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HOSPITALS, SANATORIUMS, NURSING HOMES 376.03

CHAPTER 376

HOSPITALS, SANATORIUMS, NURSING HOMES

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HOSPITALS

376.009 COUNTY HOSPITAL. For the purposes of sections 376.01 to 376.06, "county hospital" means any hospital owned or operated by a county and this hospital may consist of any number of buildings at one location or any number of buildings at different locations within the county.

[1955 c 808 s 1]

376.01 ACQUISITION OF LAND. The county board of any county may acquire lands in the county for hospital purposes for patients, other than insane.

[1913 c 392 s 1; 1955 c 808 s 2] (677)

376.02 BUILDINGS. The county board of any county may purchase, erect, or construct suitable buildings for hospital purposes for patients, other than insane, on any land acquired pursuant to section 376.01, and may improve, equip, and maintain these buildings for such hospital purposes. The county board may pay for these buildings out of any moneys in the county treasury not otherwise appropriated or issue therefor the warrants or bonds of the county in payment therefor. The county board may fix the time and terms of payment of these warrants or bonds and the amount of interest to be paid.

[1913 c 392 s 2; 1955 c 808 s 3] (678)

376.03 QUESTION SUBMITTED TO VOTERS. If a majority of the electors of any county voting upon the proposition at any election at which the question of purchasing, erecting, and constructing hospital buildings, as provided in section 376.02 is submitted, vote in favor of the proposition, the county board shall thereupon proceed to purchase, erect, and construct these buildings and make the improvements necessary to fit the buildings for hospital purposes.

[1913 c 392 s 3; 1955 c 808 s 4] (679)

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376.04 ELECTION, SEPARATE BALLOT. The question of purchasing, erecting and constructing hospital buildings shall be submitted to the qualified voters of any county at a general election and placed upon a separate ballot. This election shall be called by a resolution of the county board which states the time of the election, that a county hospital is proposed to be established, the proposed location thereof, the same to cost, including equipment, not to exceed the sum set forth in the resolution. Upon passage of the resolutions the county auditor forthwith notifies each town or city clerk in the county that the question of erecting hospital buildings will be voted upon at the time stated in the resolution, the election to be controlled by the existing election laws.

The ballot shall be in the following form:

“For the purchase, erection and construction of hospital buildings, including equipment, to be located at (state location), at a cost not to exceed (state amount), pursuant to the resolution of the board of county commissioners passed (state date).

Yes

No

Electors desiring to vote in favor thereof shall make their cross-mark, thus (X), opposite the word “yes,” and electors desiring to vote against the proposition shall make their cross-mark, thus (X), opposite the word “no”. These votes shall be cast in the same manner as votes cast at the general election and counted by the same officers, and returns made to the county auditor, and canvassed in like manner as the returns on county officers.

[1913 c 392 s 4; 1955 c 808 s 5; 1973 c 123 art 5 s 7] (680)

376.05 HOSPITAL AUTHORIZED, ERECTION OF BUILDINGS. If a majority of the electors voting upon the proposition vote in favor of purchasing, erecting, and constructing such hospital buildings, the county board shall forthwith proceed to purchase, erect, and construct such buildings as are deemed proper, suitable, and convenient and equip the same to effectuate the purpose.

[1913 c 392 s 5; 1955 c 808 s 6] (681)

376.06 SUPERINTENDENT, HOSPITAL BOARD; DUTIES. Subdivision 1. The county board of any county having so purchased, erected and constructed buildings for hospital purposes may operate these buildings as such hospital, appoint a superintendent therefor for a term to be fixed by it, fix his salary, and at pleasure remove him, prescribe his powers and duties, provide for the management and operation of the hospital, and shall operate, control, and manage the hospital. If the board determines that it is in the interest of the public so to do, it may appoint a hospital board of not less than three, nor more than nine members, who shall be resident freeholders of the county, and who shall serve without compensation unless the county board authorizes the payment of compensation and reimbursement of expenses for service on the hospital board, which compensation and reimbursement if so authorized notwithstanding the provisions of section 375.44, shall be the same as authorized for service on the county welfare board. Subject to its supervision, the county board may commit the care, management, and operation of the hospital to such hospital board and may provide for the organization of such hospital board, its duties and the duties of the members thereof, and such further regulation in reference thereto and to the management, operation, and control of the hospital as are proper, necessary, or desirable. The county board may lease and let unto a responsible hospital association such hospital grounds and buildings upon such terms as it deems advisable. Sections 376.01 to 376.06 do not permit any county board to purchase, erect and construct any such hospital buildings or to pay therefor without first submitting the question to the vote of the people. No such purchase, erection or construction of buildings or payment therefor may be made unless a majority of the electors voting upon the proposition vote in favor thereof.

Subd. 2. A county commissioner may be appointed by the board of which he is a member to any hospital board as provided in Minnesota Statutes 1961, Sections 376.009 to 376.09, except that this subdivision shall not apply to any hospital board operating a county hospital as defined in Minnesota Statutes 1961, Section 376.009 lo-

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ated in a city of the first class.

[1913 c 392 s 6; 1951 c 326 s 1; 1955 c 808 s 7; 1959 c 291 s 1; 1963 c 308 s 1; 1971 c 24 s 48] (682)

376.07 ADDITION TO COUNTY HOSPITAL. When, pursuant to the provisions of sections 376.01 to 376.06, the county board of any county has been heretofore, or shall have been hereafter, authorized by the voters to construct an addition to the county hospital of such county, whether or not also authorized to equip such addition, and the board shall have ascertained and determined that such addition, whether with or without equipment, cannot be completed within the cost authorized, or shall have determined that, to complete the improvement, certain alterations should be made, or fixtures or equipment added, either in the original building, or in the addition, or both, the board may be authorized to expend a specified additional amount for each, any, or all of the purposes herein mentioned, either by vote of the people of the county at a general or special election, at which the proposition so to do shall be submitted and disposed of substantially in the manner provided by sections 376.01 to 376.06; or, in lieu of a vote at such an election, by petition of a number of voters of the county equal to a majority of the votes cast therein at the last preceding general election. Such petition may be in the form of one document or of several documents of substantially like tenor and effect, and shall be filed with the county auditor. Any special election thereunder may be called in any manner by law provided for the calling of special county elections. Upon authority being granted by the voters, in either manner herein provided, the board may thereupon proceed accordingly and, if it shall have theretofore made or attempted to make a contract or contracts in excess of the authority first granted, may ratify and carry out such contracts, or any thereof.

[1927 c 106 s 1] (682-1)

376.08 COUNTIES, APPROPRIATIONS FOR HOSPITALS AND NURSING HOMES. The board of county commissioners in any county in this state having 50,000 inhabitants, or less, is hereby authorized to appropriate from the general revenue fund of such county a sum not exceeding \$65,000 in any one year to aid in the acquisition of lands for hospital purposes, the erection, construction, improvement, alterations, equipment and maintenance of hospitals within such county and may appropriate from the general revenue fund of such county a sum not exceeding \$25,000 for the acquisition of land and construction of municipally owned nursing homes within such county.

[1909 c 210 s 1,2; 1915 c 326 s 1,2; 1949 c 419 s 1; 1955 c 275 s 1; 1957 c 453 s 1; 1965 c 72 s 1; 1967 c 372 s 1] (684, 685)

376.09 AID TO HOSPITALS IN COUNTIES HAVING NO COUNTY HOSPITAL. In any county in this state in which there is no county hospital the county board is hereby authorized and empowered to appropriate and pay from the general fund of the county, as aid in the erection, construction, and maintenance in such county of a hospital for the treatment of sick, diseased, and injured persons, a sum not exceeding \$5,000, and preference shall always be given in the admission to such hospital of such patients as are, in whole or in part, public charges, and are sent thereto by the county board.

