

Relief of Poor

CHAPTER 261

GENERAL PROVISIONS

Sec	
261.01	Support of poor; liability of relatives
261.02	Failure to support; recovery from relative
261.03	Liability of county, town, city, or village
261.04	Liability of estate
261.05	Powers of governing bodies
261.06	County and town systems
261.07	Legal settlement of paupers
261.08	Judge of district court to determine
261.09	Removal of paupers
261.10	County of residence charged with support
261.11	Costs of proceedings
261.12	Removal; settlement
261.123	Appeal to commissioner of public welfare; notice
261.124	Appeal to district court
261.125	Original proceedings in district court; appeal to supreme court
261.126	Protests by taxpayers against granting of relief

Sec.	
261.13	Bringing into state
261.14	Change of system
261.201	Municipalities to cooperate with federal government in disposition of commodity stamps
261.202	Municipalities to distribute stamps
261.203	County welfare boards to distribute stamps
261.204	Commodity stamp fund
261.205	May borrow money
261.206	Municipalities may contribute to fund
261.207	Bonds
261.208	Construction
261.21	Hospitalization for indigent persons
261.22	Application filed
261.23	Costs of hospitalization
261.231	County board may delegate certain powers
261.25	Uniform transfer of dependents act
261.251	Interpretation
261.26	County work relief programs

261.01 SUPPORT OF POOR; LIABILITY OF RELATIVES. Every poor person who for any reason is unable to earn a livelihood shall be supported by his children, parents, brothers, and sisters, grandchildren or grandparents; and relatives having sufficient ability shall be called on for such support in the order above named; provided, that a person who becomes a pauper from intemperance or other bad conduct shall not be entitled to support from any relative except parent or child. Every such relative who refuses or fails to support any poor person whom he is bound by law to support, when directed by the board or council of the county, town, city, or village in which such person has a settlement, shall forfeit and pay to such county, town, city, or village, for the use of the poor thereof, such amount as the court may determine, not exceeding \$25 per month, to be recovered in any court having jurisdiction.

[R. L. s. 1485; 1925 c. 290] (3157)

261.02 FAILURE TO SUPPORT; RECOVERY FROM RELATIVE. When any relative chargeable with the support of any poor person fails or neglects, after being directed by any town, city, or village under the town system of poor relief, to furnish to such poor person support, maintenance, burial, and, in case of non-resident, expenses of removal, any such town, city, or village furnishing the same may recover in any court of competent jurisdiction from such relation who is a resident of this state, any such sum so furnished by it, whether such poor person is a resident of such town, city, or village or not. In the event that the poor person shall have no relative chargeable therewith such town, city, or village so expending the same may, after like notice, recover from any town, city, or village within this state which is charged by law with the support of such poor person, any sum so expended.

[1889 c. 170 s. 8; 1905 c. 327 s. 1] (3158)

261.03 LIABILITY OF COUNTY, TOWN, CITY, OR VILLAGE. When any such poor person has none of the relatives named in section 261.01, or they are not of sufficient ability, or refuse or fail, to support him, he shall receive such support or relief as the case may require from the county, town, city, or village in which he has a settlement at the time of applying therefor, as hereinafter provided, except that in determining the need or amount of such support or relief the county, town, city, or village shall exclude all sums received by members or dependents of such poor person's family under the aid to the blind act.

[R. L. s. 1486; 1947 c. 546 s. 1] (3159)

261.04 LIABILITY OF ESTATE. Subdivision 1. **Support, maintenance, or burial.** When any person is furnished or provided with support, maintenance, care,

or burial as a poor person by any county, city, town, village, or borough the municipality so furnishing such support, maintenance, care, or burial shall have a claim therefor against the person or his estate for the reasonable value thereof, which claim may be presented and prosecuted by such municipality at its option upon discovery of any property belonging to the poor person or to his estate.

Subd. 2. **Claims filed in probate court.** Such claims, when against the estate of a deceased person, shall be filed in probate court and acted upon as in the case of other claims.

