

CHAPTER 376

COUNTY HOSPITALS AND SANATORIUMS

Sec.		Sec.	
376.01	Acquisition of land for county hospital	376.32	Monthly reports to state auditor
376.02	Buildings for county hospital	376.33	Charges; free patients
376.03	Question submitted to voters	376.34	Tuberculosis sanatoriums; residents; how admitted
376.04	Question, how submitted	376.35	Gifts
376.05	Duty of board, when hospital authorized	376.37	Sanatoriums under provisions
376.06	Operation of hospital	376.38	Sanatoriums for which tax levied under provisions
376.07	Addition to county hospital	376.39	Board of control of hospital and charitable funds
376.08	Appropriation by certain counties for hospital	376.40	Definitions
376.09	Aid to hospitals in counties having no county hospital	376.41	Money erroneously paid state refunded
376.18	Residence of tuberculosis patients; cost of care	376.42	Sanatoriums to continue under certain laws
376.19	One mill levy for tuberculosis sanatorium	376.43	Improving and enlarging sanatoriums
376.20	Maintenance charge; limitation	376.44	Counties may join in maintaining tuberculosis sanatorium
376.21	Payments by state	376.45	Proceedings
376.22	Statement of expenses; payment	376.46	Counties admitted to sanatorium groups
376.23	Revolving fund	376.47	Costs apportioned
376.24	Surety bonds	376.48	Counties attached, rights
376.25	Certain persons to receive medical attention	376.49	Tax limitation for sanatorium purposes
376.26	County attorneys legal advisers of sanatorium commission	376.50	Tuberculosis, preventing spread of
376.27	License for tuberculosis sanatorium, pest-house, hospital, or detention home in a village	376.51	County board may aid societies
376.28	Tuberculosis sanatoriums	376.52	Farms for county charges afflicted with communicable diseases
376.29	Sanatorium commission	376.53	State conference of charities
376.30	Membership of commission	376.54	Discontinuance of sanatorium and sale of property
376.31	Appropriation; bonds; contribution of state levies		

376.01 ACQUISITION OF LAND FOR COUNTY HOSPITAL. It shall be lawful for the county board of any county in this state to acquire, by gift, purchase, or condemnation proceedings instituted in the name of the county, lands in the county for hospital purposes for patients, other than insane, and to erect suitable buildings thereon and to improve and equip the same for such hospital purposes.

[1913 c. 392 s. 1] (677)

376.02 BUILDINGS FOR COUNTY HOSPITAL. The county board of any county is hereby authorized to erect and construct, on lands so acquired, suitable buildings and to improve, equip, and maintain the same for such hospital purposes, and to pay for the same out of any moneys in the county treasury not otherwise appropriated or to issue therefor the warrants or bonds of the county in payment therefor, and may fix the time and terms of payment of such warrants or bonds and the amount of interest they shall bear.

[1913 c. 392 s. 2] (678)

376.03 QUESTION SUBMITTED TO VOTERS. If a majority of the electors of any county voting upon the proposition at any election at which the question of erecting hospital buildings, as provided for in sections 376.01 to 376.06, has been submitted, shall vote in favor of such proposition, the county board shall thereupon proceed to erect such buildings and make such improvements as shall be necessary to fit the same for hospital purposes.

[1913 c. 392 s. 3] (679)

376.04 QUESTION, HOW SUBMITTED. The question of erecting hospital buildings shall be submitted upon a separate ballot to the qualified voters of any county at a general election. The election provided for in sections 376.01 to 376.06 shall be called by resolution in writing of the county board passed by a majority vote, which resolution shall distinctly state the time of the election, that a county hospital is proposed to be established, the proposed location thereof, the same to cost, including equipment, not to exceed the sum set forth in the resolution. Upon the passage of such resolutions the county auditor shall seasonably notify each town, city, and village clerk in the county that the question of erecting hospital buildings will be voted upon at the time stated in the resolution, such election to be controlled by the existing election laws.

The ballot to be used at such election shall be in the form following:

"For the erection of hospital buildings, including equipment, to be located at(state location), at a cost not to exceed \$.....(state amount), pursuant to the resolution of the board of county commissioners passed.....(state date).

