

CHAPTER 393

COUNTY WELFARE BOARD

Sec.	
393.01	Establishment
393.02	Oath
393.03	Per diem
393.04	Organization
393.05	County to provide offices

Sec.	
393.06	Salary and expenses
393.07	Powers and duties
393.08	Estimates furnished to county board
393.09	Monthly meetings

393.01 ESTABLISHMENT. Subdivision 1. **Membership.** There shall be established in each county of the state a county welfare board which shall consist of the number of members, as hereinafter provided, to be chosen as follows.

Subd. 2. **Selection of members.** Except in counties which contain a city of the first class and counties having a poor and hospital commission, the county welfare board shall consist of seven members, including the board of county commissioners, to be selected as herein provided; two members, one of whom shall be a woman, shall be appointed by the commissioner of public welfare from a list of residents, five men and five women, submitted by the board of county commissioners. One member shall hold office for the term of one year, and one for the term of two years, and thereafter as each term expires or a vacancy occurs by reason of death or resignation a successor shall be appointed by the commissioner of public welfare for the full term of two years from a list of five residents submitted by the board of county commissioners. The board of county commissioners may, by resolution adopted by a majority of the board, determine that only three of their members shall be members of the county welfare board, in which event the county welfare board shall consist of five members instead of seven. When a vacancy occurs on the county welfare board by reason of the death, resignation, or expiration of the term of office of a member of the board of county commissioners, the unexpired term of such member shall be filled by appointment by the county commissioners. Except to fill a vacancy and for the first year of its existence the term of office of each member of the county welfare board shall commence on the first Thursday after the first Monday in July, and continue until the expiration of the term for which such member was appointed or until a successor is appointed and qualifies. If the board of county commissioners shall refuse, fail, omit, or neglect to submit the list of residents to the commissioner of public welfare for appointment to the county welfare board by the commissioner of public welfare, as herein provided, or to appoint the three members to the county welfare board, as herein provided, by the time when the terms of such members commence, or, in the event of vacancies, for a period of 30 days thereafter, the commissioner of public welfare is hereby empowered to and shall forthwith appoint residents of the county to the county welfare board. Before the commissioner of public welfare shall fill any vacancy hereunder resulting from the failure or refusal of the board of county commissioners of any county to act, as required herein, the commissioner of public welfare shall mail 15 days written notice to the board of county commissioners of its intention to fill such vacancy or vacancies unless the board of county commissioners shall act before the expiration of the 15-day period.

Subd. 3. **County board to be county welfare board in certain counties.** In any county containing a city of the first class operating under a home rule charter, wherein there is established in such city a board of public welfare for administration of poor relief in such city only, the board of county commissioners shall be the county welfare board. In such counties the members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties under the provisions of this chapter. In such counties the county auditor shall be ex officio secretary of the board, but shall have no voice in its proceedings. In such counties the system of caring for the poor in effect at the time of the passage of this chapter shall be continued, subject to all provisions of law relating thereto, except that, if such county is operating under the township system of

caring for the poor, such towns, villages, and cities of the third and fourth classes therein may, by resolution of its governing body, agree with the county welfare board that the latter shall supervise and administer the poor relief fund in such town, village, or city, or contract with any one or more of the public subdivisions of the county for the purpose of jointly supervising and administering the poor relief funds in such towns, villages, or cities. In any such county the powers and duties of such board of public welfare shall not be affected by the provisions of this chapter. Such board of public welfare, in administering poor relief funds granted by any state agency authorized so to do by law, shall comply with all standards of administration and procedure prescribed by such agency.

Subd. 4. Board of public welfare in Ramsey county. In any county and any city of the first class within such county, which such county shall have more than 300,000 and less than 450,000 inhabitants, the board of public welfare shall be continued as the county welfare board and shall be appointed or elected as provided by Laws 1929, Chapter 371, as amended. This board shall receive such compensation and have and exercise all the powers as provided by Laws 1929, Chapter 371, as amended, in addition to any other and further powers granted herein and shall have and perform all of the additional duties referred to in section 393.07, except that the executive secretary of such board shall be appointed and his salary shall be fixed pursuant to section 393.04.

Subd. 5. Board of poor commissioners to be county welfare board in St. Louis County. In any county in this state having a population of more than 75,000 and an area of over 5,000 square miles, the board of poor commissioners shall be continued as the county welfare board and shall be appointed or elected as provided by Sections 264.01, 264.02, 264.03, and 264.04. The board shall receive such compensation and shall have and exercise all the powers as provided by Sections 264.01, 264.02, 264.03, and 264.04, in addition to any other and further powers granted herein and shall have and perform all the additional duties referred to in Section 393.07.

Subd. 6. Poor and hospital commission to be county welfare board in certain counties. In any county now having a board of poor and hospital commissioners, said board of poor and hospital commissioners shall have the same powers and duties as the county welfare board in other counties, and shall be the county welfare board, and shall also retain and exercise the powers and duties conferred upon such board by Laws 1917, Chapter 187, as amended by Laws 1931, Chapter 60, in counties in which said 1917 law as amended is applicable.

