

## CHAPTER 261

### COUNTY RELIEF OF POOR, GENERAL PROVISIONS

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#### 261.001 ABOLITION OF TOWN SYSTEM OF POOR RELIEF.

Subdivision 1. **Abolition.** The town system for caring for the poor is hereby abolished; hereafter, the local social services agency of each county shall administer poor relief.

Subd. 2. **Local social services agencies takeover.** All local social services agencies affected by Laws 1973, chapter 380, are hereby authorized to take over for the county as of January 1, 1974, the ownership of all case records relating to the administration of poor relief in the several municipalities and towns in the county.

**History:** 1973 c 380 s 1; 1994 c 631 s 31

#### 261.002 TRANSFER OF TOWN EMPLOYEES.

Subdivision 1. **Merit system.** The term "merit system" as used herein shall mean the rules for a merit system of personnel administration for employees of local social services agencies adopted by the commissioner of human services in accordance with the provisions of section 393.07, including the merit system established for Hennepin County pursuant to Laws 1965, chapter 855, as amended, the federal Social Security Act as amended, and merit system standards and regulations issued by the federal Social Security Board and the United States Children's Bureau.

Subd. 2. **Retention of employees.** All employees of any municipality or town who are engaged full time in poor relief work therein on January 1, 1974 shall be retained as employees of the county and placed under the jurisdiction of its welfare board.

All such employees shall be blanketed into the merit system with comparable status, classification, longevity, and seniority, and subject to the administrative requirements of the local social services agency. Employees with permanent status under any civil service provision on January 1, 1974 shall be granted permanent status under the merit system at comparable classifications and in accordance with work assignments made under the authority of the local social services agency as provided by the merit system rules.

The determination of proper job allocation shall be the responsibility of the personnel officer or director as provided under merit system rules applicable to the county involved with the right of appeal of allocation to the merit system council or personnel board by any employee affected by this transfer.

All transferred employees shall receive salaries for the classification to which they are allocated in accordance with the schedule in effect for local social services agency employees and at a salary step which they normally would have received had they been employed by the local social services agency for the same period of service they had previously served under the civil service provisions of any municipality or town; provided, however, that no salary shall be reduced as a result of the transfer.

All accumulated sick leave of transferred employees in the amount of 60 days or less shall be transferred to the records of the local social services agency and shall be the legal liability of the local social services agency. All accumulated sick leave in excess of 60 days shall be paid in cash to transferred employees by the municipality or town by which they were employed prior to their transfer, at the time of transfer. In lieu of the cash payment, the municipality or town shall, at the option of the employee concerned, allow a leave of absence with pay, prior to transfer, for all or part of the accumulated sick leave.

**Subd. 3. Employee taken into merit system.** Employees of municipalities and towns engaged in the work of administering poor relief who are not covered by civil service provisions shall be blanketed into the merit system subject to a qualifying examination. Employees with one year or more service shall be subject to a qualifying examination and those with less than one year's service shall be subject to an open competitive examination.

**Subd. 4. Vacation leave.** All vacation leave of employees referred to in subdivision 2, accumulated prior to their transfer to county employment shall be paid in cash to them by the municipality or town by which they were employed prior to their transfer, at the time of transfer. In lieu of the cash payment, the municipality or town shall, at the option of the employee concerned, allow a leave of absence with pay, prior to transfer, for all or part of the accumulated vacation time.

**History:** 1973 c 380 s 2; 1984 c 654 art 5 s 58; 1994 c 631 s 31

### **261.003 ELIGIBILITY STANDARDS, RULES.**

The commissioner of human services shall promulgate rules in accordance with chapter 14, prescribing minimum standards of eligibility and payment for poor relief, which shall recognize cost of living differences in the various counties of the state.

**History:** 1973 c 380 s 4; 1982 c 424 s 130; 1984 c 654 art 5 s 58; 1985 c 248 s 70

**261.01** [Repealed, 1973 c 650 art 21 s 33; 1974 c 355 s 72]

**261.02** [Repealed, 1973 c 380 s 18; 1973 c 556 s 2; 1973 c 650 art 21 s 33]

**261.03** [Repealed, 1973 c 650 art 21 s 33; 1974 c 355 s 72]

### **261.035 CREMATION, BURIAL, AND FUNERALS AT EXPENSE OF COUNTY.**

When a person dies in any county without apparent means to provide for that person's funeral or final disposition, the county board shall first investigate to determine whether that person had contracted for any prepaid funeral arrangements. If prepaid arrangements have been made, the county shall authorize arrangements to be implemented in accord with the instructions of the deceased. If it is determined that the person did not leave sufficient means to defray the necessary expenses of a funeral and final disposition, nor any spouse of sufficient ability to procure the burial, the county board shall pay for cremation of the person's remains and the person's burial or interment if the spouse or next of kin does not want to take possession of the ashes. If it is determined that cremation is not in accordance with the decedent's personal

preferences or the known practices of the decedent's faith tradition or the personal preferences of the decedent's spouse or the decedent's next of kin, the county board shall provide for a burial and funeral. Any burial, funeral, and final disposition provided at the expense of the county shall be in accordance with personal preferences or known practices of the decedent's faith tradition or the personal preferences of the decedent's spouse or the decedent's next of kin. If neither the wishes of the decedent nor the practices of the decedent's faith tradition are known, and the county has no information about the existence of or location of any next of kin, the county may provide for cremation of the person's remains and burial or interment.