[1913 c 123 s 1] (683)

376.10 [Repealed, 1949 c 283 s 1]

376.101 [Repealed, 1965 c 45 s 72]

376.102 [Repealed, 1965 c 45 s 72]

376.103 [Repealed, 1965 c 45 s 72]

376.104 [Repealed, 1965 c 45 s 72]

376.105 [Repealed, 1965 c 45 s 72]

376.106 [Repealed, 1965 c 45 s 72]

376.107 [Repealed, 1965 c 45 s 72]

376.108 [Repealed, 1965 c 45 s 72]

376.109 [Repealed, 1965 c 45 s 72]

376.11 [Repealed, 1949 c 283 s 1]

376.111 [Repealed, 1965 c 45 s 72]

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NOTE: Laws 1965, Chapter 45, Section 72 reads as follows:

"Minnesota Statutes 1961, Sections 376.101 to 376.111 are repealed, except that the provisions thereof relating to the issuance of bonds and regulating the making and allocating of levies for the payment of such bonds and interest thereon shall remain in force."

376.12 [Repealed, 1949 c 283 s 1]

376.13 [Repealed, 1949 c 283 s 1]

376.14 [Repealed, 1949 c 283 s 1]

376.15 [Repealed, 1949 c 283 s 1]

376.16 [Repealed, 1949 c 283 s 1]

376.17 [Repealed, 1949 c 283 s 1]

SANATORIUMS

376.18 RESIDENCE OF TUBERCULOSIS PATIENTS; COST OF CARE. When a question shall arise between two or more counties as to the place of residence for the purpose of treatment in a county sanatorium of any person afflicted with tuberculosis, any such county 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 of such county for a determination of the residence of such persons. Such judge shall at the time fixed hear the evidence adduced by the parties to such proceeding and shall forthwith make and file an order determining the place of residence of such person. The county in which such person shall by such order be found to be a resident shall be charged with the entire cost of his care and treatment.

[1935 c 64 s 1,2] (692-1, 692-2)

376.19 LEVY FOR TUBERCULOSIS SANATORIUMS. The county board of any county in this state which has heretofore established, or shall hereafter, either by itself or in conjunction with another county or counties, establish a tuberculosis sanatorium may annually levy a tax on all taxable property in the county for the construction, improvement, equipment, and enlargement of such sanatorium and the improving and enlarging of the site thereof, and for the construction, improvement and maintenance of any highway terminating on said sanatorium site and extending not to exceed five miles from said site.

[1919 c 78 s 1; 1949 c 116 s 1; 1973 c 583 s 25] (694)

376.20 MAINTENANCE CHARGE; LIMITATION. The county sanatorium commission shall determine by resolution each year prior to July 1, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes.

[1919 c 78 s 2; 1943 c 140 s 1; 1945 c 142 s 1; 1949 c 29 s 1; 1973 c 583 s 26] (695)

376.21 PAYMENTS BY STATE. The amount due from the state to the county sanatorium commission for the care and treatment of free patients shall be certified to the commissioner of finance at the end of each month by the commission. The commissioner of finance shall draw his warrants in favor of the commission in charge of the sanatorium in question in payment of such amounts and forward the same to the commission, provided that the commissioner of public welfare certifies that the institution has been properly conducted. All other payments for the care and treatment of patients in such sanatorium and all other moneys due to the commission shall be paid to the commission at the sanatorium; the commission shall designate the superintendent, or some other person, as treasurer, who shall furnish satisfactory surety bond and to whom shall be paid all sums due the commission, and such treasurer shall collect all arrearages. Funds thus received shall be deposited by such treasurer in some bank, to be designated by the commission, to the credit of the sanatorium commission in an account to be known as the sanatorium maintenance fund.

[1919 c 78 s 3; 1953 c 593 s 2; 1973 c 492 s 14] (696)

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376.22 STATEMENT OF EXPENSES; PAYMENT. The county sanatorium commission shall, on or before the tenth day of each month, ascertain the amount of expenses incurred for the preceding calendar month for the operation and maintenance of such sanatorium, as shown by claims allowed by it, and shall deduct from the same the amount of cash receipts of the commission for that month and shall certify to the county auditor or county auditors, as the case may be, the amount due from each county for its share of the net expenses for the month in question.

In case the sanatorium is maintained by two or more counties the proportionate share to be thus certified shall be based upon the population of the respective counties.

Upon receipt of the certificates above referred to, the county auditor, or the county auditors, as the case may be, shall forthwith draw warrants upon the county sanatorium fund of his county for the amount due such commission and forward the same to it and the funds so received shall be deposited to the credit of the commission, as provided for in section 376.21.

Payments for duly allowed claims against the commission shall be paid by checks issued therefor and signed by the president and the secretary of the commission.

[1919 c 78 s 4; 1961 c 560 s 33] (697)

376.23 [Repealed, 1957 c 79 s 2]

376.231 IMPREST FUND. The board or commission of any county hospital, county sanatorium or county nursing home may establish an imprest fund for the payment in cash of any proper claim which it is impractical to pay in any other manner, except that no claim for salary or personal expenses of an officer or employee shall be paid from such fund. The board or commission shall appoint a custodian of such imprest fund and he shall be responsible for its safekeeping and disbursement according to law. Money for the operation of such fund shall be secured by an appropriation from the institution operating fund. A claim itemizing all the various demands for which disbursements have been made from the imprest fund shall be presented to the board or commission at the next meeting of the board or commission after the disbursements have been made. The board or commission shall act upon it as in the case of other claims and a warrant or warrant-check shall be issued to the custodian for the amount allowed. The custodian shall use the proceeds of the warrant or warrant-check to replenish the funds; and if the board or commission fails to approve the claim in full for any sufficient reason, he shall be personally responsible for the difference.

[1957 c 79 s 1]

376.24 SURETY BONDS. The bank or banks so designated as depositories by the county sanatorium commission shall furnish surety bonds in the amount required by the commission and at least in a sum equal to the amount of funds that are likely to be deposited in such banks at any one time. The secretary and treasurer of the commission shall each furnish a surety bond in an amount to be determined by the commission. Sections 376.19 to 376.24 shall not apply to or affect any county now or hereafter having more than 150,000 inhabitants.

[1919 c 78 s 6] (699)

376.25 CERTAIN PERSONS TO RECEIVE MEDICAL ATTENTION. When a patient in a county tuberculosis sanatorium becomes afflicted with sickness other than tuberculosis, and is in need of immediate medical attention and is without means, the superintendent of such sanatorium may provide the necessary medical attention, and the expense thereof shall be paid by the sanatorium district, in the same way as maintenance expenses are paid. Such expense, when paid, shall be a charge against the relatives of the person responsible therefor, and if there are no such relatives, then against the place of settlement of such patient, as defined by section 256D.18. Expense chargeable against the place of settlement shall be presented to the governing body thereof, in the form of an itemized, verified claim. Such body, if satisfied that the claim accurately sets forth the expense incurred and paid by the sanatorium district, shall allow the same and direct an order or warrant to issue, as in the case of the allowance of other claims.

[1923 c 17; 1976 c 2 s 87] (700)

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376.26 COUNTY ATTORNEYS LEGAL ADVISERS OF SANATORIUM COMMISSIONS. The attorney of every county, maintaining alone or with other counties, a county tuberculosis sanatorium, shall act as the legal adviser of the commission in charge of the sanatorium with reference to all matters arising in his county, and with reference to such matters arising outside of his county as the commission may direct.