[1937 c 343 s 1; Ex1937 c 90; 1941 c 261; 1941 c 284 s 1; 1943 c 417 s 1; 1943 c 473 s 1; 1945 c 56 s 1; 1949 c 63 s 1] (974-11)

393.02 OATH. Each member of the county welfare board, other than those holding some other public office for which they have qualified, shall take the oath of office prescribed in section 358.05 and file same in the office of the auditor of the county for which such member was appointed. No person shall be qualified to act as a member of the county welfare board until such oath has been filed.

[1937 c. 343 s. 2] (974-12)

393.03 PER DIEM. Except as provided in section 393.01, subdivisions 3 and 4, the members of the county welfare board shall receive, in addition to any salaries they may receive from any other source, from the state or county or any municipality, the sum of an amount not to exceed \$10 per day for time actually spent in transacting the business of the board not exceeding a maximum of 25 days a year, provided, however that any member of the county welfare board who is a member of the board of county commissioners shall be limited to the sum of \$5 per day for time actually spent in transacting the business of the board not exceeding a maximum of 25 days a year. Members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties.

[1937 c 343 s 3; 1945 c 475 s 1; 1953 c 517 s 1] (974-13)

393.04 ORGANIZATION. The county welfare board shall, at its first meeting, and thereafter at its annual meeting on the first Thursday after the first Monday in July each year meet and organize by electing a chairman, a vice-chairman, and a secretary, except as provided in section 393.01, subdivision 3, each of whom shall perform the customary duties of his office. The board shall appoint an executive secretary and such assistants and clerical help as it may deem necessary to perform the work of the board. The appointment of the executive secretary shall be made in accordance with rules and regulations to be adopted by the commissioner of pub-

lic welfare and shall be chosen upon the basis of his experience, training, and general qualifications for the work. His salary shall be fixed by the county welfare board, except the salary of the executive secretary of the county welfare board appointed pursuant to section 393.01, subdivision 4, which salary shall be approved by the board of county commissioners of any such county and the city council of any city of the first class located within such county, and the county welfare board shall fix the salary of such other employees as it may hire.

The welfare board shall require its executive secretary and such other of its employees as it may determine, to execute and file with it a bond conditioned as are other official bonds, to the state, with corporate sureties to be approved by it, in such amount as it may fix, not less than \$1,000, and the premium thereon shall be paid by the board.

[1937 c. 343 s. 4; 1939 c. 432; 1941 c. 284 s. 2] (974-14)

393.05 COUNTY TO PROVIDE OFFICES. The county, except as provided in section 393.01, subdivision 4, shall provide suitable offices for the county welfare board and its employees.

[1937 c. 343 s. 5] (974-15)

393.06 SALARY AND EXPENSES. The salaries, office, traveling, and other necessary expenses of the county welfare board, including such amount as may be allowed in the discretion of the county board as compensation for cashing old age assistance and other welfare board checks, shall be paid by the county, except as provided in section 393.01, subdivision 4, and shall be subject to reimbursement out of state and federal funds as may be provided by law.

[1937 c. 343 s. 6; 1939 c. 445] (974-16)

393.07 POWERS, DUTIES. Subdivision 1. **Act as county welfare board.** After its establishment the county welfare board shall forthwith assume the powers, duties, and responsibilities of the county child welfare board, if any, existing in the county, and shall perform such duties as may be required of the county child welfare board or by law or by the commissioner of public welfare with regard to the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children.

Subd. 2. **Administer public assistance.** The county welfare board, except as provided in section 393.01, subdivision 3, shall be charged with the duties of administration of all forms of public assistance and public welfare, both of children and adults, and shall supervise, in cooperation with the commissioner of public welfare, the administration of all forms of public assistance which now are or hereafter may be imposed on the commissioner of public welfare by law, including aid to dependent children, old age assistance, veterans aid, aid to the blind, and other public assistance or public welfare purposes. The duties of the county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the commissioner of public welfare in order to comply with the requirements of the federal social security act and to obtain grants-in-aid available under that act. The county welfare board shall, when so designated, act as agent of the commissioner of public welfare in the placement of his wards in adoptive homes or for foster care.

Subd. 3. **Federal social security act.** The county welfare board provided for in section 393.01, subdivision 3, shall be charged with the duties of administration of all forms of public assistance and public welfare within the purview of the federal social security act and which now are, or hereafter may be, imposed on the director of social welfare by law, of both children and adults, including aid to dependent children, old age assistance, and aid to the blind. The duties of such county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the commissioner of public welfare in order to comply with the requirements of the federal social security act and to obtain grants-in-aid available under that act.

