

1936 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1936)
(Superseding Mason's 1931 and 1934 Supplements)

Containing the text of the acts of the 1929, 1931, 1933 and 1935 General Sessions, and the 1933-34 and 1935-36 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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County board has authority to pay reasonable cost of ambulance transportation where necessary. Op. Atty. Gen. (1001c), May 17, 1935.

It is mandatory duty of board of county commissioners of county of resident of patient to provide for payment of traveling expenses of patient, though county is under town system of poor relief. Id.

4584. Expenses paid by counties.

County may not pay expenses of indigent patient sent to a hospital other than a university hospital, but §3164-16 authorizes certain counties to contract with certain hospitals for the care of indigent persons. Op. Atty. Gen. (1001d), July 12, 1934.

Expenses of patient staying at a private place while receiving treatment at university hospital may not be paid by county. Op. Atty. Gen. (124i), Dec. 11, 1934.

4588. Counties may build and maintain hospitals.

For county aid to hospitals, see §683.

STATE SOLDIERS WELFARE FUND

4601. State soldiers welfare fund created.—There is hereby created a state soldiers welfare fund to aid and assist any citizen of Minnesota who served in the military or naval forces of the United States, in securing compensation, hospitalization, medical treatment, insurance or other relief or benefits to which he may be entitled from the United States or any other government or state and for the emergency relief, hospitalization, treatment and maintenance of all such persons who were bona fide residents of the state at the time their need arose and their dependents as hereinafter provided. ('23, c. 436, §3; Apr. 24, 1929, c. 327, §1.)

4602. The said state soldiers welfare fund shall consist of all sums paid to or received by the state board of control under the provisions of this act and of any and all moneys and properties that may be appropriated, donated, given, bequeathed or devised to said state soldiers welfare fund or to the state board of control for the benefit of said fund. ('23, c. 436, §4; Apr. 24, 1929, c. 327.)

4603. The said state soldiers welfare fund shall be administered by the soldiers welfare director under the direction of the state board of control and shall be used to locate and investigate the facts as to any citizen of Minnesota who served in the military or navy forces of the United States and who is indigent or suffering from any disability whether acquired in such service or not; to assist any such person and his dependents as hereinafter provided in establishing and proving any just claim he may have against the United States government, or any other government or state for compensation, insurance, relief or other benefits and to provide emergency hospitalization, treatment, maintenance and relief for any such person suffering from disability who was a bona fide resident of the state at the time his need arose and his dependents as hereinafter provided, and to cooperate with other state, municipal and county officials and civic or civilian agencies or organizations in carrying out the provisions of this act.

Such fund is hereby appropriated to be used in such manner as the soldiers welfare director under direc-

tion of the state board of control may determine for such purposes. ('23, c. 436, §5; Apr. 24, 1929, c. 327.)

4604. The state board of control shall appoint a soldiers welfare director to have charge of its activities hereunder and is hereby empowered to employ such assistants and to incur such other expense as may be necessary for the administration of said state soldiers welfare fund and carrying out the provisions of this act; provided that no expense shall be incurred under the provisions of this act in excess of the moneys available in such state soldiers welfare fund. The soldiers welfare director may be appointed by the probate court, guardian of the person or estate or both of any former service man or woman for whom or for whose estate or for both the appointment of a guardian is found by the court to be necessary, and when so appointed and qualified may act as such. Any compensation received by him for so acting shall be paid into and become a part of the state soldiers welfare fund.

The duties and powers of the soldiers welfare agent, in addition to those otherwise provided, shall be to:

(a) Administer the state soldiers welfare fund under direction of the state board of control.

(b) Co-operate with all national, state, county, municipal and private social agencies in securing to former soldiers and their dependents the benefits provided by national, state and county laws, municipal ordinances or public and private social agencies.

(c) Establish and provide such assistance to a former soldier needing hospitalization but unable to accept hospitalization because the acceptance thereof would imperil his then employment, as would insure employment after hospitalization.

(d) Provide necessary assistance where other adequate aid is not available to the dependent family of a former soldier while such is being hospitalized and afterwards during such period as is necessary.

(e) Act as guardian for minors and incompetent persons receiving moneys from the United States government when no other suitable person will consent to act.

(f) Co-operate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed therein, when exceptional conditions in an individual case make it necessary.

(g) Make and file with the state board of control a quarterly report showing in detail his activities for the preceding quarter, and file receipts for all expenditures during such term.

(h) Perform all the present duties of the soldiers welfare agent.

(i) He may also establish and provide such employment placement and advisement service for disabled veterans as cannot be furnished by co-operation with other free public employment agencies. ('23, c. 436, §6; '25, c. 88; Apr. 24, 1929, c. 327.)

CHAPTER 25A

Board of Visitors for State Institutions

4606 to 4609. [Repealed.]

Repealed Apr. 20, 1929, c. 268.

CHAPTER 26

Schools for the Deaf and the Blind

4611. School for the deaf—Who may be admitted, expenses.

The ordinary laws relating to poor relief have no application to the placing of a deaf girl in the State School for Deaf at Faribault, and the county of residence

and not the county of settlement is liable for the maintenance of the child. Op. Atty. Gen., Sept. 3, 1931.

Cost of emergency operation performed on deaf child in state school for deaf is chargeable to municipality in which child has his settlement for poor relief purposes. Op. Atty. Gen., Dec. 12, 1933.