[1923 c 18] (701)

376.27 [Renumbered 376.523]

376.28 TUBERCULOSIS SANATORIUMS. The board of county commissioners of any county in this state, or the boards of county commissioners in any group of counties in this state, shall have and are hereby granted and given power, with the advice and approval of the commissioner of public welfare, to establish and maintain, as provided in sections 376.28 to 376.42, a sanatorium for the treatment and care of persons affected with tuberculosis, provided that the power so granted shall be exercised as follows:

(1) Such sanatorium may be established by a majority vote of the commissioners of such county, or a majority vote of the commissioners of each such group of counties;

(2) When it is necessary to issue the bonds of such county or any county in any such group of counties to defray the cost which such county or any of such counties are required to pay under the terms of sections 376.28 to 376.42, then and in all such cases the question of whether such bonds shall be issued to defray any county's portion of the cost thereof shall be submitted to the voters of such county or, if more than one, to the voters of each of such counties requiring a bond issue, and the bonds shall not be issued unless a majority of the voters of such county or, if more than one, of each such county voting thereon, shall vote in favor of the proposition submitted to it or to them;

(3) The board of county commissioners of any such county or, if more than one, the board of county commissioners of any such counties, shall have the power and authority, in any case, to submit the question to the voters of any such county or counties in the way and manner provided in sections 376.28 to 376.42.

Any county or group of counties which has heretofore commenced proceedings to erect a sanatorium or taken any steps preliminary thereto may, by a resolution of the board of county commissioners thereof, adopted by a majority vote of the board of county commissioners or each board of county commissioners, as the case may be, determine to proceed under the provisions of sections 376.28 to 376.42 and may continue thereunder and complete such sanatorium and be entitled to all the provisions and benefits provided for in sections 376.28 to 376.42. The sanatorium, when so constructed, shall in all respects conform to the requirements of sections 376.28 to 376.42.

The board of county commissioners of any such county, or the board of county commissioners of each of such group of counties, if more than one, erecting such sanatorium under the provisions of sections 376.28 to 376.42, may, by resolution, create a fund to be known as the sanatorium fund, and such funds may be raised by taxation at the time of deciding to erect such sanatorium under sections 376.28 to 376.42 or at any time subsequent thereto; or, if submitted to the people at the first meeting of the board of county commissioners, after the people of the county or counties shall have voted to erect the same, and the amount so determined by the board to be raised by taxation shall be extended on the tax lists and collected as other county taxes, and this provision shall be construed to vest in the county commissioners of such county or counties, as the case may be, power to levy a tax to pay interest and principal of any bonds authorized under sections 376.28 to 376.42 as the same shall come due and become payable, and the tax shall be levied, extended, and collected in the same way and manner as other county taxes are levied, extended, and collected, and shall be used for no other purpose, provided that no institution established under sections 376.28 to 376.42 shall have less than 20 beds.

The question as to the issuance of bonds may be submitted at a general or special election; if at the general election, the notices of such election shall state that the question will be voted upon and the provisions for taking such votes shall be made upon the blue ballots furnished herefore, as in the case of other questions, and the result shall be canvassed and returned in like manner; if at a special election, such election shall be ordered by resolution of the county board and the procedure for, at, and after such election shall be substantially, and as far as applicable, the same as pro-

vided for in sections 372.04 to 372.08; and the county auditor, upon the passage of the necessary resolution, shall proceed as provided in sections 372.04 to 372.08. If the proposition is to affect more than one county, then the necessary action shall be taken by the county board and the auditor of each county affected. If funds are to be borrowed from the state, the procedure outlined herein shall be sufficient for that purpose.

Where more than one county is involved the result of the vote on the question submitted in each of the counties shall be certified by the auditor thereof to the auditors of the other counties interested.

[1913 c 500 s 1; 1915 c 270 s 1; 1953 c 593 s 2; 1973 c 583 s 27] (705)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.29 SANATORIUM COMMISSION; TUBERCULOSIS CONTROL OFFICER.

Upon the decision to establish and maintain a tuberculosis sanatorium under sections 376.28 to 376.42, the county commissioners of any county shall appoint a commission consisting of three members, residents of the county, at least one of whom shall be a licensed physician. These members shall be chosen with reference to their special fitness for such office and the appointment of the licensed physician, before becoming effective, shall be approved by the state board of health. Under the first appointment one member shall be chosen to hold office for one year, one for two years and one for three years, all from the first Monday of the next July following such appointment, and thereafter one member shall be chosen each year to serve for a period of three years commencing with the first Monday in July in each year, respectively, and each appointee shall hold office until his successor is appointed and has qualified. This commission shall be known as the county sanatorium commission. Its members shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred by them in connection with their official duties.

The county sanatorium commission shall have full charge and control, except as provided in sections 376.28 to 376.42, of all moneys received for the credit of the tuberculosis sanatorium fund described therein and full charge and control of the location, establishing, and maintenance of any sanatorium building constructed under these sections and make such regulations concerning the same as may seem to it advisable, but no site shall be secured and no buildings erected or equipped without the approval and consent of the commissioner of public welfare, and before final action is taken the plans and specifications shall be submitted to the state board of health for approval as provided by section 144.12. The commissioner of public welfare shall have full power and control over the construction and equipment of any such sanatorium whose establishment has been so determined upon by the county sanatorium commission.

The county sanatorium commission may when deemed necessary appoint and employ, with the approval and consent of the commissioner of public welfare, a competent superintendent who shall employ other necessary help at a compensation to be determined by the county sanatorium commission. The superintendent shall be the executive officer of the sanatorium and act as secretary of the county sanatorium commission. One member of the commission shall be elected annually by the commission as its president.

The county sanatorium commission may appoint and employ, with the approval and consent of the commissioner of public welfare, the state board of health and the county board of the county or counties maintaining the sanatorium, a tuberculosis control officer, who shall be a duly licensed physician. Such control officer shall have and exercise all the powers and duties vested in and imposed upon health officers and local boards of health relating to the control of tuberculosis, with jurisdiction over all towns, municipalities and any part of municipalities lying and being within the boundaries of the county or counties maintaining the sanatorium. If the person appointed as such control officer is a member or employee of any city board of health he may exercise the duties of both offices or employments under an agreement entered into by the commission and the governing body of such city designating the time to be devoted to each office or employment and apportioning the compensation and expense of such person.

The county sanatorium commission of a county or group of counties may authorize the superintendent of a sanatorium to employ a nurse or nurses to visit in their homes consumptives who have been discharged from such institution and who reside within such county or group of counties. Such nurse shall render monthly reports in duplicate to the superintendent of the sanatorium and to the state board of health. The sanatorium commission may establish an open air school or preventorium for child patients in connection with the sanatorium, with the consent and approval of the commissioner of public welfare. When one or more units of the preventorium is not needed for the care of the child patients infected with the tubercle bacillus, the commission may, with the consent and approval of the commissioner of public welfare, and the local authorities charged with the responsibility for the operation and management of the preventorium, use such unit or units for the care of indigent children convalescing from disease in a noncommunicable stage.

The county sanatorium commission of a county or group of counties is hereby authorized, with the approval of the commissioner of public welfare, to use any surplus of the tax levy made for the maintenance of a sanatorium, for building, purchasing equipment, building additions, building cottages, making improvements and repairs.

[1913 c 500 s 2; 1915 c 270 s 2; 1941 c 349; 1957 c 302 s 1] (706)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.30 MEMBERSHIP OF COMMISSION. Two or more counties may unite in acquiring, establishing, equipping, or maintaining such sanatorium and in such case the commission shall be composed, in the first instance, of two members, chosen from each county in such group, of the county commissioners of each such county, and after the site for the sanatorium has been selected and has received the approval of the commissioner of public welfare such commission shall be increased by the addition of a third member chosen from the county in which the sanatorium is to be located, by the county commissioners thereof.

Such site may include lands upon which there are already erected a building or buildings, if the same are suitable and can be utilized, in whole or in part, for sanatorium purposes.

Under the first appointment one member from each county shall be chosen to hold office for two years and one for three years from the first Monday of the next July following such appointment, and the additional member thereafter chosen from the county in which the sanatorium is to be located shall be chosen to hold office for one year from the first Monday of the next July, and thereafter the members chosen to succeed the first appointees at the expiration of their terms shall each hold office for the term of three years, and each appointee provided for in this section shall hold office until his successor is appointed and has qualified.