[1925 c. 60 ss. 1, 2] (3159-1, 3159-2)

261.05 POWERS OF GOVERNING BODIES. In addition to all other powers now or hereafter by law conferred upon the governing body of any town, city, or village, authority is hereby given to receive and accept for their town, city, or village real or personal property, encumbered or unencumbered, by gift, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, under the laws relating to poor relief, is or may be chargeable to, furnished, or provided by, such town, city, or village and to hold or dispose of the same for the benefit of such town, city, or village, as provided by law in the case of other property belonging to such town, city, or village, and the payment and discharge of any lien or encumbrance upon any such property is authorized when such governing body determines that such payment is advisable and for the best interests of such town, city, or village.

[1929 c. 199 s. 1] (3159-3)

261.06 COUNTY AND TOWN SYSTEMS. The system of caring for the poor in counties in which they are chargeable upon the county shall be known as the county system. That system in which they are chargeable upon the towns, cities, and villages thereof shall be known as the town system. Every county shall continue under the system in force therein at the time when the revised laws take effect, until the same is changed as provided in this chapter.

[R. L. s. 1487] (3160)

261.07 LEGAL SETTLEMENT OF PAUPERS. Subdivision 1. Every person except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a settlement therein, if it has the county system; if it has the town system, he shall have a settlement in the town, city, or village therein in which he has longest resided within one year. Every person who has resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such one year, if it has the county system; if it has the town system, his settlement shall be in the town, city, or village therein in which he has longest resided within one year.

Subd. 2. The time during which a person has received old age assistance or aid to dependent children, or has been the inmate of a hospital, old age home, or nursing home for the care of the invalid or aged, or an institution, home or school for the mentally deficient, whether public or private, and the time during the pendency of any suit to determine his legal poor settlement, and the time during which a person has been an inmate of a poorhouse, jail, prison or other public institution, or under commitment to the guardianship of the commissioner of public welfare, or a private agency authorized by the commissioner to accept guardianship of children, or one of the state institutions as a mentally deficient, delinquent, or dependent person, and each month during which he has received relief from the poor fund of any county or municipality or from funds supplied by the state or the United States or any department or departments thereof, except a recipient of assistance under the aid to the blind act, supplied as direct relief or in providing work on a relief basis and in lieu of direct relief, shall be excluded in determining the time of residence hereunder.

Subd. 3. Every minor not emancipated and settled in his own right and not under guardianship of the commissioner of public welfare, or one of the state institutions as a feeble-minded, delinquent, or dependent person shall have the same settlement as the parent with whom he has resided. Every child born in a state institution shall have a settlement in the county in which the mother had a legal settlement at the time she was committed to such institution. Every minor not emancipated and settled in his own right and living apart from his parents and not supported by his parents shall, after receiving aid and support from others uninterruptedly for a period of one year, acquire the settlement of the person with whom he has resided for a period of not less than one year, provided that a mar-

MINNESOTA STATUTES 1961

2385

RELIEF OF POOR; GENERAL PROVISIONS 261.12

ried woman abandoned or deserted by her husband for a period of one year continuously shall thereafter have the same right to acquire a new settlement as a single person.

Subd. 4. The legal settlement of persons under commitment as mentally ill, mentally retarded, epileptic, or inebriate, insofar as such persons are subject to the provisions of reciprocity agreements between the state and other states, shall be gained upon a residence equal in time to that required for the gaining of legal settlement for poor relief purposes but shall otherwise be subject to the same conditions and exceptions.

Subd. 5. A settlement in this state shall be terminated and lost by:

(1) Acquiring a new one in another state;

(2) Voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the state. The time during which a person has been committed to a public institution or hospital in a foreign state shall be excluded in determining the period of absence from the state. Such commitment shall not constitute an interruption of absence from the state.

