

"Section 6. All sheriffs and deputies in their respective counties with the consent of the judge of the District Court or a court commissioner of or for the county in which the arrest is made and all police officers in cities of the first *and second classes* under the direction of the chief of police in such cities, shall have the power to take or cause to be taken finger and thumb prints, bertillon measurements, photographs and other identification data; (a) of all persons arrested for felony, (b) of all persons *reasonably* believed by the arresting officer to be fugitives from justice, (c) of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high power explosives, or articles, machines or appliances usable for an unlawful purpose and *reasonably* believed by the arresting officer to be intended for such purposes."

Sec. 2. Sheriff to report to bureau.—That Section 7 of Chapter 224, General Laws 1927, be and the same hereby is amended so as to read as follows:

"Section 7. The sheriff of each county and the chief of police of each city of the first *and second classes* shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, bertillon measurements, photographs and other identification data, which may be taken under the provisions of Section 6 of this act, of persons who shall be convicted of a felony or who shall be found to have been convicted of a felony within ten years next preceding their arrest. Upon the determination of all pending criminal actions or proceedings in favor of the arrested person, he shall, upon demand, have all such finger and thumb prints, bertillon measurements, photographs, and other identification data, and all copies and duplicates thereof, returned to him, provided it is not established that he has been convicted of any felony either within or without the state within the period of ten years immediately preceding such determination."

Approved February 28, 1929.

CHAPTER 47—S. F. No. 102

An act relating to old age pensions and providing penalties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Counties may establish old age pensions.—Any county in this state is hereby authorized to establish a system of old age pensions. Before so doing the proposition of the establishment of such a system shall be duly submitted to the legal voters of the county at the ensuing general election to be held therein, and if a majority of the legal voters voting at such election shall vote in favor of the establishment of such a system then it

shall be established in said county pursuant to the conditions of this Act. A resolution submitting such proposition to the legal voters of the county must be duly adopted by the county board by a majority vote thereof before such proposition shall be so submitted. After having operated under such system for one year or more any county may abandon such system by a majority vote of the county board voting in favor of such abandonment.

Sec. 2. Persons entitled to pensions—Amount of pension.—Any person while residing in a county, which maintains a system of old age pensions, who shall comply with these provisions, shall be entitled to a pension. The amount of such pension shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount, which, when added to the income of the applicant, including income from property, as computed under the terms of this act, shall exceed a total of one dollar per day.

Sec. 3. Who may receive.—An old age pension may be granted only to an applicant who:

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

a habitual tramp or beggar;

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

Sec. 4. Restrictions.—No old age pension shall be granted or paid to a person:

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

(2) If the value of his property or the value of the combined property of husband and wife, living together, exceeds three thousand dollars;

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

Sec. 5. Computation of income.—The annual income of any property which is not so utilized as to produce a reasonable income, shall be computed at five per cent of its value.

Sec. 6. Estate to pay pension in certain cases.—On the death of a person pensioned, or on the death of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension, together with simple interest at three per cent annually shall be allowed and deducted from the estate of such person or persons, by the court having jurisdiction to probate the estate. The amount so recovered shall be paid into the treasuries of the county, town, village or city, in the proportion in which they respectively contributed toward the total of the pensions received by the deceased or by the married couple of which the deceased was the survivor.

Sec. 7. District Court may require property to be deeded to County.—(1) If the district judge deems it necessary, he may require as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension be transferred to the county. Such property shall be managed by the board of county commissioners, which shall pay the net income to the person or persons entitled thereto. The board shall have power to sell, lease or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and do all other things necessary for the protection, preservation, and management of the property, provided that the property acquired by the county under the provisions hereof shall be sold, leased or transferred only in the manner provided by Section 638, General Statutes 1923.

(2) If in the event that the pension is discontinued during

the lifetime of the pensioner the property thus transferred to the board of county commissioners exceeds the total amount paid as pensions with simple interest at three per cent annually, the remainder of such property shall be returned to the pensioner; and in the event of his death such remainder shall be considered as the property of the pensioner for proper probate proceedings. The board of county commissioners shall execute and deliver all necessary instruments to give effect to this sub-section.

(3) The county attorney at the request of the board of county commissioners shall take the necessary proceedings and represent and advise the board in any matters arising under this section.

