

Sec. 6. This act is effective July 1, 1973.

Approved May 19, 1973.

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CHAPTER 380—S.F.No.410

[Coded in Part]

*An act relating to public welfare; abolishing the town system of poor relief and placing responsibility for poor relief in the county; fixing responsibility for welfare in the counties; providing a penalty; amending Minnesota Statutes 1971, Sections 245.77; 261.01; 261.03; 261.04, Subdivision 1; 261.063; 261.07, Subdivision 1; 261.08; 261.10; 275.09, Subdivision 3; 376.424; 393.01, Subdivision 3; and 393.07, Subdivision 2; 393.08, Subdivision 1; repealing Minnesota Statutes 1971, Sections 261.02; 261.05; 261.06; 261.061; 261.064; 261.065; 261.066; 261.067; 261.14; 261.141; 261.142; 261.143; and 393.08, Subdivision 2.*

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

Section 1. **[261.001] PUBLIC WELFARE; ABOLITION OF TOWN SYSTEM OF POOR RELIEF.** Subdivision 1. The town system for caring for the poor is hereby abolished; hereafter, the county welfare board of each county shall administer poor relief.

Subd. 2. All county welfare boards affected by this act are hereby authorized to take over for the county as of the effective date of this section, the ownership of all case records relating to the administration of poor relief in the several municipalities and towns in the county.

Sec. 2. **[261.002] TRANSFER OF TOWN EMPLOYEES.** Subdivision 1. The term "merit system" as used herein shall mean the rules for a merit system of personnel administration for employees of county welfare boards adopted by the commissioner of public welfare in accordance with the provisions of Minnesota Statutes, 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. All employees of any municipality or town who are engaged full time in poor relief work therein on the effective date of this section shall be retained as employees of the county and placed under the jurisdiction of its welfare board.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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 county welfare board. Employees with permanent status under any civil service provision on the effective date of this act shall be granted permanent status under the merit system at comparable classifications and in accordance with work assignments made under the authority of the county welfare board 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 county welfare board employees and at a salary step which they normally would have received had they been employed by the county welfare board 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 county welfare board and shall be the legal liability of the county welfare board. 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. 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. All vacation leave of employees referred to in subdivision 2 of this section, 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.

**Changes or additions indicated by underline, deletions by strikeout.**

**Sec. 3. CONTINUATION OF RETIREMENT SYSTEM FOR FORMER MINNEAPOLIS EMPLOYEES.** Subdivision 1. Each employee of the city of Minneapolis who is transferred to and employed by the county under the provisions of section 2 and who is a contributing member of a retirement system organized under the provisions of Minnesota Statutes, Chapter 422, shall continue to be a member of that system and entitled to all of the benefits conferred thereby and subject to all the restrictions of chapter 422, unless he applies to cancel his membership within six months after the effective date of this act.

Subd. 2. The cost to the public of that portion of the retirement allowances or other benefits accrued while any employee was in the service of the city of Minneapolis shall remain an obligation of the city and a tax shall be levied and collected by it to discharge its obligation as provided by Minnesota Statutes, Chapter 422.

Subd. 3. The cost to the public of the retirement allowances or other benefits accruing to employees so transferred to and employed by the county shall be the obligation of and paid by the county at such time as the retirement board shall fix and determine in accordance with chapter 422. The county shall pay to the municipal retirement fund an amount certified to the county auditor of the county by the retirement board as the cost of the retirement allowances and other benefits accruing and owing to such county employees. The cost to the public of the retirement allowances as herein provided shall be paid from the county revenue fund by the county auditor upon receipt of certification from the retirement board as herein provided, and the county board is authorized to levy and collect such taxes as may be necessary to pay such costs.

**Sec. 4. [261.003] ELIGIBILITY STANDARDS, RULES AND REGULATIONS.** The commissioner of public welfare shall promulgate rules and regulations in accordance with Minnesota Statutes, Chapter 15, prescribing minimum standards of eligibility and payment for poor relief, which shall recognize cost of living differences in the various counties of the state.

Sec. 5. Minnesota Statutes 1971, Section 245.77, is amended to read:

**245.77 LEGAL SETTLEMENT OF PERSONS RECEIVING ASSISTANCE; ACCEPTANCE OF FEDERAL FUNDS.** In the event federal funds become available to the state for purposes of reimbursing the several local agencies of the state for costs incurred in providing financial relief to poor persons under the liability imposed by section 261.03, or for reimbursing the state and counties for categorical aid assistance furnished to persons who are

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eligible for such assistance only because of the United States Supreme Court decision invalidating state residence requirements the commissioner of public welfare is hereby designated the state agent for receipt of such funds. Upon receipt of any federal funds the commissioner shall in a uniform and equitable manner use such funds to reimburse counties, ~~towns, cities and villages~~ for expenditures made in providing financial relief to poor persons. The commissioner is further authorized to promulgate rules and regulations, consistent with the rules and regulations promulgated by the Secretary of Health, Education and Welfare, governing the reimbursement provided for by this provision.