[*R L s 1488; 1919 c 128; 1933 c 385; Ex1936 c 68; 1937 c 102; 1937 c 138; 1939 c 398 s 1; 1945 c 289 s 1; 1949 c 509 s 1; 1953 c 256 s 1; 1957 c 305 s 1; 1959 c 171 s 1*] (*3161*)

NOTE: Extra Session Laws 1961, Chapter 76, Section 1 reads: "Section 1. Laws 1959, Chapter 171, Section 2, is amended to read:

Sec. 2. Laws 1959, Chapter 171 shall be effective as of July 1, 1959, but the provisions thereof shall not apply in determining the legal settlement of any person who has received relief at any time between July 1, 1958, and July 1, 1959, until six continuous months shall have elapsed after July 1, 1959, during which he has received no relief, and during such time the provisions of law as they existed before the enactment of Laws 1959, Chapter 171 shall apply in determining legal settlement of such person. Where settlement has been established in a county of this state prior to July 1, 1959 by continuous residence in such county for the period then prescribed by law for the establishment of settlement, such settlement shall not be changed by continuous residence in another county for one year unless such year ended on or after July 1, 1959."

261.08 JUDGE OF DISTRICT COURT TO DETERMINE. When a dispute shall arise between political subdivisions within a county or between two or more counties or between a county and a political subdivision of another county or political subdivisions of different counties as to the place of settlement of any poor person any such county or political subdivision may serve upon the other or others a notice that it will on a day certain, not less than five days after the service of such notice, apply to a judge of the district court of the district in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding and forthwith make and file his order determining the place of settlement of such poor person.

[*1925 c. 378 s. 1; 1939 c. 398 s. 2*] (*3161-1*)

261.09 REMOVAL OF PAUPERS. The court in its order determining the settlement shall provide for the removal of the poor persons to their place of settlement as determined by the order; provided the court may, upon a proper showing by the political subdivision having the legal responsibility to support the poor persons, allow the political subdivision to care for the poor persons in another political subdivision, in which event the poor persons shall retain their legal settlement in the political subdivision found as determined by the order of the court until 30 days after it serves written notice upon the political subdivision where the poor persons are residing that it has ceased to support these persons and the political subdivision where the poor persons are residing shall have the right, upon ten days' written notice to the poor persons within the 30-day period, to remove them to the political subdivision as determined by the order of the court.

[*1925 c. 378 s. 2; 1939 c. 398 s. 3*] (*3161-2*)

261.10 COUNTY OF RESIDENCE CHARGED WITH SUPPORT. The county or subdivision in which such poor person shall by such order be found to be his settlement shall thereafter be charged with his care and support.

[*1925 c. 378 s. 4*] (*3161-4*)

261.11 COSTS OF PROCEEDINGS. The prevailing party shall be allowed disbursements necessarily paid or incurred, to be taxed in the manner provided in civil actions.

[*1925 c. 378 s. 5*] (*3161-5*)

261.12 REMOVAL; SETTLEMENT. When a poor person is removed, as provided in this chapter, from one county, town, city, or village to another and the authorities thereof deny that he is legally settled therein they shall make temporary provision for his care. If such removal was from one county to

another county, or to any town, city, or village of another, the authorities may present the case to the commissioner of public welfare; if the removal was from one town, city, or village to another within the same county, they may present the case to the county board. The commissioner of public welfare shall determine the settlement of such person and certify his findings, and thereupon such person shall become a charge upon the county, town, city or village in which such settlement is found to be, which shall also pay the cost of caring for such person pending the investigation, and of removing him to the place of his settlement, together with the expenses of such investigation, including the fees and mileage of witnesses; and, in the case of the commissioner of public welfare, the expenses of his agents. Such findings of the commissioner of public welfare shall be without prejudice in any litigation arising by reason thereof.

[R. L. s. 1489] (3162)