In any case where a group of two or more counties have jointly acquired, established, equipped, or maintained a sanatorium, and one or more counties in such group desires to separate from such group for the purpose of alone, or with another county or group of counties, establishing or maintaining a separate sanatorium under sections 376.28 to 376.42, such county or counties desiring to withdraw from such group shall, in writing, request permission of the remaining counties in such group to do so and to fix and determine the financial obligation of the petitioner and of the other remaining counties of the group. In the event that the majority of such remaining counties shall fail to consent to such withdrawal within 90 days of such request, or consenting, fail to agree on the financial obligation, the county or counties desiring such separation shall, through the county attorney, make a petition setting forth facts showing that it would better serve the interests of all concerned that such county, alone or with another group, carry on its work, which petition shall be presented to the district court of any county affected by the proceeding. Upon the presentation of such petition the court shall fix a time and place of hearing, and by order direct the other interested counties to appear not less than 20 days after the service of notice thereof on the several auditors of the interested counties. At the time so fixed, or at any other time designated, the court, without a jury, shall hear the petition and such evidence as may be adduced by the parties; and, if the petition be granted, by its order detach the petitioner from the group to which it belonged, and may annex the same to another

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group, and may fix and determine the financial obligation of the petitioner with respect to the group of counties to which it was formerly joined, and also to the group of counties to which it may be annexed.

[1913 c 500 s 3; 1915 c 270 s 3; 1929 c 160; 1953 c 593 s 2] (707)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.31 APPROPRIATIONS, BONDS, STATE'S CONTRIBUTION, LEVIES.

A county or group of counties wishing to establish a sanatorium, as indicated in section 376.28, shall, through the board or boards of county commissioners, appropriate one-half of the necessary funds in apportioned amounts, as hereafter provided, for the establishment, construction, and equipment of the same and may issue bonds therefor in the manner provided by law for the issuance by counties of bonds for other purposes. The state treasurer shall pay, out of the funds hereafter provided under sections 376.28 to 376.42, one-half the cost of the erection and equipment of each such sanatorium, including cost of site, which payment shall be made in the manner provided by law for the payment of expense incurred by the commissioner of administration in the erection and equipment of public buildings; provided, that the amount contributed by the state towards the cost of the erection and equipment of each such sanatorium, including cost of site, shall not exceed \$50,000. When any such sanatorium has been erected and equipped the county sanatorium commission shall have full charge and control of the maintenance of the same, but may confer with the commissioner of administration with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and the commissioner of administration shall aid in the securing of favorable contracts for the purchase of supplies when so called upon. The county sanatorium commission shall determine, by resolution, each year, prior to July first, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of the resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards may, in their discretion, at the regular meeting in July, include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed one-third of one mill on the dollar of assessed valuation. For the maintenance of each free patient treated in the sanatorium 50 percent of the actual cost of care of each free patient, except that the amount of state aid shall not exceed \$7.50 per week before July 1, 1956, and \$2.50 per patient day beginning July 1, 1956, shall be paid to the county or group of counties by the state treasurer out of funds appropriated under sections 376.28 to 376.42, which payments shall be made monthly upon warrants of the commissioner of finance, drawn upon the state treasurer; provided, that the commissioner of public welfare certifies that the institution has been properly conducted; provided, further, in a county having an assessed valuation of real and personal property of less than \$7,000,000 and the required total mill levy for all costs, including administrative costs, for all forms of public assistance exceeds by 50 percent or more the average required mill levy for these costs in all counties of the state, and the levy is insufficient to pay the county's share of these costs, the state pays 75 percent of the actual cost of care of each free patient. In case two or more counties unite in a decision to establish a sanatorium, the county sanatorium commission shall apportion, by resolution, one-half the estimated total cost of site, erection, and equipment and the estimated total cost of maintenance for the ensuing year between or among the counties, and designate the amount to be raised by each county, which apportionment shall be based approximately upon the respective population of the counties, as determined by the last previous federal or state census, except that when the county boards of such counties shall agree upon a different apportionment of such cost of maintenance such agreed apportionment shall govern. When so apportioned the commission shall forward to the board of county commissioners of each county a certified copy of such resolution, and each county board shall then proceed to pay, if it has funds available for that purpose, or to make a tax levy for the amount apportioned to its county. All moneys collected or received for such sanatorium purposes, except cost of site, erection, and equipment, shall be deposited in the treasury of the county or counties to the credit of the tuberculosis sanatorium funds, and shall not be used for any other purpose and shall be paid out in a manner provided by law for other county expenses by the proper officers of the county or counties upon the properly authenticated vouchers of the county sanatorium commis-

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sion, signed by the president and the secretary thereof, and all moneys collected or received to be used toward the payment of the cost of site, erection, and equipment of such sanatorium shall be sent by each county treasurer to the state treasurer to be placed to the credit of the sanatorium and shall be paid out in the manner as in this section provided for other payments toward cost of site, erection, and equipment of the sanatorium.

[1913 c 500 s 4; 1915 c 270 s 4; 1921 c 218 s 1; 1949 c 731 s 1; 1955 c 466 s 1; 1955 c 738 s 2; 1973 c 492 s 14; 1973 c 773 s 1] (708)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.32 ANNUAL STATEMENT. The county sanatorium commission shall file with the commissioner of public welfare an annual statement of its operating costs on forms provided by the commissioner within 60 days following the close of the fiscal year and the state auditor shall examine all the books and accounts of the county sanatorium commission pertaining to its financial transactions at least once a year if funds and personnel permit.

[1913 c 500 s 5; 1919 c 321 s 5; 1959 c 123 s 1; 1973 c 492 s 7] (709)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.33 PATIENTS; CHARGES, ADMISSION WITHOUT CHARGE; NONRESIDENTS. The county sanatorium commission shall fix the amount to be charged for the care, treatment, and maintenance of each patient. When a patient is unable to pay these charges and has no kindred legally liable therefor from whom payment can be secured, the patient may be admitted without charge or a patient by whom or for whom continued payments cannot be made may become a free patient. Any individual, resident of the state, residing outside of a county or counties maintaining a tuberculosis sanatorium, may apply for treatment in any sanatorium established under sections 376.28 to 376.42, or any city, town, or county may so apply on behalf of any of its charges, and such patient may be cared for therein upon payment of a weekly sum to be fixed by the county sanatorium commission; provided, that the commissioner of public welfare shall approve of the admission of such patient and the sum so fixed. When any such nonresident patient is admitted to a county sanatorium upon the application of any county the state shall pay out of the moneys available for the maintenance of county sanatoriums 50 percent of the actual cost of care of each free patient except that the amount of state aid shall not exceed \$7.50 per week before July 1, 1956, and \$2.50 per patient day beginning July 1, 1956; provided, however, that in a county having an assessed valuation of real and personal property of less than \$7,000,000 and the required total mill levy for all costs, including administrative costs, for all forms of public assistance exceeds by 50 percent or more the average required mill levy for these costs in all counties of the state, and the levy is insufficient to pay the county's share of these costs, the state pays 75 percent of the actual cost of care of each free patient, the sanatorium meets the minimum requirements for care and treatment and the conditions provided in section 376.31 in case any such nonresident patient is admitted solely for the purpose of surgery or special diagnostic procedures to affect treatment of tuberculosis, the full charge fixed by the county sanatorium commission shall be paid, one-half thereof by the state and one-half by the county of the patient's legal residence.

[1913 c 500 s 6; 1939 c 197 s 1; 1941 c 163 s 1; 1949 c 731 s 2; 1955 c 465 s 1; 1955 c 738 s 1; 1973 c 123 art 5 s 7] (710)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.34 TUBERCULOSIS SANATORIUMS; RESIDENTS; HOW ADMITTED.