Yes.....
No"

Electors desiring to vote in favor thereof shall make their cross-mark, thus (X), opposite the word "yes," and electors desiring to vote against the proposition shall make their cross-mark, thus (X), opposite the word "no," and such votes shall be cast in the same manner as votes cast at such general election and counted by the same officers, and returns made to the county auditor, and canvassed in like manner as the returns on county officers.

[1913 c. 392 s. 4] (680)

376.05 DUTY OF BOARD, WHEN HOSPITAL AUTHORIZED. If, upon such election in any county, a majority of the electors voting upon such proposition vote in favor of erecting such hospital buildings, the county board shall forthwith proceed to erect such buildings as may be deemed proper, suitable, and convenient and equip the same to effectuate such purpose.

[1913 c. 392 s. 5] (681)

376.06 OPERATION OF HOSPITAL. The county board of any county having erected buildings for hospital purposes, as provided in sections 376.01 to 376.06, may operate the same as such hospital, appoint a superintendent therefor for a term to be fixed by it, fix his salary, and at pleasure remove him, prescribe his powers and duties, provide for the management and operation of such hospital, and shall operate, control, and manage the same. In addition thereto, if the board shall determine that it is in the interest of the public so to do, it may appoint a hospital board of not exceeding three members, who shall serve without compensation, and who shall be resident freeholders of the county wherein such hospital is located, and may, subject to its supervision, commit the care, management, and operation of such hospital to such hospital board so created, and may provide for the organization of such hospital board, its duties and the duties of the members thereof, and such further regulation in reference thereto and to the management, operation, and control of such hospital as may be proper, necessary, or desirable, or it may lease and let unto a responsible hospital association such hospital grounds and buildings upon such terms as it may deem advisable. Sections 376.01 to 376.06 shall not be construed as authorizing or permitting any county board to erect any such hospital buildings or to pay for the same without first submitting the question to the vote of the people, as herein provided, and no such erection of buildings or payment therefor shall be made unless a majority of the electors voting upon such proposition at an election vote in favor thereof.

[1913 c. 392 s. 6] (682)

376.07 ADDITION TO COUNTY HOSPITAL. When, pursuant to the provisions of sections 376.01 to 376.06, the county board of any county has been heretofore, or shall have been hereafter, authorized by the voters to construct an addition to the county hospital of such county, whether or not also authorized to equip such addition, and the board shall have ascertained and determined that such addition, whether with or without equipment, cannot be completed within the cost authorized, or shall have determined that, to complete the improvement, certain alterations should be made, or fixtures or equipment added, either in the original building, or in the addition, or both, the board may be authorized to expend a specified additional amount for each, any, or all of the purposes herein mentioned, either by vote of the people of the county at a general or special election, at which the proposition so to do shall be submitted and disposed of substantially in the manner provided by sections 376.01 to 376.06; or, in lieu of a vote at such an election, by petition of a number of voters of the county equal to a majority of the votes cast therein at the last preceding general election. Such petition may be in the form of one document or of several documents of substantially like tenor and effect, and shall be filed with the county auditor. Any special election thereunder may be called in any manner by law provided for the calling of special county elections. Upon authority being granted by the voters, in either manner herein provided, the

board may thereupon proceed accordingly and, if it shall have theretofore made or attempted to make a contract or contracts in excess of the authority first granted, may ratify and carry out such contracts, or any thereof.

[1927 c. 106 s. 1] (682-1)

376.08 APPROPRIATION BY CERTAIN COUNTIES FOR HOSPITALS. The board of county commissioners in any county in this state having 25,000 inhabitants, or less, is hereby authorized to appropriate from the general revenue fund of such county a sum not exceeding \$65,000 in any one year to aid in the maintenance or erection of a hospital within such county.

Before any such appropriation shall be made the board of county commissioners of such county may, in its discretion, require a bond on the part of the authorities of such hospital in a sum of at least the amount of the appropriation, with sureties to be approved by such board, conditioned that such hospital shall be operated in a first-class manner for the year for which the appropriation is made, or for such further time as the board may require, and that the authorities of such hospital shall receive, at such price or compensation as may be fixed and agreed upon by and between the board and the authorities of the hospital at or before the time of the giving of the bond, all patients who may be a charge or dependent upon such county.

