11. Ibid, Sec. 12528.

III. Reports

The Executive Board must on or before the first Monday in June each year, make a detailed statement and report of all its transactions and of the condition of the institution, including the number of teachers, and employees, with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of the School. This report must contain such other information or recommendations as may be required by the State Board of Examiners or the State Board of Education. 12/ This report must be made in triplicate; one copy must be retained by the Executive Board, one copy filed with the State Board of Education, and one copy with the State Board of Examiners. 13/

The Principal of the School must report to the Executive Board at each of its regular meetings. 14/

IV. Executive

The Executive Board must secure and employ, as Principal of the State Vocational School for Girls, a thoroughly competent and qualified woman whose training in the management of such an institution would make her eligible for such position; the appointment to be subject to the approval of the Governor and the State Board of Education. 15/ Her salary is fixed by the Executive Board with approval of the State Board of Education. 16/

V. Staff

The Principal may appoint and discharge all employees, teachers and other persons connected with the institution. 14/ Salaries are fixed by the Executive Board with approval of the State Board of Education. 16/

12. Rev. Codes Ann. (1935), Sec. 12530.

13. Ibid, Sec. 848.

14. Ibid, Sec. 12529.

Note: Ibid, Sec. 836 provides: The State Board of Education appoints the President (Principal) and faculty for the State Vocational School for Girls and fixes their compensation. The State Board of Education has power and it is its duty to confer upon the Executive Board of the School such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees as may be deemed expedient, and may confer upon the President (Principal) and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the School.

15. Rev. Codes Ann. (1935), Sec. 12525.

16. Ibid, Sec. 12532.

VI. Financial Provisions

The State Vocational School for Girls is financed by appropriations from the general fund of the State. 17/

Amount of Appropriation:

For the period beginning July 1, 1935 and ending June 30, 1937 there is appropriated to the State Vocational School for Girls the sum of \$57,000. 17/

Limitation of Funds: 17/

Salaries and expenses. \$57,000

17. Laws (1935), H. B. 489, p. 463, 466.

EXECUTIVE BOARD OF THE STATE SCHOOL FOR THE DEAF AND BLIND 1/

AND STATE TRAINING SCHOOL FOR FEEBLE-MINDED PERSONS 2/

(Statutory Body)

I. General Powers and Duties

(a) Executive Board (Board of Trustees):

(1) The Executive Board has such immediate direction and control, other than financial, of the affairs of the School for the Deaf and Blind as may be conferred on it by the State Board of Education, subject always to the supervision and control of the State Board of Education. 1/

(2) The Executive Board also has power and authority in contracting current expenses, and in auditing, paying, and reporting bills for salaries, or other expenses incurred in connection with the School; provided, the Board of Examiners may not limit the power of the Executive Board in making expenditures or contracts which in no single instance or for any single purpose exceed \$250. 1/

1. Rev. Codes Ann. (1935), Sec. 847.

Purpose of School for the Deaf and Blind (and Training School for Feeble-minded Persons): The object of the School is to teach the English language to all deaf and dumb children of the State, and to furnish all children who are debarred from the public schools by reason of deafness, dumbness, blindness or feeble-mindedness, with at least an ordinary public school education in all customary branches, and to train them into mastery of such trades as may enable them to become independent and self-sustaining citizens. This provision applies to the female as well as the male department of the School. Ibid, Sec. 1458.

County School Superintendent: The County Superintendent of Schools must, on or before October 1st of each year, send to the Superintendent of the School a complete list of the names, ages and addresses of all deaf and blind or feeble-minded persons, between the ages of 5 and 21 years, residing in the school district. Ibid, Sec. 1465.

Admission of Deaf and Blind Pupils: All pupils of the School are entitled to 10 years of attendance at the School. Upon special petition to the State Board of Education, any pupil who has completed the course of 10 years, and his petition is approved by the Superintendent, must be allowed 2 additional years in the School; provided, that the grant of 2 additional years must be conditioned upon the previous record of the petitioner as a pupil, and as a moral character in the School. The Board must judge as to the justice and utility of granting any extension of time to the petitioner. Any pupil may be suspended or expelled for insubordination or other good and sufficient cause. Ibid, Sec. 1461.

Deaf and blind persons not resident in the State may be admitted to the School, subject to all the personal qualifications prescribed for resident pupils, but not until the payment in advance of a sum of money, the amount of which must be determined by careful estimate of the whole (Footnotes forwarded)

I. General Powers and Duties (Cont'd)(a) Executive Board (Board of Trustees): (Cont'd)

(3) The Board of Trustees of the School for the Deaf and Blind and the Superintendent have general control and supervision of the feeble-minded department. 3/

(Footnote #1 - Continued)

per capita cost of maintaining the School during the year immediately preceding the date of application by the non-resident deaf or blind person; provided, that no non-resident deaf or blind person shall be admitted to the exclusion or detriment of any resident deaf or blind person. Rev. Codes Ann. (1935), Sec. 1462.

2. Establishment of Training School for Feeble-minded Persons: There is established at Boulder, Montana, in connection with, and under the control of, the State School for the Deaf and Blind, a State Training School for Feeble-minded Persons, for the training and detention of epileptics and feeble-minded minors and adults. Rev. Codes Ann. (1935), Sec. 1474.

Admissions of Feeble-minded and Epileptic Persons: All feeble-minded persons, resident in the State and qualified after the general manner prescribed in Section 1461, supra, must be admitted into the School; provided, that every such person must be capable, in the judgment of the trustees, of at least some mental, moral, or physical training such as falls within the proper function of a School as distinct from an asylum. Ibid, Sec. 1464.