Any person who has been a resident of a county or counties maintaining a tuberculosis sanatorium throughout the year immediately preceding application, exclusive of the time spent in a hospital or sanatorium, who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in such sanatorium and may ap-

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ply for admission thereto, or anyone may apply on behalf of any such individual, and the superintendent shall, when conditions so warrant, admit such persons to such sanatorium for care and treatment. Preference shall be given to patients in the most advanced stages of the disease, except that applications of residents of a county or counties where a sanatorium is located shall always have precedence over applications of nonresidents, regardless of the stage of the disease of such nonresident applicants. The superintendent of each county sanatorium shall keep lists of applications, resident and nonresident, numbered, respectively, in the order in which they are received. When the conditions warrant the admission of another patient, the superintendent shall give to the applicant who is first upon the resident list, or if there be no resident list, then to the applicant who is first upon the nonresident list, an order for examination directed to one of the county examiners of the state sanatorium, or to any licensed physician of the state residing in the county in which the applicant resides, to determine that the applicant is afflicted with tuberculosis. The fee for each examination by an examining physician shall be \$3, payable out of the funds of the sanatorium for which the examination is made.

[1913 c 500 s 7; 1923 c 19; 1929 c 255 s 1; 1945 c 345 s 2; 1965 c 45 s 55] (711)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.35 GIFTS. Subdivision 1. **County sanatorium may accept gift from county in which located.** The county sanatorium commission is empowered to accept in the name of the county in which the sanatorium is located as a trust any gift, bequest, grant, or devise of property, both real and personal, from any source, whether subject to the special provisions of the donors or not. The proceeds derived from the sale of any property so acquired, and all gifts of cash, shall be placed to the credit of the tuberculosis sanatorium fund in the treasury of the county in which the sanatorium is located, and shall be disbursed as provided for under section 376.31.

Subd. 2. **May accept gift from certain other counties.** The county sanatorium commission is empowered to accept from any county not a part of the sanatorium district when the district was first organized but joining the district after its organization, any sum of money agreed to by the commission and said county, and place the money in a separate building fund to be used for the construction of new buildings and furtherance of the new building program of the district. In consideration of the payment of such money from the county to the commission, the county making the payment shall have such interest in all the lands, buildings, equipment and all other assets forming a part of and used in connection with the operation of the sanatorium in such district as may be agreed upon between said commission and said county.

Any such agreements entered into and any such payments made pursuant thereto prior to the passage of Laws 1947, Chapter 349, are hereby validated, ratified and confirmed to the same extent as though made and entered into subsequent thereto.

[1913 c 500 s 8; 1945 c 118 s 1; 1947 c 349 s 1] (712)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.37 SANATORIUMS UNDER PROVISIONS. Any county which has hitherto established, built, and equipped or let the contract for building a sanatorium under the provisions of Laws 1909, Chapter 347, may, by resolution of its county commissioners, make application to come under the provisions of sections 376.28 to 376.42, and when the institution and the manner in which it is conducted meet with the approval of the commissioner of public welfare, the commissioner of finance shall draw his warrants upon the state treasurer in favor of such county in the sum equal to \$500 for each bed provided for a patient in such sanatorium at the time such application is made, and the state treasurer shall pay such warrant out of the funds in the state treasury provided for in sections 376.28 to 376.42.

[1913 c 500 s 10; 1953 c 593 s 2; 1973 c 492 s 14] (714)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

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"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.38 SANATORIUMS FOR WHICH TAX LEVIED UNDER PROVISIONS.

Any county or group of counties that has heretofore, under Laws 1909, Chapter 347, levied a tax or otherwise provided for the establishment of a sanatorium which has not been built and equipped, may, by resolution of the proper board or boards of county commissioners, come under the provisions of sections 376.28 to 376.42 and receive the state aid provided for a county or counties that may hereafter comply with the provisions of sections 376.28 to 376.42 by depositing in the state treasury for the credit of its county sanatorium one-half of the estimated cost of the site, erection, and equipment thereof and the county treasurer or treasurers, upon the adoption of such resolution, shall forthwith forward such amounts to the state treasurer.

[1913 c 500 s 11] (715)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.39 BOARD OF CONTROL OF HOSPITAL AND CHARITABLE FUNDS.

In all counties of this state now or hereafter having a board of control of hospital and charitable funds, the members of such board of control shall constitute the county sanatorium commission and shall perform the duties prescribed by sections 376.28 to 376.42 as part of their duties as members of such board of control and without additional compensation. In such counties the superintendent shall not be secretary of the board or commission, but the secretary of such board of control shall perform the duties imposed by sections 376.28 to 376.42 upon the secretary of the county sanatorium commission without additional compensation.

[1913 c 500 s 12] (716)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.40 DEFINITIONS. Where the words "sanatorium," "county sanatorium," or "county sanatorium commission" are used in sections 376.28 to 376.42, they shall apply to a sanatorium or commission whether the sanatorium in question is one for a county or a group of counties. Each member of a county sanatorium commission shall, before entering upon his duties, take the oath provided by law.

[1913 c 500 s 13; 1933 c 237] (717)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.41 REFUNDS; APPROPRIATION. When any sum shall have been, in whole or in part, erroneously transmitted under the provisions of sections 376.28 to 376.42 by any county to the state treasurer, the county paying or transmitting the same shall be entitled to a refundment of the amount so erroneously paid and transmitted, and the commissioner of finance shall, upon proper certificate furnished him by the commissioner of public welfare, draw his warrant upon the state treasurer for the amount so certified as having been overpaid and in favor of the county entitled thereto.

There is hereby appropriated to the counties entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

[1913 c 500 s 13A; 1917 c 45 s 1; 1953 c 593 s 2; 1959 c 157 s 13; 1973 c 492 s 14] (718)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.42 SANATORIUMS TO CONTINUE UNDER CERTAIN LAWS. Any county or counties that have heretofore established, built, and equipped or contracted for

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building a sanatorium under the provisions of Laws 1909, Chapter 347, shall continue under said law until the provisions of section 376.523 have been complied with.

[1913 c 500 s 14] (719)

NOTE: Laws 1959, Chapter 297, Section 6, applying to Hennepin county, reads:

"Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act."

376.423 TUBERCULOSIS SANATORIUMS, USE FOR OTHER PATIENTS.

When any building, or unit, or other part of any sanatorium established under sections 376.28 to 376.42, is not needed for the care of persons infected with tubercle bacillus, the county sanatorium commission may, with the consent and approval of the commissioner of public welfare, state board of health and the county board of the county or counties maintaining the sanatorium, use such building, unit, or other part of such sanatorium for the care of persons afflicted with a malady, deformity, or ailment other than tuberculosis, whether chronically ill or otherwise, and of a nature which can probably be remedied by hospital care, service and treatment.

[1957 c 691 s 1; 1959 c 125 s 1]

376.424 CHARGES; PAYMENT. The county sanatorium commission shall fix the amount to be charged for the care, treatment and maintenance of any such nontuberculous patient, which charge shall equal all costs of such hospitalization of such patient. Any person who is afflicted with a malady, deformity or ailment, other than tuberculosis, which can probably be remedied by hospital care, service and treatment, and who is unable to pay the charges, may be admitted to the sanatorium for care, treatment and maintenance upon application of the county responsible for the care of such person under the provisions of the statutes governing the relief of the poor, and such charges shall be paid by the county making such application.

[1957 c 691 s 2; 1973 c 380 s 14; 1973 c 650 art 21 s 26]

376.43 [Repealed, 1961 c 132 s 1]

376.44 MS 1949 [Renumbered 376.44, subdivision 1]

376.44 COUNTIES, JOINING TO MAINTAIN. Subdivision 1. **Authority to join.** Any county, not maintaining and operating a county tuberculosis sanatorium, either alone or in connection with another or other counties, accessible to a county or group of counties maintaining and operating such a sanatorium, may become associated with such county or group of counties in the maintenance and operation of such sanatorium in the manner and under the conditions hereinafter specified.

