

Relief of the Poor

CHAPTER 261

GENERAL PROVISIONS

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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 \$25.00 per month, to be recovered in any court having jurisdiction.

[R. L. s. 1485; 1925 c. 290] (3157)

261.02 FAILURE TO SUPPORT; RECOVERY FROM RELATIVE. When any relative chargeable with the support of any poor person fails or neglects, after being directed by any town, city, or village under the town system of poor relief, to furnish to such poor person support, maintenance, burial, and, in case of non-resident, expenses of removal, any such town, city, or village furnishing the same may recover in any court of competent jurisdiction from such relation who is a resident of this state, any such sum so furnished by it, whether such poor person is a resident of such town, city, or village or not. In the event that the poor person shall have no relative chargeable therewith such town, city, or village so expending the same may, after like notice, recover from any town, city, or village within this state which is charged by law with the support of such poor person, any sum so expended.

[1889 c. 170 s. 8; 1905 c. 327 s. 1] (3158)

261.03 LIABILITY OF COUNTY, TOWN, CITY, OR VILLAGE. 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.

[R L s 1486; 1947 c 546 s 1] (3159)

261.04 LIABILITY OF ESTATE. Subdivision 1. **Support, maintenance, or burial.** When any person is furnished or provided with support, maintenance, care, or burial as a poor person by any county, city, town, village, or borough the municipality so furnishing such support, maintenance, care, or burial 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 at its option upon discovery of any property belonging to the poor person or to his estate.

Subd. 2. **Claims filed in probate court.** Such claims, when against the estate of a deceased person, shall be filed in probate court and acted upon as in the case of other claims.

[1925 c. 60 ss. 1, 2] (3159-1, 3159-2)

261.05 POWERS OF GOVERNING BODIES. In addition to all other powers now or hereafter by law conferred upon the governing body of any town, city, or village, authority is hereby given to receive and accept for their town, city, or village real or personal property, encumbered or unencumbered, by gift, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, under the laws relating to poor relief, is or may be chargeable to, furnished, or provided by, such town, city, or village and to hold or dispose of the same for the benefit of such town, city, or village, as provided by law in the case of other property belonging to such town, city, or village, and the payment and discharge of any lien or encumbrance upon any such property is authorized when such governing body determines that such payment is advisable and for the best interests of such town, city, or village.

[1929 c. 199 s. 1] (3159-3)

261.06 COUNTY AND TOWN SYSTEMS. The system of caring for the poor in counties in which they are chargeable upon the county shall be known as the county system. That system in which they are chargeable upon the towns, cities, and villages thereof shall be known as the town system. Every county shall continue under the system in force therein at the time when the revised laws take effect, until the same is changed as provided in this chapter.

[R. L. s. 1487] (3160)

261.07 LEGAL SETTLEMENT OF PAUPERS. Subdivision 1. Every person except those hereinafter mentioned, who has resided two years 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 two years. Every person who has resided two years 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 two years, 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 two years.

Subd. 2. The time during which a person has received old age assistance or aid to dependent children, or has been the inmate of a hospital, old age home, or nursing home for the care of the invalid or aged, whether public or private, and the time during the pendency of any suit to determine his legal poor settlement, and the time during which a person has been an inmate of a poorhouse, jail, prison, or other public institution, or under commitment to the guardianship of the director of social welfare or the director of public institutions, or one of the state institutions as of feeble-minded, delinquent, or dependent person, and each month during which he has received relief from the poor fund or any county or municipality or from funds supplied by the state or the United States or any department or departments thereof, except a recipient of assistance under the aid to the blind act, supplied as direct relief or in providing work on a relief basis and in lieu of direct relief, shall be excluded in determining the time of residence hereunder, except that a ward of the state public school shall have the legal settlement of the family with whom he has resided for two or more years under a written contract with the state public school providing for his care, education, and treatment as a member of such family.

