

CHAPTER 326—S. F. No. 567.

An act to amend Section 3345 of the General Statutes of Minnesota for 1913 as amended by Chapter 207 of the General Laws of Minnesota for 1917 relating to disposition of fire department aid.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Disposition of aid to fire departments.**—That section 3345 of the General Statutes of Minnesota for 1913, as amended by chapter 207 of the General Laws of Minnesota for 1917, relating to disposition of fire department aid, be and the same hereby is amended so as to read as follows:

3345. Such amount shall be kept as a special fund, and disbursed only for the following purposes:

(1) For the relief of sick, injured, or disabled members of such fire department, their widows and orphans.

(2) For the equipment and maintenance of such department and for repair of buildings, rooms and premises occupied or to be occupied by such department.

But if there shall be a duly incorporated fire department relief association in such municipality, organized with the consent of the governing body thereof, such amount shall be paid to the treasurer of said relief association, to be disbursed as hereinabove prescribed for municipalities, and as hereinafter provided for service pensions, or relief of sick, injured, or disabled, active or retired members of the fire department in such city, who are members of such relief associations. In case any fire department relief association or any trustee having any of said funds in its hands shall resign its trust in relation thereto, or shall be dissolved or shall have been heretofore or shall be hereafter removed as such trustee, the district court of the proper county may appoint a trustee or trustees of said funds, or cause such trust to be executed by its officers under its direction, or such court may direct that such trust funds be paid to the treasurer of the proper municipality, and all funds so held in trust or so paid to any such treasurer shall be kept as a special fund and disbursed only for the purpose provided in this section.

Approved April 21, 1919.

CHAPTER 327—S. F. No. 577.

An act creating and establishing a department of public welfare in the government of cities of Minnesota of over 50,000 inhabitants, and not governed under a charter adopted pursuant to the provisions of Section 36, Article 4, of the state constitution and relating to the preservation of the public health and the administration of the charities and corrections of such cities, and defining the powers and duties of such department.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Department of public welfare for Minneapolis and membership of board.**—There is hereby created and estab-

lished an executive department in the municipal government of each city of this state now or hereafter having over fifty thousand inhabitants, and not governed under a charter adopted pursuant to the provisions of section 36, article 4, of the state constitution, to be known and designated as the department of public welfare. The powers and duties of such department shall be exercised and performed by an executive board to be known and designated as the board of public welfare. Said board shall consist of the mayor, two members of the city council, to be appointed by the city council, and four members appointed by the mayor, which appointments shall be subject to confirmation by the city council. The two members of said board to be appointed by the city council from among its members, shall be first appointed for the term beginning July 1st, of the year in which the appointments are made, and expiring on the first Monday of January of the second year thereafter, and thereafter such two members of said board shall be appointed bi-annually by the city council, for the term of two years commencing with the first Monday of January of said second year, and on the first Monday in January of every second year thereafter. The four appointive members of said board to be appointed by the mayor, shall first be appointed for terms of one year, two years, three years and four years respectively from July 1st of the year in which the appointments are made. Thereafter the mayor shall appoint annually one member of such board for a term of four years beginning July 1st of the year in which such appointment is made. Any vacancy occurring for any cause in the office of any member of the board appointed by the mayor shall be filled for the unexpired term by appointment by the mayor of a member to fill such vacancy in the above prescribed manner. Each member of said board shall continue in office until his successor has been duly appointed and has qualified. Before entering upon the discharge of the duties of his office each member of the board shall make and file with the city clerk an oath that he will faithfully discharge the duties of his office. Said board shall organize and enter upon the discharge of its duties on July 1st following its creation and appointment, or on July 2nd, in case July 1st shall fall on Sunday or a legal holiday, at which meeting it shall elect from its members a president of the board who shall hold office for one year and until his successor is elected and has qualified. All members of the board shall serve without compensation as such members.

In cities within the class herein designated, existing at the time of the passage of the act, the first appointments by the mayor or city council shall be made before the first day of May, 1919. In the case of a city coming into the class after the passage of this act, the first appointments shall be made before May 1st of the year in which such city first comes within the class.

Sec. 2. Powers granted to board.—The board of public welfare hereby created shall have and exercise general supervision and administrative control of all activities and agencies carried on and maintained by the city for: (1) The promotion and preservation of health, and the prevention and suppression of disease in the city; (2). The care, conduct, management and operation of all hospitals, dispensaries, and clinics maintained by the city and the furnishing by the city of medical and dental service to the poor; (3). The relief of the poor, aged, and indigent, and the maintenance, management, control and operation of all public institutions now or hereafter established by the city for the relief of the poor, aged and indigent, and (4). The maintenance, care, management, conduct and operation of all penal and correctional institutions established or to be established by the city; (5) Provided nothing in this act shall be construed as limiting the present power of the board of education of any city to provide for the promotion of health of the public school children.

