

CHAPTER 265

COUNTY OLD AGE PENSION SYSTEM

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265.01 OLD AGE PENSIONS ESTABLISHED. There is hereby established in each county in this state a system of old age pensions. When this chapter shall have been in force for more than one year in any county the county board shall, upon a petition signed by at least 25 per cent of the voters therein according to the last general election, adopt a resolution submitting the question of continuing such old age pension in the county to the voters at the next general election thereafter; if a majority of the voters voting upon such proposition shall vote in favor thereof, the old age pension shall be continued in effect in the county; but, if a majority of the voters voting upon such proposition shall vote against continuing such old age pension in the county, then and in that event the county board will thereupon adopt a resolution discontinuing such old age pension within the county.

[1929 c. 47 s. 1; 1931 c. 138 s. 1; 1933 c. 348 s. 1] (3183-1)

265.02 WHO ENTITLED TO PENSION. Any person who shall comply with these provisions, shall be entitled to a pension, while continuing to reside in the county in which such pension is granted. The amount of such pension shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount which, when added to the income of the applicant, including income from property, as computed under the terms of this chapter, shall exceed a total of \$1.00 per day.

[1929 c. 47 s. 2; 1931 c. 72 s. 1; 1931 c. 138 s. 2; 1933 c. 348 s. 2] (3183-2)

265.03 WHO MAY RECEIVE. An old age pension may be granted only to an applicant who:

- (1) Has attained the age of 70 years or upwards;
- (2) Has been a citizen of the United States for at least 15 years before making application for a pension;
- (3) Has resided in the state and county in which he makes application:
 - (a) Continuously for at least 15 years immediately preceding the date of application, but continuous residence in the state and county shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three years, or,
 - (b) Forty years, at least five of which have immediately preceded the application;
 - (c) Absence in the service of the state of Minnesota or of the United States shall not be deemed to interrupt residence in the state or county if domicile be not acquired outside the state or county.
- (4) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, or any other public correctional institution;
- (5) During the period of ten years immediately preceding such date has not been imprisoned for a felony;
- (6) If a husband, has not, without just cause, failed to support his wife and children under the age of 15 years for six months or more during the 15 years preceding the date of application;
- (7) Has not, within one year preceding such application, been a habitual tramp or beggar;

(8) Has no child or other responsible person under the law of this state liable for his support and able to support him.

[1929 c. 47 s. 3] (3183-3)

265.04 RESTRICTIONS. No old age pension shall be granted or paid to a person:

(1) While or during the time he is an inmate of and receives the necessities of life from any charitable institution maintained by the state or any of the political subdivisions of the state, or of a private charitable, benevolent or fraternal institution, or home for the aged;

(2) If the value of his property or the value of the combined property of husband and wife, living together, exceeds \$3,000;

(3) Who has deprived himself directly or indirectly of any property for the purpose of qualifying for old age relief.

[1929 c. 47 s. 4] (3183-4)

265.05 COMPUTATION OF INCOME. The annual income of any property which is not so utilized as to produce a reasonable income shall be computed at five per cent of its value.

[1929 c. 47 s. 5] (3183-5)

265.06 ESTATE TO PAY PENSION IN CERTAIN CASES. On the death of a person pensioned, or on the death of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension, together with simple interest at three per cent annually shall be allowed and deducted from the estate of such person or persons by the court having jurisdiction to probate the estate. The amount so recovered shall be paid in to the treasuries of the county, town, village, or city in the proportion in which they, respectively, contributed toward the total of the pensions received by the deceased or by the married couple of which the deceased was the survivor.

[1929 c. 47 s. 6] (3183-6)

265.07 COUNTY BOARD MAY REQUIRE PROPERTY TO BE DEEDED TO COUNTY. Subdivision 1. **Management.** If the board of county commissioners deems it necessary, it may require, as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension be transferred to the county. Such property shall be managed by the board of county commissioners, which shall pay the net income to the person or persons entitled thereto. The board shall have power to sell, lease, or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and do all other things necessary for the protection, preservation, and management of the property; provided, that the property acquired by the county under the provisions hereof shall be sold, leased, or transferred only in the manner provided by section 373.01.

Subdivision 2. **Return of remainder of property.** If in the event that the pension is discontinued during the lifetime of the pensioner the property thus transferred to the board of county commissioners exceeds the total amount paid as pensions with simple interest at three per cent annually, the remainder of such property shall be returned to the pensioner; and, in the event of his death, such remainder shall be considered as the property of the pensioner for proper probate proceedings. The board of county commissioners shall execute and deliver all necessary instruments to give effect to this subdivision.