261.123 APPEAL TO COMMISSIONER OF PUBLIC WELFARE; NOTICE.

Any applicant or recipient aggrieved by any order or determination of an officer or officers of the political subdivision having jurisdiction of general relief or general assistance, may appeal from such order or determination to the commissioner of public welfare. Before making such appeal to the commissioner of public welfare, the applicant or recipient shall give written notice to the officer or officers of the political subdivision having jurisdiction, that he is not satisfied with the decision made. The officer or officers of the political subdivision having jurisdiction shall, within 30 days thereafter, grant a new hearing. The officer or officers of the political subdivision having jurisdiction may adhere to the decision already made, or may modify its order. If the applicant or recipient is then dissatisfied, he may, within 30 days after the mailing of such order, appeal to the commissioner of public welfare as herein provided. The commissioner of public welfare shall, upon receipt of such appeal, notify the officer or officers of the political subdivision having jurisdiction and review the case, giving the applicant or recipient an opportunity for a fair hearing before the commissioner of public welfare or his legal representative. An appeal may also be taken if the application is not acted upon with reasonable promptness by the officer or officers of the political subdivision having jurisdiction. The commissioner of public welfare may upon his own motion review any decision made by an officer or officers of a political subdivision having jurisdiction. The commissioner of public welfare may make such additional investigation as he deems necessary, and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant or recipient as in his opinion is justified and in conformity with the provisions of sections 261.01 to 263.12. All decisions of the commissioner of public welfare shall be binding upon the political subdivision involved and the applicant or recipient and complied with by the officer or officers of the political subdivision having jurisdiction unless modified or reversed on appeal as hereinafter provided.

[1953 c 464 s 1; 1955 c 116 s 1]

261.124 APPEAL TO DISTRICT COURT. If a decision or determination by the commissioner of public welfare is not, in the opinion of the officer or officers of a political subdivision having jurisdiction of applicant or recipient, in conformity with sections 261.01 to 263.12, either may within 30 days after such decision appeal from the decision or determination of the commissioner of public welfare to the district court of the county in which the application was filed by serving a copy of a written notice of such appeal upon the commissioner of public welfare and adverse party and filing the original of such notice, together with proof of service, with the clerk of the district court of the county. Such appeal may be brought on for hearing by either party by mailing ten days written notice stating the time and place of such hearing. Upon serving of such notice, the commissioner of public welfare shall, if demanded, furnish the officer or officers of political subdivision having jurisdiction of applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony and a copy of its decision. The court shall summarily, upon ten days written notice, try and determine the appeal upon the record of the commissioner of public welfare as certified to it and in the determination shall be limited to the issue as to whether the order of the commissioner of public welfare is fraudulent, arbitrary or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in a district court, unless such new or additional evidence in the opinion of the court, is necessary to a more equitable disposition of

MINNESOTA STATUTES 1961

2387

RELIEF OF POOR; GENERAL PROVISIONS 261.201

the appeal. If the court shall find the order of the commissioner of public welfare fraudulent, arbitrary or unreasonable, the court shall make an order declaring the order of the commissioner of public welfare null and void, giving its reasons therefor, and shall order the commissioner of public welfare to take further action in the matter not inconsistent with the determination of the court.

During the pendency of the appeal, if the commissioner of public welfare has awarded general relief or general assistance to a recipient, the general relief or general assistance shall be paid to him pending the determination of the appeal. If the appeal shall be from the order of the commissioner of public welfare, raising or lowering the amount paid to a recipient, and if the order of the commissioner of public welfare shall not be sustained, then the recipient shall receive the amount, if any, theretofore fixed by the officer or officers of the political subdivision having jurisdiction.

[1953 c 464 s 2]

261.125 ORIGINAL PROCEEDINGS IN DISTRICT COURT; APPEAL TO SUPREME COURT. The officer or officers of the political subdivision having jurisdiction may question the validity of any rule or regulation of the commissioner of public welfare and the district court where the political subdivision having jurisdiction is located shall have power to determine the validity of any such rule or regulation by original proceedings in the court. Either the commissioner of public welfare, or the officer or officers of the political subdivision having jurisdiction may appeal from such decision to the supreme court in the same manner as other appeals in civil actions.

[1953 c 464 s 3]

261.126 PROTESTS BY TAXPAYERS AGAINST GRANTING OF RELIEF. Any taxpayer of the state, resident therein, may appear at any time before the officer or officers of the political subdivision having jurisdiction of the county wherein he resides and protest the granting or continuance of any individual general relief or general assistance or any portion thereof, with the same right to appeal to the commissioner of public welfare as granted an applicant or recipient.