Subd. 2. **Proceedings.** If the board of county commissioners of such county shall, by resolution, decide to join such group of counties maintaining and operating such sanatorium, the board shall direct its county auditor to notify, in writing, the commissioner of public welfare and the auditors of the counties forming such group of the action taken by it. The county auditors so notified shall, at the next meeting of their respective boards, lay the matter before such boards. Such boards shall determine, by resolution, whether to admit such county into the group.

Subd. 3. **Admission.** If the boards of a majority of the counties forming the group decide to admit such county, the auditors of such counties shall notify in writing the commissioner of public welfare of the action taken. If the enlargement of the group by the admission of the applying county meets with the approval of the commissioner, he shall notify in writing the auditor of each county affected and the boards of those counties shall then proceed to perfect the enlargement of the group.

Subd. 4. **Costs, apportionment.** Upon being notified of the approval by the commissioner of public welfare, the boards of the counties involved, or representatives designated by them, such representatives to be either members of the boards or the county auditors, shall meet and consider the conditions upon which the applying county shall be admitted with reference to the amount of money such applying county shall pay to the other counties, if any, on account of the funds expended by them in erecting and equipping the sanatorium being maintained and operated by them. The conditions agreed upon shall be set forth in writing and submitted to the county board of each county involved, and if approved by the majority of the county boards resolutions to that effect shall be adopted and upon the adoption of such resolution by the new county to be admitted and by a majority of the counties already within such group, the conditions agreed upon shall be binding on all such counties and the apply-

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ing county shall become attached to such group. After such resolutions are adopted certified copies thereof shall be filed in the office of the commissioner of public welfare.

Subd. 5. **Attached county, rights.** Upon becoming attached to the group the county attached shall become entitled to all the benefits and privileges conferred, and charged with all the duties and obligations imposed by sections 376.28 to 376.42, and shall thereafter in all things be treated as though one of the original counties forming the group.

[1921 c 116 s 1-5; 1931 c 6 s 1,2] (720, 721, 722, 723, 724)

376.45 [Renumbered 376.44, subd 2]

376.46 [Renumbered 376.44, subd 3]

376.47 [Renumbered 376.44, subd 4]

376.48 [Renumbered 376.44, subd 5]

376.49 TAX LIMITATION, SANATORIUM PURPOSES. In all cases where not less than four nor more than six counties have joined in the establishment and maintenance of a tuberculosis sanatorium, which counties have a total assessed valuation of not less than \$10,000,000 nor more than \$20,000,000 and a total population of not less than 35,000 nor more than 60,000 and a total number of full and fractional townships of not less than 140 nor more than 250 the total annual levy of county taxes for all tuberculosis sanatorium purposes authorized by law shall not be in excess of four mills on the dollar of assessed valuation in the county, of which not more than one mill shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided by law. Any county so adjoining now or hereafter having a population of not less than 13,000 nor more than 16,000 and having an assessed valuation exclusive of money and credits of not less than \$2,500,000 nor more than \$3,700,000 and containing not less than 54 nor more than 56 full and fractional congressional townships, may annually levy for such tubercular sanatorium purposes a tax not to exceed two mills on the dollar of the assessed valuation in such county, of which not more than one and two-thirds mills shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided for by law.

[1939 c 15 s 1; 1941 c 203 s 1; 1943 c 268 s 1; 1951 c 313 s 1; 1973 c 773 s 1]
(699-1)

376.50 TUBERCULOSIS, PREVENTING SPREAD OF. Subdivision 1. In case any town, district, or county anti-tuberculosis society or association or county sanatorium commission or other society or association organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of visiting nurse or nurses or to disinfect any building, room, residence, hotel, or other place in such county infected with tuberculosis, or to care for, support, or maintain poor persons afflicted with tuberculosis, such society shall report such fact to the county sanatorium commission, if there be one in the county, otherwise to the county board, and shall in such report recommend the course of action advisable to be adopted by the county sanatorium commission or county board in relation thereto and in accordance with the provisions of this chapter, and such commission or county board shall, at the next meeting of such commission or board, consider such report and recommendation and act on the same, and such commission or county board is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto.

Subd. 2. The county boards of the several counties of this state may appropriate money out of the general revenue fund of the county, or the county sanatorium commissions may appropriate money out of their funds, for the purpose of paying for the services of visiting nurses or other medical attention or advice in preventing the spread of tuberculosis in such county, or for the care, support, and maintenance of poor persons afflicted with tuberculosis, whether the county has the town, county, or commission system of caring for the poor, or for the purpose of disinfecting any building, room, residence, hotel, or other place in such county infected with tuberculosis.

Subd. 3. The state board of health is hereby authorized to make grants to assist counties or any combination thereof in the establishment and operation of local tuberculosis control programs, including outpatient diagnostic and treatment services. At the beginning of each fiscal year the state board of health shall allocate available funds to the tuberculosis control programs for disbursement during the fiscal year on

the basis of the proportional share of the state's population which the population of the county or combinations of counties represents. The state board of health shall, from time to time during the fiscal year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they are allocated, the board may after a reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. The local tuberculosis control program shall be under the direction of the county sanatorium commission, if there be one in the county or combination of counties, otherwise it shall be under the direction of the county board or boards through a tuberculosis advisory committee set up by the board or boards in the same manner in which sanatorium commissions are established, according to sections 376.29 and 376.30 or through the county health department, county chest clinic, or county hospital, if there be one in the county or combination of counties.

[1911 c 116 s 1,2; 1923 c 216 s 1,2; 1927 c 408 s 1,2; 1963 c 756 s 1; 1971 c 545 s 1] (725, 726)

376.51 [Repealed, 1974 c 435 art 6 s 1]

376.52 FARMS FOR COUNTY CHARGES AFFLICTED WITH COMMUNICABLE DISEASES. In addition to the other powers now granted by law, the county commissioners of any county wherein there is any person afflicted with a communicable disease, who is a public charge, is hereby authorized, by unanimous affirmative vote of the members of the board, and with the approval of the state board of health, to purchase not to exceed 40 acres of farm land in the county, to erect thereon necessary buildings, to purchase and place thereon farm machinery and livestock necessary for the operation of the farm, and to place thereon for the purpose of operating the same the person or persons so afflicted, together with the members of their respective families who are also public charges.

[1925 c 125] (726-4)

376.523 LICENSE FOR TUBERCULOSIS SANATORIUM, PEST-HOUSE, HOSPITAL, OR DETENTION HOME IN A STATUTORY CITY. Subdivision 1. **Application.** No city or county shall establish a tuberculosis sanatorium, pest-house, hospital, or detention home in any statutory city, without first making application for a license to the council of such statutory city giving the proposed location of the institution, the plans and specifications of the contemplated buildings, and such other information in reference to the erection of the buildings, as may be required by the council, nor until the council of such statutory city has granted a license for the erection or maintenance of such institution.

Subd. 2. **Approval of location; changes.** When an application for a license for the erection, maintenance, or establishment of any of the institutions herein mentioned shall have been made to a statutory city council, the council shall consider the application within ten days thereafter and if, in the opinion of the council, or a majority thereof, it shall be deemed proper and advisable to license such an institution, the council shall authorize the statutory city recorder to issue to the applicant a license for the erection or maintenance of such institution as per the petition presented or as changed as hereinafter stated; if the council shall require any changes in the plans or specifications, or in the location of the institution, to protect the health and safety of the inhabitants of the statutory city, the council shall suggest changes to be made in the aforesaid application before granting the license.

Subd. 3. **Violation, gross misdemeanor.** Any officer, agent, or employee of any city or county who shall violate any provision of this section shall be deemed guilty of a gross misdemeanor.