**History:** (3176) *RL s 1503; 1984 c 534 s 28; 1986 c 444; 1991 c 292 art 3 s 32; 1992 c 513 art 8 s 50; 2009 c 174 art 1 s 10*

#### **261.04 LIABILITY OF ESTATE.**

Subdivision 1. **Support, maintenance, care, or burial.** When any person is furnished or provided with support, maintenance, care, including care at the University of Minnesota hospitals, or burial as a poor person the county so furnishing such aid shall have a claim therefor against the person or the person's estate for the reasonable value thereof, which claim may be presented and prosecuted by such county at its option upon discovery of any property belonging to the poor person or to the estate.

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

**History:** (3159-1, 3159-2) *1925 c 60 s 1,2; 1969 c 247 s 1; 1973 c 380 s 8; 1973 c 650 art 21 s 23; 1986 c 444; 1995 c 189 s 8; 1996 c 277 s 1*

**261.05** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.06** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.061** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

#### **261.062 TAX FOR SUPPORT OF POOR.**

The county board may levy a tax annually sufficient to defray the estimated expenses of supporting and relieving the poor therein during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year.

**History:** (3177) *RL s 1504; 1Sp2001 c 9 art 10 s 60; 2002 c 379 art 1 s 113*

#### **261.063 TAX LEVY FOR SOCIAL SERVICES; BOARD DUTY; PENALTY.**

(a) The board of county commissioners of each county shall annually levy taxes and fix a rate sufficient to produce the full amount required for poor relief, general assistance, Minnesota family investment program, diversionary work program, county share of county and state supplemental aid to supplemental security income applicants or recipients, and any other Social Security measures wherein there is now or may hereafter be county participation, sufficient to produce the full amount necessary for each such item, including administrative expenses, for the ensuing year, within the time fixed by law in addition to all other tax levies and tax rates, however fixed or determined, and any commissioner who shall fail to comply herewith shall be guilty of a gross misdemeanor and shall be immediately removed from office by the governor. For the purposes of this paragraph, "poor relief" means county services provided under sections 261.035 and 261.21 to 261.231.

(b) Nothing within the provisions of this section shall be construed as requiring a county agency to provide income support or cash assistance to needy persons when they are no longer eligible for assistance under general assistance, chapter 256J, or Minnesota supplemental aid.

**History:** (3177-1) 1937 c 304 s 1; 1973 c 380 s 9; 1973 c 650 art 21 s 24; 1973 c 717 s 23; 1974 c 487 s 9; 1999 c 159 s 116; 2002 c 375 art 3 s 10; 1Sp2003 c 14 art 1 s 103

**261.064** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.065** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.066** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.067** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.07** [Repealed, 1973 c 650 art 21 s 33; 1974 c 355 s 72]

**261.08** [Repealed, 1973 c 650 art 21 s 33; 1974 c 355 s 72]

**261.09** [Repealed, 1971 c 65 s 2]

**261.10** [Repealed, 1973 c 650 art 21 s 33; 1974 c 355 s 72]

**261.11** [Repealed, 1973 c 650 art 21 s 33]

**261.12** [Repealed, 1971 c 65 s 2]

**261.123** [Repealed, 1973 c 650 art 21 s 33]

**261.124** [Repealed, 1973 c 650 art 21 s 33]

**261.125** [Repealed, 1973 c 650 art 21 s 33]

**261.126** [Repealed, 1973 c 650 art 21 s 33]

**261.13** [Repealed, 1971 c 65 s 2]

**261.14** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.141** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.142** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**261.143** [Repealed, 1973 c 380 s 18; 1973 c 650 art 21 s 33]

**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** [Repealed, 1971 c 132 s 2]

**261.202** [Repealed, 1971 c 132 s 2]

**261.203** [Repealed, 1971 c 132 s 2]

**261.204** [Repealed, 1971 c 132 s 2]

**261.205** [Repealed, 1971 c 132 s 2]

**261.206** [Repealed, 1971 c 132 s 2]

**261.207** [Repealed, 1971 c 132 s 2]

**261.208** [Repealed, 1971 c 132 s 2]

### **261.21 HOSPITALIZATION FOR INDIGENT PERSONS.**

Subdivision 1. **In county or elsewhere.** The county board of any county in this state is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere 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 an unemancipated minor, whose parent, guardian, trustee, or other person having lawful custody of the minor, as the case may be, is unable to secure or provide such hospitalization.