Sec. 6. Minnesota Statutes 1971, Section 261.01, is amended to read:

**261.01 SUPPORT OF POOR; LIABILITY OF RELATIVES.**

Every poor person who for any reason is unable to earn a livelihood shall be supported by his children, parents, brothers, and sisters, grandchildren or grandparents; and relatives having sufficient ability shall be called on for such support in the order above named; provided, that a person who becomes a pauper from intemperance or other bad conduct shall not be entitled to support from any relative except parent or child. Every such relative who refuses or fails to support any poor person whom he is bound by law to support, when directed by the board ~~or council~~ of the county, ~~town, city, or village~~ in which such person has a settlement, shall forfeit and pay to such county, ~~town, city, or village~~, for the use of the poor thereof, such amount as the court may determine, not exceeding \$25 per month, to be recovered in any court having jurisdiction.

Sec. 7. Minnesota Statutes 1971, Section 261.03, is amended to read:

**261.03 LIABILITY OF COUNTY.** When any such poor person has none of the relatives named in section 261.01, or they are not of sufficient ability, or refuse or fail to support him, he shall receive such support or relief as the case may require from the county, ~~town, city, or village~~ in which he has a settlement at the time of applying therefor, as hereinafter provided, except that in determining the need or amount of such support or relief the county, ~~town, city, or village~~ shall exclude all sums received by members or dependents of such poor person's family under the aid to the blind act.

Sec. 8. Minnesota Statutes 1971, Section 261.04, Subdivision 1, is amended to read:

**261.04 LIABILITY OF ESTATE. Subdivision 1. SUPPORT, MAINTENANCE, CARE, OR BURIAL.** When any person is fur-

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nished or provided with support, maintenance, care, including care at the University of Minnesota hospitals, or burial as a poor person ~~by any county, city, town, village, or borough the municipality the county~~ so furnishing such aid shall have a claim therefor against the person or his estate for the reasonable value thereof, which claim may be presented and prosecuted by such ~~municipality county~~ at its option upon discovery of any property belonging to the poor person or to his estate.

Sec. 9. Minnesota Statutes 1971, Section 261.063, is amended to read:

**261.063 TAX LEVY FOR SOCIAL SECURITY MEASURES; DUTIES OF COUNTY BOARD.** 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, old age assistance, aid to dependent children, 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.

Sec. 10. Minnesota Statutes 1971, Section 261.07, Subdivision 1, is amended to read:

**261.07 LEGAL SETTLEMENT OF PAUPERS.** Subdivision 1. Every person ~~except those hereinafter mentioned~~, who has resided one year continuously in any county, shall be deemed to have a settlement therein, ~~if it has the county system; if it has the town system, he shall have a settlement in the town, city, or village therein in which he has longest resided within one year.~~ Every person who has resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such one that year, ~~if it has the county system; if it has the town system, his settlement shall be in the town, city, or village therein in which he has longest resided within one year.~~

Sec. 11. Minnesota Statutes 1971, Section 261.08, is amended to read:

**261.08 DISPUTES BETWEEN COUNTIES.** When a dispute shall arise between ~~political subdivisions within a county or between two or more counties or between a county and a political subdivision of another county or political subdivisions of different counties~~ as to the place of settlement of any poor person any such

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county or political subdivision 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 in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding and forthwith make and file his order determining the place of settlement of such poor person.

Sec. 12. Minnesota Statutes 1971, Section 261.10, is amended to read:

**261.10 COUNTY OF RESIDENCE CHARGED WITH SUPPORT.** The county or subdivision in which such poor person shall by such order be found to be his settlement shall thereafter be charged with his care and support.

Sec. 13. Minnesota Statutes 1971, Section 275.09, Subdivision 3, is amended to read:

Subd. 3. **TOWN PURPOSES.** There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for town purposes, such amount as is voted at any legal town meeting, the rate of which tax shall not exceed, exclusive of such sums as are voted at the annual town meeting for road and bridge purposes and for the support of the poor, ten mills in any town having a population of more than 7,000, excluding the population of any cities or villages therein, five mills in any town having a taxable valuation of \$100,000 or more, and the amount of which shall not exceed \$350 in any town having a taxable valuation of less than \$100,000, and the rate of which shall not exceed one percent in any town. The rate of tax for road and bridge purposes in any town shall not exceed the rate provided by section 164.04, and the tax for poor purposes shall not exceed five mills. In any town in which the amount levied within the above limitations is not sufficient to enable the town to carry on its necessary governmental functions, the electors, during the business hours, after disposing of the annual report, may make an additional levy of not to exceed five mills to enable the town to carry on such necessary governmental functions.

Sec. 14. Minnesota Statutes 1971, Section 376.424, is amended to read:

**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

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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, ~~town, village, borough, or city~~ 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, ~~town, village, borough, or city~~ making such application.

