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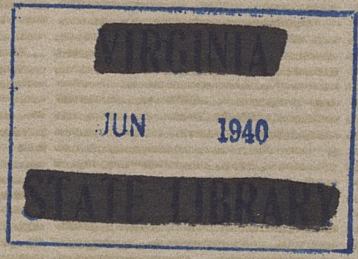


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DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
NEW MEXICO



GOVERNMENT PUBLICATION

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UNDER THE SUPERVISION OF
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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, 9

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INDEX TO

DIGEST OF WELFARE LAWS OF STATE OF NEW MEXICO

<u>Public Welfare Provisions</u>	<u>Page</u>
General Poor Relief.	2901
Aid to Dependent Children in Their Own Homes	2902
Care of Dependent and Neglected Children (Institutions and Agencies)	2904
Note on Old Age Assistance	2906
Note on Blind Assistance	2907
Veteran Relief	2908
Note on Emergency (Unemployment) Relief.	2909
<u>Administrative Provisions</u>	
Board of Directors of State Relief and Security Authority.	2910
Board of the State Department of Public Welfare.	2912
Bureau of Child Welfare	2912
Board of Supervisors (Board of Visitors) of Orphans' Home and Industrial School (State-aided).	2915
Board of Trustees of State Industrial School (Reform School)	2917
Board of State Girls' Welfare Home	2920
Board of Directors of State Insane Asylum.	2922
Board of Directors of State Home and Training School for Mental Defectives.	2926
Board of Trustees of State Institute for the Blind	2928
Board of Regents of State Asylum for the Deaf and Dumb	2930
Disabled Soldiers' Relief Commission	2932
State Board of Penitentiary Commissioners.	2934
Superintendent of State Penitentiary.	2934
State Prison Board	2934
Note on State-aided Charitable Institutions.	2939
District Court	2940
Juvenile Court (Session of District Court)	2943
Board of County Commissioners.	2946
County Branch of State Relief and Security Authority	2910
Chart Showing Public Welfare Agencies	

DIGEST OF PUBLIC WELFARE PROVISIONSGENERAL POOR RELIEF(a) Description of class

Deserving indigent persons who are objects of charity. 1/

(b) Procedure for determining eligibility

No provision

(c) Measure of responsibility

Such provision as the Board of County Commissioners, city council or other governing board of incorporated cities, towns or villages of the State may deem proper. 1/

(d) Qualifications imposed

The acquisition of legal settlement follows the voting laws of the State. The applicant must have been a resident of the State for one year, and of the county for 90 days. 2/

(e) Incidence of financial responsibility

On the county or city. 3/ (Obligation optional. 1/)

(f) Taxes

Property tax of not exceeding one-half of one mill on all property within the limits of the county or municipality. Proceeds of tax are covered into the Indigent Fund. 3/

(g) Administrative agencies

Boards of County Commissioners 1/, or county branch office of the State Relief and Security Authority, if established. 4/

(h) Supervisory controls

The State Relief and Security Authority has power to supervise and administer public assistance, public welfare, and social security in the State. This includes the care and support of **inhabitants of the State** who are sick, aged, indigent, or otherwise unable to support themselves. 5/

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1. Stat. Ann. (1929), Sec. 101-101.
 2. Ibid, Sec. 41-210.
 3. Ibid, Sec. 101-102.
 4. Laws (1935), Ch. 86, Sec. 4 (11).
 5. Ibid, Sec. 4 (8).

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

Mother, or any competent female relative of a needy child under 16 years of age, or any person who accepts the responsibility for such child. 1/

(b) Procedure for determining eligibility

Application, on a form furnished by the State Bureau of Child Welfare, may be filed with the county clerk, by or on behalf of, any person desiring to receive an allowance for a needy child. 2/ Upon the filing of the application the county clerk must notify the State Bureau of Child Welfare in writing and transmit a copy of the application to the Bureau. It is the duty of the Bureau to investigate the matters set forth in the application and to ascertain that all required conditions have been met. The Bureau must report the results of its investigations to the chairman of the Board of County Commissioners. The Board of County Commissioners may make such independent inquiries and investigations as it may desire. 3/ The State Bureau of Child Welfare and the Board of County Commissioners jointly decide the amount of assistance to be granted. 4/

No allowance is made for a longer continuous period than 6 months, but in the discretion of the State Bureau of Child Welfare and the Board of County Commissioners, it may be renewed. 4/

(c) Measure of responsibility

Allowance not to exceed \$20 per month for one child, nor \$40 per month for the children of one family. 4/

(d) Qualifications imposed

The mother, or other person to whom aid is given, must be capable and fit physically, mentally, and morally to bring up the child for whom aid is requested; must have been a resident of the State for 2 years, and of the county for one year immediately preceding application. If the mother is dead, she must have been a resident of the State for 2 years, and of the county for one year immediately preceding her death. 3/

1. Laws (1931), Ch. 49, Sec. 4.

The provisions of this Act do not become operative in any county of this State until they have been adopted by a resolution of the Board of County Commissioners at one of its regular meetings. Ibid, Sec. 6.

2. Laws (1931), Ch. 49, Sec.2; Stat. Ann. (1929), Sec. 126-106.

3. Laws (1931), Ch. 49, Sec. 3; Stat. Ann.(1929), Sec. 126-103.

4. Laws (1931), Ch. 49, Sec. 5; Stat. Ann.(1929), Sec. 126-106.

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

(d) Qualifications imposed (Cont'd)

The child, if of proper age, and physically and mentally able, must meet requirements of the State compulsory school legislation. Aid must be necessary in order for it to receive adequate support and education. 5/

The father of the child must be dead; an inmate of an institution for the mentally defective or the mentally diseased; and an inmate of a penal institution while under sentence for a felony; permanently incapacitated for work by reason of mental or physical infirmity; must have deserted the mother of such child or children, or have been divorced by or from her, in which case the mother must have made an unsuccessful attempt to compel him to support the child. 6/

The income from, or the amount of real or personal property owned by the person applying for such aid, or held in trust for the child must not be of an amount or character which makes the giving of public aid unnecessary. 5/

(e) Incidence of financial responsibility

On the county. 7/ (Obligation optional. 8/) If funds are available, the State reimburses the county 50 percent of its expenditures. 7/

(f) Taxes

County: County tax of not exceeding one-half mill on each dollar of taxable property. 7/

State: No specific provision. (State general fund. 7/)

(g) Administrative agencies

Board of County Commissioners in cooperation with State Bureau of Child Welfare of the Department of Public Welfare. 5/

(h) Supervisory controls

No specific provision. See "Board of Directors of State Relief and Security Authority".

5. Laws (1931), Ch. 49, Sec. 3; Stat. Ann. (1929), Sec. 126-106.
6. Laws (1931), Ch. 49, Sec. 4.
7. Ibid, Sec. 7.
8. Ibid, Sec. 6.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)(a) Description of class

Any child of either sex, under the age of 16 years who is destitute, homeless or abandoned, or dependent upon the public for support, who has not proper parental care or guardianship; or is found begging or soliciting or receiving alms; or is found in any house of prostitution, or living with any vicious or disreputable person; or who has no responsible parent or guardian, or who has a home which, by reason of neglect, abuse, mistreatment, cruelty, or depravity on the part of its parents, guardians, or the persons in whose care it may be, is an unfit place for such child. 1/ Orphans under 14 years of age. 2/

(b) Procedure for determining eligibility

Proceedings for the care of abandoned and neglected children may be commenced by the filing of an information with the clerk of the district court for the county. This information may be filed by the district attorney for such district, or it may be signed, sworn to and filed by any resident of the State over 21 years of age. 3/

Orphans: A verified petition by an interested person to the district court, stating that the child has been abandoned. 2/

(c) Measure of responsibility

Care by an individual or by some association, organized for the care or disposition of orphans, dependent or neglected children; such individual or association to be designated by the court. The child is subject to the guardianship of the individual or association until it is legally adopted by some person approved by the court. A child may be adopted without the consent of its parents or guardian, by an agreement with the court acknowledged by the individual or association adopting the child. 4/

Orphans: Commitment by the district court to some charitable institution organized and existing for that purpose within the State. 2/

1. Stat. Ann. (1929), Sec. 22-102.

2. Ibid, Sec. 62-301.

3. Ibid, Sec. 22-103.

The filed information must contain a statement of the facts which brought the child within the provisions of the Act. It is the duty of the District Attorney of the State to prosecute the proceeding. A copy of the information must be served upon the parents or guardian of the child, and the court may make necessary orders for compelling the production of the child in court, or before any referee appointed by the court. Subpoenas may be issued to compel the attendance of witnesses. Pending final disposition of the matter, the court may direct that the child be left with its parents or guardian, or with some family willing to assume its care, or that it be placed in an institution or place provided by the State or county, or that it be placed in charge of an association having for its object the care of orphans or dependent and neglected children. Ibid.

4. Stat. Ann. (1929), Sec. 22-106.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES) (Cont'd)

(d) Qualifications imposed

No provision.

(e) Incidence of financial responsibility

County pays charitable institutions not to exceed \$10 per month for the care of children committed to institutions, if the court so orders. 5/

The State aids the Orphans' Home and Industrial School 6/, and the St. Vincent's Hospital (and Orphanage) at Santa Fe. 7/

(f) Taxes

County property tax not to exceed one-half mill. 8/

(g) State general fund. 9/

(g) Administrative agencies

The district court has exclusive jurisdiction in all matters relating to the care, treatment, control, and disposition of dependent and neglected children. 10/

Probate judge places all orphan and indigent children with some good and reputable person. 11/

(h) Supervisory controls

No provision.

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5. Stat. Ann. (1929), Sec. 22-401, 62-302, 62-303.
 6. Ibid, Sec. 130-706; Laws (1935), Ch. 95.
 7. Stat. Ann. (1929), Sec. 130-802.
 8. Ibid, Sec. 62-302.
 9. Laws (1935), Ch. 95.
 10. Stat. Ann. (1929), Sec. 22-101.
 11. Ibid, Sec. 130-704.

