

(c) Before ordering the levy of an assessment for repairs, the county board, in its discretion, may give such notice of hearing thereon as it may deem necessary.

Approved April 24, 1959.

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CHAPTER 621—S. F. No. 461

[Coded]

*An act relating to the punishment for crime; requiring credit on a later conviction arising out of the same act or omission of time served on a vacated conviction.*

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

Section 1. [631.49] **Credit for time served on vacated conviction.** When a person who has been imprisoned in the state prison or state reformatory and whose conviction has been set aside for any cause, is thereafter convicted of a felony growing out of the same act or omission, the judge when sentencing the person shall limit the maximum penalty fixed by statute by reducing it by a period of not less than the time that the person was imprisoned under the former conviction and in calculating the time imprisoned, the person so convicted shall have credit for all time earned in diminution of sentence under Minnesota Statutes, Section 640.53.

Approved April 24, 1959.

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CHAPTER 622—S. F. No. 206

*An act relating to old age assistance; amending Minnesota Statutes 1957, Sections 256.18, 256.24, 256.26 Subdivisions 6, 9, and 11, 256.27; and repealing Minnesota Statutes 1957, Section 256.14 Subdivisions 2, 3, 4, and 5.*

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

Section 1. Minnesota Statutes 1957, Section 256.18, is amended to read:

256.18 **Disqualifications.** No old age assistance shall be paid a person:

(1) While or during the time he is an inmate of, and receives gratuitously all the necessities of life from any public

institution maintained by the United States, or any state or any of the political subdivisions of a state; while he is a patient in a tuberculosis or mental institution; or while he is a patient in a medical institution as a result of diagnosis of tuberculosis or psychosis; provided, however, that part or all of any old age assistance may be paid to patients of public or private medical institutions other than those herein excluded, subject to rules and regulations made by the state agency;

(2) If the net value of his property or the net value of the combined property of husband and wife exceeds \$10,000; or if the net value of his assets convertible into cash exceeds \$300 or the combined convertible assets of husband and wife exceed \$450. The county agency in its discretion may permit eligibility of an applicant having liquid assets in excess of this amount when the liquidation of the assets would cause undue loss. Household goods and furniture in use in the home, wearing apparel, insurance policies the cash surrender value of which does not exceed \$500 per person, personal property used as a regular abode by the applicant or recipient, and a lot in the burial ground may be owned in addition to the property limitation;

(3) Who has, within five years prior to the date of his application for assistance, deprived himself directly or indirectly of any property for the purpose of qualifying for old age assistance;

(4) Whose spouse, living with the person, has *within five years prior to the date of application*, made an assignment or transfer directly or indirectly of any property for the purpose of qualifying either person for old age assistance under sections 256.11 to 256.43;

(5) Who is receiving aid to the blind, aid to dependent children or aid to the permanently and totally disabled.

Sec. 2. Minnesota Statutes 1957, Section 256.24, is amended to read:

256.24 **Funeral expenses; claim against estate.** On the death of a recipient, the county agency shall pay an amount for reasonable funeral expenses not exceeding \$150. 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. 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 section 525.44, and any amount recovered shall be paid to the treasury of the county which paid the expenses and deposited in the county old age assistance fund and 50 per cent thereof shall be paid to the state agency.

Sec. 3. Minnesota Statutes 1957, Section 256.26, Subdivision 6, is amended to read:

Subd. 6. **Attachment of lien; priority.** Thereupon the lien hereby imposed shall arise. It attaches to all unregistered land owned by the recipient and described in the old age assistance certificate from the filing of the old age assistance certificate with the register of deeds of the county wherein the real property is located. It attaches to all registered land owned by the recipient and described in the old age assistance certificate from the time a memorial is entered upon the original certificate of title pertaining to the land described in the old age assistance certificate. The lien attaches to any interest held in joint tenancy during the continuation thereof, but shall be extinguished upon the decease of the old age recipient, unless severance occurs before such decease or the old age recipient becomes the survivor of such joint tenancy. The lien is for the amount paid the recipient as old age assistance and continues until the liability for that amount is satisfied. The lien takes priority from the time of its attaching over all other liens subsequently acquired and subsequent conveyances. The lien does not take priority over the claims of *any person* for money actually expended by *him* in permanently improving the homestead of the recipient or in payment of the taxes or incumbrances thereon.