Sec. 3. Orders, rules and regulations to be issued.—Said board of public welfare shall have authority to issue orders, adopt rules and regulations for the promotion and preservation of public health and the relief of the poor, aged, and indigent in the city, and for the management of the institutions under its care and control, which rules and regulations shall be in accordance and not inconsistent with the laws of the state or the ordinances of the city. The sole power and authority to pass ordinances relating to the promotion and preservation of health and the prevention and suppression of diseases in the city shall remain in the city council of the city as provided by its charter or any law other than this act.

Sec. 4. Annual meeting—Officers to be appointed.—Said board shall hold its annual meeting on the first Tuesday after the first Monday of July in each year after its creation, and at such time shall elect a president from among its members who shall hold office for one year and until his successor is elected and qualified. The board shall have power and authority to appoint a secretary of the board, a commissioner of health, a city physician, a superintendent of hospitals, a superintendent of relief, a superintendent of corrections, and such other heads of divisions of the public service under its control as the board may from time to time deem necessary. The city physician shall be the physician and surgeon to all departments of the city. Said board shall have power and authority to fix the term, salary and compensation of each of such officers and to prescribe their duties and to discharge and remove any of them from office. The commissioner of health, shall not be included in the classified service of the city, under the civil service act and shall not be subject to the provisions of such act.

Sec. 5. To fix salaries of employees.—Said board shall have power and authority to determine the number of employes in each division under its control and to fix their salaries. The head of each division shall have power to appoint, subject to confirmation by the board, all subordinate employes in his division, and prescribe their duties. All employes of the board other than the commissioner of health, shall be included in the classified service of the city said civil service act and their appointment, employment, suspension and discharge shall be made under and pursuant to the provisions of such act.

Sec. 6. Eligibility of officials.—All officers and employes of the department of health, the board of charities and corrections, and the several boards, bodies, and persons having in charge the institutions, departments and activities of such city, referred to in subdivisions 1 to 4 inclusive, in section 2 hereof at the time this act becomes effective therein, shall be eligible to similar offices and positions under the board of public welfare hereby created without being required to take civil service examinations as to their qualifications therefor, and they shall continue in their respective offices or positions from the time this act goes into effect, until further action of the board.

Sec. 7. Funds to be transferred to credit of board.—Upon the organization of the board hereby created there shall be transferred to the credit of the board in the city treasury all unexpended balances of the funds appropriated or set apart during the year in which, the board under this act is first created in any city, for the use of the department of health, the board of charities and corrections, and the several departments, boards, bodies, and persons having in charge the institutions, departments and activities of the city referred to in subdivisions 1 to 4 inclusive in section 2 hereof, together with all further revenues and funds that may or would accrue to the said departments, boards and institutions if they were continued as separate departments, boards or institutions of the city government.

Sec. 8. Report to be submitted to council in September of each year.—The board of public welfare shall prepare and submit to the city council at or before the first meeting of the council in September of each year, the amount of money required for the support, maintenance and operation of said board and of the several divisions of the public service under its control for the next fiscal year, and the city council shall, in making its annual estimate and levy for expenses of the city government, estimate and provide such sums as may be necessary for compensation of the officers and employes which the said board is authorized to appoint and employ, and for the improvement, repair and maintenance of the buildings and grounds under its control, and all other expenses required for

the board and each and every department or division of the public service under its control. The city council in addition to all other powers by it possessed, is hereby authorized, empowered and required to levy a tax annually by resolution upon the taxable property within the city for such necessary amount; provided, that the aggregate annual levy of such tax shall never exceed in any one year three and three-fourths ($3\frac{3}{4}$) mills on the dollar upon the assessed valuation of any such city. Such taxes shall not at any time be in excess of the maximum rate of taxation fixed for the purposes above mentioned by any board of tax levy or board of tax review. Such taxes when levied shall be extended upon the tax books and the tax lists of the county in which the city is situated, and such taxes shall be collected and payment thereof enforced in like manner as other city and county taxes are collected and payment enforced.