NOTE ON OLD AGE ASSISTANCE

The Board of Directors of the State Relief and Security Authority supervises and administers public assistance, public welfare, and social security throughout the State, including the care and support of inhabitants of the State who are sick, aged, indigent, or otherwise unable to support themselves. 1/

The Board is empowered to cooperate with the United States in any matter relating to the exercise of the powers vested in the Authority including old age pensions and unemployment insurance, and to expend for such purpose any money appropriated to the Authority for these purposes. 2/

The Board is empowered to set up branch offices in any or all counties of the State, provided that not more than one branch is established in any one county; and provided that the Board of County Commissioners has the right to nominate the person to be in charge of the branch, but such person is appointed only with the approval of the Board of Directors of the Authority. The County Branch is set up for the purpose of carrying out the objects and purposes of the Authority in the county. If the Board of County Commissioners and the State Authority are unable to agree the Governor names the executive. 2/

The Board has power to administer all public funds appropriated to the Authority for public assistance, public welfare, and social security by the State, or any county or municipality of the State, or by the United States or any instrumentality or agency thereof. 2/

-
1. Laws (1935), Ch. 86, Sec. 4 (8).
 2. Ibid, Sec. 4 (10).
 3. Ibid, Sec. 4 (11).
 4. Ibid, Sec. 4 (8,9).

NOTE ON BLIND ASSISTANCE

The Board of Directors of the State Relief and Security Authority supervises and administers public assistance, public welfare, and social security throughout the State, including the care and support of inhabitants of the State who are sick, aged, indigent, or otherwise unable to support themselves. 1/

The Board is empowered to set up branch offices in any or all counties of the State, provided that not more than one branch is established in any one county; and provided that the Board of County Commissioners has the right to nominate the person to be in charge of the Branch, but such person is appointed only with the approval of the Board of Directors of the Authority. The County Branch is set up for the purpose of carrying out the objects and purposes of the Authority in the county. If the Board of County Commissioners and the State Authority are unable to agree the Governor names the executive. 3/

The Board has power to administer all public funds appropriated to the Authority for public assistance, public welfare, and social security by the State, or any county or municipality of the State, or by the United States or any instrumentality or agency thereof. 4/

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1. Laws (1935), Ch. 86, Sec. 4 (8).
 2. Ibid, Sec. 4 (10).
 3. Ibid, Sec. 4 (11).
 4. Ibid, Sec. 4 (8,9).

VETERAN RELIEF(a) Description of class

Any honorably discharged soldier, sailor or marine, who served in the army, navy or volunteer service of the United States. 1/

(b) Procedure for determining eligibility

The Board of County Commissioners must cause the bodies to be decently interred, but they may allow any surviving relative, immediate friends, or any Grand Army Post of which the deceased was a member, to conduct the funeral. 2/

(c) Measure of responsibility

Burial expenses not to exceed \$75. 2/

The burial must not be made in any potter's field or pauper's burial ground, nor in any cemetery used exclusively for the burial of paupers. 2/

(d) Qualifications imposed

The estate of the deceased must be insufficient to defray the funeral expenses. 1/ The deceased must have resided in the county at the time of his death. 3/

(e) Incidence of financial responsibility

On the county. 1/ (Obligation mandatory. 1/)

(f) Taxes

No specific provision. (County general fund. 3/)

(g) Administrative agencies

Board of County Commissioners. 1/

(h) Supervisory controls

No provision.

1. Stat. Ann. (1929), Sec. 33-5301.

2. Ibid, Sec. 33-5302.

3. Ibid, Sec. 33-5303.

Disabled Soldiers' Relief Commission: The Disabled Soldiers' Relief Commission assists veterans and their dependents to secure benefits to which they are entitled and emergency relief through any agency for providing such relief and assists veterans to secure employment and obtain veterans' preference for employment. Laws (1935), Ch. 18, Sec. 122-102. See "Disabled Soldiers' Relief Commission".

NOTE ON EMERGENCY (UNEMPLOYMENT) RELIEF

The Board of Directors of the State Relief and Security Authority is empowered to provide, insofar as is practicable, work for those who are able to labor but unable to find employment. 1/

The Board is empowered to set up branch offices in any or all counties of the State, provided that not more than one branch is established in any one county; and provided that the Board of County Commissioners has the right to nominate the person to be in charge of the branch, but such person is appointed only with the approval of the Board of Directors of the Authority. The County Branch is set up for the purpose of carrying out the objects and purposes of the Authority in the county. If the Board of County Commissioners and the State Authority are unable to agree the Governor names the executive. 3/

The Board has power to administer all public funds appropriated to the Authority for public assistance, public welfare, and social security by the State, or any county or municipality of the State, or by the United States or any instrumentality or agency thereof. 4/

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1. Laws (1935), Ch. 86, Sec. 4 (8).
 2. Ibid, Sec. 4 (10).
 3. Ibid, Sec. 4 (11).
 4. Ibid, Sec. 4 (8,9).

ABSTRACT OF ADMINISTRATIVE PROVISIONSBOARD OF DIRECTORS OF STATE RELIEF AND SECURITY AUTHORITY

(Statutory Body)

I. General Powers and Duties

(1) The Board of Directors has power to supervise and administer public assistance, public welfare, and social security in the State. This includes the care and support of inhabitants of the State who are sick, aged, indigent, or otherwise unable to support themselves. 1/

(2) The Board is empowered to provide, insofar as is practicable, work for those who are able to labor but unable to find employment. 1/

(3) The Board has power to administer all public funds appropriated to the Authority for public assistance, public welfare, and social security by the State, or any county or municipality of the State, or by the United States or any instrumentality or agency thereof. 1/

(4) The Board has power to do all things necessary and proper to perform the functions, carry out the provisions of the laws, rules and regulations of the United States, or any instrumentality or agency thereof, by which funds and other property may be given, granted, loaned, or devised to the State. It has power also, to act as the agent of the United States when designated as such, and to perform all things and acts required by the laws, rules and regulations of the United States or any instrumentality or agency thereof. 1/

(5) The Board is empowered to cooperate with the United States in any matters relating to the exercise of the powers vested in the Authority, including old age pensions and unemployment insurance, and to expend for such purpose any money appropriated to the Authority for these purposes. 1/

(6) County Branch of State Relief and Security Authority: The Board of Directors of the State Relief and Security Authority is empowered to set up branch offices in any or all counties of the State, provided that not more than one such branch is established in any one county; and provided that the Board of County Commissioners has the right to nominate the person to be in charge of the Branch, but such person is appointed only with the approval of the Board of Directors of the State Relief and Security Authority. The county branch is set up for the purpose of carrying out the objects and purposes of the Authority in the county. If the Board of County Commissioners and the State Authority are unable to agree the Governor names the executive. 1/

1. Laws (1935), Ch. 86.

I. General Powers and Duties (Cont'd)

(7) The Board has power to sue, and with the consent of the Legislature, to be sued; to adopt, amend, and repeal by-laws, and to adopt and use a corporate seal; to purchase, lease, and hold real and personal property; to make contracts, as authorized. 2/

II. Composition and Appointment of Governing Body

The Board of Directors consists of 3 members who are appointed by the Governor. The Directors must be citizens of the State, and must have been residents thereof for at least 3 years prior to the date of appointment. They serve for 6-year rotating terms and take the oath of office required of the State officers. Vacancies are filled by appointment of the Governor, and he may remove any member of the Board for incompetency, neglect of duty, or malfeasance in office. The Governor is an ex officio member of the Board, but 2 members of the Board constitute a quorum for all purposes. 3/

The Board selects one of its own number as president, and appoints a secretary. The members receive no compensation, but are entitled to reimbursement for actual expenses incurred. 4/

III. Reports

The Authority makes and publishes such financial and other reports as the Governor may, from time to time, require. 5/

IV. Executive

The Board has power to appoint an Administrator to manage the affairs of the Authority, under the supervision of the Board. 6/

V. Staff

The Administrator, subject to the supervision of the Board, employs such officers, agents, and employees as may be necessary, and fixes their compensation. 6/

VI. Financial Provisions

The Authority is financed by appropriations from the State general fund. 7/

Amount of Appropriation:

The sum of \$1,000,000 was appropriated from the Relief Fund in the State Treasury, from July 1, 1935 to June 30, 1937. 7/

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2. Laws (1935), Ch. 86.
 3. Ibid, Sec. 2.
 4. Ibid, Sec. 3.
 5. Ibid, Sec. 8.
 6. Ibid, Sec. 5.
 7. Ibid, Sec. 11.

BOARD OF THE STATE DEPARTMENT OF PUBLIC WELFARE

(Statutory Body)

I. General Powers and Duties

(1) The Board of the State Department of Public Welfare succeeds to the powers and duties of the State Department of Health, State Board of Health, Commissioner of Health, Child Welfare Service, and Child Welfare Board. 1/

(2) The Board must create and organize a Bureau of Child Welfare, a Bureau of Public Health, and such other bureaus and divisions as it may deem necessary. The Board must assign to each bureau and division the exercise and performance of such of the powers, authority, and duties of the State Department of Public Welfare as it deems proper. 2/

(3) The Board must appoint a Director of Child Welfare. 3/

(4) The Board must appoint a Director of Public Health. 4/

(5) The Board is designated as the agency for the State with which the Children's Bureau or other agency of the United States must have all necessary powers to cooperate as provided in any Act of Congress. 5/

(6) The Bureau of Child Welfare of the State Department of Public Welfare must investigate matters set forth in applications for aid to dependent children in their own homes, and before granting aid, the County Commissioners must have the Bureau's written approval of the application and its agreement regarding the terms of the order. 6/ The State Bureau of Child Welfare and the Board of County Commissioners jointly decide the amount of assistance to be granted. 7/

1. Stat. Ann. (1929), Sec. 126-103.

The above agencies were discontinued (as of 1921) and merged into the State Department of Public Welfare. The property and appropriation appertaining to the State Department of Health and the Child Welfare Board were transferred to the State Department of Public Welfare. Ibid.

2. Stat. Ann. (1929), Sec. 126-104.

3. Ibid, Sec. 126-106.

4. Ibid, Sec. 126-107.

5. Ibid, Sec. 126-109.

6. Laws (1931), Ch. 49, Sec. 3.

The county clerk must notify in writing the Bureau of Child Welfare of the State Department of Public Welfare, of all applicants for Aid to Dependent Children in Their Own Homes, transmitting to the Bureau a copy of all applications. Ibid, Sec. 2.

7. Laws (1931), Ch. 49, Sec. 5; Stat. Ann. (1929), Sec. 126-106.

I. General Powers and Duties (Cont'd)

(7) Aid to dependent children may be discontinued at any time in the joint discretion of the Bureau of Child Welfare and the Board of County Commissioners. 8/

II. Composition and Appointment of Governing Body

The Board consists of 5 members appointed by the Governor, with the consent of the Senate. No one may be so appointed who is not a qualified elector of the State, and not less than 2 or more than 3 of the members must be women. The members serve 6-year rotating terms. Two members are appointed every 2 years. 9/

The members receive no salary but are allowed necessary traveling expenses and subsistence while attending meetings of the Board. The Board elects a president, vice-president and secretary, and holds such meetings as it provides by regulations. 10/

III. Reports

No provision.