Application for admission to the School may be made to the district court, or to a judge thereof, by any parent or by any person entitled to legal custody of the subject, by a superintendent of the County Hospital, by any officer of the State Bureau of Child and Animal Protection or by the subject in person; provided, a copy of the application for admission, together with a copy of the order of the court or judge fixing the time and place for hearing, must be served upon the parent or legal guardian, and upon the subject at least 5 days before day fixed for hearing. The application must state the age, sex, race, general mental, moral and physical condition, residence and family history of the proposed inmate, and that the proposed inmate is to be a county charge of the county of which he is a resident at the time of application, and such other facts as are required by rules of the court. Ibid, Sec. 1475.

Citizens of the State who are afflicted with epilepsy may also be admitted to the School, under such rules and regulations as the local Executive Board may from time to time make, subject to the approval of the State Board of Education, and when suitable buildings have been provided. Ibid, Sec. 1477. The laws applicable to admission, care and control of feeble-minded inmates apply, as far as possible, to the admission, care and control of the epileptics. Ibid, Sec. 1478.

3. Rev. Codes Ann. (1935), Sec. 1464.

Removal of Inmates from School: No inmate (adult or minor) may be removed from the School, permanently or temporarily, except upon a written order of the Superintendent, or upon an order of any district court of the State. The costs of such court action must be borne by the party bringing the action. Any order of the district court pursuant (Footnotes forwarded)

I. General Powers and Duties (Cont'd)

(a) Executive Board (Board of Trustees): (Cont'd)

(4) The Board is empowered to ascertain and establish certain tests for feeble-minded applicants to the School, which tests must be thoroughly and impartially applied to each case before final admission to the School. It is the object of these tests to ascertain in each case if there is any capacity for mental, moral or physical training; and provided further that as soon as possible, in the judgment of the Board, by and with the consent of the State Board of Education, a separate building and premises, adjoining and yet distinct from those for the deaf and blind, must be provided for such feeble-minded persons, which building and premises must be more especially adapted to the peculiar needs of the feeble-minded class of persons. 3/

(5) The Board is authorized to retain in the care of the School for life, such feeble-minded pupils over the age of 21 who are not mentally fit to make their way or become useful members of society. 3/

(6) The authorities of the School are directed to establish a farm colony for the feeble-minded on the ranch belonging to the School. 4/

(b) State Board of Education:

(1) The State Board of Education must have general control and supervision of the State School for the Deaf and Blind (and State Training School for Feeble-minded Persons). 5/

(2) The State Board of Education has power to confer upon the Executive Board of the School such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees as may be deemed expedient, and may confer upon the President (Superintendent) and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the School. 6/

(3) The State Board of Education directs the President (Superintendent) of the School in the preparation of a course of study and determination of the training to be given all or any of the inmates of the School. 7/

(Footnote #3 - Continued)

to such removal may be reviewed by the supreme court on appeal within 60 days of the order. Rev. Codes Ann. (1935), Sec. 1482.

4. Rev. Codes Ann. (1935), Sec. 1464. The adult feeble-minded, under skilled supervision, are required by their labor to contribute as far as possible to their own support, and to the support of the School. Ibid.

5. Rev. Codes Ann. (1935), Sec. 836.

Note: Ibid, Sec. 1459 provides as follows: The general supervision and control of the State School for the Deaf and Blind is vested in the State Board of Education and a local Executive Board.

6. Rev. Codes Ann. (1935), Sec. 1481.

7. Ibid, Sec. 836.

I. General Powers and Duties (Cont'd)(b) State Board of Education:

(4) The Board must admit to the School, according to its own prescribed rules and regulations, all deaf, dumb, blind and feeble-minded persons residing in the State, between the ages of 6 and 21, who are not unsound of mind or dangerously diseased in body, or of confirmed immorality, or incapacitated for useful instruction by reason of physical disability. 8/

(5) The Board has power to receive, hold, manage and dispose of any and all real and personal property made over to it by purchase, gift, devise, bequest, or otherwise, the proceeds and interests thereof to be for the use and benefit of the School. 9/

(6) The Board must see to it that all work necessary to be done for the School, such as carpentering, printing, painting, baking, etc., shall be done by the pupils under the supervision of competent foremen and teachers, permanently or temporarily employed for that purpose. 10/

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body" under "State Board of Education".

The Executive Board consists of 3 members, 2 of whom are appointed by the Governor, by and with the consent of the State Board of Education. The President (Superintendent) of the School is an ex officio member and chairman of the Executive Board. 11/ The chairman holds office as long as he is head of the School. The 2 members appointed by the Governor hold office for the term of 4 years. 12/ Each of the members of the Board, except the chairman, receives such compensation for his services as may be fixed by the State Board of Education, not exceeding the sum of \$5 for each day actually spent in the discharge of his official duties, and not exceeding the sum of \$125 in any one year for each member. Each member must also be reimbursed from the amount appropriated by the Legislature for the maintenance and support of the institution, all expenses necessarily incurred by him in discharge of his official duties. 13/

At least 2 of the members of the Executive Board must reside in the county where the institution is located. 14/