[1953 c 464 s 4]

261.13 BRINGING INTO STATE. Whoever without legal authority shall send, carry, or remove, or cause to be sent, carried, or removed, any insane, idiotic, or poor person from without the state to any county therein, and there leave him, or cause him to be left, with intent to make such county, or any town, city, or village thereof, chargeable with his support or relief, or who with like intent shall induce any such person so to remove, shall forfeit \$50 to be recovered by the treasurer of such county, town, city, or village, for the support of the poor therein, and shall be guilty of a misdemeanor.

[R. L. s. 1490] (3163)

261.14 CHANGE OF SYSTEM. When the county board shall so determine, or if one-fourth of the voters of the county shall petition therefor, the question of changing from the system in force therein to either the town or county system shall be submitted to the voters of the county at the next general election. The notices of such election shall state that the question will be voted upon, and provisions for taking such vote shall be made upon the blue ballots furnished therefor, as in the case of other questions. If a majority of the votes cast thereon be in the affirmative, the change shall take effect upon the first Monday of January next thereafter.

[R. L. s. 1491] (3164)

261.15 [Repealed, 1961 c 561 s 17]

261.16 [Repealed, 1961 c 561 s 17]

261.17 [Repealed, 1961 c 561 s 17]

261.18 [Repealed, 1961 c 561 s 17]

261.19 [Repealed, 1961 c 561 s 17]

261.20 [Repealed, 1961 c 561 s 17]

261.201 MUNICIPALITIES TO COOPERATE WITH FEDERAL GOVERNMENT IN DISPOSITION OF COMMODITY STAMPS. Any county, county welfare board, city, town, village, borough, or other subdivision of the state of Minnesota, or any public relief or social welfare agency or representative of any one of them may, in the furtherance of any federal commodity or commodity stamp plan or program, assist, actively cooperate with, and act as agent of the federal, state, or

local governments or any agency of any one of them.

[1941 c. 98 s. 1]

261.202 MUNICIPALITIES TO DISTRIBUTE STAMPS. Subdivision 1. **Authority.** Any county, county welfare board, city, town, village, borough, or other subdivision of the state of Minnesota, or any agency of any one of them, authorized to expend public moneys for the direct relief of the poor is hereby empowered to acquire and distribute to its poor, federal commodities and commodity stamps in lieu of other relief for the same needs, to transfer or deposit therefor cash in advance and to defray administrative expenses incurred in such acquisition and distribution including bond and insurance premiums from moneys available for direct relief and social welfare purposes.

Subd. 2. **Board of public welfare; commodity stamp fund.** In any county operating under the township system of caring for the poor, and containing a city of the first class operating under a home rule charter, wherein there is established in such city a board of public welfare for the administration of poor relief in such city, such board of public welfare shall be the exclusive agency to acquire and dispose of such federal commodities and commodity stamps in such city. Such city of the first class is hereby empowered to create and establish a commodity stamp fund. Moneys for the fund shall be made available from the poor fund of such city and by contributions from federal and state funds, if any, made available for direct relief purposes. This commodity stamp fund shall not exceed the sum of \$150,000. In such counties the township system of caring for the poor shall be continued, and the towns, villages, and cities of the third and fourth classes therein desiring to participate in these federal commodities and commodity stamp plans, are hereby empowered to contract with each other and with the federal government or any agency thereof to create and establish a central representative agency to be designated as the suburban agency. This suburban agency shall be empowered to acquire and dispose of federal commodities and commodity stamps in the manner provided in this subdivision and in section 261.203, and to perform all other acts, obligations, and duties undertaken by the terms of any agreement authorized in this section. The participating towns and municipalities are hereby empowered to create and establish a commodity stamp fund, and to establish a fund to defray administration expenses of the suburban agency, and to transfer these funds to the exclusive custody of the agency. Cost of administration and other expenses of the agency, including bond and insurance premiums, shall be paid on a pro rata basis. Moneys for the commodity stamp fund established by such participating towns and municipalities shall be made available by contributions from their respective poor funds, and from contributions from federal and state funds, if any, made available for direct relief purposes. This stamp fund shall not exceed the sum of \$30,000. The suburban agency shall quarterly give a full and complete accounting and report to the participating towns and municipalities in the manner and form as prescribed by the public examiner and approved by the attorney general. Both the commodity stamp fund of the city of the first class and the commodity stamp fund for the suburban agency shall consist of the original moneys transferred to it, the stamps acquired and the proceeds of disposition. Such commodity stamp funds shall remain inviolate during the operation of the stamp plan program, and no part thereof shall be used to defray administration or any other expenses. The board of public welfare and the suburban agency, or their respective designees, may act as stamp issuing officer and shall have the power to do all other acts necessary to the proper administration of their respective stamp funds. In such counties neither the board of county commissioners nor the county welfare board shall levy, contribute, or expend any moneys in the furtherance of any stamp plan program, however operating in the county. In such counties the provisions contained in section 261.204, subdivisions 1, 2, 4, 5, and 6, shall not apply.