IV. Executive

Director of Child Welfare: The Board of Public Welfare appoints a Director of Child Welfare who must be a woman of experience and special training in child welfare work. The Director is paid a salary not exceeding \$4,000 per year, and is allowed necessary traveling expenses only. The Director must file with the Secretary of State a surety company bond in the sum of \$5,000. 11/

Director of Public Health: The Board of Public Welfare appoints a Director of Public Health who must be a person having experience and special training in sanitary science and public health work. He is paid a salary not exceeding \$4,000 and is allowed necessary traveling expenses only. The Director must file with the Secretary of State a surety company bond in the sum of \$5,000. 12/

V. Staff

The Board may appoint, or authorize any division or bureau created by it to appoint or employ, and fix the compensation of such assistants and employees as the Board, or the divisions and bureaus, with the approval of the Board, may deem necessary. 13/

8. Laws (1931), Ch. 49, Sec. 5.

9. Stat. Ann. (1929), Sec. 126-102.

10. Ibid, Sec. 126-105.

11. Ibid, Sec. 126-106.

12. Ibid, Sec. 126-107.

13. Ibid, Sec. 126-108.

All salaries and expenses of the State Department of Public Welfare are paid upon warrants drawn by the State Auditor, supported by vouchers of the Department. Ibid.

VI. Financial Provisions

The Board is financed by appropriations from the State general fund. 14/

Amount of Appropriation:

The sum of \$116,040 was appropriated for the Bureau of Public Health and for the Bureau of Child Welfare, from July 1, 1935 to June 30, 1937. 14/

Limitation of Funds: 14/

Bureau of Public Health:

Salary of Director not to exceed.\$ 7,200
Salary of sanitary engineer	5,400
Salary of chief of laboratory	5,400
Salary of supervisory nurse	4,800
Salary of registrar and bookkeeper.	4,200
*Additional salaries, office contingent, traveling expenses, and health laboratory.	16,000
For health protection	<u>18,000</u>
Total.\$61,000

Bureau of Child Welfare:

Salary of Director not to exceed.\$ 8,000
Salary of field representatives, clerks, bookkeepers, and stenographers	29,040
Additional salaries, office contingent, and traveling expenses	<u>18,000</u>
Total.\$55,040

14. Laws (1935), Ch. 151, 452.

Provided, that so much of the above appropriations as may be necessary may be applied to meet Federal allotments under the Sheppard-Towner Act, requiring dollar for dollar appropriations by the State, or to meet other aid from sources other than these appropriations.

*Provided, the Board of Public Welfare may transfer, if necessary in its judgment, not to exceed \$2,500 from this item under Bureau of Public Health to the same item under Bureau of Child Welfare.

And provided, that in addition to the above appropriations, the Board of Public Welfare may expend funds derived from grants, donations, and fees received from birth and death registrations. Ibid.

BOARD OF SUPERVISORS (BOARD OF VISITORS) OF ORPHANS' HOME

AND INDUSTRIAL SCHOOL 1/

(State-aided)

(Statutory Body) 2/

I. General Powers and Duties

(1) The Orphans' Home and Industrial School is under the care, charge, control and custody of the Sisters of Charity of Santa Fe, subject to the general supervision of the Board of Supervisors (Board of Visitors) and to all orders issued by the Board. 3/

(2) The Sisters of Charity must board, clothe, and instruct the children in the common school branches. 4/

(3) The Sisters of Charity must use their best endeavors to place the children with some good and responsible family, who will agree to care for, educate, and teach them to work for a certain number of years to be agreed upon; provided, that 10 children may be kept at Bernalillo, under the direction of the Sisters of Charity at Santa Fe. 5/

II. Composition and Appointment of Governing Body

The Archbishop of the State, the Governor, the Attorney General of the State, the Chief Justice of the Supreme Court, and the physician of the institution constitute the Board of Visitors (Board of Supervisors) of the institution. 6/

1. The governing body of this institution is called "Board of Visitors" and "Board of Supervisors" in the statutes. There is no indication as to which is the official designation of the body.

Commitments: It is the duty of the probate judges in the several counties to place all orphan and indigent children with some good and reputable person. Stat. Ann. (1929), Sec. 130-704.

The district court has exclusive jurisdiction in all matters relating to the care, treatment, control and disposition of dependent and neglected children. Ibid, Sec. 22-101.

2. Stat. Ann. (1929), Sec. 130-701.

The Asylum of the Sisters of Charity of Santa Fe is an Orphans' Home and Industrial School for the care, support, and education of the orphan and indigent children of the State. It is known as the Orphans' Home and Industrial School of New Mexico. Ibid.

3. Stat. Ann. (1929), Sec. 130-702.

4. Ibid, Sec. 130-703.

5. Ibid, Sec. 130-704.

6. Ibid, Sec. 130-705.

III. Reports

No provision.

IV. Executive

No provision.

V. Staff

No provision.

VI. Financial Provisions

The sum of \$20,000 was appropriated from a special fund in the State Treasury for the support of the Orphans' Home and Industrial School from July 1, 1935 to June 30, 1937. 7/

7. Laws (1935), Ch. 95.

The State Tax Commission was directed to make a sufficient levy on all property subject to taxation in the State, from July 1, 1935 to June 30, 1937, to realize the amount appropriated for the above institution, and to direct the several collectors of taxes to collect the taxes at the same time and in the same manner as other taxes are collected and paid. Ibid.

The taxes are paid over to the State treasurer and he deposits them in a separate account to be kept by him, which is known as "Charitable Institutions and Hospitals Fund". The State Auditor draws his warrants on such funds when available, on vouchers properly signed by the institution, and the State treasurer pays the warrants on presentation thereof to him. Ibid.

BOARD OF TRUSTEES OF STATE INDUSTRIAL SCHOOL 1/

(REFORM SCHOOL)

(Constitutional Body) 2/

I. General Powers and Duties

(a) Board of Trustees:

(1) The management and control of the institution is vested in the Board of Trustees. 3/

(2) The Board must pass and enforce by-laws, rules and regulations for the government of the institution, and for properly carrying out its objects. It must provide all proper and necessary books, apparatus, instruments, medicines, clothing, food, supplies, and other materials or things necessary for the proper conduct of the institution, and for the care, support, and protection of the inmates when necessary. 4/

(3) The Board may transfer prisoners sentenced to serve terms in the institution to reform or industrial schools of other States. 5/

(4) All persons sentenced to the institution must perform such useful labor, and submit to such rules and regulations as the Board may prescribe. 6/

(b) Superintendent:

(1) Whenever an inmate is transferred to the reform or industrial school of some other State, the Superintendent, with the consent of the Board of Trustees, must enter into a contract with the proper authorities of the foreign reform or industrial school 7/, and must notify the judge of the court who made the commitment. 8/

1. Commitments: This institution is used for the detention, reformation, and instruction of boys under 18 years of age, who may be convicted for any offense less than murder or manslaughter, or who may be adjudged juvenile delinquents. When any boy under 18 years of age is convicted of such offense or is adjudged to be a juvenile delinquent, the court, if in its opinion the accused is a proper subject therefor, may order him committed to the School until he attains the age of 21 years, or until he is paroled, released or removed by the court. Stat. Ann. (1929), Sec. 130-601.

When any person committed to the School is found by the Board to be an improper subject for reformation and instruction at the School, and if allowed to remain, would prevent or retard the reformation and instruction of the other boys at the School, the Board reports such finding to the court having committed the person. The court, with or without further investigation or hearing, may order the person to be removed from the School to the State Penitentiary to serve the remainder of his sentence. Ibid, Sec. 130-604.

2. Const. Art. 14, Sec. 1.

The Reform School at Springer is hereby confirmed as a State institution.

Ibid.

3. Stat. Ann. (1929), Sec. 130-606.

4. Ibid, Sec. 130-607.

5. Ibid, Sec. 130-608.

6. Ibid, Sec. 130-605.

7. Ibid, Sec. 130-610.

8. Ibid, Sec. 130-611.

I. General Powers and Duties (Cont'd)(b) Superintendent: (Cont'd)

(2) The Superintendent must see that all rules and regulations of the Board are properly enforced, and the infringements thereof properly punished. 9/

II. Composition and Appointment of Governing Body

The Board of Trustees is composed of 5 members, appointed by the Governor with the consent of the Senate, to hold office for terms of 4 years. Not more than 3 of these members may belong to the same political party. 10/ A majority of the members of the Board constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The Board elects a president and treasurer from its own number; the secretary and treasurer respectively must give bond in the penal sum of \$10,000 to the State, with 2 or more sureties who must be residents of the State. The Governor is ex officio member of the Board, but does not have the right to vote or be eligible to hold office. 11/

III. Reports

No provision.

IV. Executive

The Board may employ a superintendent, prescribe his duties, and fix his compensation. It has power to remove or discharge him at any time when, in its judgment, the interest of the institution requires his removal. 12/

V. Staff

The Board may employ all teachers, physicians, and employees, prescribe their duties, and fix their compensation. It may remove or discharge any officer or employee appointed or selected by it when, in its judgment, it is to the best interest of the institution. 12/

VI. Financial Provisions

The institution is financed by appropriations from the State general fund. 13/

Amount of Appropriation:

The sum of \$55,000 was appropriated for the support of the institution, from July 1, 1935 to June 30, 1937. 13/

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9. Stat. Ann. (1929), Sec. 130-605.
 10. Const., Art. 14, Sec. 3.
 11. Stat. Ann. (1929), Sec. 130-606.
 12. Ibid, Sec. 130-607.
 13. Laws (1935), Ch. 151, p. 464.

VI. Financial Provisions (Cont'd)Limitation of Funds:

Salaries and wages	\$ 15,000
Office expenses	500
Traveling expenses	500
Operating expenses	20,000
Repairs	5,000
Equipment	4,000
Improvements and contingent expenses	4,000
Industrial and vocational training	4,000
Medical treatment and hospital care	<u>2,000</u>
Total	\$ <u>55,000</u> 14/

14. Laws (1935), Ch. 151, p. 464.

Provided, that in addition to the above institutional receipts, the income from lands, permanent funds, and from other funds belonging to the institution are appropriated, but expenditures must in no event exceed available revenue, and the estimates of the budget submitted to the 12th Legislature by the Governor. And provided, that the Board of Trustees may enter into arrangements with the Miners' Hospital at Raton for medical treatment and care. Ibid.