8. Rev. Codes Ann. (1935), Sec. 1461.

9. Ibid, Sec. 1470.

10. Ibid, Sec. 1458.

11. Ibid, Sec. 842, 843.

12. Ibid, Sec. 844.

13. Ibid, Sec. 846.

14. Ibid, Sec. 842.

III. Reports

The Executive Board must, on or before the first Monday in June of each year, make a detailed statement and report of all its transactions and of the condition of the institution, including the number of teachers, professors and employees, with the salary or wages paid to each and a detailed statement of all expenses and disbursements of the institution. This report must contain such other information or recommendations as may be required by the State Board of Examiners, or by the State Board of Education and the State Board of Education and the State Board of Examiners have authority to call for a report and statement from the Executive Board at any time the Boards deem it advisable. The report must be made in triplicate; one copy must be retained by the Executive Board, one copy filed with the State Board of Education, and one copy with the State Board of Examiners. 15/

IV. Executive

The State Board of Education appoints a President (Superintendent) of the School for the Deaf and Blind and fixes his compensation. 16/

V. Staff

The State Board of Education appoints the faculty of the School for the Deaf and Blind, and fixes their compensation. 16/

The Board of Trustees (Executive Board) of the School, after consultation with, and at the request of the Superintendent (President), may appoint an assistant superintendent, together with especially trained teachers and attendants, whenever in their judgment the feeble-minded department seems to need such additional attention and supervision. 17/

VI. Financial Provisions

The State School for the Deaf and Blind is financed by appropriations from the general fund of the State. 18/

15. Rev. Codes Ann. (1935), Sec. 848.

16. Ibid, Sec. 836.

The State Board of Education, however, may confer upon the Executive Board of the School such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees as may be deemed expedient, and may confer upon the President (Superintendent) and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employees, as may by the Board be deemed for the best interest of the School. Ibid.

17. Rev. Codes Ann. (1935), Sec. 1464.

18. Laws (1935), H. B. 489, p. 462, 465.

A Deaf and Dumb Fund is created, in which all moneys for the use of the School must be kept by the State Treasurer. Rev. Codes Ann. (1935), Sec. 1473.

(Footnote forwarded)

VI. Financial Provisions (Cont'd)Amount of Appropriation:

For the fiscal year ending June 30, 1937 there is appropriated to the State School for the Deaf and Blind the sum of \$265,000. 18/

Limitation of Funds:

Salaries and operation.	\$243,318
For capital, repairs, etc.	<u>21,682</u>
Total.	\$265,000

(Footnote #18-Continued)

No moneys belonging to the Deaf and Dumb Fund created by sections 1472, 1473 of this Code, may be otherwise expended than for the deaf and dumb department alone of this School; and no moneys belonging to any fund which may hereafter be created especially for the blind or the feeble-minded department of this School may be otherwise expended than for such department alone, as is expressly designated in the Act or Acts creating the fund or funds. Rev. Codes Ann. (1935), Sec. 1469.

In all cases where a person sent to the School is too poor to pay for necessary clothing and transportation, the judge of the district court of the district where the person resides, upon application of any relative or friend, or of any officer of the county where the person resides, must, if he deems the person a proper subject, make an order to that effect, which must be certified by the clerk of the court to the Superintendent of the School, who must then provide the necessary clothing and transportation at the expense of the county, and upon his rendering his proper accounts therefor quarterly, the Board of County Commissioners must allow and pay the same out of the county treasury. Ibid, Sec. 1463.

The expenses of examination, transportation and clothing of the inmates admitted on application as provided, must be paid by the county from which the inmates were committed, upon the rendering of a sworn itemized account of the expenses, and the county in turn must collect, in its own name, from the parents, guardians or estates of the inmates, provided they are financially able to meet such expenses. The inmate, whether a minor or adult, remains a county charge so long as he is in the School. Ibid, Sec. 1480.

STATE BOARD OF PARDONS

(Statutory Body) 1/

I. General Powers and Duties

(1) The Board must hold regular monthly meetings, and such special meetings as the president, or any 2 members, may direct. 2/

(2) The Governor has power to grant pardons, remit fines and forfeitures, and to grant commutations; provided that the action of the Governor concerning the same is approved by the Board. 1/

(3) Upon receipt of notice in writing from the Governor that he has granted a pardon, remitted a fine, commuted a sentence, the Board must immediately convene for the consideration thereof. 3/

(4) At the hearing the Board must cause to be kept a record of all persons appearing either for or against the person pardoned by the Governor, and the testimony of all persons giving evidence before the Board. 4/

(5) Within 20 days after the hearing of any case the Board must file with the Secretary of State its decision in writing, together with all papers used in each case, and transmit a copy of the decision to the Governor. 5/

(6) The Board must keep a record of its proceedings, in which must appear a copy of all notices of the granting of pardons, the remission of fines, the commutation of punishment transmitted by the Governor, with a list of the signatures and recommendations in favor of each applicant; also stating therein: The name of the convict; crime of which he was convicted; term of sentence and its date; date of commutation, pardon, or remission. 6/

(7) The Board may prescribe such rules and regulations for the discharge of its duties, not inconsistent with the provisions of law, as it may deem necessary. 7/

II. Composition and Appointment of Governing Body

The Board of Pardons consists of the Secretary of State, Attorney General, and State Auditor. 1/

-
1. Rev. Codes Ann. (1935), Sec. 12247.
 2. Ibid, Sec. 12248.
 3. Ibid, Sec. 12249.
 4. Ibid, Sec. 12253.
 5. Ibid, Sec. 12255.
 6. Ibid, Sec. 12257.
 7. Ibid, Sec. 12258.

III. Reports

The Governor must communicate to the Legislative Assembly at each regular session, each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the Sentence and its date, the date of remission, commutation, reprieve, or pardon, with the reason for granting the same, and the objection, if any, of any of the members of the Board made thereto. 8/

IV. Executive

No provision.

V. Staff

No provision.

VI. Financial Provisions

No provision.

