

CHAPTER 527 — H.F.No. 1856

An act relating to charities; requiring disclosure from professional fund raisers; amending Minnesota Statutes 1982, section 309.556.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 309.556, is amended to read:

309.556 PUBLIC DISCLOSURE REQUIREMENTS.

Subdivision 1. IDENTITY OF ORGANIZATION AND PERCENTAGE OF DEDUCTIBILITY. In connection with any charitable solicitation, the following information shall be clearly disclosed:

(a) The name, address and telephone number of each charitable organization on behalf of which the solicitation is made;

(b) The percentage of the contribution which may be deducted as a charitable contribution under both federal and state income tax laws.

If the solicitation is made by direct contact, the required information shall be disclosed prominently on a card which shall be exhibited to the person solicited. If the solicitation is made by radio, television, letter, telephone or any other means not involving direct personal contact, the required information shall be clearly disclosed in the solicitation.

Subd. 2. PERCENTAGE RECEIVED FOR CHARITABLE PURPOSES. In addition to the disclosures required by subdivision 1, any professional fund raiser soliciting contributions in this state shall also disclose the percentage of the total amount solicited from each person which shall be received by the charitable agency for charitable purposes. The disclosure required by this subdivision shall be given in the same manner as the disclosures required by subdivision 1.

Approved April 25, 1984

CHAPTER 528 — H.F.No. 1875

An act relating to local government; providing for changes in the administration of county nursing homes and the issuance of general obligation bonds for such homes; authorizing the establishment of facilities for the provision of supportive services; allowing for a change in the reporting year for municipal nursing homes; amending Minnesota Statutes 1982, sections 376.55; 376.56; 376.57; 376.58; 376.59; 376.60; and 471.696; repealing Minnesota Statutes 1982, sections 376.573; 376.61; 376.62; 376.63; 376.64; 376.65; and 376.66.

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 376.55, is amended to read:

376.55 COUNTY NURSING HOME.

Subdivision 1. **AUTHORITY.** (a) Any county singly, or any group of counties acting jointly are hereby authorized to establish a county nursing home, in sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60 also termed "nursing home", for the care and treatment of chronically ill or convalescent persons with the consent of a majority of the county board;

(b) In addition to its usual meaning, the phrase "chronically ill or convalescent persons" as used in sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60 includes persons who need nursing home care because old age or infirmity renders them unable to properly care for themselves;

(c) Nursing homes established under sections 376.55 to 376.66 shall be devoted primarily to the care and treatment of persons requiring welfare services. Any county, or group of counties, which owns a nursing home, may establish and operate an attached or related facility for the purpose of providing supportive services to elderly persons who are not yet in need of nursing home care. Supportive services may include congregate housing, adult day care, and respite care services.

Subd. 2. **ESTABLISHMENT.** The county board of any county, or any group of counties acting jointly, may establish a nursing home and a facility for supportive services as provided in sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60, by converting suitable existing county owned buildings, ~~or by leasing suitable premises for a term of not to exceed 15 years with suitable provision in the instrument of leasing for additional terms of not to exceed 15 years, exercisable at the election and option of the lessee or lessees, or by acquiring a suitable site by gift, purchase, or condemnation proceedings instituted in the name of the county, or counties, a suitable site, and erecting suitable buildings thereon, and to equip, maintain, enlarge or add thereto which are equipped, maintained, enlarged or otherwise modified to be~~ the same as a nursing home ~~for~~ chronically ill and convalescent persons.

Subd. 3. **FINANCING.** The county board of any county in this state may transfer surplus funds from any fund except the road and bridge, sinking or drainage ditch funds for the purpose of establishing, maintaining, enlarging, or adding to a county nursing home. When surplus funds are not available for transfer, a county board may issue bonds to defray the cost of establishing, equipping, furnishing, enlarging, or adding to a county nursing home, subject to the provisions of section 376.56.

Subd. 4. **PURCHASE OF INTEREST IN EXISTING HOME.** Any county, not maintaining a nursing home, either alone or in connection with

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another or other counties, may purchase an interest in an existing county nursing home if the county board or boards owning such nursing home decide by majority vote of each county board to admit such county. The sum to be paid for admission to ownership shall be fixed by the county board or boards owning such home with due regard for their investment in such home. Any county admitted under this provision shall have all the rights and privileges provided for in sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60.