BOARD OF STATE GIRLS' WELFARE HOME 1/

(Statutory Body)

I. General Powers and Duties

(1) The Board has power to receive, maintain, educate, discipline, control, and parole girls under 18 years of age who have been committed to it by the district judges of the State; provided, that the approval of the court committing the girl may be obtained to fix the term of all paroles. 2/

(2) The Girls' Welfare Home and its officials have full power and authority to retain all girls committed to the institution for such length of terms and upon such conditions as may be imposed by the court. 3/

II. Composition and Appointment of Governing Body

The Board is composed of 5 women residents of the State, appointed by the Governor with the consent of the Senate, who hold office for a term of 2 years, without compensation. 4/

III. Reports

No provision.

IV. Executive

No provision.

1. Commitments: In 1931 the Girls' Welfare Home was designated as a State institution for the correction and reformation of all girls lawfully committed to the institution by the various courts of the State. Laws (1931), Ch. 36.

The district court (juvenile session), in its discretion, may commit to the Girls' Welfare Board as wards of the court, for terms not exceeding their minority, such girls under the age of 18 years who have been convicted of felonies less than murder, or of misdemeanors; who are incorrigible, associated with thieves, or vicious or immoral persons, and growing up in idleness; or who frequent places of prostitution; or who wander the streets at night without lawful business or occupation; or who habitually use vile, obscene, vulgar, profane or indecent language in public places; or who habitually violate the compulsory school law; and who are guilty of immoral conduct in public places. Nothing herein contained may affect the juvenile court law; these provisions being cumulative thereto. Stat. Ann. (1929), Sec. 61-103.

Girls under 18 years of age must be tried on misdemeanor charges only in the district courts of the State, and no complaint may lie nor any such case may be tried against such girls in the courts of the justice of the peace. Ibid, Sec. 61-104. Preliminary hearings on charges of felonies against girls under 18 years of age must be held only before district judges sitting as committing magistrates. Ibid, Sec. 61-105.

2. Stat. Ann. (1929), Sec. 61-102.

3. Laws (1931), Ch. 36, Sec. 2.

4. Stat. Ann. (1929), Sec. 61-101.

V. Staff

No provision.

VI. Financial Provisions

This institution is financed by appropriations from the State general fund. 5/

Amount of Appropriation:

The sum of \$100,000 was appropriated for the support of the Home from July 1, 1935 to June 30, 1937. 5/

Limitation of Funds: 5/

Salaries and wages	\$ 19,000
Traveling expenses	3,400
Office expenses	1,800
Operating expenses	18,000
Repairs	3,800
Equipment	3,000
Improvements and contingent expenses	31,000
Hospital and new unit	<u>20,000</u>
Total	\$100,000

5. Laws (1935), Ch. 151, p. 466.

Provided, that in addition to the above, institutional receipts and other funds belonging to the institution are appropriated. Expenditures must in no event exceed the available revenue, and must not exceed the estimates of the budget submitted to the 12th Legislature by the Governor. Ibid.

BOARD OF DIRECTORS OF STATE INSANE ASYLUM 1/

(Constitutional Body) 2/

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

(1) The Board is vested with the management and control of the Asylum, care and preservation of all property, erection and construction of all buildings, the care and custody of all patients, and the disbursement of all money of the institution. 3/

(2) The Board must enact laws, rules and regulations for the government of the employees and inmates of the Asylum, and must provide for the manner in which meetings of the Board may be called and held. 4/

(3) The Board has discretionary power, in case of absolute necessity, to remove patients to the nearest appropriate place. It must cause the accounts of the Asylum to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased. 5/

1. Commitments: Whenever it appears by affidavit to the satisfaction of a justice of the peace of any county, that a person within the county is so far disordered in his mind as to endanger his health, person, or property, he must direct that such person be taken before any judge of the district court within the proper district for examination. The judge must issue subpoenas to 2 or more witnesses, and at least one graduate of medicine to appear and testify before the judge at the examination. If the physician certifies that the person is insane, and if the court is satisfied of the same, and if the person is indigent, the judge so certifies to the Board of Directors of the Asylum, and commits the person to the Asylum. The court may make an order charging the reasonable costs of examination and transportation to the Asylum against the county from which the person is taken. If the person possesses property, the court orders his property to be subjected to the payment of the care of the person; provided, that no case of idiocy, imbecility or simple feeble-mindedness may be maintained, nor any case of delirium tremens or mania a potu be admitted to the Asylum. Stat. Ann. (1929), Sec. 130-312. Insane convicts must be received into the Asylum and returned to the State Penitentiary upon recovery unless their sentences have expired. No non-residents may be admitted unless the person became insane within the State. In all cases, indigent insane are given preference in the right of admission. Ibid, Sec. 130-311.

2. Const., Art. 14, Sec. 1.

The New Mexico Insane Asylum at Las Vegas is hereby confirmed as a State institution. Ibid.

3. Stat. Ann. (1929), Sec. 130-302.

4. Ibid, Sec. 130-307.

5. Ibid, Sec. 130-308.

I. General Powers and Duties (Cont'd)

(a) Board of Directors: (Cont'd)

(4) The Board has power to make regulations and fix the terms upon which insane persons, who are indigent and who are non-residents of the State, may be admitted to the Asylum. 6/

(5) The Board must advertise in some newspaper published in the State, calling for bids for provisions, fuel, clothing, and other supplies, and must let the contract for such supplies to the lowest responsible bidder. 6/

(b) President of the Board of Directors:

The President of the Board must preside at meetings, and must generally direct the affairs of the Asylum. 7/

(c) Medical Superintendent:

The duties of the Medical Superintendent in relation to the control of patients, and in prescribing the treatment and enforcement of sanitary regulations of the Asylum are such as are prescribed by the Board of Directors. 8/

II. Composition and Appointment of Governing Body

The Board of Directors consists of 5 members, appointed by the Governor with the consent of the Senate, who hold office for terms of 4 years. Not more than 3 of the members may belong to the same political party. 9/

The Board constitutes a body corporate, with the right of suing and being sued, contracting and being contracted with, and using a common seal. The majority of the Board constitute a Board for the transaction of business, but a less number may adjourn from time to time. 10/

The Board elects annually, on the second Monday in March, the president, secretary, and treasurer 11/, from its own number. These officers hold their offices until their successors are duly elected and qualified. The secretary and treasurer must execute a bond to the State in the penal sum of not less than \$20,000. 12/

6. Stat. Ann. (1929), Sec. 130-309.

7. Ibid, Sec. 130-305.

8. Ibid, Sec. 130-310.

9. Const., Art. 14, Sec. 3.

10. Stat. Ann. (1929), Sec. 130-303.

11. Ibid, Sec. 130-306.

The secretary and treasurer must keep a true and correct account of all money received and expended by him. He must attest all instruments required to be signed by the President of the Board, and must keep a correct record of all the proceedings of the Board. Ibid.

12. Stat. Ann. (1929), Sec. 130-304.

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

The Governor and the superintendent of public instruction, if there is one, are ex officio advisory members of the Board. They do not have the right to vote and are not eligible to hold office therein. 13/ At least one member of the Board must be a resident of the town or city at or near which the institution is located. 14/

III. Reports

The Board of Directors makes a report to the Governor annually, on or before the first of December. 15/

IV. Executive

The Board elects a president annually. 16/

V. Staff

A medical superintendent for the institution is employed by the president of the Board, with the consent of the Board. He must be a graduate in medicine, and must have practiced his profession 5 years after the date of his diploma. 17/ He may be removed by the Board when, in its judgment, it is to the best interest of the institution. 18/

The president of the Board, with the advice and consent of the Board, employs physicians, nurses, guards, and other employees deemed necessary for the proper management of the Asylum, and determines the amount of their respective salaries. 19/ Any officer or employee of the Asylum may be removed by the Board whenever, in its judgment, it is to the best interest of the Institution. 18/

VI. Financial Provisions

This institution is financed by appropriations from the State general fund. 20/

13. Stat. Ann. (1929), Sec. 130-1405.

14. Ibid, Sec. 130-1407.

15. Ibid, Sec. 130-1404.

16. Ibid, Sec. 130-306.

17. Ibid, Sec. 130-305, 130-310.

18. Ibid, Sec. 130-308.

19. Ibid, Sec. 130-305.

20. Laws (1935), Ch. 151, p. 463.

The court committing a person to the Asylum may assess the cost of examination and transportation to the Asylum against the county from which the person is taken, and may order that the property of the person if any, be subjected to the payment of the care of the person. Stat. Ann. (1929), Sec. 130-312.

VI. Financial Provisions (Cont'd)

Amount of Appropriation:

The sum of \$340,000 was appropriated for the support of the institution, from July 1, 1935 to June 30, 1937. 21/

Limitation of Funds:

Salaries and wages	\$120,000
Office expenses	2,000
Traveling expenses	1,000
Operating expenses	120,000
Repairs	4,000
Equipment	5,000
Contingent expenses	<u>88,000</u>
Total	\$340,000

21. Laws (1935), Ch. 151, p. 463.

Provided, that the balance in the building fund of the Asylum, and other funds in excess of maintenance needs may be used for permanent improvements, as the Board of Directors may deem necessary. Provided further, that in addition to the above institutional receipts, the income from lands and permanent funds, and other funds belonging to the institution are appropriated. Expenditures must in no event exceed available revenue, and must not exceed the estimates of the budget submitted to the twelfth Legislature by the Governor. Ibid.

BOARD OF DIRECTORS OF STATE HOME AND TRAINING

SCHOOL FOR MENTAL DEFECTIVES 1/

(Statutory Body)

I. General Powers and Duties

(a) Board of Directors:

The Board of Directors must manage the institution. 2/

(b) Superintendent:

The Superintendent, upon advice of the attending physician, and with the approval of the Board, may parole inmates of the institution from time to time. 3/

II. Composition and Appointment of Governing Body

The Board of Directors is composed of 5 competent persons appointed by the Governor, not more than 3 of whom must belong to the same political party, and at least 2 of whom must be women. The members hold 6-year rotating terms of office. They elect a president and other officers, and 3 members constitute a quorum for the transaction of business. The Board holds regular quarterly meetings, and the president or any 3 members may call a special meeting when there is an emergency. The members receive no compensation, but are allowed actual expenses. 2/

III. Reports

No provision.