Subd. 2. **Free choice of hospital.** An indigent person eligible to receive care under this section shall have free choice in the selection of a hospital for the delivery of medical care.

**History:** (3164-19) 1935 c 359 s 1; 1941 c 473 s 1; 1971 c 257 s 1; 1975 c 437 art 2 s 9; 1976 c 186 s 2; 1986 c 444

### **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, agent of a board of health as authorized under section 145A.04, public health nurse as defined in section 145A.02, subdivision 18, peace officer, public official, or physician or surgeon, then that person shall, 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 the person's financial situation and of the persons, if any, legally charged with the indigent person's 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 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 the public official's 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 pay for such hospitalization or in case of a minor, the parents, guardians, trustee, or other person having legal custody over the minor or legally responsible for the minor's 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 an 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 hospitalization and treatment, together with any other information such physician may deem helpful to the county board or the physician attending the affected person.

**Subd. 2. Duties of county board.** If upon filing of the 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, that the afflicted person is financially unable to pay for the treatment and that the persons legally charged with the support and maintenance of that person, if any there be, are financially unable to provide hospitalization, the county board may grant or approve the application. If the county board is not so satisfied, it may take additional testimony or make any further investigation it deems 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 the person. Upon approval of the application, the chair of the county board shall arrange for the hospitalization of the person, in a hospital selected by the person to be hospitalized. If the county board shall find that the applicant or the person legally responsible for the applicant's support and maintenance is not able to pay in full but is able to pay in part for the hospitalization at the hospital, the county board may approve the application of the person on any terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for transportation of the person to the hospital. When a physician certifies that an emergency exists in any case and that the person suffering is, in the physician's opinion, unable to pay for hospitalization, that person shall be admitted to any hospital the person selects upon the order of the chair of the county board or upon the order of the county commissioner of the district in which the 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 hospital the patient selects 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.

**History:** (3164-20) 1935 c 359 s 2; 1941 c 473 s 2; 1943 c 31 s 4; 1973 c 123 art 5 s 7; 1975 c 437 art 2 s 10; 1976 c 186 s 3; 1986 c 444; 1987 c 309 s 24

### **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. For indigent persons hospitalized pursuant to sections 261.21 to 261.232, the state shall pay 90 percent of the cost allowable under the general assistance medical care program and ten percent of the allowable cost of hospitalization shall be paid by the county of the residence of the indigent persons at the times provided for in the contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, 90 percent of the cost allowable under the general assistance medical care

program shall be paid by the state and ten percent of the cost shall be paid by the county from which the patient, if indigent, is certified. State payments for services rendered pursuant to this section shall be ratably reduced to the same extent and during the same time period as payments are reduced under section 256D.03, subdivision 4, paragraph (c). 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.

**History:** (3164-21) 1935 c 359 s 3; 1941 c 473 s 3; 1943 c 31 s 5; 1975 c 437 art 2 s 11; 1983 c 312 art 5 s 36

#### **261.231 COUNTY BOARD MAY DELEGATE CERTAIN POWERS.**

The county board of any county in this state is hereby authorized to delegate to the local social services agency 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.

**History:** 1943 c 31 s 7; 1994 c 631 s 31

#### **261.232 DUTIES OF COMMISSIONER OF HUMAN SERVICES.**

The commissioner of human services shall promulgate rules to establish administrative and fiscal procedures for payment of the state share of the costs incurred by the counties under sections 261.21 to 261.231. The rules may include:

(a) procedures by which state liability for the costs of hospitalization of indigent persons may be deducted from county liability to the state under any other public assistance program authorized by law;

(b) procedures for processing claims of counties for reimbursement by the state for expenditures made by the counties for the hospitalization of indigent persons; and

(c) standards for eligibility and utilization of medical care.

**History:** 1975 c 437 art 2 s 12; 1984 c 654 art 5 s 58; 1985 c 248 s 70

**261.233** [Repealed, 1977 c 453 s 28]

#### **261.25 UNIFORM TRANSFER OF DEPENDENTS ACT.**

Subject to the approval of the attorney general, as to form and legality, the commissioner of human services 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 human services entitled to public support by the laws of this state; provided further that determination 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.

**History:** 1955 c 250 s 1; 1984 c 654 art 5 s 58

**261.251** [Repealed, 1996 c 310 s 1]

**261.26** [Repealed, 1973 c 650 art 21 s 33]

**261.27** [Repealed, 1981 c 355 s 34]

**261.28 SUBSIDY FOR ABORTIONS PROHIBITED.**

No funds of this state or any subdivision thereof administered under this chapter shall be authorized for or in connection with any abortion that is not eligible for funding pursuant to sections 256B.02, subdivision 8, and 256B.0625.

**History:** *1978 c 508 s 4; 1988 c 689 art 2 s 268*

**NOTE:** This section was found unconstitutional with regard to public funding for medical services related to therapeutic abortions. *Women of State of Minn. by Doe v. Gomez*, 542 N.W.2d 17 (Minn. 1995).