*Upon* the death of the recipient the debt secured by the lien is a claim against his estate and, after expenses of administration, funeral expenses, expenses of last illness, and debts having preference by the laws of the United States, and taxes, has priority over all other debts.

Any lien which has arisen and attached to unregistered

land prior to May 1, 1955, by reason of the filing of a certificate not describing the land owned by the recipient ceases on March 31, 1957, unless prior to this latter date the county agency files with the register of deeds in the county wherein the recipient owns land an old age assistance certificate as prescribed in section 256.26, subdivision 5, and containing an identification of the certificate previously filed. Thereafter the lien continues only as to the lands described in the old age assistance certificate.

Registered land is not affected by any such lien unless the certificate is entered as a memorial upon the certificate of title pertaining to the land affected. Any lien which attached to registered land prior to May 1, 1955, by reason of the filing of a certificate with the registrar of titles and the entry thereof as a memorial on the certificate of title pertaining to the land affected continues until satisfied. After May 1, 1955, no lien attaches to registered land unless an old age assistance lien is filed as prescribed in section 256.26, subdivision 5.

Sec. 4. Minnesota Statutes 1957, Section 256.26, Subdivision 9, is amended to read:

Subd. 9. **Release of lien.** When the county agency of the county granting assistance to a recipient is satisfied that the collection of the amount paid him as old age assistance will not be jeopardized or that the release of the lien against his property, in whole or in part, is necessary for the maintenance or support of the recipient, his spouse, minor or incapacitated children, or when the county agency is satisfied by competent evidence that the major portion of the investment in the recipient's homestead was made by *any person* by personal services in the home or otherwise and that substantial justice can only be done by the release of the lien, it may, with the approval of the state agency, release such lien with respect to all or part of the real property of the recipient, and such release, or a certified copy thereof, shall be filed with the register of deeds of each county where the lien certificate is filed.

Sec. 5. Minnesota Statutes 1957, Section 256.26, Subdivision 11, is amended to read:

Subd. 11. **Disqualification.** Any person who has *within five years prior to the date of application transferred or disposed of any property* in order to avoid the application of this section shall be disqualified from receiving old age assistance.

Sec. 6. Minnesota Statutes 1957, Section 256.27, is amended to read:

**256.27 Reimbursements of participating governmental units; recipient's application of excess assets.** When any amount shall be recovered from any source for assistance furnished under the provisions of sections 256.11 to 256.43, there shall be paid to the United States the amount which shall be due under the terms of the social security act and the balance thereof shall be paid into the treasuries of the state and county, *substantially* in the proportion in which they respectively contributed toward the total assistance paid. *The amounts due the respective participating units of government shall be determined by rule and regulation adopted by the commissioner of public welfare pursuant to a formula of reimbursement prescribed or authorized by the Federal Social Security Administration.*

*Any recipient who by inheritance or otherwise acquires assets in excess of the maximum allowed under section 256.18 may apply such assets to his lien indebtedness or to the general claim if he owns no real property, and continues to receive old age assistance if he is otherwise eligible. The county agency shall consider such payments as a recovery which reduces the lien or claim in the amount of the payment made.*

Sec. 7. Minnesota Statutes 1957, Section 256.14, Subdivisions 2, 3, 4 and 5, are hereby repealed.

Approved April 24, 1959.

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CHAPTER 623—S. F. No. 1604

[Not Coded]

*An act relating to tax levies of the County of Ramsey; repealing Laws 1949, Chapter 515, as amended.*

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

**Section 1. Ramsey County, tax levy, general revenue.** Ramsey county may levy annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists, a tax for general revenue purposes not in excess of 10 mills.

**Sec. 2.** This act becomes effective on approval by the board of county commissioners of Ramsey county.