1. "Mental defective" defined: Any person mentally under developed or faultily developed to the degree that he is incapable of managing himself or his affairs and requires supervision, care, and control for his own welfare, or for the welfare of others, or of the community, and who is not classified as an insane person, nor morally backward or mentally retarded. Stat. Ann. (1929), Sec. 130-1201. (Note: Statute quoted verbatim.)

Commitments: Any person over the age of 21 years may file with the clerk of the district court in the district wherein any such alleged mentally defective person resides, a petition and affidavit showing that there is within the jurisdiction of the court a person mentally defective. The judge or clerk of the court sets a short day for the hearing of the petition and cites the alleged defective and his or her parents, guardians or custodians, and other witnesses, if necessary, to appear before the court at the time fixed. The alleged defective must be examined by one or more reputable physicians and such other qualified experts as the judge may deem necessary. If the person is found to be mentally defective, the court may commit him to the Home and Training School. The superintendent, with the approval of the Board, may give preference to cases which constitute a special social menace. The superintendent is authorized to refuse admission when he is not equipped to give proper care and attention to such mentally defective person. Stat. Ann. (1929), Sec. 130-1206. The court making commitments may discharge the defective at any time upon good cause. Ibid, Sec. 130-1207.

2. Stat. Ann. (1929), Sec. 130-1203.

3. Ibid, Sec. 130-1207.

IV. Executive

The board appoints a Superintendent, who must be qualified by special training and experience to care for mental defectives. The Superintendent serves at the pleasure of the Board, and his salary is fixed by the Board. 4/

V. Staff

No provision.

VI. Financial Provisions

This institution is financed by appropriations from the State general fund. 5/

Amount of Appropriation:

The sum of \$54,000 was appropriated for the support of the institution from July 1, 1935 to June 30, 1937. 5/

Limitation of Funds:

Salaries and wages	\$21,700
Traveling expenses	1,400
Office expenses	1,000
Operating expenses	8,000
Repairs	3,400
Equipment	9,000
Improvements and contingent expenses	<u>9,500</u>
Total	\$54,000

4. Stat. Ann. (1929), Sec. 130-1207.

5. Laws (1935), Ch. 151, p. 466.

Provided, that any balance remaining at the end of the 23rd fiscal year and other receipts in excess of maintenance needs may be used by the Board for building and furnishing a building for boys.

Provided further, that in addition to the above, institutional receipts and other funds belonging to the institution are appropriated. Expenditures must in no event exceed available revenue and must not exceed the estimate of the budget submitted to the 12th Legislature by the Governor. Ibid.

BOARD OF TRUSTEES OF STATE INSTITUTE FOR THE BLIND(Constitutional Body) 1/I. General Powers and Duties

The Institute for the Blind is under the management and control of the Board of Trustees. 2/

II. Composition and Appointment of Governing Body

The Board of Trustees consists of 5 Trustees, who are appointed by the Governor with the consent of the Senate for terms of 4 years. Vacancies are filled by the Governor until the next session of the Senate, when, with the approval of the Senate, he must appoint a Trustee to fill the vacancy. A majority of the Board constitute a quorum. The Governor is an ex officio member of the Board. 2/

III. Reports

No provision.

IV. Executive

See "Staff".

V. Staff

The Board employs all teachers, physicians, wardens or superintendents, and employees. It prescribes the duties and compensation of each, and has full power to discharge any officer or employee. 3/

VI. Financial Provisions

The Institute is financed by appropriations from the State general fund. 4/

Amount of Appropriation:

The sum of \$100,000 was appropriated for the support of the Institute from July 1, 1935 to June 30, 1937. 4/

1. Const., Art. 12, Sec. 11.

The Constitution provides for this institution, located at Alamogordo, and confirms it as a State educational institution. Ibid.

The statutes provide that the Institute is intended for the proper instruction of the blind youth of the State (Stat. Ann. (1929), Sec. 130-407), and that for administrative purposes in all matters except suits, State lands, funds, and appropriations, the Institute may be referred to as the "School for the Blind". Ibid, Sec. 130-403.

The Institute provides board, room, and tuition for children between the ages of 5 and 21 years. Blue Book (1935-1936), p. 56.

2. Stat. Ann. (1929), Sec. 130-606; Const., Art. 12, Sec. 13, Art. 20, Sec. 5.

3. Stat. Ann. (1929), Sec. 130-607.

4. Laws (1935), Ch. 151, p. 462.

VI. Financial Provisions (Cont'd)

Limitation of Funds: 5/

Salaries and wages	\$ 50,000
Office expenses	1,500
Traveling expenses	2,000
Operating expenses	24,000
Repairs	4,500
Equipment	4,000
Improvements and contingent expenses	<u>14,000</u>
Total	\$100,000

5. Laws (1935), Ch. 151, p. 462.

BOARD OF REGENTS OF STATE ASYLUM FOR THE DEAF AND DUMB 1/

(Constitutional Body) 2/

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

(1) The Board of Regents has control and management of the Asylum, and it has power to provide suitable buildings and additions to existing buildings. 3/

(2) The president of the Board is authorized, in behalf of the Asylum, to make all necessary agreements and contracts with the United States Government and the proper authorities of other States and territories, for the reception and education of Indian children and children of other States and territories at the institution. 4/

(3) The Board must make its own rules and regulations for the government of the institution, and for its meetings. 3/

(b) Superintendent:

(1) The Superintendent is authorized, upon an affidavit of impecuniosity by the probate judge of any county, to draw a requisition upon the Board of Trustees for a sufficient amount of money suitable to clothe an impoverished child, and to pay his transportation to the Asylum. 5/

(2) The Superintendent, after notice is given him by the County Superintendent of Schools that there is a deaf or mute person of school age within the county, must notify the parents or guardians of the child to send him to the Asylum for proper instruction at a time to be fixed by law. 5/

1. Admission: The Asylum is devoted exclusively to the care and instruction of the deaf and/or mute of both sexes, between the ages of 8 and 21 years, who reside within the State. All instruction is free, provided that deaf or mute children from other States or territories, and Indian children under the control of the United States Indian agents may be received and educated in the Asylum under such rules and regulations as the Board of Trustees may prescribe. In no event may such children be admitted except on payment or guarantee of at least \$225 per school year. Stat. Ann. (1929), Sec. 130-405. The clerks of all school districts and Boards of Education must report to the school superintendent of the county the names of all deaf or mute persons of school age residing within their respective counties, and the superintendent reports such children to the Superintendent of the Asylum. The Superintendent of the Asylum must notify the parents or guardians of the child to send it to the Asylum for proper instruction. If the probate judge of the county certifies that the child is unable to pay its expenses, the Board of Trustees must pay the transportation of the child and suitably clothe it. Ibid, Sec. 103-406.

2. Const. Art. 12, Sec. 11. The Asylum for the Deaf and Dumb at Santa Fe, is hereby confirmed as a State educational institution. Ibid.

3. Stat. Ann. (1929), Sec. 130-404.

4. Ibid, Sec. 130-405.

5. Ibid, Sec. 130-406. While the Board of Regents is the governing body, the statutes mention the Board of Trustees without explanation.

II. Composition and Appointment of Governing Body

The Board of Regents consists of 5 members, who are appointed by the Governor, with the consent of the Senate, for terms of 4 years. Not more than 3 members may belong to the same political party at the time of their appointment. The Board elects a president and secretary annually from among its own number. The members of the Board serve without compensation, but actual cash expended by them in attending meetings of the Board is refunded. 6/

III. Reports

The Board must biennially, in the years when the State Legislature meets, present to the Governor a detailed report of all its doings and actions during the previous 2 years, with such information and recommendations as it may deem necessary for the Governor and Legislature to act upon. 6/

IV. Executive

The Board has power to employ a Superintendent. 6/

V. Staff

The Board has power to employ teachers and other necessary employees to carry on the Asylum in the most efficient manner with the appropriations made therefor. 6/

VI. Financial Provisions

The Asylum for the Deaf and Dumb is financed by appropriations from the State general fund. 7/

Amount of Appropriation:

The sum of \$100,000 was appropriated for the support of the institution from July 1, 1935 to June 30, 1937. 7/

Limitation of Funds:

Salaries and wages	\$ 70,000
Office expenses	900
Traveling expenses	900
Repairs	1,800
Operating expenses	9,000
Improvements, contingent, and other ex- penses	12,400
Equipment	5,000
Total	\$100,000

6. Stat. Ann. (1929), Sec. 130-404.

7. Laws (1935), Ch. 151, p. 462.

DISABLED SOLDIERS' RELIEF COMMISSION

(Statutory Body)

I. General Powers and Duties

(1) The Commission has power to assist veterans, their widows and children in the preparation, presentation, and prosecution of claims against the United States, arising by reason of military or naval services. 1/

(2) The Commission is empowered to assist veterans, and their widows and children in the establishing of all rights and the procurement of all benefits, which have accrued or may accrue to them under the laws of the State or the United States. 1/

(3) The Commission is empowered to prepare and maintain a roster of veterans who are legal residents of the State, including therein such information as may be deemed necessary. 1/

(4) The Commission has power to establish and maintain an employment service for veterans, and to cooperate with any and all agencies of the State or of the United States having to do with employment or reemployment of veterans. 1/

(5) The Commission has power to assist veterans in obtaining such preference for employment as is authorized by the State laws or the laws of the United States. 1/

(6) The Commission is empowered to assist veterans, and their widows and children, in obtaining emergency relief, and to cooperate with such agencies of the State, or of the United States as have been established for the purpose of extending emergency relief. 1/

(7) The Commission has power to cooperate with the agencies of the United States which are established for the beneficial interest of veterans. 1/

(8) The Commission has power to make such rules and regulations as may be necessary for the proper administration of the office. 1/

(9) The Commission is empowered to disseminate information regarding all laws beneficial to veterans, their widows and children. 1/

1. Laws (1935), Ch. 18, Sec. 122-102.

II. Composition and Appointment of Governing Body

The Commission consists of 3 members, who must be veterans. They are appointed by the Governor, with the consent of the Senate, to serve for 6-year rotating terms. The members serve without compensation, but they are allowed actual and necessary expenses. 2/

III. Reports

The Commission reports to the Governor biennially on or before the first day of December in even-numbered years. 3/

IV. Executive

The Commission, within 10 days after its appointment and with the approval of the Governor, must appoint a Director of Veterans' Affairs. The Director must be a veteran. He receives a salary of \$2,700 per year. 4/

V. Staff

The Commission, with the consent of the Governor, must appoint such assistants, both executive and clerical as may be necessary. All employees must be veterans, except that a stenographer may be employed from among the wives, widows, sisters, or children of veterans. 4/

The salary of any assistant other than clerical, is paid in the discretion of the Commission, not to exceed \$2,400 per year. Clerical assistants receive a salary fixed by the Commission not to exceed \$1,500 per year. 4/

VI. Financial Provision

The Commission is financed by appropriations from the State general fund. 5/

Amount of Appropriation:

The sum of \$19,600 was appropriated for the expenses of the Commission from July 1, 1935 to June 30, 1937. 5/

Limitation of Funds:

Salary of director.	\$ 5,400
Salary of assistants.	6,000
For contingent office, traveling, and other expenses	6,200
Additional salaries	1,200
Contingent.	<u>800</u>
Total	\$19,600

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2. Laws (1935), Ch. 18, Sec. 122-101.
 3. Ibid, Sec. 122-102.
 4. Ibid, Sec. 122-103.
 5. Ibid, Ch. 151, p. 453.