Subd. 3. Every minor not emancipated and settled in his own right and not under guardianship of the director of social welfare or the director of public institutions, or one of the state institutions as a feeble-minded, delinquent, or dependent person shall have the same settlement as the parent with whom he has resided. Every child born in a state institution shall have a settlement in the county in which the mother had a legal settlement at the time she was committed to such institution.

Every minor not emancipated and settled in his own right and living apart from his parents and not supported by his parents shall, after receiving aid and support from others uninterruptedly for a period of two years, acquire the settlement of the person with whom he has resided for a period of not less than two years, provided that a married woman abandoned or deserted by her husband for a period of one year continuously shall thereafter have the same right to acquire a new settlement as a single person.

Subd. 4. The legal settlement of persons under commitment as insane, feeble-minded, epileptic, inebriate or psychopathic personality, in so far as such persons are subject to the provisions of reciprocity agreements between the state and other states, shall be gained upon a residence of one-half of the time required for the gaining of legal settlement for poor relief purposes but shall otherwise be subject to the same conditions and exceptions.

Subd. 5. A settlement in this state shall be terminated and lost by:

- (1) Acquiring a new one in another state;
- (2) Voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the state. The time during which a person has been committed to a public institution or hospital in a foreign state shall be excluded in determining the period of absence from the state. Such commitment shall not constitute an interruption of absence from the state.

[*R L s 1488; 1919 c 128; 1933 c 385; Ex1936 c 68; 1937 c 102; 1937 c 138; 1939 c 398 s 1; 1945 c 289 s 1; 1949 c 509 s 1*] (3161)

261.08 JUDGE OF DISTRICT COURT TO DETERMINE. 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 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.

[*1925 c. 378 s. 1; 1939 c. 398 s. 2*] (3161-1)

261.09 REMOVAL OF PAUPERS. The court in its order determining the settlement shall provide for the removal of the poor persons to their place of settlement as determined by the order; provided the court may, upon a proper showing by the political subdivision having the legal responsibility to support the poor persons, allow the political subdivision to care for the poor persons in another political subdivision, in which event the poor persons shall retain their legal settlement in the political subdivision found as determined by the order of the court until 30 days after it serves written notice upon the political subdivision where the poor persons are residing that it has ceased to support these persons and the political subdivision where the poor persons are residing shall have the right, upon ten days' written notice to the poor persons within the 30-day period, to remove them to the political subdivision as determined by the order of the court.

[*1925 c. 378 s. 2; 1939 c. 398 s. 3*] (3161-2)

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.

[*1925 c. 378 s. 4*] (3161-4)

261.11 COSTS OF PROCEEDINGS. The prevailing party shall be allowed disbursements necessarily paid or incurred, to be taxed in the manner provided in civil actions.

[*1925 c. 378 s. 5*] (3161-5)

261.12 REMOVAL; SETTLEMENT. When a poor person is removed, as provided in this chapter, from one county, town, city, or village to another and the authorities thereof deny that he is legally settled therein they shall make temporary provision for his care. If such removal was from one county to another county, or to any town, city, or village of another, the authorities may present the case to the director of social welfare; if the removal was from one town, city, or village to another within the same county, they may present the case to the

county board. The director of social welfare shall determine the settlement of such person and certify his findings, and thereupon such person shall become a charge upon the county, town, city, or village in which such settlement is found to be, which shall also pay the cost of caring for such person pending the investigation, and of removing him to the place of his settlement, together with the expenses of such investigation, including the fees and mileage of witnesses; and, in the case of the director of social welfare, the expenses of his agents. Such findings of the director of social welfare shall be without prejudice in any litigation arising by reason thereof.