Where minor was admitted to school for deaf from one county and thereafter parents separated and father took up residence in another county, where child visited him in summer time, latter county was liable for support of child, father being indigent. Op. Atty. Gen. (3390), June 11, 1934.

"Residence" means "settlement" under poor laws. Op. Atty. Gen. (339d-1), Sept. 15, 1934.

4613. Blind student to receive expenses while at certain schools.—That any blind person who is, and for five years immediately preceding the making of his application for aid under this act has been, a resident of this state, and who is a regularly enrolled student pursuing any course of study, profession, art, or science in any university, college, or conservatory of music approved by the board of directors of the Minnesota School for the Blind, and in the discretion and under direction of said board, receive a sum or sums of money not exceeding \$300 in any one year, for the purpose of defraying his necessary expenses, including those of a reader, while in attendance upon such university, college, or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota School for the Blind, provided that not more than ten such blind persons shall receive such aid in any one year. ('15, c. 307, §1; Apr. 24, 1929, c. 367, §1.)

4615. Certain children required to attend.—Every parent, guardian or other person having control of any normal child between six and twenty years of age, too deaf or unable to make articulate sounds to be properly benefited by the methods of instruction in vogue in the public schools, shall be required to send such child or youth to the School for the Deaf at the City of Faribault, Minnesota, during the scholastic year of that school. Such child or youth shall attend such school year after year, until discharged by the superintendent upon approval of the State Board of Control.

Such Board may excuse attendance when satisfied:

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.

2. That he is afflicted with such contagious or offensive disease or possesses such habits as to render his presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient by the superintendent with approval of the State Board of Control.

3. That the child is efficiently taught for the scholastic year in a private or other school, or by a private tutor, the branches taught in the public schools so far as possible.

Any such parent, guardian or other person failing to comply with the foregoing section shall, upon conviction thereof before the justice of the peace or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than five (5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. Any person who induces or attempts to induce any deaf or unable to make articulate sounds child to absent himself or herself unlawfully from school, or employs or harbors any such child unlawfully from school, while said school is in session, shall, upon conviction thereof, before justice of the peace, or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five (5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. The principal teacher of every public school in the counties, and the truant officers of the cities of St. Paul, Minneapolis and Duluth, shall, within 30 days before the

close of the school year succeeding the passage of this act, and at corresponding period each succeeding year thereafter, furnish the county superintendent of schools or the Board of Education of the cities of St. Paul, Minneapolis and Duluth, as the case may be, with the name, age, sex and address of parent or guardian of all normal children who are too deaf or unable to make articulate sounds to be educated in the public schools between the ages of six and twenty years, inclusive, living within the boundaries of his or her school district and who do not attend school. And the county superintendent of schools, or the Board of Education of the cities of St. Paul, Minneapolis and Duluth, shall certify forthwith the names of all such deaf children, with address of parent, age and sex, to the superintendent of the Minnesota School for the deaf at the city of Faribault.

It shall be the duty of the county attorney to at once prosecute any case of parent or others unlawfully responsible, directly or indirectly, for the failure to place a deaf child or youth in a school for the deaf, when such case shall have been reported to him. So far as the same are applicable all the provisions of this section shall be construed to include children who are too blind or defective of sight to be materially benefited by the methods of instructions in vogue in the public schools, for the purpose of securing their attendance at the state school for the blind. (R. L. '05, §1937A; '07, c. 407, §1; '09, c. 396, §1; G. S. '13, §4150; '17, c. 346, §2; Mar. 27, 1931, c. 92.)

4616. Duties of state board of control.

See §3199-60 herein.

4617. Payments by State Board of Control.—The State Board of Control is hereby authorized to defray the necessary expenses of the aforesaid work from the appropriation for the current expenses of said board, provided, that in any county of this state now or hereafter having a population of over one hundred fifty thousand (150,000) inhabitants and an assessed valuation of over Two hundred million (\$200,000,000) Dollars, including money and credits, the county board of said county is hereby authorized to defray part or all of the necessary expenses of maintaining said work within said county from the general revenue fund of said county, not exceeding the total sum of Three thousand six hundred (\$3,600) dollars, in any one calendar year, and in carrying on said work may appoint and employ an assistant to the regular field agent for the blind in said county, who shall work under the direction of said agent in said county. The portion of the salary of said field agent and of any assistant to be paid by said county, shall be fixed by the county board at its first meeting after the taking effect of this act and thereafter at its first meeting in January in each year, and such salary of said field agent and said assistant, shall be paid in the same manner as the salary of other county officers and employees are paid. All necessary expenses of said agent and assistant in carrying on said work in said county, not paid by the State Board of Control, shall be paid by said county board as other claims against said county are paid. That any and all payments heretofore made under said law by such county are hereby legalized. ('13, c. 488, §3; G. S. '13, §4153; '17, c. 185, §1; '17, c. 346, §5; '21, c. 24, §1; '23, c. 336, §2; Mar. 2, 1933, c. 45, §1; Apr. 29, 1935, c. 307.)

See §3199-60 herein.

4617-1. Care and relief—To whom given, etc.

The operative effect of this section is suspended during the continuance of payments of federal aid under the Social Security Act [Mason's U. S. Code Anno., title 42, c. 7]. See §3199-62 herein.