STATE BOARD OF PENITENTIARY COMMISSIONERS
(Constitutional Body) 1/

Superintendent of State Penitentiary
(Institution established by statute)

STATE PRISON BOARD
(Statutory Body)

I. General Powers and Duties

(a) Board of Commissioners:

(1) The Board must examine and inquire into all matters connected with the government, discipline, police of the Penitentiary, and the punishment and treatment of the prisoners. 2/

(2) The Board must inspect the prisoners, and listen to any complaints of oppression or misconduct on the part of the Superintendent or any other employee. The president, or any member of the Board while acting under the direction of the Board, has power to issue subpoenas and to compel the attendance of witnesses and to administer oaths. 2/

(3) The Board must take immediate steps to cause to be collected and accounted for, all debts due and owing to the State on account of the Penitentiary. The Board may place any claim or account in the hands of the Attorney General, or any district attorney for prosecution, if it deems necessary. 3/

(4) In case of any pestilence or contagious sickness breaking out among the convicts, the Board may cause them to be removed to some suitable place of security where those who are sick may receive necessary medical attendance. 4/

1. The Penitentiary at Sante Fe is hereby confirmed as a State Institution. Const. Art. 14, Sec. 1. The Institution is under the control and management of a Board, whose title, duties and powers are prescribed by law, Ibid, Sec. 3.

The Penitentiary is a reformatory and an industrial school, and all persons confined therein must be employed in some beneficial industry. When a convict has a dependent family, his earnings must be paid to his family if necessary for their support. Ibid, Art. 20, Sec. 16.

2. Stat. Ann. (1929), Sec. 130-115.

3. Ibid, Sec. 130-117.

4. Ibid, Sec. 130-149.

I. General Powers and Duties (Cont'd)(b) Superintendent:

(1) The Superintendent, under the direction of the Board of Penitentiary Commissioners, has charge and custody of the Penitentiary, the lands, buildings, tools and implements, and all other property pertaining thereto. 5/

(2) The Superintendent must superintend the internal police and discipline of the Penitentiary as required by law, and enforce the rules and regulations prescribed by the Board. 5/

(3) The Superintendent must keep an account of all articles manufactured in the workshops, classify convicts for their labor so far as possible, and see that proper food and clothing is supplied to them. 5/

(4) The Superintendent must have charge of the library. 5/

(5) The Superintendent must keep or cause to be kept in suitable books, regular and complete accounts of all income, business, and concerns of the Penitentiary. He must keep a true account of all money received for labor or from other sources, and must turn the money over to the State Treasurer. This money is placed to the credit of the Penitentiary current expense fund. 6/

(6) The Superintendent must collect the wages earned by the convicts and all money due on account of the Penitentiary, except appropriations from the State. He must pay the money over to the State Treasurer, to be placed to the credit of the Penitentiary current expense fund. 7/

(7) It is the duty of the Superintendent to keep a record book of all infractions of prison rules and regulations prescribed by the Board of Penitentiary Commissioners. 8/

(c) State Prison Board:

(1) The Prison Board must adopt such regulations concerning all prisoners committed to its custody as may prevent them from returning to their criminal courses, best secure their self-support, and accomplish their reformation. 9/

(2) The Prison Board has power to establish rules and regulations under which prisoners within the Penitentiary may be allowed to go on parole outside the Penitentiary building after having served the minimum term of sentence. 10/

5. Stat. Ann. (1929), Sec. 130-142.

6. Ibid, Sec. 130-143.

7. Ibid, Sec. 130-144.

8. Ibid, Sec. 130-151.

9. Ibid, Sec. 130-166.

10. Ibid, Sec. 130-167.

II. Composition and Appointment of Governing Body (Cont'd)(a) Board of Penitentiary Commissioners:

The Board of Penitentiary Commissioners consists of 5 Commissioners, appointed by the Governor with the consent of the Senate, for terms of 4 years. Not more than 3 of these members belong to the same political party. The Governor has power at any time to remove the Commissioners and appoint their successors. 11/

The Board meets on the first Monday of March in each odd-numbered year, and elects a president and secretary of the Board at this meeting. The State Treasurer is ex officio treasurer of the Board. The secretary receives a salary to be fixed by the Board, not exceeding \$300 per year, which is paid out of the salary fund. 12/

The Board holds 6 regular meetings each year in the office of the Penitentiary. The salary and mileage are paid quarterly, on the warrant of the Auditor, out of the salary fund. No member of the Board may hold any other State office. 12/

The president of the Board presides over all meetings of the Board, and, in the absence of the president a president pro tempore may be elected. It is the duty of the secretary to keep a perfect record of the proceedings of the Board. 13/

(b) State Prison Board:

The Board of Penitentiary Commissioners and the Superintendent of the Penitentiary constitute the State Prison Board. 14/

III. Reports

The Board of Penitentiary Commissioners makes a written report to the Governor, at least 10 days before the meeting of each session of the Legislature. 15/ The Board also makes a report to the Governor, embracing all the matters required to be reported when so demanded. 16/

The Superintendent, at any time, upon the request of the Board of Penitentiary Commissioners, makes a report in writing of all the affairs of the Penitentiary, or any part thereof, which may be desired by the Board. On the first of December of each year, he must make a full report for the 12 months immediately preceding the date to the Board. 17/

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11. Const. Art. 14, Sec. 3; Stat. Ann. (1929), Sec. 130-101.
 12. Stat. Ann. (1929), Sec. 130-102.
 13. Ibid, Sec. 130-104.
 14. Ibid, Sec. 130-164.
 15. Ibid, Sec. 130-112.
 16. Ibid, Sec. 130-113.
 17. Ibid, Sec. 130-138.

III. Reports (Cont'd)

In case of the death, resignation or removal of the Superintendent, or the expiration of his term of office, there must be a final report of the Superintendent to the Board, up to and including the last day of his term of employment. This report gives a full and detailed statement of all money, goods and property which have come into his hands as such since his last report; also an inventory in triplicate, signed by the incoming Superintendent, of all goods, money, and property turned over to him. 18/

IV. Executive

The Superintendent is an officer of the State, and is appointed by the Governor, with the consent of the Senate, for a term of 2 years. The Governor has power to remove the Superintendent at any time and appoint his successor. 19/ The Superintendent must execute a bond to the State in the penal sum of \$10,000. 20/ He receives a salary of \$3,600 per year. 21/

The Superintendent must reside on the Penitentiary grounds and may have the use of a dwelling house thereon. He receives rations out of the Penitentiary supplies, but such rations may not be removed, or taken away from the Penitentiary. 22/

V. Staff

The assistant superintendent is ex officio clerk. He is employed by the Superintendent, with the approval of the Board of Penitentiary Commissioners, and in like manner, he may be discharged and another employed in his stead. The discharge of any assistant superintendent must be for cause, and all charges against him must be made in writing. He must have due notice of such charges against him, and be given an opportunity to make his defense before the Board of Penitentiary Commissioners. No such discharge may be reviewed or interfered with by any court of the State. The assistant superintendent holds his position during the pleasure of the Superintendent and Board of Penitentiary Commissioners, and receives a salary of \$1,800 per year. 23/

The Board of Penitentiary Commissioners employs a regularly authorized physician to attend and care for the sick of the Penitentiary. The physician must reside in Santa Fe. 24/ When visiting the Penitentiary, he must conform to the rules and regulations thereof and must express no opinion as to the disability of any prisoner except in his record, which he must keep in the Penitentiary. He receives a salary of \$1,200 per year. 25/

18. Stat. Ann. (1929), Sec. 130-139.

19. Ibid, Sec. 130-135.

20. Ibid, Sec. 130-136.

21. Laws (1935), Ch. 151, p. 463.

22. Stat. Ann. (1929), Sec. 130-140.

23. Ibid, Sec. 130-105; Laws (1935), Ch. 151, p. 463.

24. Stat. Ann. (1929), Sec. 130-106.

25. Ibid, Sec. 130-108; Laws (1935), Ch. 151, p. 463.

V. Staff (Cont'd)

The Board appoints a suitable person to the office of chaplain. He must be a minister of the gospel in good standing, and holds his position for 2 years unless removed by the Board. His salary of \$300 per year is payable quarterly, on the warrant of the Auditor against the proper fund. He must reside in Santa Fe, and must perform such duties as the Board may prescribe. 26/

The organization of the Penitentiary consists of such guards, turnkeys, overseers and other necessary employees as may, in the opinion of the Board of Penitentiary Commissioners, be necessary for the safe and proper management of the Penitentiary and the convicts confined therein. 27/ The employees perform such duties as are prescribed by the Board and the Superintendent, in conformity with the rules and regulations prescribed for the government of the Penitentiary. 28/

VI. Financial Provisions

The Penitentiary is financed by appropriations from the State general fund. 29/

Amount of Appropriation:

The sum of \$226,940 was appropriated for the support of the institution from July 1, 1935 to June 30, 1937. 29/

Limitation of Funds:

Salaries.	\$ 50,820
Allowance to guards not living at Penitentiary (\$10 per month each) and extra pay for certain employees.	3,000
Transportation of discharged convicts to their homes.	2,200
Salary and expense of Penitentiary Board.	1,700
Dental and optical work	750
Penitentiary maintenance.	55,000
Total	\$113,470

26. Stat. Ann. (1929), Sec. 130-109; Laws (1935), Ch. 151, p. 463.

27. Stat. Ann. (1929), Sec. 130-105.

28. Ibid, Sec. 130-129.

29. Laws (1935), Ch. 151, p. 463.

Provided, that permission is given to use any balance in Penitentiary funds for buildings, furniture, equipment and permanent improvements. Provided further, that in addition to the above institutional receipts, the income from lands and permanent funds, the proceeds of convicts' earnings, and other funds belonging to the institution are appropriated. Expenditures must in no event exceed available revenue, and must not exceed the estimates of the budget submitted to the 12th Legislature by the Governor. Ibid.