Sec. 9. Powers and duties imposed upon the board.—All powers and duties possessed and imposed by law at the time a board of public welfare under this act is first created in any city, upon any department of health, board of charities and corrections or upon any board, body or person intrusted with the management and control of the institutions, departments and activities of such city, referred to in subdivisions 1 to 4 inclusive in section 2 hereof at the time a board of public welfare under this act is first created in any city are hereby transferred to and vested in and imposed upon the board of public welfare of such city, and said board of public welfare so created is hereby authorized and empowered to exercise and perform all the powers and duties heretofore possessed by or imposed by law upon the departments, boards, bodies or persons referred to in subdivisions 1 to 4 inclusive in section 2 hereof and each of them as fully and to the same extent as if the same were herein expressly set forth and stated; but said board shall not issue any bonds or incur any indebtedness beyond the appropriations made by the city council for the use of the board. Said board shall be entitled to all fees and other receipts from its own department. Upon the organization of any board of public welfare under this act the said department of health, board of charities and corrections and any boards or bodies intrusted with the management and control of the institutions, departments and activities of such city, referred to in subdivisions 1 to 4 inclusive in section 2 hereof, shall cease to exist, and shall no longer exercise the powers or perform the duties heretofore authorized and required of them by law, and the terms of office and employment of all officers and employes of said departments and boards herein abolished, shall terminate and no longer continue, except as herein otherwise expressly provided.

Sec. 10. Laws and ordinances to be enforced.—It shall be the duty of said board of public welfare to enforce all sanitary laws of the state applicable to the city and all city ordinances relating to sanitary regulations of the city, and cause all nuisances in the city to be abated with reasonable promptness, and for such purposes the board and its officers and employes shall be permitted and are hereby authorized, at all reasonable times, to enter upon or into any premises, house or other building or structure in the city and make all necessary examinations to determine the sanitary conditions thereof, and to cause any and all nuisances existing there to be forthwith removed and abated, after giving notice to the owner, agent or occupant of such premises, house or other building or structure as herein provided. The notice to abate any such nuisance shall be served personally upon the owner, agent or occupant of the premises, house or other building or structure in or upon which such nuisance exists in all cases where such owner, agent or occupant can be readily ascertained and found in the city. Such notice may be served by mail in all cases where such owner, agent or occupant is not in the city or cannot be found therein, and his postoffice address is known. It may likewise be served by posting and keeping posted for 24 hours, a copy of such notice upon the premises, house, building or other structure in or upon which any such nuisance exists, whenever the owner, or agent thereof is not known or cannot be found, and his postoffice address is unknown. If such nuisance is not abated within a reasonable time after the service or posting of said notice, such reasonable time to be stated in such notice, such nuisance may be abated by or under the direction of said board and the cost of such abatement may in the first instance be paid from any funds under the control of the board. The cost of the abatement of any such nuisance paid by the board and not reimbursed by the owner, occupant or agent, shall be reported by the board to the city council, and the city council shall assess and levy, and cause to be collected, the amount of such cost as a special assessment upon and against the premises and property upon which such nuisance existed, in like manner as other special assessments, payable in one sum, are assessed, levied and collected in the city. Such assessments, when collected, shall be paid over by the county treasurer to the city treasurer of such city and placed to the credit of the board.

Sec. 11. Supplies to be furnished through the purchasing department.—All goods, wares, merchandise, supplies and materials of every kind, required by the board of public welfare for the support, care, maintenance and administration of the several divisions of the public service under its control shall be obtained, purchased and furnished by and through the purchasing department of the city in like manner as supplies and materials are supplied, fur-

nished and obtained for other departments of the city and the board shall appropriate and pay into the city treasury its proportionate share of the expense of the maintenance of such purchasing department. The officers and employes of said board shall be paid their salaries and compensation upon payrolls in like manner as other city employes are paid their salaries and compensation. All bill and claims of every kind against the department of public welfare shall be audited by the city comptroller, and no moneys shall be paid out of the city treasury for the uses or purposes of said department except upon orders signed by the president and secretary of the board and countersigned by the city comptroller.

Sec. 12. **Effective July 1, 1919.**—This act shall take effect and be in force from and after the 1st day of July, 1919.

Approved April 21, 1919.

CHAPTER 328—S. F. No. 726.

An act to amend Section 1 of Chapter 223, Laws 1917, which said chapter is entitled an act to provide for allowances out of county and state funds in certain cases for the support of dependent children in their own homes, and for investigation and supervision of such cases, and to repeal Sections 7197, 7198 and 7199, General Statutes 1913.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Support of dependent children in their own homes and procedure for obtaining same.**—That section 1 of chapter 223, Laws 1917, be and the same is hereby amended so as to read as follows:

Section 1. Whenever any child under the age of sixteen years who is not lawfully entitled to apply for and receive an employment certificate is found by juvenile court to be dependent the court shall, when requested so to do, and in the same proceeding, make its findings upon the following points:

(a) Whether the mother of the child is a widow;

(b) If her husband is living, whether he is an inmate of a penal institution under a sentence which will not terminate within three months after the date of such finding; or is an inmate of a state insane asylum or hospital, or of a state hospital for inebriates; or is unable to labor for the support of his family by reason of physical disabilities; or is and for one year has been under indictment for the crime of abandoning such child;