8. Rev. Codes Ann. (1935), Sec. 12259.

DISTRICT COURT

(Constitutional Body) 1/

I. General Powers and Duties

A. Jurisdiction re delinquent children:

(a) District Court:

(1) The District Courts of the several counties in this State have jurisdiction in all cases coming within the terms and provisions of the Act regarding delinquent children. 1/

1. Rev. Codes Ann. (1935), Sec. 12277.

The District Court is created by Constitution (Constitution, Art. VIII, Sec. 11) but juvenile jurisdiction is conferred by statute.

In trials under the Act regarding delinquent children, the child complained against, or any person interested in such child, has the right to demand a trial by jury, which must be granted as in other cases, unless waived or the Judge of his own motion may call a jury to try such case. Rev. Codes Ann. (1935), Sec. 12277.

Definition of Juvenile Delinquent: For the purpose of the Act regarding delinquent children, the words "delinquent child" and "juvenile delinquent person" shall respectively mean and include any child under 18 years of age, who violates any law of this State or any city ordinance of any city or town; or who is incorrigible; or who knowingly associates with a thief or with a vicious or immoral person; or who knowingly visits or lives in a house of prostitution, or in a house of ill fame; or who is growing up in idleness or crime; or who knowingly patronizes or visits any place, house, apartment or building where any gambling devices are, or are run, operated or used, or are kept for such purposes, or where any gambling is done or conducted; or who patronizes or habitually visits any saloon or dram shop, or who purchases at such places any wines, beverages or intoxicating liquors for itself; or who patronizes or visits any poolroom which is run in connection with a saloon or place where any kind of drink is sold; or who patronizes or visits any room where pools are sold at any time; or visits any town or city in the night time, without being on any lawful business or occupation; or who habitually wanders about or visits any railroad yard or tracks, or hooks or jumps on to any moving train or trains; or who enters any car or cars, engine or engines without any lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any schoolhouse or school grounds; or who becomes addicted to the use of spirituous or intoxicating liquors as a beverage, and not for medicinal purposes prescribed by a physician; or who becomes addicted to the use of drugs other than prescribed by a physician or who becomes addicted to the use of cigarettes. Any child under 18 years of age who commits any of the acts or does any of the things mentioned in the above section is deemed a delinquent child, or a juvenile delinquent person, and must be proceeded against as such in the manner hereinafter provided. Rev. Codes Ann. (1935), Sec. 12275.

A deposition of any child under this Act, or any evidence given in such case, is not, in any civil or criminal or other cause or procedure whatever (Footnote forwarded)

I. General Powers and Duties (Cont'd)A. Jurisdiction re delinquent children: (Cont'd)(a) District Court: (Cont'd)

(2) When any child under 18 years of age is taken into custody, or arrested, such child must be taken directly before the District Court, or, if the District Court is not then in session in the county, it may be taken before a Justice of the Peace or Police Magistrate, who must at once notify the Chief Probation Officer of the county, who must make investigation of such case. 2/

(3) Whenever a complaint is made or pending against a boy or girl under 18 years of age for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death, before any Court or Magistrate, it is the duty of such Court or Magistrate at once, and before any other proceedings are had in the cause, to give notice in writing of the pendency of the cause to the Probation Officer of his county. 3/

(4) If, upon consultation with the Probation Officer and examination thereon it appears to the Judge of the Court that the child is not guilty of the offense charged against it, or that the interest of the child will be best subserved thereby, the Court must order that such child not be brought into Court and the cause must be dismissed. 3/

(5) If upon the trial of any child the Court finds that the child is guilty of the offense charged, he may withhold judgment for a definite or indefinite period if it appears that the public and the interest of the child will be best subserved thereby. The Court may order that the child be returned to the care of his or her parents, guardian or friends; or he may commit the child to the care of a Volunteer Probation Officer, who must exercise supervision over it until such time as it is discharged by the Court from supervision upon the recommendation of the Volunteer Probation Officer. 3/

(6) If the parents, parent, guardian, or custodian consent thereto, or if the Court further finds either that the parents, parent, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, educate, or discipline the child, and the Court further finds that it is for the best interest of the child and for the people of this State that the child be taken from the custody of its parents, custodians or guardian, the Court may order the child to be placed in the family of some suitable person when such

(Footnote #1 - Continued)

in any Court lawful or proper evidence against such child for any purpose whatever, except in any subsequent case against the same child prosecuted under this Act. The words "child" or "children" may mean one or more children, and the word "parent" or "parents" may mean one or more parents, when consistent with the intent of this Act. Rev. Codes Ann. (1935), Sec. 12276.

2. Rev. Codes Ann. (1935), Sec. 12280.

3. Ibid, Sec. 12288.

I. General Powers and Duties (Cont'd)

A. Jurisdiction re delinquent children: (Cont'd)

(a) District Court: (Cont'd)

family home is recommended by the Probation Officer of the Court after consultation with those representing the interest of the child, there to remain until he or she has attained the age of 21 years or for any less time; or the Court may order the child to be placed in the home where the county's dependent children are kept; or, if it appears to be for the best interests of the child and such child appears to be in need of institutional training, the Court may order him or her committed to some State institution or some institution of learning managed by a corporation or individual, and devoted to the care of such children, for a definite or indefinite period. 4/

(7) The Judge of any District Court may commit youths between the ages of 8 and 21 years to the State Industrial School. 5/

(8) The Judge of any District Court may commit any girl between the ages of 8 and 18 years who is found guilty of any crime except murder or manslaughter, or if, for want of proper parental care is growing up as a mendicant, vagrant or delinquent, to the State Vocational School for Girls. 6/