[1941 c. 98 s. 2]

261.203 COUNTY WELFARE BOARDS TO DISTRIBUTE STAMPS. Any county welfare board within the state, any city of the first class, and any suburban agency referred to in section 261.202, subdivision 2, is hereby authorized to acquire federal commodity stamps by means of the commodity stamp fund hereinafter established, to dispose of them to persons and governmental subdivisions qualified to acquire them under state and federal law and regulations and to receive cash and deposits therefor in advance. No commodity stamps so acquired may be

MINNESOTA STATUTES 1961

2389

RELIEF OF POOR; GENERAL PROVISIONS 261.205

disposed of except upon the receipt of cash upon delivery or cash transferred or deposited in advance in accordance with section 261.202. Any contribution to the principal of the commodity stamp fund by a governmental subdivision of the state of Minnesota as authorized by sections 261.201 to 261.208 shall not constitute a transfer or deposit.

[1941 c. 198 s. 3]

261.204 COMMODITY STAMP FUND. Subdivision 1. **Authority.** Any county within the state, regardless of the system under which provision is made for the relief and support of its poor, and any city of the first class, is hereby authorized to create and establish a commodity stamp fund, hereinafter referred to as the fund, for the acquisition under section 261.203 of federal commodity stamps, which fund shall not exceed the minimum necessary to qualify under federal rules, regulations and law and in no event shall exceed \$150,000 for cities of the first class and \$150,000 for counties in which they are located, and in all other counties \$50,000. The fund shall consist of the original moneys transferred to it, the stamps acquired and the proceeds of disposition. It shall always remain inviolate.

Subd. 2. **Moneys, how made available.** Moneys may, in addition to such other methods as may exist, be made available for the fund in any one or more of the following ways:

(1) By the same method as moneys are made available for defraying expenses of the county welfare board under sections 393.01 to 393.09 or as such sections may be supplemented;

(2) By contribution from the federal, state, or governmental subdivisions thereof of moneys available for direct relief or social welfare purposes;

(3) By borrowing and transferring to the fund. In counties operating under the county system of poor relief, borrowing shall be in the manner provided by law for direct relief or social welfare purposes or both. In counties operating under the township system of poor relief in the manner provided in sections 475.51, 475.53, 475.54, 475.58, 475.61, 475.62, 475.63, 475.66, 475.72, and 475.74; for the purpose of computing statutory debt limits, the money borrowed under the authority of this subdivision for the purpose of contribution to the fund shall not be considered to constitute indebtedness, bonded or otherwise.

Subd. 3. **Moneys, when transferred to fund.** No moneys shall be transferred to the fund until after all bonds have been posted and insurance acquired.

Subd. 4. **Stamp issuing officer.** The county welfare board, its executive secretary or other designee may act as stamp issuing officer and shall have power to do all other acts necessary to the proper administration of the fund.

Subd. 5. **Expenses.** Expenses incident to the creation and administration of the fund, including bond and insurance premiums, may be defrayed in the same manner as other expenses of the county welfare board under sections 393.01 to 393.09, or as such sections may be supplemented.