Sec. 15. Minnesota Statutes 1971, Section 393.01, Subdivision 3, is amended to read:

Subd. 3. **COUNTY BOARD TO BE WELFARE BOARD IN HENNEPIN COUNTY.** ~~In any county containing a city of the first class operating under a home rule charter, wherein there is established in such city a board of public welfare for administration of poor relief in such city only, In the county of Hennepin the board of county commissioners shall be the county welfare board. In such counties~~ county the members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties under the provisions of this chapter. In such ~~counties~~ county the county auditor shall be ex officio secretary of the board, but shall have no voice in its proceedings. ~~In such counties the system of caring for the poor in effect at the time of the passage of this chapter shall be continued, subject to all provisions of law relating thereto, except that, if such county is operating under the township system of caring for the poor, such towns, villages, and cities of the second, third and fourth classes therein may, by resolution of its governing body, agree with the county welfare board that the latter shall supervise and administer the poor relief fund in such town, village, or city, or contract with any one or more of the public subdivisions of the county for the purpose of jointly supervising and administering the poor relief funds in such towns, villages or cities. In any such county the powers and duties of such board of public welfare shall not be affected by the provisions of this chapter. Such board of public welfare, in administering poor relief funds granted by any state agency authorized so to do by law, shall comply with all standards of administration and procedure prescribed by such agency.~~

Sec. 16. Minnesota Statutes 1971, Section 393.07, Subdivision 2, is amended to read:

Subd. 2. **ADMINISTRATION OF PUBLIC WELFARE.** The county welfare board, ~~except as provided in section 393.01, subdivision 3, and~~ subject to the supervision of the commissioner of public welfare, shall administer all forms of public welfare, both for children and adults, responsibility for which now or hereafter may be imposed on the commissioner of public welfare by law, including

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poor relief, aid to dependent children, old age assistance, aid to the blind, child welfare services, mental health services, and other public assistance or public welfare services. The duties of the county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the commissioner of public welfare to achieve the purposes intended by law and in order to comply with the requirements of the federal social security act in respect to public assistance and child welfare services, so that the state may qualify for grants-in-aid available under that act. The county welfare board shall supervise wards of the commissioner and, when so designated, act as agent of the commissioner of public welfare in the placement of his wards in adoptive homes or in other foster care facilities.

Sec. 16. The county of Ramsey shall after the effective date provided herein be responsible for all welfare programs within the county, the costs of which are not met from federal, state, or private sources.

Sec. 17. Minnesota Statutes 1971, Section 393.08, Subdivision 1, is amended to read:

**393.08 ESTIMATES FURNISHED TO COUNTY BOARD.**  
Subdivision 1. On or before the first day of July each year the county welfare board, except any such board referred to in section 393.01, ~~subdivisions subdivision 3 and 4~~, shall submit to the county board of commissioners an estimate of the amount needed by it to perform its duties, including expenses of administration, and the county board of commissioners shall consider the estimates so submitted and, if approved, shall levy a tax as provided by law for the purposes. In the event the estimate is not approved, the county board of commissioners shall confer with the county welfare board and adjust a budget in accordance with the facts and levy a tax for the amount required.

In counties referred to in section 393.01, subdivision 3, the estimate required shall not include ~~poor relief in such counties or~~ institutional requirements in any city of the first class located therein. The tax levy by the county board of commissioners in such counties shall be such as is required for poor relief and categories of aid under the federal social security act, and shall be separate and distinct from other levies made by it. The governing body of any such city of the first class may annually levy a tax for poor relief institutional requirements as authorized by such home rule charter, on the real and personal property within the corporate limits of such city. Such tax levy and the proceeds thereof shall be subject to the same control and supervision as is imposed on any existing public welfare tax levy.

~~On the 25th day of July of each year the county welfare board referred to in section 393.01, subdivision 4, shall present its esti-~~

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~~mate of the amount needed by it to perform its duties, including expense of administration, to the board of county commissioners of any such county and the council of the city of the first class located in such county. Said board and said council may appoint a welfare budget advisory committee to study said budget provided that said welfare budget advisory committee must report its recommendation to said board and said council not later than September 1 of each year. The board of county commissioners of such county and the city council of such city shall jointly adopt a budget for such county welfare board and such action of such board of county commissioners and such city council in so adopting such budget shall be taken not later than September 20th of each year. The cost of all such relief, including the maintenance of any almshouse, sanatorium, or hospital maintained by such county and city shall be paid 72½ percent by such county and 27½ percent by such city.~~

In counties referred to in section 393.01, subdivision 7, the estimate required to fund the public welfare programs of the single welfare department, including expense of administration, shall be submitted to the boards of county commissioners who are parties to the agreement. Each board of county commissioners shall consider the estimate so submitted and shall confer with the board of county commissioners from the other counties who are a party to the agreement in determining the amount of funds to be assessed against each county for purposes of funding the welfare program.

Sec. 18. Minnesota Statutes 1971, Sections 261.02; 261.05; 261.06; 261.061; 261.064; 261.065; 261.066; 261.067; 261.14; 261.141; 261.142; 261.143; and 393.08, Subdivision 2; are repealed.

Sec. 19. This act takes effect January 1, 1974.

Approved May 19, 1973.

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## CHAPTER 381—S.F.No.475

*An act relating to commercial fertilizers and soil conditioners; imposing penalties; amending Minnesota Statutes 1971, Section 17.718, Subdivision 1.*

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

Section 1. Minnesota Statutes 1971, Section 17.718, Subdivision 1, is amended to read:

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