(b) Probation Officer:

(1) The Probation Officer must immediately or as soon after notification of the pendency of a cause by the Court or Magistrate, proceed to inquire into, and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of the child, its exact age, habits and school record, and everything that will throw light on its life and character and must make a full report thereon in writing to the Judge of the District Court having charge of such cases, before the cause is tried. 4/

(2) The Probation Officer must attend all hearings, under this Act, and represent the interest of the child and must take charge of any child before or after trial, as the Judge may direct. 4/

(3) The Probation Officer must serve warrants and other process of the Court, within or without the county, and in that respect he is clothed with the powers and authority of a Sheriff. 4/

4. Rev. Codes Ann. (1935), Sec. 12288.

The institution must be situated in the State, and must be inspected at least once a year and approved by the Bureau of Child and Animal Protection and must receive for its services a per diem of 35 cents for each day that such child is in its custody; such per diem to be paid by the county sending the child, upon itemized vouchers duly certified to by the Court. Ibid.

5. Rev. Codes Ann. (1935), Sec. 12494, 12505.

6. Ibid, Sec. 12535.

See "State Vocational School for Girls".

I. General Powers and Duties (Cont'd)B. Jurisdiction re dependent and neglected children:

(1) The District Courts of the several counties have original jurisdiction in all cases of dependent and neglected children. 7/

(2) The Court may, on its own motion, or upon the application of any person interested, require that petitions regarding dependent or neglected children set forth information as to the parentage or relatives of the child and the cause of its dependency. The Court may provide for the temporary care and custody, pending final hearing and disposition of the case, of any child who is in apparent danger of violence or serious injury. 8/

(3) The Court must issue a citation fixing the day and time of hearing of the petition, which citation must be served upon one or both of the parents or guardian of the child, if either can be found in the county. 9/

(4) On the hearing, it is the duty of the Court to investigate the facts and ascertain whether the child is a dependent child and the Court may compel the attendance of witnesses. 10/ If the child is found to be dependent or neglected, the Court may enter an order committing it to the State Orphans' Home; or if, from any other reason, it appears to be to the best interest of the child, the Court may make such disposition of the child as seems best for its moral and physical welfare. 11/

(5) In any case where the Court shall award any dependent child to the care and custody of any association or individual, the child shall, unless otherwise ordered, become a ward of such association or individual, but the Court may change the guardianship of such child if at any time it is made clear to the Court that the same is detrimental to the child or unsatisfactory to the Court. 12/

7. Rev. Codes Ann. (1935), Sec. 10466.

Definitions: The words "dependent child" or "neglected child" mean any child of the age of 16 years or under that age who is dependent upon the public for support, and who is destitute, homeless or dependent, or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill fame or in any house of prostitution, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child, or whose environment is such as to warrant the State, in the interest of the child, to assume its guardianship or support. Ibid, Sec. 10465.

8. Rev. Codes Ann. (1935), Sec. 10467.

9. Ibid, Sec. 10468.

10. Ibid, Sec. 10469.

11. Ibid, Sec. 10470.

Application for admission to the State Orphans' Home must be made to the District Court. Ibid, Sec. 1503.

12. Rev. Codes Ann. (1935), Sec. 10471.

I. General Powers and Duties (Cont'd)

B. Jurisdiction re dependent and neglected children: (Cont'd)

(6) The Court may suspend any sentence imposed upon parents for neglect of the child and may permit any dependent child to remain in the custody of any person upon such conditions, to be prescribed by the Court, as may seem most calculated to remove the cause of dependence or neglect. 13/

(7) The Court may commit any girl between the ages of 8 or 18 years, growing up as a mendicant or vagrant, to the State Vocational School for Girls. 14/

(8) Application for admission to the School for the Feeble-minded may be made to the District Court or to a Judge thereof, by any parent or by any person entitled to the legal custody of the subject, by a Superintendent of the County Hospital, by any officer of the State Bureau of Child and Animal Protection or by the subject in person. 15/

(9) Whenever in divorce proceedings, the District Court deems the parents improper persons to have the care, custody, or control of the children of the marriage, or whenever the abuse of parental authority is established by an action brought for that purpose, the Court may order the child or children committed to the State Orphans' Home, and may order the parents to pay such sum of money as under their circumstances may be just by discretion of the Court, and to be paid monthly to the State to defray the expenses of such child or children, and such sums must be credited to the general fund of the State Orphans' Home. 16/

(10) The District Court may appoint a guardian of the person or property, or both, of a person residing in this State, who is a minor, or of unsound mind. 17/ In all cases the Court making the appointment of a guardian has exclusive jurisdiction to control him. 18/

(11) The Judge of the District Court must examine all persons appearing before him pursuant to the provisions regarding the adoption of children, each separately, and if satisfied that the interests of the child will be promoted by adoption, he must make out an order declaring that the child thenceforth be regarded and treated in all respects as the child of the person adopting. 19/

13. Rev. Codes Ann. (1935), Sec. 10474.

14. Ibid, Sec. 12535.

15. Ibid, Sec. 1475.

See "Admissions of feeble-minded and epileptic persons" under "Executive Board of the State School for the Deaf and Blind (and State Training School for Feeble-minded Persons)" for details of application.

