

taining a city of the second class and not less than 18 nor more than 21 full and fractional Congressional Townships, the salary of the Judge of Probate shall be \$3500.00 per annum, and for clerk hire the sum of \$2500.00 per annum is hereby allowed; out of said sum of \$2500.00, the Clerk of the Probate Court appointed by the Judge of Probate shall receive a salary not in excess of \$1380.00 per annum, and the balance of said sum may be used for additional clerk hire."

Approved April 1, 1941.

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#### CHAPTER 112—S. F. No. 613

*An act to amend Mason's Supplement 1940, Section 3199-24, relating to funeral expenses of old age assistance recipients.*

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

Section 1. **Law amended—death of recipient—funeral expenses—claim against estate.**—That Mason's Supplement 1940, Section 3199-24, be amended to read as follows:

"On the death of a recipient, the county agency may pay an amount for reasonable funeral expenses, not exceeding \$100. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses, or if the children, or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses, *provided that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which deceased resided, shall not limit payment by the county agency as herein authorized. Provided, further, that freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient.* In determining the sufficiency of such estate due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid by the county as funeral expenses shall be a prior claim against the estate, as provided in Laws 1935, Chapter 72, Section 108, and any amount recovered shall be paid to the treasury of the county which paid said expenses and be deposited in the county old age assistance fund, and 50 per cent thereof shall be paid to the state agency."

Approved April 1, 1941.