NOTE ON STATE-AIDED CHARITABLE INSTITUTIONS

ST. VINCENT'S HOSPITAL (AND ORPHANAGE) at Santa Fe
 GRANT COUNTY HOSPITAL at Silver City
 LADIES' HOSPITAL at Deming
 EDDY COUNTY HOSPITAL at Carlsbad
 SISTERS' HOSPITAL at Albuquerque
 RELIEF SOCIETY at Las Vegas
 ST. MARY'S HOSPITAL at Roswell
 SISTERS OF LORETTO at Mora
 SISTERS OF LORETTO at Las Cruces
 GALLUP HOSPITAL at Gallup

A sum not to exceed 50 cents per day for each orphan actually maintained in the Orphanage is expended from the appropriations made to St. Vincent's Orphanage; provided, that in emergency cases and for short periods of time, orphans may be maintained in the Orphanage at public expense. 1/

From the appropriations made to St. Vincent's Hospital, there is expended for maintenance of indigent sick persons, a sum not to exceed \$1.50 per day for each indigent sick person actually maintained in the institution, supported by affidavit of the governing authority of the institution showing the name, number, and length of time of indigent sick maintained in the institution during the last preceding quarter. 2/

The sum of \$40,400 was appropriated toward the support of the above institutions from July 1, 1935 to June 30, 1937. This sum was apportioned as follows: 3/

St. Vincent's Hospital (and Orphanage) at Santa Fe . . .	\$ 7,200
Grant County Hospital at Silver City	3,600
Ladies' Hospital at Deming	3,600
Eddy County Hospital at Carlsbad	3,600
Sisters' Hospital at Albuquerque	4,800
Relief Society at Las Vegas	6,000
St. Mary's Hospital at Roswell	3,600
Sisters of Loretto at Mora	2,000
Sisters of Loretto at Las Cruces	2,000
Gallup Hospital at Gallup	4,000
Total	<u>\$40,400</u>

1. Stat. Ann. (1929), Sec. 130-802.
2. Ibid, Sec. 130-803.
3. Laws (1935), Ch. 95.

The State Tax Commission was directed to make a sufficient levy on all property subject to taxation in the State, from July 1, 1935 to June 30, 1937, to realize the amounts appropriated for the above institutions, and to direct the several collectors of taxes to collect the taxes at the same time and in the same manner as other taxes are collected and paid. Ibid.

The taxes are paid over to the State Treasurer and he deposits them in a separate account to be kept by him, which is known as "Charitable Institutions and Hospitals Fund". The State Auditor draws his warrants on such funds when available, on vouchers properly signed by the institutions mentioned above, and the State Treasurer pays the warrants on presentation thereof to him. Ibid.

DISTRICT COURT 1/

(Established by Constitution)

I. General Powers and Duties(a) Court:

(1) The District Courts of the State have exclusive; original jurisdiction in all matters relating to the care, treatment, control and disposition of dependent and neglected children. 2/

(2) The Judge must appoint one or more justices of the peace, attorneys or notaries public in each county of his district as referees in matters concerning dependent and neglected children. 3/

(3) The Court may hear and determine the matter upon the report of the referee or, upon the application of any person interested, may, in its discretion, upon proper showing, order a hearing before the Court at a term time or any time or place in the District. 4/

(4) When a child is found to be dependent and neglected, the Court must adjudge such child to be a ward of the court and may by order direct that the child be placed under the care and control of some individual or of some association organized for, or including in its purpose, the care, control or disposition of orphans or dependent and neglected children. 5/

(5) The District Court has jurisdiction in the matter of adoption of dependent and neglected children. 5/

1. These provisions apply only to powers and duties of the Court relative to dependent and neglected children. For District Court's powers re delinquent children, see: "Juvenile Court".

Definition: "Dependent and neglected child" means any child of either sex, under the age of 16 years who is destitute, homeless or abandoned or dependent upon the public for support, who has not proper parental care or guardianship; or is found begging or soliciting or receiving alms; or is found in any house of prostitution, or living with any vicious or disreputable person; or who has no responsible parent or guardian, or who has a home which, by reason of neglect, abuse, mistreatment, cruelty, or depravity on the part of its parents, guardians, or the persons in whose care it may be, is an unfit place for such child. Stat. Ann. (1929), Sec. 22-102.

Proceedings: Proceedings are commenced by the filing of an information with the clerk of the District Court for the county by the District Attorney for the county. It is the duty of the District Attorney to prosecute such action. The Court may make necessary orders for compelling the production of the child and must serve notice upon the parents or guardians of the child. Ibid, Sec. 22-103.

2. Stat. Ann. (1929), Sec. 22-101.

3. Ibid, Sec. 22-104.

4. Ibid, Sec. 22-105.

5. Ibid, Sec. 22-106.

I. General Powers and Duties (Cont'd)

(b) Referee:

(1) The Referees must, in cases referred to them by the Court, hear testimony of witnesses and cause the same to be transcribed and signed and sworn to by such witnesses and must forward it to the Court, together with their recommendations as to the judgment or order to be made by the Court. 6/

(2) Referees have power to administer oaths and compel the attendance of witnesses. 6/

II. Composition and Appointment of Governing Body

The State must be divided into 8 judicial districts and a Judge is chosen for each district by the qualified electors thereof at the election for representatives in Congress. Judges hold office for terms of 6 years. 7/ Judges must be 30 years of age, learned in law and must have been in the actual practice of the law and resided in New Mexico for at least 3 years. They must reside in the districts for which they are elected. 8/

The Legislature may increase the number of District Judges in any judicial district and they may be elected as other District Judges. The Legislature may also (after publication of the 1920 U. S. census) rearrange the districts of the State, increase the number thereof and make provision for a District Judge for any additional district. 9/

Each Judge receives an annual salary of \$4,500, and are reimbursed for their necessary traveling expenses, hotel bills, and other necessary incidental expenses incurred while absent on official business. 10/

III. Reports

No provision.

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

The Judge may appoint one or more justices of the peace, attorneys or notaries public in each county of his district as referees in matters concerning dependent and neglected children. 6/

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6. Stat. Ann. (1929), Sec. 22-104.
 7. Constitution, Art. 6, Sec. 12.
 8. Ibid, Sec. 8, 14.
 9. Ibid, Sec. 16.
 10. Ibid, Sec. 17.

VI. Financial Provisions

The County Commissioners of each county annually levy a tax not to exceed one mill on each \$1 of taxable property, sufficient to provide a Court Fund. This Fund is to be used for the purpose of maintaining the District Courts in the several counties of the State. The District Judge annually makes an estimate of revenue required for the ensuing year in each county of his district for Court purposes, including salaries and expenses chargeable against the Court Fund. 11/

The District Judges receive \$4,500 per year and are reimbursed for their necessary traveling expenses, hotel bills, and other necessary incidental expenses incurred while absent on official business. These expenses are paid from the Court Fund of the county for which the business is transacted. 12/

Amount of Appropriation:

The sum of \$81,000 was appropriated from the State general fund, for the salaries of District Judges, from July 1, 1935 to June 30, 1937. 13/

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11. Stat. Ann. (1929), Sec. 34-306.
 12. Ibid, Sec. 34-313; Constitution, Art. 6, Sec. 17.
 13. Laws (1935), Ch. 151, p. 457.

JUVENILE COURT 1/

SESSION OF DISTRICT COURT 2/

(Established by statute)

I. General Powers and Duties

(a) Court:

(1) The Court has exclusive, original jurisdiction over juvenile delinquents and those who contribute to such delinquency. 3/

(2) All children coming within the Juvenile Court law must be adjudged by the Court to be juvenile delinquents, and they are wards of the Court. The Court, in its judgment, must make a finding of fact upon which it exercises its jurisdiction. 4/

1. Any person over the age of 21 years may file with the Clerk of the Court an affidavit, showing that there is a juvenile delinquent within the jurisdiction of the Court. Either the Judge or the Clerk may set the time for hearing of said charge, and the person having charge of the child must be cited into Court at the time fixed. Stat. Ann. (1929), Sec. 35-4104.

The District Court of each county has the power to cause any case against a person under the age of 16 years to be transferred to the Juvenile Court docket, after which the same proceedings must be had as are provided against juvenile delinquents. Ibid, Sec. 35-4108. A right of appeal to the State Supreme Court may be had from all final judgments against persons contributing to juvenile delinquency. Ibid, Sec. 35-4114.

Definition of juvenile delinquent: A juvenile delinquent is any one under the age of 18 years who violates any laws of the State, or any ordinance of any city, town, or village in the State; or who is incorrigible, or who knowingly associates with thieves, or vicious or immoral persons; or who is growing up in idleness or crime, or who knowingly visits or enters a house of prostitution or who knowingly visits any saloon or dramshop where intoxicating liquors are sold; or who wanders about the streets in the nighttime without being on any lawful business or occupation; or who patronizes or visits any public pool hall; or who habitually wanders in the railroad yards, or who habitually jumps or hooks onto any moving train, or habitually enters any car or engine without lawful authority; or who habitually uses foul, obscene, vulgar, profane, or indecent language in public places; or is guilty of immoral conduct in any public place or about any schoolhouse; or who, having no responsible parent or guardian, habitually violates the provisions of the law with reference to attendance at public schools. Ibid, Sec. 35-4101.

2. Stat. Ann. (1929), Sec. 4109.

The judicial power of the State is vested in such Courts as may be established by law from time to time in any county or municipality of the State, including Juvenile Courts. Const., Art. 6, Sec. 1.