16. Rev. Codes Ann. (1935), Sec. 1504.

17. Ibid, Sec. 5875.

18. Ibid, Sec. 5877.

19. Ibid, Sec. 5862.

I. General Powers and Duties (Cont'd)

C. Appointment of Superintendent and Matron of County Detention Home:

The Judge of the District Court appoints a Superintendent and Matron for the County Detention Home (where established) subject to ratification of the Juvenile Improvement Committee. 20/

D. Jurisdiction re commitment of insane persons:

In all cases of commitment of insane persons by the Chairman of the Board of County Commissioners, proceedings must be examined and certified and approved or rejected by the Judge of the District Court. 21/

II. Composition and Appointment of Governing Body

In each judicial district the Judges of the District Court are elected by the qualified voters of the district. Their terms of office are 4 years each. In the first, second, fourth, eighth, thirteenth and sixteenth districts there are 2 Judges for the district, and in all other districts, one Judge. 22/

No person is eligible to the office of Judge of the District Court unless he is at least 25 years of age, a citizen of the United States and admitted to practice before the Supreme Court of the State and has resided in the State one year next preceding his election. 23/

The annual salary of each District Judge is \$4,800. 24/ Every Judge who sits in the place of another Judge in the trial or hearing of an action or proceeding in a district other than his own, or in the Supreme Court, must be paid his actual expenses while engaged in that service as follows: His actual traveling expenses in going from the county seat which he makes his place of residence to the place of trial and return, and his board and lodging while engaged in the trial or hearing. 25/

If a vacancy occurs in the office of a Judge of a District Court, the Governor must appoint an eligible person to hold the office until the election and qualification of a Judge to fill the vacancy, which election must take place at the next succeeding general election, and Judges so elected hold office for the remainder of the unexpired term. 26/

20. Rev. Codes Ann. (1935), Sec. 12297.

21. Ibid, Sec. 1443.

22. Ibid, Sec. 8813; Constitution, Art. VIII, Sec. 12.

23. Constitution, Art. VIII, Sec. 16.

24. Rev. Codes Ann. (1935), Sec. 8814.

The State Auditor must not draw a warrant in payment of the service of any Judge of the District Court until such Judge has filed with the Auditor an affidavit that no cause, motion, or other proceeding on his Court remains pending and undivided for a period of 90 days after the cause has been submitted for decision unless casualty or sickness has intervened. Ibid, Sec. 8815.

25. Rev. Codes Ann. (1935), Sec. 8816.

26. Ibid, Sec. 8820.

III. Reports

The Chief Probation Officer must make a verified report to the Court at the close of each quarter of the amount of money so collected in judgments, which report the Judge must cause to be filed with the County Board of Commissioners. 27/

IV. Executive

See "Composition and Appointment of Governing Body" supra.

V. Staff

The Probation Officer is appointed by the Judge or Judges of the county or counties. Each person holds office during the pleasure of the Court and receives for his or her services such sum as may be specified by the Court upon appointment, not exceeding \$1,800 per year, paid on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The Probation Officer may also be reimbursed for the actual and reasonable traveling and other expenses incurred by him in his official capacity. When a judicial district is composed of one county, the salary of the Probation Officer is paid by that county and when a judicial district is composed of more than one county, the salary of such officer must be apportioned among and paid by each of the counties in which the officer is appointed to act in proportion to the assessed valuation of such counties for the year then current. 27/

In every judicial district of the State, the Judge or Judges thereof having jurisdiction, if in their opinion the circumstances require it, may appoint other persons, but not to exceed 2, to serve as Probation Officers, who may receive not to exceed \$125 per month, and to serve at the will of the Court and be paid by the county treasury; and the Judge or Judges of the District Court may appoint as Probation Officers such other discreet persons of good moral character as are willing to serve without compensation. 27/

VI. Financial Provisions

The District Court is financed by appropriations from the State general fund. 28/

Amount of Appropriation:

The sum of \$240,000 is appropriated for the District Courts of the State for the period beginning July 1, 1935 and ending June 30, 1937. 28/

Limitation of Funds: 28/

Salaries and expenses of District Judges . . . \$240,000

27. Rev. Codes Ann. (1935), Sec. 12288.

28. Laws (1935), H. B. 532, p. 499, 512.

COUNTY JUVENILE IMPROVEMENT COMMITTEE

(Statutory Body)

I. General Powers and Duties

(1) The Committee is subject to the call of the juvenile department of the (district) court to confer with the judge of the juvenile department on all matters pertaining to the juvenile department. 1/

(2) The Juvenile Improvement Committee ratifies the appointment made by the judge of the district court, of the Superintendent and Matron of the County Detention Home. 2/

(3) The Committee must act as a supervisory committee of the County Detention Home (where established). 1/

II. Composition and Appointment of Governing Body

In every county of the State, the judge of the court having juvenile jurisdiction must appoint a committee willing to act without compensation or composed of 7 reputable citizens of both sexes, which committee shall be designated as a Juvenile Improvement Committee. 1/

III. Reports

No provision.

IV. Executive

No provision.

V. Staff

No provision.

VI. Financial Provisions

No provision.

1. Rev. Codes Ann. (1935), Sec. 12287.

2. Ibid, Sec. 12297.

In counties over 30,000 the Board of County Commissioners must provide a place to be known as a Detention Home. In counties having less than 30,000 the County Commissioners may provide such a Home. Ibid.

BOARD OF COUNTY COMMISSIONERS

(Constitutional Body) 1/

I. General Powers and Duties

(Only those powers and duties relating to welfare are included.)