Subd. 5. **COUNTY DEFINED.** Whenever in sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60 the word "county" is used, it refers to a county acting singly, or as one of a group of counties acting jointly, unless the context clearly indicates otherwise.

Subd. 6. **WITHDRAWAL OF INTEREST.** Any county board may withdraw its interest in any county nursing home if the county board or boards owning such nursing home decide by majority vote of each county board to allow such withdrawal. The sum to be paid to the county withdrawing shall be fixed by the county board or boards owning such home with due regard for their investment in such home.

Sec. 2. Minnesota Statutes 1982, section 376.56, is amended to read:

376.56 TAX LEVY LEVIES AND BONDS.

Subdivision 1. The county board of any county establishing or participating in establishing a nursing home, under the authority granted in section 376.55, shall may annually levy a tax in such the amount as is necessary to defray all or its proportion of the net costs of maintenance and operation of such the nursing home after taking into consideration payments received for care of patients residents, and in addition thereto a tax to repay the cost of acquiring such nursing home, and for the retirement of bonds issued for, establishing, equipping, furnishing, enlarging, or adding to a county nursing home, and to pay the principal of and interest on general obligation bonds issued by it for that purpose.

Subd. 2. The proceeds of taxes for costs of maintenance and operation shall be paid by the county by which they are collected into a county nursing home fund, which, in the case of counties operating jointly, shall be kept in the treasury of the county in which the nursing home is located and shall be expended ~~therefrom~~ as provided in sections 376.55 to 376.66.

Subd. 3. Any Bonds issued under the authority of sections 376.55 to ~~376.66~~ shall be known as county nursing home bonds and shall section 376.55, subdivision 3, may be general obligations of the county and shall may be issued and sold, and tax levies taxes levied for the their payment thereof made in accordance with the provisions of sections ~~475.53~~ 475.53 to ~~475.72~~ 475.72 and acts amendatory thereof and supplementary thereto chapter 475. No election shall be required to authorize the issuance of such bonds for the purpose of improving, remodeling, or

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replacing an existing nursing home without increase of the number of accommodations for residents. The revenues of the nursing home shall also be pledged for the payment of the bonds and interest and premium, if any, thereon. A portion of the proceeds may be deposited in the debt service fund for the issue, to capitalize interest and create a reserve for the purpose of reducing or eliminating the tax otherwise required by section 475.61 to be levied before issuing the bonds. The remaining proceeds from the sale of these the bonds and any surplus funds transferred pursuant to the provisions of section 376.55, subdivision 3 shall be credited to and deposited in the county nursing home building fund by the county auditor and deposited to the credit of such fund by the county treasurer of the county in which the nursing home is located.

Subd. 4. The county treasurer of the county in which the nursing home is located shall make payments out of the county nursing home fund and county nursing home building fund on properly authenticated vouchers of the county nursing home administrative board, as ~~in sections 376.55 to 376.66~~ provided in sections 376.58 and 376.59. The county treasurer of each county issuing general obligation bonds pursuant to subdivision 3 shall pay such bonds and interest thereon from the county's debt service fund and shall be the custodian of net revenues transmitted by the administrative board for the payment of such bonds.

Sec. 3. Minnesota Statutes 1982, section 376.57, is amended to read:

376.57 DETERMINATION TO ESTABLISH.

In establishing a jointly owned and operated county nursing home or facility for supportive services, each of the cooperating counties shall determine by a majority vote of the county board of that county that it is in favor of the establishment of ~~such the home or of the facility~~, the place of its location, the approximate amount to be expended for the establishment of the proposed nursing home or facility under the authority provided in section 376.55 and authorize the payment by that county of its proportionate share of that cost of establishment. The proportion of costs of that establishment, and of costs of maintenance and operation of the nursing home or facility to be paid by each county shall be ~~on the basis of the proportion that the assessed valuation in that county bears to the total assessed valuation in all of the cooperating counties~~ set by terms agreed upon by each of the participating counties.

Sec. 4. Minnesota Statutes 1982, section 376.58, is amended to read:

376.58 SUPERVISION.

Subdivision 1. **DESIGNATION OF COUNTY WELFARE NURSING HOME ADMINISTRATIVE BOARD.** The county board of any county establishing a county nursing home as herein authorized singly shall and facility for supportive services may designate the county welfare board any board under the jurisdiction and control of the county board to supervise that nursing home as an integral part of county welfare services and facility, and that county welfare

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board shall constitute the county nursing home nursing home's administrative board for that county.