[R. L. s. 1489] (3162)

261.13 BRINGING INTO STATE. Whoever without legal authority shall send, carry, or remove, or cause to be sent, carried, or removed, any insane, idiotic, or poor person from without the state to any county therein, and there leave him, or cause him to be left, with intent to make such county, or any town, city, or village thereof, chargeable with his support or relief, or who with like intent shall induce any such person so to remove, shall forfeit \$50 to be recovered by the treasurer of such county, town, city, or village, for the support of the poor therein, and shall be guilty of a misdemeanor.

[R. L. s. 1490] (3163)

261.14 CHANGE OF SYSTEM. When the county board shall so determine, or if one-fourth of the voters of the county shall petition therefor, the question of changing from the system in force therein to either the town or county system shall be submitted to the voters of the county at the next general election. The notices of such election shall state that the question will be voted upon, and provisions for taking such vote shall be made upon the blue ballots furnished therefor, as in the case of other questions. If a majority of the votes cast thereon be in the affirmative, the change shall take effect upon the first Monday of January next thereafter.

[R. L. s. 1491] (3164)

261.15 DEFINITIONS. As used in sections 261.15 to 261.20, unless the subject-matter or context requires otherwise:

(1) The term "political subdivision" includes any subdivision of the state or any municipal corporation or public quasi-corporation, however organized.

(2) The words "support or relief of the poor" shall have the same meaning as the words are given by Mason's Minnesota Statutes of 1927, Chapter 15 as amended, and the words "poor persons" shall mean such persons for whom a legal liability is imposed under that chapter.

(3) The term "work relief" means support or relief in wages or other compensation, in cash or in kind, paid for work under the following conditions: (a) That the recipients of work relief and the amounts given are both determined on the basis of actual need and certified for such work relief by the officials charged with administering the relief of the poor; (b) that the funds for such relief are made available only from those specifically appropriated or contributed for support or relief of the poor; (c) that the funds are used to finance projects for which the political subdivision can legally incur expense and which could not otherwise be undertaken at the time or in the immediate future.

(4) The words "direct relief" mean relief to individuals or families incidental to the care of the poor, such as food, clothing, shelter, medical care, and supplies, other necessities of life and payment in cash provided that nothing in sections 261.15 to 261.20 shall be interpreted as enlarging the responsibility for relief as now imposed by the laws of Minnesota.

[1933 c 120 s 1; 1949 c 420 s 1] (3164-1)

261.16 MUNICIPALITIES MAY BORROW FOR POOR RELIEF. Each political subdivision of the state charged by law with responsibility for the support or relief of poor persons having a legal settlement therein is hereby granted authority to borrow funds and pledge the credit of such political subdivision to meet the expense thereof and to make such loans either from the state of Minnesota, the federal government, or from private sources when necessary for the support or relief of the persons; provided that sections 261.15 to 261.20 shall not be construed as increasing the limit of debt, if any, prescribed by the special law or home rule charter or general law under which any political subdivision is organized.

[1933 c. 120 s. 2] (3164-2)

261.17 BONDS ISSUED. Bonds or other evidences of indebtedness may be issued pursuant to the authority granted and for the purposes specified herein by following the regular statutory or charter procedure applicable to such political subdivision; provided, however, that any political subdivision now required by statute or by charter to submit the question of the issuance of bonds or other evidences of indebtedness to a referendum vote, is hereby authorized to issue and sell such public welfare bonds or other evidence of indebtedness without submitting the question of such issue to a referendum vote, by following the procedure hereinafter outlined.