(1) The Board of County Commissioners is vested with entire and exclusive superintendence of the poor. 2/

(2) It is the duty of the Board to designate some proper person in the county, preferably an honorably discharged soldier, sailor or marine, who must see that the body of any indigent, honorably discharged soldier, sailor, marine or nurse who has served in the army, navy, or marine corps, is decently interred at an expense not to exceed \$150. 3/

(3) The Board must provide for the care and maintenance of the indigent sick, or otherwise dependent poor of the county, and erect and maintain hospitals therefor. 4/

(4) The Board must provide a farm for the support of the poor of the county, and make regulations for working the same. 5/

(5) The Board may purchase, improve, and keep in repair a tract of land not exceeding 165 acres, to be known as a poor farm, and to erect thereon suitable workhouses for the use, health and employment of all such persons as are county charges. The poor farm, with the workhouses and the persons who are county charges must be under such rules and regulations as the Board orders. The Board may also provide for the care, support and maintenance of the sick, poor, and infirm of the county upon the poor farm. 5/

(6) When any non-resident without means is sick within any county in the State, and not able to pay his board, nursing, or medical attendance, the Board must, on application being made, give such assistance to the person as is necessary, and if the person dies, the Board must give him a decent burial and make allowance for the expenses incurred and the same must be paid out of the county treasury. 6/

(7) The Board before granting a permanent order for relief, must obtain by investigation satisfactory evidence that a person seeking relief meets the necessary requirements entitling him to such relief. 7/

1. Const., Art. XVI.

2. Rev. Codes Ann. (1935), Sec. 4521.

See "Poor Relief" under "Digest of Public Welfare Provisions".

3. Rev. Codes Ann. (1935), Sec. 4536.

This Act does not apply to such soldiers, sailors, or marines as may hereafter die in the State Soldiers' Home. Ibid, Sec. 4541.

4. Rev. Codes Ann. (1935), Sec. 4465.

5. Ibid, Sec. 4534.

6. Ibid, Sec. 4530.

7. Ibid, Sec. 4531.

I. General Powers and Duties (Cont'd)

(8) In counties of over 30,000 the Board of County Commissioners must provide, and in other counties may provide by purchase, lease, or otherwise, a place to be known as a Detention Home, within convenient distance of the courthouse, not used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent or neglected children may be detained, until final disposition, which place must be maintained by the county. The Board of County Commissioners must fix the compensation of the Superintendent and Matron in charge of the Home. 8/

(9) When the Detention Home is provided for by the County Commissioners, the County Commissioners shall enter an order on their journal, transferring to the proper fund, from any other fund or funds of the county, in their discretion such sums as may be necessary to purchase or lease the home and properly furnish and conduct the same. 8/

(10) The Commissioners must likewise, upon the appointment of probation officers as provided in the Act regarding delinquent children, transfer to the proper fund, from any other fund or funds of the county, in their discretion, such as may be necessary to pay such probation officers as provided for herein, such transfer to be made on the authority of the Act regarding delinquent children. 8/

(11) If the Chairman of the Board of County Commissioners, upon hearing had before him, believes a person so far disordered in his mind as to endanger health, person or property, he must make an order that the party be confined to the Insane Asylum. 9/

(12) Whenever any insane person is examined and committed by hearing had before the Chairman of the Board of County Commissioners, it is the duty of the Chairman to have all the evidence reduced to writing, and the same, together with all orders, subpoenas, complaints, warrants, and papers used on the hearing, or made by the Chairman of the Board of County Commissioners, must be filed in the office of the clerk of the district court of the proper county. The clerk must enter upon the journal of the minutes of probate proceedings, a transcript of all proceedings had by the Chairman of the Board of County Commissioners at any examinations and committal of an insane person, in the same manner as proceedings in probate in vacation are entered by the clerk of the court. It is the duty of the district judge, at the first term of court, after such examination, to examine and approve such proceedings, or the insane inquest and committal, in the same manner as probate proceedings transacted by the clerk in vacation are approved. In no case must the finding the Chairman of the Board of County Commissioners be final. In all cases where hearings are had by the Chairman of the Board of County Commissioners, the proceedings must be examined and certified and approved or rejected by the judge of the district court. 10/

8. Rev. Codes Ann. (1935), Sec. 12297.

9. Ibid, Sec. 4531.

10. Ibid, Sec. 1443.

I. General Powers and Duties (Cont'd)

(13) The Board may annually, at its September meeting, award a contract for the care, support, and maintenance of the county poor for the ensuing year to the lowest responsible bidder or bidders therefor; provided, that if the lowest responsible bidder or bidders for the care, support and maintenance of the county poor are also the lowest responsible bidder or bidders for the care and maintenance of the indigent sick and infirm of the county, both of such contracts may be awarded to such bidder or bidders. If a county owns a county poor farm, with suitable buildings of sufficient size to care for the poor and indigent sick and infirm of the county, the County Commissioners of such county may employ some suitable person as Superintendent of such poor farm, and the county may maintain the poor and indigent sick and infirm in the farm at the expense of such county. 11/

(14) The Board of County Commissioners serves on the County Old Age Pension Commission. 12/

(15) Whenever the Board determines that an allowance for aid to dependent children in their own homes shall be made, it must make an order in writing, which order, among other things, must set out the full name of the mother, her place of residence, the names and ages of the children and the amount allowed each child. 13/

(16) The Board of County Commissioners, whenever the Governor of the State issues a proclamation declaring that an emergency exists in any county requiring the relief of suffering of the inhabitants thereof caused by famine, destitution, conflagration or other public calamity, the Board of County Commissioners of such county is authorized to transfer to the proper fund to be used for purposes of such relief any moneys in any other fund or funds of the county. 14/

II. Composition and Appointment of Governing Body

The Board consists of 3 members whose term of office is 6 years. Each member receives \$8 per day while in attendance at the sessions of the Board and 10 cents per mile for distance necessarily traveled in going to and returning from the county seat to his place of residence. Each county in the State must be divided into 3 Commissioner Districts, to be designated as Commissioner Districts numbers 1, 2 and 3, respectively. At general election to be held in 1930, and thereafter at each general election the member or members of the Board to be elected must be selected from the residents and electors of the district or districts in which the vacancy occurs, but the election of such member or members of the Board must be submitted to the entire electorate of the county. Whenever a vacancy occurs, the district judge in whose district the vacancy occurs

11. Rev. Codes Ann. (1935), Sec. 4526.

12. Ibid, Sec. 335.19.

13. Ibid, Sec. 10483.

14. Ibid, Sec. 4470.3.

II. Composition and Appointment of Governing Body (Cont'd)

must fill the vacancy and such appointee holds office until the next general election. 15/ The Board chooses a chairman from its own membership. 16/

III. Reports

No provision.