Subdivision 3. **County attorney to advise board.** The county attorney, at the request of the board of county commissioners, shall take the necessary proceedings and represent and advise the board in any matters arising under this section.

[1929 c. 47 s. 7; 1931 c. 138 s. 3] (3183-7)

265.08 APPLICATIONS. An applicant for a pension shall file his application in writing with the auditor of the county in which he resides in such manner and form as shall be prescribed by the county attorney. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such an application, the board of county commissioners shall make an order fixing a time and place for the hearing thereon, which hearing shall be not sooner than 30 days after the making of such order. The county auditor shall forthwith upon the making of such order mail a copy of the same and of the application to the clerk or recording officer of the city, town,

or village of which the applicant is a resident; a like copy of such order shall be mailed to the applicant.

[1929 c. 47 s. 8; 1931 c. 72 s. 2; 1931 c. 138 s. 4] (3183-8)

265.09 COUNTY BOARD TO DIRECT INVESTIGATIONS. The board of county commissioners shall promptly make or cause to be made such investigation as it may deem necessary. The board of county commissioners shall decide upon the application and fix the amount of the pension, if any, and such decisions shall be final. In a county having a board of public welfare, as authorized by Laws 1929, Chapter 371, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, such investigation, decisions upon the applications and fixing of the amounts of the pensions, if any. In any county having a poor commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, the poor commission shall make or cause to be made by competent authority, such investigations, decisions upon applications for pension, and the fixing of the amounts of pension, if any, to be awarded hereunder; all subject to the final approval of the poor commission, by resolution and order duly entered in its records, before any such pension shall be paid by the county auditor. In any such county where such poor relief is administered by and under the supervision of the poor commission it shall be the duty of the poor commission and its secretary or clerk to carry out the provisions of this chapter with the same powers, duties, and obligations as are herein vested in the board of county commissioners and the county auditor, respectively, and for that purpose the poor commission shall have authority to employ such additional assistance as shall be found necessary. In any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in the county as clerks for the purpose of accepting applications for such pension. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such pension. In a county having an official investigator appointed, as provided in General Statutes 1923, Section 8676, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners. An applicant whose application for pension has been rejected may not again apply for a pension until the expiration of 12 months from the date of his previous application.

[1929 c. 47 s. 9; 1931 c. 72 s. 3; 1931 c. 138 s. 5] (3183-9)

265.10 COUNTY BOARD TO ISSUE CERTIFICATES. The board of county commissioners shall issue to each applicant to whom a pension is allowed a certificate stating the date upon which pension payments shall commence and the amount of each instalment, which may be monthly or quarterly as the board of county commissioners may decide.

Each pensioner shall file such reports with the board of county commissioners as the board of county commissioners may from time to time require. If it appears at any time that the applicant's circumstances have changed, the board of county commissioners may revoke or modify any pension certificate issued. Any pension paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county.

[1929 c. 47 s. 10; 1931 c. 138 s. 6] (3183-10)

265.11 FUNERAL EXPENSES. On the death of pensioner such reasonable funeral expenses for burial shall be paid to such person as the board of county commissioners may decide; provided, that these expenses do not exceed \$100.00 and that the estate of the deceased is insufficient to pay these expenses.

[1929 c. 47 s. 11; 1931 c. 138 s. 7] (3183-11)

265.12 NOT TO RECEIVE OTHER AID. During the continuance of the pension no pensioner shall receive any other relief from the state or from any political subdivision thereof, except for medical and surgical assistance.

If the pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the board of county commissioners may direct the payment of the instalments of the pension to any responsible person or corporation for his benefit or may suspend payment for such period as the board of county commissioners shall deem advisable.

[1929 c. 47 s. 12; 1931 c. 138 s. 8] (3183-12)

265.13 PENSIONS EXEMPT FROM TAX OR PROCESS. All pensions shall be exempt from any tax levy by the state or by any subdivision thereof and exempt from levy and sale, garnishment, attachment, or any other process and shall be inalienable in any form.

[1929 c. 47 §. 13] (3183-13)

265.14 REVOCATION OF CERTIFICATE. If at any time the board of county commissioners has reason to believe that a pension certificate has been improperly obtained, the board of county commissioners shall cause special inquiry to be made and may suspend payment of any instalment pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be canceled; but, if it appears that the certificate was properly obtained, the suspended instalments shall be payable in due course.