Subd. 2. **NURSING HOME ADMINISTRATIVE BOARD; CREATION; COMPENSATION.** Whenever two or more counties, through their boards of county commissioners, have agreed to maintain a county nursing home and facility for supportive services under the authority provided in section 376.55 herein, the county commissioners of each county shall designate ~~the county welfare boards~~ a board from each of the cooperating counties as the county nursing home administrative board. Immediately after their designation as the county nursing home administrative board, the ~~welfare boards~~ of the cooperating counties shall hold a joint meeting and elect a chairman, vice chairman and secretary who shall be the executive committee; provided, however, that each county shall have not less than one representative on the executive committee, provided also that where more than three counties participate in establishing a nursing home, the executive committee shall be expanded by one member for each additional county above three to the end that no county will have less than one member on the executive committee. The joint meeting of the county ~~welfare boards~~ that have been designated as the county nursing home administrative board shall, in the first instance, be called by the chairman of the county ~~welfare board~~ of the county wherein in which the county commissioners have agreed to locate the proposed home and facility, and thereafter they shall meet annually, and at such other times as are deemed necessary. Members of the county nursing home administrative board, and its executive committee, other than members of board of county commissioners, for each day spent in transacting the business of the board or the committee shall be compensated and each member, including members of board of county commissioners, may be reimbursed for necessary expenses incurred by them in connection with their official duties; such compensation and reimbursement for expenses shall be paid from the county nursing home fund and shall be the same as for service as a member of a county welfare board. This compensation shall be in addition to any compensation received as a member of such welfare board in a manner and amounts agreed upon by the county boards. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to county commissioners pursuant to section 375.055, subdivision 1.

Subd. 3. **NURSING HOME ADMINISTRATIVE BOARD; POWERS, DUTIES.** The county nursing home administrative board herein authorized shall have the power to establish, operate and maintain a county nursing home and facility for supportive services within the limits prescribed in sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60. The county nursing home administrative board may delegate to the executive committee herein defined in subdivision 2 the authority to supervise the establishment, management and operation of the county nursing home and facility for supportive services including the approval of expenditures and such other business as is necessary for the efficient operation of the home within such general policies as have been established by the county

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nursing home administrative board. The county nursing home administrative board may authorize a sum to pay incidental expenses of the nursing home in accordance with the provisions of section 375.16.

Subd. 4. **EXPENDITURES, APPROVAL.** The county nursing home administrative board, or its executive committee, if so designated as provided in subdivision 2, shall approve by a majority vote all expenditure vouchers, and the chairman of the board or committee approving them shall thereafter transmit them to the county auditor of the county in which the home is and facility are located for payment through the county welfare board office of that county in the same manner as other county welfare expenditures, accompanied by his certification that they have been approved by a majority of the board or the executive committee of the board as the case may be. The county welfare board of the county in which the home is located shall perform all clerical and accounting functions other than the maintaining of medical records.

Subd. 5. **ESTIMATES OF COST.** The provisions of Minnesota Statutes 1949, Section 393.08, as to the preparation of estimates of cost for the county welfare board are hereby made applicable to costs of operation of the county nursing home under sections 376.55 to 376.66 Preparation of estimates of costs for the operation of the nursing home and the facility for supportive services shall be submitted as required by the administrative board of the nursing home or as called for by the county board. The fiscal year for the nursing home, and the facility for supportive services if it is appropriate, may be the reporting year designated by the commissioner of public welfare.

Subd. 6. **ACCEPTANCE OF GIFTS.** The county nursing home county's nursing home administrative board is empowered to accept as a trust any gift, donation, or endowment from any source, whether subject to special provisions of the donor or not, and such gifts, donations, or endowments shall be placed to the credit of the county nursing home fund in the treasury of the county in which the home is and facility are located and, disbursed, as to principal or income as the donors may have indicated, by the county nursing home administrative board.