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

The County Clerk is the clerk of the Board of County Commissioners and is ex officio recorder. 17/

VI. Financial Provisions

The Board of County Commissioners has power to levy the necessary tax to provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county. 18/

-
15. Laws (1929), Ch. 72, Sec. 4.
16. Rev. Codes Ann. (1935), Sec. 4456.
17. Ibid, Sec. 4459.
18. Ibid, Sec. 4465.

COUNTY OLD AGE PENSION COMMISSION

(Statutory Body)

I. General Powers and Duties

(1) The County Old Age Pension Commission must provide a reasonable subsistence compatible with decency and health for those eligible for old age assistance. 1/

(2) The Commission must keep such records and accounts in relation to old age assistance as the State Old Age Pension Commission prescribes. 2/

(3) The Commission must present claims for State reimbursement to the State Old Age Pension Commission at such time and in such manner as the State Old Age Pension Commission prescribes. 3/

(4) Upon application for an old age assistance grant, the Commission must make an investigation and record of the circumstances of the applicant. 4/ Upon the completion of such investigation, the Commission must decide whether the applicant is eligible for and should receive an old age assistance grant, the amount of the assistance and the date on which such assistance is to begin, and must notify the applicant of its decision in writing. Appeals are allowed from decision of County Old Age Pension Commission to the State Old Age Pension Commission. All decisions of the State Old Age Pension Commission are binding upon the County Old Age Pension Commission. 5/

(5) If, at any time during the continuance of old age assistance, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of that enjoyed at the time of the granting of the assistance, the recipient must notify the County Old Age Pension Commission to that effect and the Commission may, on inquiry, either cancel the assistance or vary the amount thereof in accordance with the circumstances. 6/

(6) It is within the power of the County Old Age Pension Commission at any time to cancel and revoke assistance for cause, and it may suspend payments for assistance for such periods as it may deem proper, subject to review by the State Old Pension Commission. 7/

-
1. Rev. Codes Ann. (1935), Sec. 335.21.
 2. Ibid, Sec. 335.25.
 3. Ibid, Sec. 335.26.
 4. Ibid, Sec. 335.28.
 5. Ibid, Sec. 335.29.
 6. Ibid, Sec. 335.32.
 7. Ibid, Sec. 335.34.

I. General Powers and Duties (Cont'd)

(7) If the County Old Age Pension Commission deems it necessary, it may with the consent of the State Old Age Pension Commission, require as a condition to the grant or continuance of assistance in any case, that all or part of property of a person applying for aid be transferred to the County Old Age Pension Commission. The County Old Age Pension Commission must pay the net income thereof to the person; the County Old Age Pension Commission has the power to sell, lease, or transfer such property or defend or prosecute all suits concerning it and to pay all just claims against it and to do all things necessary for the protection, preservation and management thereof. 8/

(8) If at any time during the continuance of old age assistance allowance the County Old Age Pension Commission has reason to believe that a spouse, son, or daughter responsible for the support of the recipient of assistance is reasonably able to assist him, it must, after notifying such person of the amount of assistance granted, be empowered to bring suit against such spouse, son, or daughter to recover the amount of the assistance provided subsequent to such notice, or such part thereof as the spouse, son, or daughter was reasonably able to have paid. 9/

II. Composition and Appointment of Governing Body

The County Old Age Pension Commission consists of the Board of County Commissioners and, when established by the State Relief Commission, the County Relief Committee. Members serve without additional compensation. 10/

III. Reports

The Commission must make such reports and in such detail as the State Old Age Pension Commission may from time to time require, and must transfer to the State Old Age Pension Commission upon its request copies of the application and any or all other records pertaining to any case. 11/

IV. Executive

No provision.

V. Staff

No provision.

-
- 8. Rev. Codes Ann. (1935), Sec. 335.39.
 - 9. Ibid, Sec. 335.40.
 - 10. Ibid, Sec. 335.19.
 - 11. Ibid, Sec. 335.36.

VI. Financial Provisions

In each county, old age assistance must be paid from the county poor fund. It is the duty of the appropriate authority in each county to make a levy in an amount not prohibited by law, so as to make available to the order of the County Old Age Pension Commission such a sum as may be needed for old age assistance and include such sum in the taxes to be levied in each county. 12/

The county is reimbursed by the State not to exceed 75 percent of assistance to each aged person. 13/

All necessary expenses incurred by the County Old Age Pension Commission in carrying out the provisions of this Act must be paid by the State Old Age Pension Commission. 14/

12. Rev. Codes Ann. (1935), Sec. 335.24.

13. Ibid, Sec. 335.25.

14. Ibid, Sec. 335.41.

MONTANA PUBLIC WELFARE AGENCIES / DECEMBER 30, 1936

Actual control
Governor ex officio member
Reports
Supervision
Commitments