Sec. 8. Applications.—An applicant for a pension shall file his application in writing with the district judge of the county in which he resides in such manner and form as shall be prescribed by the county attorney. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such an application, the district judge shall make an order fixing a time and place for the hearing thereon, which hearing shall be not sooner than thirty days after the making of such order. The clerk of the district court shall forthwith upon the making of such order mail a copy of the same and of the application to the clerk or recording officer of the city, town or village of which the applicant is a resident; a like copy of such order shall be mailed to the applicant.

Sec. 9. Judge to direct investigation.—The district judge shall promptly make or cause to be made such investigation as he may deem necessary. The district judge shall decide upon the application, and fix the amount of the pension, if any, and such decisions shall be final. An applicant whose application for pension has been rejected, may not again apply for a pension until the expiration of twelve months from the date of his previous application.

Sec. 10. Judge to issue certificates.—(1) The district judge shall issue to each applicant to whom a pension is allowed, a certificate stating the date upon which pension payments shall commence and the amount of each installment, which may be monthly or quarterly, as the judge may decide.

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

Sec. 11. Funeral expenses.—On the death of a pensioner such reasonable funeral expenses for burial shall be paid to such person as the district judge may direct; provided that these expenses do not exceed one hundred dollars, and provided further that the estate of the deceased is insufficient to pay these expenses.

Sec. 12. Not to receive other aid.—(1) During the continuance of the pension no pensioner shall receive any other relief from the state or from any political subdivision thereof, except for medical and surgical assistance.

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

Sec. 13. Pensions exempt from tax or process.—All pensions shall be exempt from any tax levy by the state or by any subdivision thereof, and exempt from levy and sale, garnishment, attachment, or any other process whatsoever, and shall be inalienable in any form.

Sec. 14. Revocation of certificate.—If at any time the district judge has reason to believe that a pension certificate has been improperly obtained, the district judge shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course.

Sec. 15. False statements a misdemeanor.—Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

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

Shall be guilty of a misdemeanor.

Sec. 16. Violation a misdemeanor.—(1) Any person who violates any provision for which no penalty is specifically provided shall be guilty of a misdemeanor.

(2) Where a pensioner is convicted of an offense under this section the district judge may cancel the certificate.

Sec. 17. Pension shall cease when.—If a pensioner is convicted of any misdemeanor, felony, or other offense punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment.

Sec. 18. County Board to provide for funds.—(1) The county board of each county which establishes an old age pension system shall annually appropriate a sum of money sufficient to carry out the provisions of this act. Upon the orders of the judge of the district court, the county auditor shall draw his warrant on the proper fund in accordance with said order of said court and the county treasurer shall pay out the amounts ordered to be paid as pensions, under the provisions of this act.

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

Sec. 19. County Auditor to make report.—Within thirty days after the close of each calendar year, the county auditor of each county shall make a report for the preceding year to the board of county commissioners stating:

(1) The amount paid for pensions and to whom and in what amount paid;

(2) The total number of applications for pensions and the name of each applicant;

(3) The number granted, the number denied, the number cancelled during that year, the name of each applicant and such other information as the board of county commissioners may deem advisable.

Sec. 20. County Board shall make rules.—The board of county commissioners shall from time to time prescribe and promulgate rules and regulations to efficiently carry out the provisions of this act and shall publish such information as it may deem advisable to acquaint aged persons and the public generally with the old age pension plan of this state.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved March 1, 1929.

CHAPTER 48—H. F. No. 69

An act to amend Chapter 128, General Laws 1927, relating to the powers of county boards and authorizing the levying of an annual tax for the relief of county agricultural societies.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Chapter 128, General Laws 1927, be and the same is hereby amended to read as follows:

“Section 1. County Board may levy tax for agricultural societies.—That in addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given annually to levy by a four-fifths vote of the board a tax of not to exceed one-quarter of a mill upon all property subject to taxation, and from time to time to appropriate and pay over the proceeds of said tax, when collected, to any county agricultural society of its county which is a member of the state agricultural society, to assist such society in paying its financial obligations heretofore incurred. Provided, however, this act shall not apply to counties having authority to levy a greater tax under existing laws.

Sec. 2. Application.—This act shall not apply to counties in which there is a city of the first class.”

Approved March 9, 1929.

CHAPTER 49—H. F. No. 242

An act to discharge the indemnity bond given under Chapter 418, General Laws of 1927, entitled “an act authorizing the issuance of duplicate bonds to Federal Insurance company and the Home Insurance company in lieu of certain lost, destroyed or stolen bonds of the state.”

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Indemnity bonds released.—The indemnity bond