[1929 c. 47 s. 14; 1931 c. 138 s. 9] (3183-14)

265.15 FALSE STATEMENTS A MISDEMEANOR. Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

- (1) A pension certificate to which he is not entitled;
- (2) A larger pension than that to which he is justly entitled;
- (3) Payment of any forfeited instalment grant;
- (4) Or aids or abets in buying or in any way disposing of the property of the pensioner without the consent of the district judge;

Shall be guilty of a misdemeanor.

[1929 c. 47 s. 15] (3183-15)

265.16 VIOLATION A MISDEMEANOR. Any person who violates any provision for which no penalty is specifically provided shall be guilty of a misdemeanor.

Where a pensioner is convicted of an offense under this section the board of county commissioners may cancel the certificate.

[1929 c. 47 s. 16; 1931 c. 138 s. 10] (3183-16)

265.17 PENSION SHALL CEASE WHEN. If a pensioner is convicted of any misdemeanor, felony, or other offense punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment.

[1929 c. 47 s. 17] (3183-17)

265.18 COUNTY BOARD TO PROVIDE FUNDS. Subdivision 1. **Appropriation.** The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this chapter. Upon the orders of the board of county commissioners, the county auditor shall draw his warrant on the proper fund in accordance with the order of the board and the county treasurer shall pay out the amounts ordered to be paid as pensions under the provisions of this chapter.

Subdivision 2. **Reimbursements.** Each city, town, and village shall reimburse the county for all amounts of money paid in old age pension to its residents, except that such reimbursements shall not be required for persons who have not been residents thereof for at least five years. The county auditor shall make a report to the county board at its annual meeting showing in detail the amounts which under this subdivision are chargeable to each city, town, and village, and the county board at such meeting shall determine the amount to be raised and paid by each such city, town, and village to reimburse the county. The county auditor shall charge the amount so determined to such city, town, or village and certify the same to the city, town, or village clerk. Each city, town, or village shall annually levy a tax sufficient to meet such charges, which shall be collected as are other taxes and paid into the county treasury. The foregoing provisions of this subdivision shall not apply in counties operating under a county system of caring for the poor. In any county where the commission system of caring for the poor is in operation, all sums paid as pensions under the law shall be paid out of the revenue fund of the county.

[1929 c. 47 s. 18; 1931 c. 72 s. 4; 1931 c. 138 s. 11] (3183-18)

265.19 TRANSFER OF COUNTY FUNDS. Any county may transfer surplus funds from any county fund except the sinking fund or ditch fund to the general fund or to a special old age pension fund in order to provide moneys necessary to

pay pensions awarded under this chapter. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose may be transferred back to the fund from which taken. When necessary by reason of failure to levy sufficient taxes for payment of the old age pensions in the county the county board may authorize the payment of the pensions and the county auditor may carry any such payments as an overdraft on the old age pension fund of the county until sufficient tax funds shall be provided for the old age pension payments.

[1931 c. 8] (3183-18½)

265.20 COUNTY AUDITOR TO MAKE REPORT. Within 30 days after the close of each calendar year, the auditor of each county shall make a report for the preceding year to the board of county commissioners stating:

- (1) The amount paid for pensions and to whom and in what amount paid;
- (2) The total number of applications for pensions and the name of each applicant;
- (3) The number granted, the number denied, the number canceled during that year, the name of each applicant, and such other information as the board of county commissioners may deem advisable.

[1929 c. 47 s. 19] (3183-19)

265.21 COUNTY BOARD SHALL MAKE RULES. The board of county commissioners shall from time to time prescribe and promulgate rules and regulations to efficiently carry out the provisions of this chapter and publish such information as it may deem advisable to acquaint aged persons and the public generally with the old age pension plan of this state.

[1929 c. 47 s. 20; 1931 c. 72 s. 5; 1931 c. 138 s. 12] (3183-20)

265.22 MAXIMUM EXPENDITURES FOR OLD AGE PENSIONS IN CERTAIN COUNTIES. In all counties of this state now or hereafter having property of the assessed valuation of not less than \$325,000,000, exclusive of money and credits, and having a bonded indebtedness not exceeding \$5,000,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has heretofore agreed to pay, the maximum amount which may be expended in any one year for old age pensions shall not exceed such a sum as may be produced by a tax levy of seven-tenths of a mill on each dollar of the taxable value of the property of such counties.

[1933 c. 308 s. 1; Ex. 1933 c. 23] (3183-22)