Subd. 4. **Rules, regulations.** The commissioner of public welfare shall be the authority to adopt and enforce rules and regulations concerning the use and publication of lists of public assistance recipients and governing the custody, use, and preservation of public assistance records, files, and communications. The commissioner of public welfare shall adopt such rules and regulations as may be necessary to comply with the requirements of the federal social security board; but in any event shall provide for the annual publication of a summary financial statement giving total expenditures for each of the several programs of public assistance; and shall make

all finance records available for such examinations and audits as are required by law. No use or publication of the lists, records, files, and communications herein referred to shall be made until such rules and regulations are adopted, and then only in the manner and form therein provided. All other laws, or parts of laws, now in effect inconsistent with the provisions of this chapter are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this chapter. The provisions of this chapter will not be construed to apply to poor relief or direct relief.

Subd. 5. Compliance with federal social security act. The commissioner of public welfare shall have authority to require such methods of administration as are necessary for compliance with requirements of the federal social security act, as amended, and for the proper and efficient operation of all welfare programs. This authority to require methods of administration includes methods relating to the establishment and maintenance of personnel standards on a merit basis as concerns all employees of county welfare boards except those employed in an institution, sanatorium, or hospital. The commissioner of public welfare shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods. The adoption of methods relating to the establishment and maintenance of personnel standards on a merit basis of all such employees of the county welfare boards and the examination thereof, and the administration thereof shall be directed and controlled exclusively by the commissioner of public welfare.

Subd. 6. Purchase of equipment to aid old age recipients. Every county welfare board authorizing braces, crutches, trusses, wheel chairs and hearing aids for use by recipients of old age assistance, aid to dependent children, aid to blind and relief shall secure such devices at the lowest cost obtainable conducive to the well being of the recipient and fix the recipient's grant in an amount to cover the cost of the device providing it will be purchased at the lowest cost obtainable, or may make payment for the device directly to the vendor.

[1937 c 343 s 7; 1939 c 407 s 1; 1941 c 370 s 2; 1941 c 476 s 1; 1949 c 40 s 2; 1951 c 336 s 1; 1951 c 620 s 1] (974-17)

393.08 ESTIMATES FURNISHED TO COUNTY BOARD. Subdivision 1. On or before the first day of July each year the county welfare board, except any such board referred to in section 393.01, subdivisions 3 and 4, shall submit to the county board of commissioners an estimate of the amount needed by it to perform its duties, including expenses of administration, and the county board of commissioners shall consider the estimates so submitted and, if approved, shall levy a tax as provided by law for the purposes. In the event the estimate is not approved, the county board of commissioners shall confer with the county welfare board and adjust a budget in accordance with the facts and levy a tax for the amount required.

In counties referred to in section 393.01, subdivision 3, the estimate required shall not include poor relief in such counties or institutional requirements in any city of the first class located therein. The tax levy by the county board of commissioners in such counties shall be such as is required for categories of aid under the federal social security act, and shall be separate and distinct from other levies made by it. The governing body of any such city of the first class may annually levy a tax for poor relief as authorized by such home rule charter, on the real and personal property within the corporate limits of such city. Such tax levy and the proceeds thereof shall be subject to the same control and supervision as is imposed on any existing public welfare tax levy.

On the first day of July of each year the county welfare board referred to in section 393.01, subdivision 4, shall present its estimate of the amount needed by it to perform its duties, including expense of administration, to the board of county commissioners of any such county and the council of the city of the first class located in such county. Such board of county commissioners and such city council shall proceed to consider and scrutinize the estimates so submitted, and shall have the power to reduce the same and when approved, said board and said council shall adopt a budget for such county welfare board, and action of such board of county commissioners and such city council so adopting such budget shall be taken on or before August 10th of each year. The cost of all such relief, including the maintenance of any almshouse, sanatorium, or hospital maintained by such county and city

MINNESOTA STATUTES 1953

393.09 COUNTY WELFARE BOARD

3188

shall be paid 72½ per cent by such county and 27½ per cent by such city. The 27½ per cent of such cost paid by such city shall not be included in determining the cost of government under the provisions of any home rule charter of any such city in its budget for the year 1950 nor for the budget for the year 1951 unless the Federal census taken in the year 1950 in such city is announced prior to August 1, 1950. In budgets adopted for any such city for the year 1952 and subsequent years such 27½ per cent paid by any such city shall be included in determining the cost of government of any such city under the provisions of its home rule charter.

Subd. 2. This section shall be superseded and rendered ineffective from and after the effective date of the adoption hereafter by a majority of affirmative votes of any amendment to the charter of any such city increasing or decreasing any such cost.

[1937 c 343 s 8; 1945 c 301 s 1; 1949 c 510 s 1, 2] (974-18)

393.09 MONTHLY MEETINGS. The county welfare board shall meet and advise with the executive secretary at least once each month and the executive secretary shall report and be responsible to the county welfare board and shall be directed in his activities by the board. The executive secretary shall be charged with the administration of the duties of the county welfare board and shall perform such additional duties as the county welfare board may designate.

[1937 c. 343 s. 9] (974-19)