Before any such bonds or other evidence of indebtedness may be issued hereunder by a political subdivision which is restricted by statute or by charter provision from issuing bonds and pledging the credit thereof without submitting the proposal to make such issue to a referendum vote of the electors of such political subdivision, a resolution shall first be adopted by a two-thirds vote of all the members of the official body or bodies authorized to make loans within the political subdivision, declaring an emergency to exist making it necessary to borrow in the specified amount without submitting the question of issuance of bonds or other evidence of indebtedness to a vote of the electors of the political subdivision. The action of the governing body shall be by resolution, irrespective of any requirement of any home rule charter, general or special law requiring such action to be by ordinance. This resolution shall then be submitted to the governor of the state, together with all facts deemed necessary to support such emergency action, including the general financial condition of the political subdivision, the need for the funds, and funds which may be available, public or private, and such other information as may be required. If after investigation the governor finds that the amounts requested are within the reasonable needs of the political subdivision and that no other funds are available to meet the same or that it is not possible or practicable, in view of the other governmental needs of the political subdivision to secure the necessary funds from other sources or by regular methods of borrowing, he shall certify that an emergency exists sufficient to warrant the issuance of such bonds or other evidence of indebtedness subject to the requested exemption. The governor may reduce but shall not increase the amount requested in such resolution. Upon such certification, the governing body or bodies may then proceed to issue and sell such bonds or other evidence of indebtedness pursuant to the resolution aforesaid and in the manner prescribed by section 475.15 and they shall be valid legal obligations of the political subdivision without the referendum vote of the electors.

[1933 c. 120 s. 3] (3164-3)

261.18 EXPENDED FOR POOR RELIEF ONLY. All moneys so borrowed shall be expended only for the support or relief of the poor through direct relief, work relief, placement service, or other service contributing to the support or relief of the poor, including the expense of administration and supervision.

[1933 c. 120 s. 4] (3164-4)

261.19 SERIAL BONDS; TAX LEVY. Upon authorization and approval of the issuance of bonds as provided in sections 261.15 to 261.20, the governing body or other proper bodies of any such political subdivision may proceed to issue and sell its bonds or other evidences of indebtedness covering such loans in the manner prescribed by section 475.15. Such bonds or evidences of indebtedness shall be issued to mature serially, the first instalment of which shall become due in not more than three years and the last of which shall become due and payable in not more than ten years from the date of their issue.

The bonds or other evidence of indebtedness issued pursuant to sections 261.15 to 261.20 shall be subject to the provisions of such laws of the state as govern the particular political subdivision in making such loans, in regard to the levy of a tax for interest and principal and for the payment thereof. No provision of any act passed during the 1933 session of the legislature limiting the tax which may be levied for poor relief purposes shall in any way limit the tax to be levied for the payment of the principal or interest of bonds issued pursuant to the provisions of sections 261.15 to 261.20.

[1933 c. 120 s. 5] (3164-5)

261.20 ACTS SUSPENDED. All laws or parts of laws inconsistent with sections 261.15 to 261.20 are hereby suspended during the operation of those sections; pro-

vided, that this action shall not be construed as repealing or suspending any other law authorizing municipalities coming within the provisions of sections 261.15 to 261.20 to issue bonds for poor relief purposes.

[1933 c. 120 s. 6] (3164-6)

261.201 MUNICIPALITIES TO COOPERATE WITH FEDERAL GOVERNMENT IN DISPOSITION OF COMMODITY STAMPS. Any county, county welfare board, city, town, village, borough, or other subdivision of the state of Minnesota, or any public relief or social welfare agency or representative of any one of them may, in the furtherance of any federal commodity or commodity stamp plan or program, assist, actively cooperate with, and act as agent of the federal, state, or local governments or any agency of any one of them.

[1941 c. 98 s. 1]

261.202 MUNICIPALITIES TO DISTRIBUTE STAMPS. Subdivision 1. **Authority.** Any county, county welfare board, city, town, village, borough, or other subdivision of the state of Minnesota, or any agency of any one of them, authorized to expend public moneys for the direct relief of the poor is hereby empowered to acquire and distribute to its poor, federal commodities and commodity stamps in lieu of other relief for the same needs, to transfer or deposit therefor cash in advance and to defray administrative expenses incurred in such acquisition and distribution including bond and insurance premiums from moneys available for direct relief and social welfare purposes:

Subd. 2. **Board of public welfare; commodity stamp fund.** In any county operating under the township system of caring for the poor, and 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 the administration of poor relief in such city, such board of public welfare shall be the exclusive agency to acquire and dispose of such federal commodities and commodity stamps in such city. Such city of the first class is hereby empowered to create and establish a commodity stamp fund. Moneys for the fund shall be made available from the poor fund of such city and by contributions from federal and state funds, if any, made available for direct relief purposes. This commodity stamp fund shall not exceed the sum of \$150,000. In such counties the township system of caring for the poor shall be continued, and the towns, villages, and cities of the third and fourth classes therein desiring to participate in these federal commodities and commodity stamp plans, are hereby empowered to contract with each other and with the federal government or any agency thereof to create and establish a central representative agency to be designated as the suburban agency. This suburban agency shall be empowered to acquire and dispose of federal commodities and commodity stamps in the manner provided in this subdivision and in section 261.203, and to perform all other acts, obligations, and duties undertaken by the terms of any agreement authorized in this section. The participating towns and municipalities are hereby empowered to create and establish a commodity stamp fund, and to establish a fund to defray administration expenses of the suburban agency, and to transfer these funds to the exclusive custody of the agency. Cost of administration and other expenses of the agency, including bond and insurance premiums, shall be paid on a pro rata basis. Moneys for the commodity stamp fund established by such participating towns and municipalities shall be made available by contributions from their respective poor funds, and from contributions from federal and state funds, if any, made available for direct relief purposes. This stamp fund shall not exceed the sum of \$30,000. The suburban agency shall quarterly give a full and complete accounting and report to the participating towns and municipalities in the manner and form as prescribed by the public examiner and approved by the attorney general. Both the commodity stamp fund of the city of the first class and the commodity stamp fund for the suburban agency shall consist of the original moneys transferred to it, the stamps acquired and the proceeds of disposition. Such commodity stamp funds shall remain inviolate during the operation of the stamp plan program, and no part thereof shall be used to defray administration or any other expenses. The board of public welfare and the suburban agency, or their respective designees, may act as stamp issuing officer and shall have the power to do all other acts necessary to the proper administration of their respective stamp funds. In such counties neither the board of county commissioners nor the county welfare board shall levy, contribute, or

expend any moneys in the furtherance of any stamp plan program, however operating in the county. In such counties the provisions contained in section 261.204, subdivisions 1, 2, 4, 5, and 6, shall not apply.

[1941 c. 98 s. 2]

261.203 COUNTY WELFARE BOARDS TO DISTRIBUTE STAMPS. Any county welfare board within the state, any city of the first class, and any suburban agency referred to in section 261.202, subdivision 2, is hereby authorized to acquire federal commodity stamps by means of the commodity stamp fund hereinafter established, to dispose of them to persons and governmental subdivisions qualified to acquire them under state and federal law and regulations and to receive cash and deposits therefor in advance. No commodity stamps so acquired may be disposed of except upon the receipt of cash upon delivery or cash transferred or deposited in advance in accordance with section 261.202. Any contribution to the principal of the commodity stamp fund by a governmental subdivision of the state of Minnesota as authorized by sections 261.201 to 261.208 shall not constitute a transfer or deposit.

[1941 c. 198 s. 3]

261.204 COMMODITY STAMP FUND. Subdivision 1. **Authority.** Any county within the state, regardless of the system under which provision is made for the relief and support of its poor, and any city of the first class, is hereby authorized to create and establish a commodity stamp fund, hereinafter referred to as the fund, for the acquisition under section 261.203 of federal commodity stamps, which fund shall not exceed the minimum necessary to qualify under federal rules, regulations and law and in no event shall exceed \$150,000 for cities of the first class and \$150,000 for counties in which they are located, and in all other counties \$50,000. The fund shall consist of the original moneys transferred to it, the stamps acquired and the proceeds of disposition. It shall always remain inviolate.