Subd. 6. **Accounting.** Accounting shall be as follows:

(1) With respect to the fund, by such method or methods as the public examiner, by regulations duly approved as to legality by the attorney general, may direct; semiannually, or at such other times as the board of county commissioners may designate, the county welfare board shall give an accounting and report to the county auditor;

(2) With respect to any transfer or deposit made in advance by a governmental subdivision of the state of Minnesota to any county welfare board or its stamp issuing officer, by accounts and reports to the transferring or depositing subdivision made monthly or at such times and in such manner as the public examiner, by regulations duly approved as to legality by the attorney general, may direct. The duly approved regulations of the public examiner under this subdivision shall be sent to all county welfare boards within the state.

Subd. 7. **Funds remaining at termination of plan.** At the termination of any plan all commodity stamps shall be disposed of and the fund in cash shall be returned to the contributors thereto.

[1941 c 98 s 4; 1957 c 356 s 1]

261.205 MAY BORROW MONEY. The governmental subdivisions named in section 261.202 may, for the purposes of that section, borrow money in the manner provided by law for direct relief or social welfare purposes or both.

[1941 c. 98 s. 5]

261.206 MUNICIPALITIES MAY CONTRIBUTE TO FUND. Any governmental subdivision of the state authorized to expend public moneys for the direct relief of its poor is hereby empowered to contribute to the fund and, for such purpose, may borrow money in the manner provided by law for direct relief or social welfare purposes or both.

[1941 c. 98 s. 6]

261.207 BONDS. Any person into whose care and custody there comes any cash, stamps, or other property used in any federal commodity or commodity stamp plan or program shall post a bond running to the State of Minnesota approved by and in such sum as the board of county commissioners or other governing body of the responsible governmental subdivision or authorized representative agency shall deem adequate protection for all stamps, cash, and property in such person's care and custody. All stamps, cash, and property in the possession of any governmental subdivision of the state or any agency thereof shall be insured against loss or deposited with a depository of public funds in the manner provided by law.

[1941 c. 98 s. 7]

261.208 CONSTRUCTION. Sections 261.201 to 261.208 shall be construed so as to further their purpose, which is to enable governmental subdivisions of the state of Minnesota to participate in federal commodity and commodity stamp plans and programs.

[1941 c. 98 s. 8]

261.21 HOSPITALIZATION FOR INDIGENT PERSONS. The county board of any county in this state is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere within the state of indigent residents of such county who are afflicted with a malady, injury, deformity, or ailment of a nature which can probably be remedied by hospitalization and who are unable financially to secure and pay for such hospitalization or, in the case of a minor, whose parent, guardian, trustee, or other person having lawful custody of his person, as the case may be, is unable to secure or provide such hospitalization.

[1935 c. 359 s. 1; 1941 c. 473 s. 1] (3164-19)

261.22 APPLICATION FILED. Subdivision 1. **Duties of officials.** When the existence of a case described in section 261.21 shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon it shall be his duty to, and any other person may, file with the auditor of the county of the residence of such indigent person requiring care an application for the hospitalization of such indigent person. Such application shall be made in such form as the county board of such county may prescribe, and shall contain the name, age, residence, and physical condition of the person sought to be hospitalized and shall contain also a full statement of his financial situation and of the persons, if any, legally charged with his care and support and such application shall be verified. The county board shall make a careful investigation of the matter in such manner as it shall deem advisable and expedient and it shall be the duty of any public official of any county, city, village, or town of the residence of the person sought to be hospitalized to supply the county board on a request therefor all the information within his knowledge relative to the financial condition of the person sought to be hospitalized and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such hospitalization or in case of a minor, his parents, guardians, trustee, or other person having legal custody over him or legally responsible for his support and maintenance is not financially able to provide such hospitalization, then said county board shall direct the county physician or some other physician to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment of the disease, malady, injury, deformity, or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one copy of which shall be filed with the county auditor and the other shall be transmitted to the hospital at which such afflicted person is hospitalized; such report shall also give any information the examining physician

shall have or acquire relative to the financial ability of the afflicted person to pay for the hospitalization and treatment of his disease, malady, injury, deformity, or ailment, together with any other information such physician may deem helpful to the county board or the physician attending him.

