

CHAPTER 138—S. F. No. 1040

An act to amend Chapter 47, Laws of 1929, as amended by Senate File No. 837 relating to old age pensions.

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

Section 1. **Counties may establish old age pensions.**—That Section 1 of Chapter 47, Laws of 1929 be amended to read as follows:

“Section 1. 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 *next* 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 pensions.**—That Section 2 of Chapter 47, Laws of 1929, *as amended by Senate File No. 837* be amended to read as follows:

“Section 2. Any person who shall comply with these provisions, shall be entitled to a pension, *while continuing to reside in the county in which such pension is granted.* The amount of such pension shall be fixed with due regard to the conditions in each case, *as herein provided*, 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. **County board may require property to be deeded to county.**—That subdivision (1) of Section 7 of Chapter 47, Laws of 1929 be amended to read as follows:

“(1) If the *board of county commissioners* deems it necessary, it 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 prose-

cute 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."

Sec. 4. **Applications.**—That Section 8 of Chapter 47, Laws of 1929, *as amended by Senate File No. 837* be amended to read as follows:

"Section 8. An applicant for a pension shall file his application in writing with the *county auditor* 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 *board of county commissioners* 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 *county auditor* 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. 5. **County board to direct investigations.**—That Section 9, Chapter 47, Laws of 1929, *as amended by Senate File No. 837* be amended to read as follows:

"Section 9. The *board of county commissioners* shall promptly make or cause to be made such investigation as it may deem necessary. The *board of county commissioners* shall decide upon the application, and fix the amount of the pension, if any, and such decisions shall be final. *Provided, however, that in a county having a board of public welfare as authorized by Chapter 371, Laws of 1929, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, such investigation, decisions upon the applications and fixing of the amounts of the pensions, if any. Provided, that in any county having a Poor Commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, the said Poor Commission shall make or cause to be made by competent authority, such investigations, decisions upon applications for pension, and the fixing of the amounts of pension, if any, to be awarded hereunder; all subject to the final approval of said Poor Commission by resolution and order duly entered in its records, before any such pension shall be paid by the County Auditor. In any such county where such poor relief is administered by and under the*

supervision of said Poor Commission, it shall be the duty of said Poor Commission, and its secretary or clerk, to carry out the provisions of this act with the same powers, duties and obligations as are herein vested in the Board of County Commissioners and the County Auditor respectively, and for that purpose said Poor Commission shall have authority to employ such additional assistance as shall be found necessary. Provided further that in any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in said county as clerks for the purpose of accepting applications for such pension. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such pension. Provided further, that in a county having an official investigator appointed as provided in Section 8676, General Statutes 1923, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners. 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. 6. County board to issue certificates.—That Section 10, Chapter 47, Laws of 1929 be amended to read as follows:

"Section 10. (1) The *board of county commissioners* 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 *board of county commissioners* may decide.

(2) Each pensioner shall file such reports with the *board of county commissioners* as the said *board of county commissioners* may from time to time require. If it appears at any time that the applicant's circumstances have changed, the *board of county commissioners* 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. 7. Funeral expenses.—That Section 11, Chapter 47, Laws of 1929 be amended to read as follows:

"Section 11. On the death of a pensioner such reasonable funeral expenses for burial shall be paid to such person as the *board of county commissioners* may decide; 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. 8. County board to direct payment of pension.—That subdivision (2) Section 12, Chapter 47, Laws of 1929 be amended to read as follows:

"(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 *board of county commissioners* 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 *board of county commissioners* shall deem advisable."

Sec. 9. **Revocation of certificate.**—That Section 14, Chapter 47, Laws of 1929 be amended to read as follows:

"Section 14. If at any time the *board of county commissioners* has reason to believe that a pension certificate has been improperly obtained, the *board of county commissioners* 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. 10. **Revocation of certificate.**—That subdivision (2) Section 16, Chapter 47, Laws of 1929 be amended to read as follows:

"(2) Where a pensioner is convicted of an offense under this section the *board of county commissioners* may cancel the certificate."

Sec. 11. **County board to provide funds.**—That subdivision (1) of Section 18, Chapter 47, Laws of 1929, as amended by *Senate File No. 837* be amended to read as follows:

"(1) The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this act. Upon the orders of the *board of county commissioners*, the county auditor shall draw his warrant on the proper fund in accordance with said order of said *board* and the county treasurer shall pay out the amounts ordered to be paid as pensions, under the provisions of this act."

Sec. 12. **County board shall make rules.**—That Section 20 of Chapter 47, Laws of Minnesota for 1929 as amended by *Senate File No. 837* be amended to read as follows:

"Section 20. 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. 13. **Proceedings validated.**—That Chapter 47, Laws of 1929 be amended by adding at the end of Section 20, a section to be designated as Section 20A, which shall read as follows:

"Section 20A. In every case where any district court or district judge has heretofore made and entered an order for the payment of a pension under the terms of Chapter 47, Laws of 1929, the same shall be and hereby is in all respects validated and confirmed and shall continue as a valid order for a pension under the terms of said act and the Board of County Commissioners or Poor Commission of the county in which such order has been so entered shall continue to pay the pension granted in accordance with the terms of said order, subject to the limitations and provisions of Chapter 47, Laws of 1929, and until modified or revoked by said county board or Poor Commission as provided by said Chapter 47, Laws of 1929 as by this act amended."

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 9, 1931.

CHAPTER 139—S. F. No. 1082

An act to amend Laws 1911, Chapter 382, Section 1, as amended by Laws 1917, Chapter 83, and by Laws 1927, Chapter 207, relating to the salary of the deputy register of deeds in counties having a population of less than 75,000 inhabitants, and to legalize certain payments of salaries heretofore made.

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

Section 1. Salary of deputy of register of deeds in certain counties.—That Laws 1911, Chapter 382, Section 1, as amended by Laws 1917, Chapter 83, and by Laws 1927, Chapter 207, be amended to read as follows:

"The county board of every county having a population of less than 75,000 inhabitants, may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county, compensation for his or her services as such deputy, not exceeding \$900.00 per year. Provided, that in all counties in this state now or hereafter containing not less than 22 and not more than 25 organized towns (not intending cities and villages), and which counties now have or hereafter may have a population of not less than 29,000 and not more than 33,000 inhabitants, according to the last preceding federal or state census, the county board may, by written order to be filed in the office of