Subd. 2. **Moneys, how made available.** Moneys may, in addition to such other methods as may exist, be made available for the fund in any one or more of the following ways:

(1) By the same method as moneys are made available for defraying expenses of the county welfare board under sections 393.01 to 393.09 or as such sections may be supplemented;

(2) By contribution from the federal, state, or governmental subdivisions thereof of moneys available for direct relief or social welfare purposes;

(3) By borrowing and transferring to the fund. In counties operating under the county system of poor relief, borrowing shall be in the manner provided by law for direct relief or social welfare purposes or both. In counties operating under the township system of poor relief in the manner provided in sections 475.03, 475.04, and 475.23 to 475.32; for the purpose of computing statutory debt limits, the money borrowed under the authority of this subdivision for the purpose of contribution to the fund shall not be considered to constitute indebtedness, bonded or otherwise.

Subd. 3. **Moneys, when transferred to fund.** No moneys shall be transferred to the fund until after all bonds have been posted and insurance acquired.

Subd. 4. **Stamp issuing officer.** The county welfare board, its executive secretary or other designee may act as stamp issuing officer and shall have power to do all other acts necessary to the proper administration of the fund.

Subd. 5. **Expenses.** Expenses incident to the creation and administration of the fund, including bond and insurance premiums, may be defrayed in the same manner as other expenses of the county welfare board under sections 393.01 to 393.09, or as such sections may be supplemented.

Subd. 6. **Accounting.** Accounting shall be as follows:

(1) With respect to the fund, by such method or methods as the public examiner, by regulations duly approved as to legality by the attorney general, may direct; semiannually, or at such other times as the board of county commissioners may designate, the county welfare board shall give an accounting and report to the county auditor;

(2) With respect to any transfer or deposit made in advance by a governmental subdivision of the state of Minnesota to any county welfare board or its stamp issuing officer, by accounts and reports to the transferring or depositing subdivision made monthly or at such times and in such manner as the public examiner, by

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regulations duly approved as to legality by the attorney general, may direct. The duly approved regulations of the public examiner under this subdivision shall be sent to all county welfare boards within the state.

Subd. 7. **Funds remaining at termination of plan.** At the termination of any plan all commodity stamps shall be disposed of and the fund in cash shall be returned to the contributors thereto.

[1941 c. 98 s. 4]

261.205 MAY BORROW MONEY. The governmental subdivisions named in section 261.202 may, for the purposes of that section, borrow money in the manner provided by law for direct relief or social welfare purposes or both.

[1941 c. 98 s. 5]

261.206 MUNICIPALITIES MAY CONTRIBUTE TO FUND. Any governmental subdivision of the state authorized to expend public moneys for the direct relief of its poor is hereby empowered to contribute to the fund and, for such purpose, may borrow money in the manner provided by law for direct relief or social welfare purposes or both.

[1941 c. 98 s. 6]

261.207 BONDS. Any person into whose care and custody there comes any cash, stamps, or other property used in any federal commodity or commodity stamp plan or program shall post a bond running to the State of Minnesota approved by and in such sum as the board of county commissioners or other governing body of the responsible governmental subdivision or authorized representative agency shall deem adequate protection for all stamps, cash, and property in such person's care and custody. All stamps, cash, and property in the possession of any governmental subdivision of the state or any agency thereof shall be insured against loss or deposited with a depository of public funds in the manner provided by law.

[1941 c. 98 s. 7]

261.208 CONSTRUCTION OF 261.201 TO 261.208. Sections 261.201 to 261.208 shall be construed so as to further their purpose, which is to enable governmental subdivisions of the state of Minnesota to participate in federal commodity and commodity stamp plans and programs.

[1941 c. 98 s. 8]

261.21 HOSPITALIZATION FOR INDIGENT PERSONS. The county board of any county in this state is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere within the state of indigent residents of such county who are afflicted with a malady, injury, deformity, or ailment of a nature which can probably be remedied by hospitalization and who are unable financially to secure and pay for such hospitalization or, in the case of a minor, whose parent, guardian, trustee, or other person having lawful custody of his person, as the case may be, is unable to secure or provide such hospitalization.