3. Stat. Ann. (1929), Sec. 35-4102.

4. Ibid, Sec. 35-4105.

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

(3) The Court or any referee, on its own motion, or upon the application of a juvenile delinquent, or the person having him in charge, may order the hearing to be private. 5/

(4) The Court has power to parole, at any time before or after sentence, any juvenile delinquent under the care of the Probation Officer or any other suitable person or institution. During the probationary period the delinquent must be under the jurisdiction of the Court, and must be under such rules and regulations as may be prescribed by the Court. In case the child violates the terms of his parole, he must be returned to the Court and tried by the Court sitting as a committing magistrate. 6/

(b) Referee:

The referees have power to administer oaths, issue warrants for arrest of any delinquent, issue subpoenas for witnesses and to hear and transcribe the testimony of witnesses. They must certify in writing to the Court their findings on cases heard before them, together with their recommendations to the Court as to the proper judgment or order to be made in the case. 7/

II. Composition and Appointment of Governing Body

A District Judge is the Judge of the Juvenile Court. As Judge of the Juvenile Court, he receives a salary of \$750 per year. 8/

III. Reports

All cases coming before the Court must be entered on a separate docket, to be known as the Juvenile Court docket. All orders and judgments given by the Court must be entered in a separate record, to be known as the Juvenile Court record. 9/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

The Judges of the Court have power to appoint referees at such times and places as they deem proper. A woman may be appointed as referee when the juvenile delinquent is a child under 10 years of age, or a female. The referees must file an oath with the Clerk of the Court. 7/

5. Stat. Ann. (1929), Sec. 35-4107.

6. Ibid, Sec. 35-4109.

7. Ibid, Sec. 35-4106.

8. Ibid, Sec. 35-4102.

9. Ibid, Sec. 35-4103.

V. Staff (Cont'd)

The Court has power to appoint, and at any time to remove, a probation officer or officers in each county of the district. These officers are subject to the orders of the Court at all times. The Court may designate one of these officers as chief probation officer. 10/

VI. Financial Provisions

See "Financial Provisions" under "District Court".

10. Stat. Ann. (1929), Sec. 35-4111.

BOARD OF COUNTY COMMISSIONERS

(Statutory Body)

I. General Powers and Duties

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

(1) If no branch office of the Relief and Security Authority is established 1/, the Board of County Commissioners of the several counties has power to make such provision as it deems proper for the relief of deserving indigent persons who are objects of charity, residing in its respective limits. 2/ The Board is empowered to levy and collect annually, in the same manner as other taxes are levied and collected, a tax not to exceed 1/2 mill on all taxable property within the limits of the county, to provide funds for such purposes. 3/

(2) Whenever a branch of the Relief and Security Authority is set up in any county, the Board has the right to nominate the person to be in charge of the branch, subject to the approval of the Board of Directors of the Authority. 1/

(3) The Commissioners, by resolution of the Board, may adopt the Act providing assistance to needy children 4/, and if and when such Act is adopted, the Board must provide for the levy of a tax not to exceed 1/2 mill on each \$1 of taxable property in the county, to provide funds for such aid. 5/ The Commissioners, in cooperation with the State Bureau of Child Welfare of the Department of Public Welfare, **must administer such aid in their respective counties.** 6/

(4) It is the duty of the Board to cause to be decently interred, the body of any honorably discharged soldier, sailor, or marine, who served in the army, navy, or volunteer service of the United States, and who may die without sufficient means to defray his funeral expenses. 7/

(5) The maintenance in a private institution of an orphan or indigent child under 14 years of age must be paid by the county to which the child belongs. The County Commissioners must audit and allow not to exceed \$10 per month out of the county treasury to such institution. The Board is authorized to levy a tax not to exceed 1/2 mill each year to reimburse the fund from which such charge was paid, if the Board deems it necessary to do so. 8/

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1. Laws (1935), Ch. 86, Sec. 4.
 2. Stat. Ann. (1929), Sec. 101-101.
 3. Ibid, Sec. 101-102.
 4. Laws (1931), Ch. 49, Sec. 6.
 5. Ibid, Sec. 7.
 6. Ibid, Sec. 3.
 7. Stat. Ann. (1929), Sec. 33-5301.
 8. Ibid, Sec. 62-302.

II. Composition and Appointment of Governing Body

The Board of County Commissioners consists of 3 qualified electors, any 2 of whom must be competent to transact business. 9/ The Commissioners are elected at the general election 10/, and hold office for 2 years 11/. They must execute a bond to the State in the penal sum of \$5,000 each. 12/

The Board holds meetings at the county seat on the first Monday in January, April, July, and October in each year, and at such other times as in the opinion of the Board, the public needs may require. 13/ The session of the board must be open and public. 14/ The Commissioners receive the following salaries per year: 15/

Counties of the 1st class	\$800
Counties of the 2nd class	500
Counties of the 3rd class	400
Counties of the 4th and 5th classes	300

III. Reports

The proceedings of the Board must be published within 20 days after each meeting in some newspaper of general circulation in the county in which the meeting is held; such publication to be made but once. 16/

IV. Executive

The Commissioners, at the first meeting after their election, choose one of their number as chairman. He presides at such meeting and at all other meetings of the year, if present. In case of his absence from such meetings, the members present choose one of their own number as temporary chairman. 17/

V. Staff

No provision.

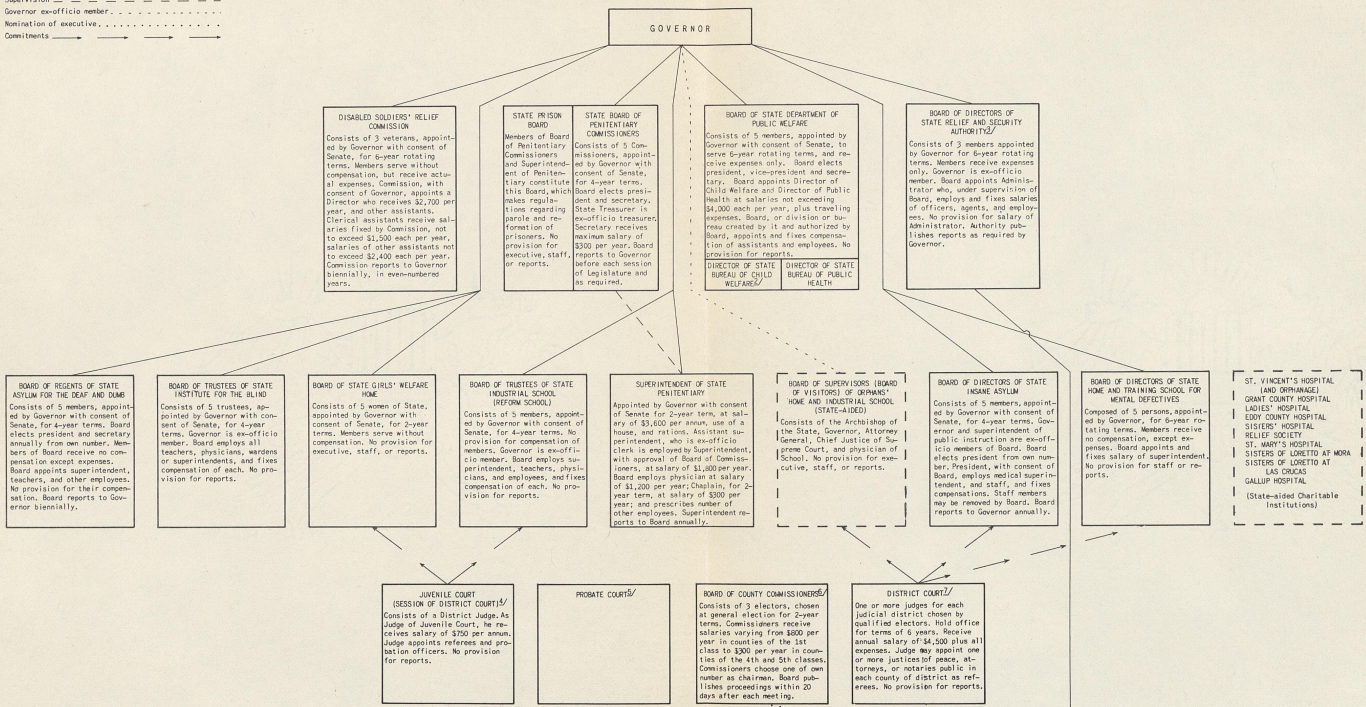
VI. Financial Provisions

The treasurers of the several counties create a fund, which is known as the county salary fund 18/, from 8% of all taxes and licenses of whatever character. 19/ If the county salary fund is at any time insufficient to pay the salaries of the county officers, the deficiency is paid from the current expense fund. 20/

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- 9. Stat. Ann. (1929), Sec. 33-4202.
 - 10. Ibid, Sec. 33-4204.
 - 11. Ibid, Sec. 33-4205; Const., Art. 10, Sec. 2.
 - 12. Stat. Ann. (1929), Sec. 33-4206.
 - 13. Ibid, Sec. 33-4208.
 - 14. Ibid, Sec. 33-4212.
 - 15. Ibid, Sec. 33-3202.
 - 16. Ibid, Sec. 33-4209.
 - 17. Ibid, Sec. 33-4210.
 - 18. Ibid, Sec. 33-3212.
 - 19. Ibid, Sec. 33-3213.
 - 20. Ibid, Sec. 33-3215.

NEW MEXICO PUBLIC WELFARE AGENCIES/ NOVEMBER 15, 1936

Actual Control —————
 Supervision —————
 Governor ex-officio member
 Nomination of executive
 Commissions —————



- 1/ Statutory and constitutional organization.
- 2/ Cooperates with Board of County Commissioners in administration of Aid to Dependent Children in Their Own Homes.
- 3/ Has power to supervise and administer public assistance, public welfare and social security in the State, including the care and support of inhabitants who are sick, aged, indigent or otherwise unable to support themselves.
- 4/ Has jurisdiction over delinquent children.
- 5/ Places orphan and indigent children with reputable persons.
- 6/ Cooperates with Director of State Child Welfare Bureau in administration of Aid to Dependent Children in Their Own Homes. Administrators Poor Relief where County Branches of State Relief and Security Authority have not been set up. Administers Veteran Relief (Burial).
- 7/ Administers provisions for Care of Dependent and Neglected Children (Institutions and Agencies).
- 8/ When established, administers Poor Relief and carries out the objects and purposes of the State Relief and Security Authority.

COUNTY BRANCH OF STATE RELIEF AND SECURITY AUTHORITY
 Set up by Board of Directors of Relief and Security Authority. Person in charge of Branch nominated by Board of County Commissioners but appointed only with approval of Board of Directors of Relief and Security Authority. If the Board of County Commissioners and the State Authority are unable to agree, the Governor names the executive. No provision for a staff or reports.