Subd. 2. **Duties of county board.** If upon filing of such report and a full investigation of the application the county board shall be satisfied that the case is one which could be remedied by hospital treatment and that such afflicted person is financially unable to secure or provide the same for himself and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such hospitalization, the county board may grant or approve said application. If the county board is not so satisfied, it may take additional testimony or make such further investigation as it shall deem proper and it shall reject any application if it finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the approving and granting such application and the relief therein prayed for, the chairman of such county board shall arrange for the hospitalization of such afflicted person. If the county board shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full but is able to pay in part for such hospitalization at such hospital, the county board may approve such application of such afflicted person on such terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital. When a physician certifies that an emergency exists in any case and that he believes that the person suffering is unable to pay for hospitalization such person shall be admitted to any such hospital upon the order of the chairman of the county board or upon the order of the county commissioner of the district in which such alleged indigent person resides; and thereafter an investigation shall be made in the manner hereinbefore provided. When a physician certifies in a case of an injury (or an emergency) that immediate surgical or medical treatment is necessary, the patient shall forthwith be admitted to any such hospital upon said certificate for a period not to exceed 72 hours; and thereafter an investigation shall be certified and made in the manner provided in sections 261.21 to 261.23.

[1935 c. 359 s. 2; 1941 c. 473 s. 2; 1943 c. 31 s. 4] (3164-20)

261.23 COSTS OF HOSPITALIZATION. The costs of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of sections 158.01 to 158.11 for the hospitalization of such indigent patients. The cost of the hospitalization of indigent persons under the provisions of sections 261.21 to 261.23 shall be paid by the county of the residence of such indigent persons at such times as may be provided for in such contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, the cost shall be paid by the county from which such patient, if indigent, is certified. If the county of residence of the patient is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization of said patient.

[1935 c. 359 s. 3; 1941 c. 473 s. 3; 1943 c. 31 s. 5] (3164-21)

261.231 COUNTY BOARD MAY DELEGATE CERTAIN POWERS. The county board of any county in this state is hereby authorized to delegate to the county welfare board of such county all the rights, powers, and duties conferred upon it by Laws 1941, Chapter 473, with reference to the hospitalization of indigent persons.

[1943 c. 31 s. 7]

261.25 UNIFORM TRANSFER OF DEPENDENTS ACT. Subject to the approval of the attorney general, as to form and legality, the commissioner of public welfare may enter into reciprocal agreements with agencies of other states regarding the interstate transportation of poor and indigent persons, and may arrange with the proper officials in this state for the acceptance, transfer, and support within this state of persons receiving public aid in other states in accordance with the terms of these agreements, provided that this state shall not, nor shall any county or other political subdivision of this state, be committed to the support of persons who are not in the opinion of the commissioner of public welfare entitled to public support by the laws of this state; provided further that de-

MINNESOTA STATUTES 1961

261.251 RELIEF OF POOR; GENERAL PROVISIONS

2392

termination of legal settlement in a county or other political subdivision of this state shall be made before authorization is granted for the return of an indigent person to this state.

[1955 c 250 s 1]

261.251 INTERPRETATION. Section 261.25 shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

[1955 c 250 s 2]

261.26 COUNTY WORK RELIEF PROGRAMS. Subdivision 1. The purpose of work relief is to enable persons in need of relief assistance to preserve their self esteem and skills, to provide new skills to disabled persons, and to enable counties to engage in necessary public works projects.

Subd. 2. Any county welfare department may provide a work relief program for persons who qualify for relief, and who desire to perform useful work or acquire new skills. The department may assign the needy person such work as he is able to perform but which is not that ordinarily performed and which would supplement but not replace projects which are ordinarily performed by regular employees of the county.

Subd. 3. Work relief recipients shall be paid at the same wage rates as county employees doing similar work, and the number of hours of work assigned to a recipient shall be determined by the needs of himself and his family including expenses incidental to his employment.

Subd. 4. A county may contract with the federal government, or with any department, agency, subdivision or instrumentality of the state for the services of such work relief recipients on such terms and conditions as may be agreed upon, with or without consideration paid to the county.

Subd. 5. Work relief recipients are employees of the county within the meaning of workmen's compensation laws, but not retirement or civil service laws.

[1961 c 553 s 1-5]