[1935 c. 359 s. 1; 1941 c. 473 s. 1] (3164-19)

261.22 APPLICATION FILED. Subdivision 1. **Duties of officials.** When the existence of a case described in section 261.21 shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon it shall be his duty to, and any other person may, file with the auditor of the county of the residence of such indigent person requiring care an application for the hospitalization of such indigent person. Such application shall be made in such form as the county board of such county may prescribe, and shall contain the name, age, residence, and physical condition of the person sought to be hospitalized and shall contain also a full statement of his financial situation and of the persons, if any, legally charged with his care and support and such application shall be verified. The county board shall make a careful investigation of the matter in such manner as it shall deem advisable and expedient and it shall be the duty of any public official of any county, city, village, or town of the residence of the person sought to be hospitalized to supply the county board on a request therefor all the information within his knowledge relative to the financial condition of the person sought to be hospitalized and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such hospitalization or in case of a minor, his parents, guardians, trustee, or other person having legal custody over him or legally responsible for his support and maintenance is not financially able to provide such hospitalization, then said county board shall

direct the county physician or some other physician to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment of the disease, malady, injury, deformity, or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one copy of which shall be filed with the county auditor and the other shall be transmitted to the hospital at which such afflicted person is hospitalized; such report shall also give any information the examining physician shall have or acquire relative to the financial ability of the afflicted person to pay for the hospitalization and treatment of his disease, malady, injury, deformity, or ailment, together with any other information such physician may deem helpful to the county board or the physician attending him.

Subd. 2. Duties of county board. If upon filing of such report and a full investigation of the application the county board shall be satisfied that the case is one which could be remedied by hospital treatment and that such afflicted person is financially unable to secure or provide the same for himself and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such hospitalization, the county board may grant or approve said application. If the county board is not so satisfied, it may take additional testimony or make such further investigation as it shall deem proper and it shall reject any application if it finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the approving and granting such application and the relief therein prayed for, the chairman of such county board shall arrange for the hospitalization of such afflicted person. If the county board shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full but is able to pay in part for such hospitalization at such hospital, the county board may approve such application of such afflicted person on such terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital. When a physician certifies that an emergency exists in any case and that he believes that the person suffering is unable to pay for hospitalization such person shall be admitted to any such hospital upon the order of the chairman of the county board or upon the order of the county commissioner of the district in which such alleged indigent person resides; and thereafter an investigation shall be made in the manner hereinbefore provided. When a physician certifies in a case of an injury (or an emergency) that immediate surgical or medical treatment is necessary, the patient shall forthwith be admitted to any such hospital upon said certificate for a period not to exceed 72 hours; and thereafter an investigation shall be certified and made in the manner provided in sections 261.21 to 261.23.

[1935 c. 359 s. 2; 1941 c. 473 s. 2; 1943 c. 31 s. 4] (3164-20)

261.23 COSTS OF HOSPITALIZATION. The costs of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of sections 158.01 to 158.11 for the hospitalization of such indigent patients. The cost of the hospitalization of indigent persons under the provisions of sections 261.21 to 261.23 shall be paid by the county of the residence of such indigent persons at such times as may be provided for in such contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, the cost shall be paid by the county from which such patient, if indigent, is certified. If the county of residence of the patient is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization of said patient.

[1935 c. 359 s. 3; 1941 c. 473 s. 3; 1943 c. 31 s. 5] (3164-21)

261.231 COUNTY BOARD MAY DELEGATE CERTAIN POWERS. The county board of any county in this state is hereby authorized to delegate to the county welfare board of such county all the rights, powers, and duties conferred upon it by Laws 1941, Chapter 473, with reference to the hospitalization of indigent persons.

[1943 c. 31 s. 7]