[1923 c 237 s 1-3; 1973 c 123 art 5 s 7] (702, 703, 704)

376.53 [Renumbered 375.197]

376.54 DISCONTINUANCES. Subdivision 1. **Resolution, approval.** In those instances where a tuberculosis sanatorium has been established and is being maintained in accordance with the provisions of this chapter and acts amendatory thereto, and there is no longer a need for the operation of such tuberculosis sanatorium to care for the persons living within the county or district wherein such sanatorium is situated and maintained, the sanatorium commission of a county or counties and the county board of commissioners or county boards of commissioners of a sanatorium district may, by resolution, approved by a majority of said sanatorium commission of said

county and by a majority of said county board forming a county sanatorium district or by resolution approved by a majority of said sanatorium commission of said counties and by a majority of the counties, acting through their respective county boards of commissioners, forming said sanatorium district, cease the operation and maintenance of such sanatorium in the district, with the approval of the commissioner of public welfare.

Subd. 2. Proceeds of sale of property, division. If the commissioner of public welfare approves such discontinuance of operation, the county board of the county wherein such sanatorium is situated may sell the real and personal property pertaining to such institution or lease the same by good and valid instrument executed by the chairman of the board and the county auditor. The proceeds from such sale or lease shall be divided proportionately between the county or counties and the state, according to their respective contributions. The portion so received by a county shall be set aside as a fund to be used under the direction of the county board of the county receiving the same to assist in the treatment and care of tubercular patients from such county. The state's portion of such proceeds shall be deposited with the state treasurer and credited to the general fund of the state.

Subd. 3. Conversion into other public facility. When a sanatorium established under this chapter is discontinued, the county boards of the counties which had operated the sanatorium may convert the real and personal property of the discontinued sanatorium into a public nursing home or other public facility. When a sanatorium is converted under this subdivision, the state does not have a right to reimbursement for state funds, contributed to the cost of construction and equipment at the time the sanatorium was established. The provisions of sections 376.18 to 376.52, shall not apply to a sanatorium discontinued under this section.

[1949 c 96 s 1; 1955 c 531 s 1; 1957 c 711 s 1; 1969 c 399 s 49; 1971 c 24 s 49]

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376.55 COUNTY NURSING HOME. Subdivision 1. **Authority.** (a) Any county, or any group of counties acting jointly are hereby authorized to establish a county nursing home, in sections 376.55 to 376.66 also termed "nursing home", for the care and treatment of chronically ill or convalescent persons with the consent of a majority of the county board;

(b) In addition to its usual meaning, the phrase "chronically ill or convalescent persons" as used in sections 376.55 to 376.66 includes persons who need nursing home care because old age or infirmity renders them unable to properly care for themselves;

(c) Nursing homes established under sections 376.55 to 376.66 shall be devoted primarily to the care and treatment of persons requiring welfare services.

Subd. 2. Establishment. The county board of any county, or any group of counties acting jointly, may establish a nursing home as provided in sections 376.55 to 376.66, by converting suitable existing county owned buildings, or by leasing suitable premises for a term of not to exceed 15 years with suitable provision in the instrument of leasing for additional terms of not to exceed 15 years, exercisable at the election and option of the lessee or lessees, or by acquiring by gift, purchase, or condemnation proceedings instituted in the name of the county, or counties, a suitable site, and erecting suitable buildings thereon, and to equip, maintain, enlarge or add thereto the same as a nursing home for chronically ill and convalescent persons.

Subd. 3. Financing. The county board of any county in this state may transfer surplus funds from any fund except the road and bridge, sinking or drainage ditch funds for the purpose of establishing, maintaining, enlarging, or adding to a county nursing home. When surplus funds are not available for transfer, a county board may issue bonds to defray the cost of establishing, equipping, furnishing, enlarging, or adding to a county nursing home, subject to the provisions of section 376.56.

Subd. 4. Purchase of interest in existing home. Any county, not maintaining a nursing home, either alone or in connection with another or other counties, may purchase an interest in an existing county nursing home if the county board or boards owning such nursing home decide by majority vote of each county board to admit such county. The sum to be paid for admission to ownership shall be fixed by the county board or boards owning such home with due regard for their investment in such home. Any county admitted under this provision shall have all the rights and

privileges provided for in sections 376.55 to 376.66.

Subd. 5. **County defined.** Whenever in sections 376.55 to 376.66 the word "county" is used, it refers to a county acting singly, or as one of a group of counties acting jointly, unless the context clearly indicates otherwise.

Subd. 6. **Withdrawal of interest.** Any county board may withdraw its interest in any county nursing home if the county board or boards owning such nursing home decide by majority vote of each county board to allow such withdrawal. The sum to be paid to the county withdrawing shall be fixed by the county board or boards owning such home with due regard for their investment in such home.

[1951 c 610 s 1; 1953 c 248 s 1; 1955 c 610 s 1; 1957 c 865 s 1,2; 1959 c 16 s 1,2; 1959 c 146 s 1]

376.56 TAX LEVY. The county board of any county establishing a nursing home, under the authority granted in section 376.55, shall annually levy a tax in such amount as is necessary to defray its proportion of the net costs of maintenance and operation of such nursing home after taking into consideration payments for care of patients, and in addition thereto a tax to repay the cost of acquiring such nursing home, and for the retirement of bonds issued for establishing, equipping, furnishing, enlarging or adding to a county nursing home. The proceeds of taxes for costs of maintenance and operation shall be paid by the county by which they are collected into a county nursing home fund, which, in the case of counties operating jointly, shall be kept in the treasury of the county in which the nursing home is located and shall be expended therefrom as provided in sections 376.55 to 376.66. Any bonds issued under the authority of sections 376.55 to 376.66 shall be known as county nursing home bonds and shall be general obligations of the county and shall be issued and sold, and tax levies for the payment thereof made in accordance with the provisions of sections 475.53 to 475.72 and acts amendatory thereof and supplementary thereto. The proceeds from the sale of those bonds and funds transferred pursuant to the provisions of section 376.55, subdivision 3 shall be credited to the county nursing home building fund by the county auditor and deposited to the credit of such fund by the county treasurer. The county treasurer of the county in which the nursing home is located shall make payments out of the county nursing home fund on properly authenticated vouchers of the county nursing home board, as in sections 376.55 to 376.66 provided.

[1951 c 610 s 2; 1959 c 146 s 2]

376.57 DETERMINATION TO ESTABLISH. In establishing a jointly owned and operated county nursing home, each of the cooperating counties shall determine by a majority vote of the county board of that county that it is in favor of the establishment of such home, the place of its location, the approximate amount to be expended for the establishment of the proposed nursing home under the authority provided in section 376.55 and authorize the payment by that county of its proportionate share of that cost of establishment. The proportion of costs of that establishment, and of costs of maintenance and operation of the nursing home to be paid by each county shall be on the basis of the proportion that the assessed valuation in that county bears to the total assessed valuation in all of the cooperating counties.

[1951 c 610 s 3; 1957 c 865 s 3]

376.573 LIMITATION AS TO HENNEPIN COUNTY. Provided that the provisions of this chapter shall not authorize a county with a population of 500,000 or more persons, acting alone or jointly with other counties, to establish, convert existing county-owned buildings, lease or construct a nursing home for the care of chronically ill and convalescent persons except by unanimous consent of the county board, and in addition thereto, in the case of new construction for such purposes, a referendum vote of the voters in such county, a majority of the people voting on such question, approving thereof.

[1957 c 865 s 4]

376.58 SUPERVISION. Subdivision 1. **Designation of county welfare board.** The county board of any county establishing a county nursing home as herein authorized singly shall designate the county welfare board of the county to supervise that nursing home as an integral part of county welfare services, and that county welfare board shall constitute the county nursing home board for that county.