Subd. 7. **PATIENT RESIDENT FUNDS; UNCLAIMED MONEY.** The superintendent administrator of a county nursing home shall have the care and custody of all moneys belonging to patients thereof residents which may lawfully come into his hands and keep accurate accounting records of all transactions concerning such moneys, taking vouchers for withdrawals therefrom. He shall give a bond in such amount as required by the county nursing home board, conditioned to safely keep and account for such funds. All moneys received from a patient or for the benefit of a patient by an officer or employee of the nursing home shall be delivered to the superintendent forthwith. Not more than \$500 shall be accepted by the superintendent for the benefit of any one patient. All money received by the superintendent shall be deposited in the county treasury for the purposes expressed in this subdivision. Every superin-

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tendent shall, at the close of each month, or oftener if required by the county nursing home board or its executive committee, forward to the executive committee a statement of the amount of all moneys so received and the names of the patients from whom received as prescribed by the commissioner of health and the commissioner of public welfare.

When there accumulates money belonging to patients of a county nursing home who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money if unclaimed for at least five years shall be credited to the general fund of the nursing home. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the patient shall appear and make proper proof of such heirship, they shall be entitled to receive from the county nursing home board such sums of money belonging to the patient, that have been expended by the superintendent.

Sec. 5. Minnesota Statutes 1982, section 376.59, is amended to read:

376.59 COUNTY BUILDING FUNDS.

When a county nursing home administrative board is satisfied that each county in a cooperating group of counties has available its share of the cost of establishing the nursing home and facility for supportive services, it shall so certify to the county board of each cooperating county, which shall thereupon order the county treasurer of that county to pay over to the treasurer of the county in which the nursing home is to be located, the county nursing home building funds in the possession of such the county treasurer. The county nursing home home's administrative board shall then proceed to carry out the purposes of sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60.

Sec. 6. Minnesota Statutes 1982, section 376.60, is amended to read:

376.60 ADMINISTRATIVE BOARD OR EXECUTIVE COMMITTEE; POWERS, DUTIES.

The county nursing home administrative board or its executive committee as herein provided is hereby authorized:

(1) To appoint a superintendent of the county nursing home secure an administrator and all necessary employees for the management and control of such county the nursing home, and to prescribe their compensation and duties;

(2) To arrange for physicians' services and other medical care for the chronically ill and convalescent patients residents in the home, and prescribe the compensation and duties of physicians so designated, provided that nothing herein shall preclude a patient from being attended by his family physician or physician of his choice serving the area in which the nursing home is located.

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(3) To purchase equipment, supplies and services necessary in the care and maintenance of the nursing home and the ~~patients therein~~ residents;

(4) To perform all other acts necessary to carry out the provisions of sections 376.55 to ~~376.66~~ 376.57 and 376.58 to 376.60, except those with which the county board or boards are specifically charged, including all the powers granted the county by section 376.55, subdivision 2, and specifically the authority to institute condemnation proceedings in the name of the county or counties involved, which shall be conducted in the manner provided by Minnesota Statutes 1949, chapter 117, in the case of other condemnation proceedings by counties.

Sec. 7. Minnesota Statutes 1982, section 471.696, is amended to read:

471.696 FISCAL YEAR; DESIGNATION.

Beginning in 1979 the fiscal year of a city and all of its funds shall be the calendar year. The state auditor may upon request of a city and a showing of inability to conform, extend the deadline for compliance with this section for one year, except that a city may, by resolution, provide that the fiscal year for city owned nursing homes be the reporting year designated by the commissioner of public welfare.

Sec. 8. REPEALER.

Minnesota Statutes 1982, sections 376.573, 376.61, 376.62, 376.63, 376.64, 376.65, and 376.66, are repealed.

Approved April 25, 1984

CHAPTER 529 — H.F.No. 1911

An act relating to state lands; authorizing the sale of a certain lakeshore property in Kandiyohi County, and certain forest land in Fillmore County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. SALE OF LAKESHORE ON NORWAY LAKE; KANDIYOHI COUNTY.

Notwithstanding Minnesota Statutes, section 92.45 or any other law to the contrary, the commissioner of natural resources may declare surplus and the commissioner of administration may sell by private sale to the adjoining property owners, Kenneth E. and Lucille C. Polark, for a consideration equal to the appraised value, including improvements, the following lakeshore property:

The east 25 feet of Lot 46, Block One, Halvorson Beach on Norway Lake in Kandiyohi County according to the duly recorded plat thereof.

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