Subd. 2. Nursing home board; creation; compensation. Whenever two or more counties, through their boards of county commissioners, have agreed to maintain a county nursing home under the authority provided in section 376.55 herein, the county commissioners of each county shall designate the county welfare boards of the cooperating counties as the county nursing home board. Immediately after their designation as the county nursing home board, the welfare boards of the cooperating counties shall hold a joint meeting and elect a chairman, vice chairman and secretary who shall be the executive committee; provided, however, that each county shall have not less than one representative on the executive committee, provided also that where more than three counties participate in establishing a nursing home, the executive committee shall be expanded by one member for each additional county above three to the end that no county will have less than one member on the executive committee. The joint meeting of the county welfare boards that have been designated as the county nursing home board shall, in the first instance, be called by the chairman of the county welfare board of the county wherein the county commissioners have agreed to locate the proposed home, and thereafter they shall meet annually, and at such other times as are deemed necessary. Members of the county nursing home board, and its executive committee, other than members of board of county commissioners, for each day spent in transacting the business of the board or the committee shall be compensated and each member, including members of board of county commissioners, may be reimbursed for necessary expenses incurred by them in connection with their official duties; such compensation and reimbursement for expenses shall be paid from the county nursing home fund and shall be the same as for service as a member of a county welfare board. This compensation shall be in addition to any compensation received as a member of such welfare board. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to county commissioners pursuant to section 375.055, subdivision 1.

Subd. 3. Nursing home board; powers, duties. The county nursing home board herein authorized shall have the power to establish, operate and maintain a county nursing home within the limits prescribed in sections 376.55 to 376.66. The county nursing home board may delegate to the executive committee herein defined the authority to supervise the establishment, management and operation of the county nursing home including the approval of expenditures and such other business as is necessary for the efficient operation of the home within such general policies as have been established by the county nursing home board.

Subd. 4. Expenditures, approval. The county nursing home board, or its executive committee, if so designated as provided in subdivision 2 shall approve by a majority vote all expenditure vouchers, and the chairman of the board or committee approving them shall thereafter transmit them to the county auditor of the county in which the home is located for payment through the county welfare board office of that county in the same manner as other county welfare expenditures, accompanied by his certification that they have been approved by a majority of the board or the executive committee of the board as the case may be. The county welfare board of the county in which the home is located shall perform all clerical and accounting functions other than the maintaining of medical records.

Subd. 5. Estimates of cost. The provisions of Minnesota Statutes 1949, Section 393.08, as to the preparation of estimates of cost for the county welfare board are hereby made applicable to costs of operation of the county nursing home under sections 376.55 to 376.66.

Subd. 6. Acceptance of gifts. The county nursing home board is empowered to accept as a trust any gift, donation, or endowment from any source, whether subject to special provisions of the donor or not, and such gifts, donations, or endowments shall be placed to the credit of the county nursing home fund in the treasury of the county in which the home is located and, disbursed, as to principal or income as the donors may have indicated, by the county nursing home board.

Subd. 7. Patient funds; unclaimed money. The superintendent of a county nursing home shall have the care and custody of all moneys belonging to patients thereof which may lawfully come into his hands and keep accurate accounting records of all transactions concerning such moneys, taking vouchers for withdrawals therefrom. He shall give a bond in such amount as required by the county nursing home board, conditioned to safely keep and account for such funds. All moneys received from a patient or for the benefit of a patient by an officer or employee of the nursing home shall be delivered to the superintendent forthwith. Not more than \$500 shall be ac-

cepted by the superintendent for the benefit of any one patient. All money received by the superintendent shall be deposited in the county treasury for the purposes expressed in this subdivision. Every superintendent shall, at the close of each month, or oftener if required by the county nursing home board or its executive committee, forward to the executive committee a statement of the amount of all moneys so received and the names of the patients from whom received.

When there accumulates money belonging to patients of a county nursing home who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money if unclaimed for at least five years shall be credited to the general fund of the nursing home. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the patient shall appear and make proper proof of such heirship, they shall be entitled to receive from the county nursing home board such sums of money belonging to the patient, that have been expended by the superintendent.

[1951 c 610 s 4; 1959 c 159 s 1; 1965 c 351 s 1; 1975 c 301 s 12]

376.59 COUNTY BUILDING FUNDS. When a county nursing home board is satisfied that each county in a cooperating group of counties has available its share of the cost of establishing the nursing home, it shall so certify to the county board of each cooperating county, which shall thereupon order the county treasurer of that county to pay over to the treasurer of the county in which the nursing home is to be located, the county nursing home building funds in the possession of such county treasurer. The county nursing home board shall then proceed to carry out the purposes of sections 376.55 to 376.66.

[1951 c 610 s 5]

376.60 BOARD OR EXECUTIVE COMMITTEE; POWERS, DUTIES. The county nursing home board or its executive committee as herein provided is hereby authorized:

(1) To appoint a superintendent of the county nursing home and all necessary employees for the management and control of such county nursing home, and to prescribe their compensation and duties;

(2) To arrange for physicians' services and other medical care for the chronically ill and convalescent patients in the home, and prescribe the compensation and duties of physicians so designated, provided that nothing herein shall preclude a patient from being attended by his family physician or physician of his choice serving the area in which the nursing home is located.

(3) To purchase equipment, supplies and services necessary in the care and maintenance of the nursing home and the patients therein;

(4) To perform all other acts necessary to carry out the provisions of sections 376.55 to 376.66, except those with which the county board or boards are specifically charged, including all the powers granted the county by section 376.55, subdivision 2, and specifically the authority to institute condemnation proceedings in the name of the county or counties involved, which shall be conducted in the manner provided by Minnesota Statutes 1949, Chapter 117, in the case of other condemnation proceedings by counties.

[1951 c 610 s 6]

376.61 PERSONS ADMISSIBLE. No person under the age of 18 years shall be kept in a county nursing home. No person shall be required to become an inmate of any county nursing home as a condition, wholly or in part, of any public assistance grant.

[1951 c 610 s 7; 1961 c 335 s 1; 1974 c 161 s 15]

376.62 RATES. When any county or group of counties shall have established a county nursing home under sections 376.55 to 376.66, the county nursing home board herein authorized shall fix the rate per day, week, or month which it will charge for care and maintenance therein, subject to approval of the director of social welfare. The county welfare boards may purchase care in such county nursing home for chronically ill and convalescent patients under their charge by paying the rates so established. The rates established under this section may vary according to the amount of care required by the patient, but all rates shall be uniform for all persons desiring to

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purchase similar care in such homes except that the rate for patients referred to in section 376.63 may include a charge for a reasonable rate of depreciation. The charge for care of each patient shall be paid to the county treasurer of the county in which the nursing home is located.

[1951 c 610 s 8]

376.63 PLACING IN ANOTHER COUNTY. Where a county has not established a county nursing home, or where the facilities of such home are insufficient to provide for the care of chronically ill and convalescent persons residing within the county, such persons may be received and maintained in the county nursing home of another county, subject to the payment of the rates established under section 376.62.

[1951 c 610 s 9]

376.64 PAYING PATIENTS. A county nursing home may receive any chronically ill or convalescent resident of a single or cooperating county who desires to purchase care and maintenance therein with his own funds or with assistance grants awarded to him by county welfare boards. County nursing homes may receive chronically ill or convalescent residents of other counties who desire to purchase care and maintenance therein in a similar manner, but any such county nursing home shall first accept all county welfare board patients from counties which established the home.

[1951 c 610 s 10]

376.65 REPORT. The superintendent of the county nursing home shall annually, and at such other times as required by the nursing home board or its executive committee, make full and complete reports regarding the cost of operation of the home and shall furnish such other information in relation to the home as may be required of him by the nursing home board, state board of health, and the commissioner of public welfare.

[1951 c 610 s 11; 1953 c 593 s 2]

376.66 RECORDS. Each nursing home board shall keep or cause to be kept accurate records relating to the identification, residence, date of admission and discharge, and medical history of all patients in the county nursing home as required by the regulations of the commissioner of public welfare or the state board of health and such further records as it shall deem necessary for the administration of such home. All nursing homes established under sections 376.55 to 376.66 shall comply with the standards required by the state board of health, and the commissioner of public welfare for their operation.

[1951 c 610 s 12; 1953 c 593 s 2]