[1909 c 210 s 1, 2; 1915 c 326 s 1, 2; 1949 c 419 s 1] (684, 685)

376.09 AID TO HOSPITALS IN COUNTIES HAVING NO COUNTY HOSPITAL. In any county in this state in which there is no county hospital the county board is hereby authorized and empowered to appropriate and pay from the general fund of the county, as aid in the erection, construction, and maintenance in such county of a hospital for the treatment of sick, diseased, and injured persons, a sum not exceeding \$5,000, and preference shall always be given in the admission to such hospital of such patients as are, in whole or in part, public charges, and are sent thereto by the county board.

[1913 c. 123 s. 1] (683)

376.10 to 376.17 [Repealed, 1913 c 500 s 14; 1949 c 283 s 1]

376.18 RESIDENCE OF TUBERCULOSIS PATIENTS; COST OF CARE. When a question shall arise between two or more counties as to the place of residence for the purpose of treatment in a county sanatorium of any person afflicted with tuberculosis, any such county 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 of such county for a determination of the residence of such persons. Such judge shall at the time fixed hear the evidence adduced by the parties to such proceeding and shall forthwith make and file an order determining the place of residence of such person. The county in which such person shall by such order be found to be a resident shall be charged with the entire cost of his care and treatment.

[1935 c. 64 ss. 1, 2] (692-1, 692-2)

376.19 ONE MILL LEVY FOR TUBERCULOSIS SANATORIUMS. The county board of any county in this state which has heretofore established, or shall hereafter, either by itself or in conjunction with another county or counties, establish a tuberculosis sanatorium may annually levy a tax on all taxable property in the county of not to exceed one mill on the dollar for the construction, improvement, equipment, and enlargement of such sanatorium and the improving and enlarging of the site thereof, and for the construction, improvement and maintenance of any highway terminating on said sanatorium site and extending not to exceed five miles from said site, but in no case shall an annual levy in excess of such one mill be made therefor without authority conferred by a vote of the voters of the county.

[1919 c 78 s 1; 1949 c 116 s 1] (694)

376.20 MAINTENANCE CHARGE; LIMITATION. The county sanatorium commission shall determine by resolution each year prior to July 1, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed five mills on the dollar of assessed valuation.

In no case shall the total levy made for all purposes as expressed in sections 376.19 and 376.20, in any one year exceed five mills on the assessed valuation without authority conferred by a vote of the voters of said county or groups of counties.

[1919 c 78 s 2; 1943 c 140 s 1; 1945 c 142 s 1; 1949 c 29 s 1] (695)

376.21 PAYMENTS BY STATE. The amount due from the state to the county sanatorium commission for the care and treatment of free patients shall be certified to the state auditor at the end of each month by the commission. The state auditor shall draw his warrants in favor of the commission in charge of the sanatorium in question in payment of such amounts and forward the same to the commission, provided that the director of social welfare certifies that the institution has been properly conducted. All other payments for the care and treatment of patients in such sanatorium and all other moneys due to the commission shall be paid to the commission at the sanatorium; the commission shall designate the superintendent, or some other person, as treasurer, who shall furnish satisfactory surety bond and to whom shall be paid all sums due the commission, and such treasurer shall collect all arrearages. Funds thus received shall be deposited by such treasurer in some bank, to be designated by the commission, to the credit of the sanatorium commission in an account to be known as the..... sanatorium maintenance fund.

[1919 c. 78 s. 3] (696)

376.22 STATEMENT OF EXPENSES; PAYMENT. The county sanatorium commission shall, on or before the tenth day of each month, ascertain the amount of expenses incurred for the preceding calendar month for the operation and maintenance of such sanatorium, as shown by claims allowed by it, and shall deduct from the same the amount of cash receipts of the commission for that month and shall certify to the county auditor or county auditors, as the case may be, the amount due from each county for its share of the net expenses for the month in question.

In case the sanatorium is maintained by two or more counties the proportionate share to be thus certified shall be based upon the population of the respective counties.

Upon receipt of the certificates above referred to, the county auditor, or the county auditors, as the case may be, shall forthwith draw warrants upon the county sanatorium fund of his county for the amount due such commission and forward the same to it and the funds so received shall be deposited to the credit of the commission, as provided for in section 376.21.

Payments for duly allowed claims against the commission shall be paid by checks issued therefor and signed by the president and the secretary of the commission, except as provided in section 376.23.

[1919 c. 78 s. 4] (697)

376.23 REVOLVING FUND. A revolving fund for the payment of expenses requiring immediate cash payment, such as postage, express, and other necessary cash transactions that may be specified by the county sanatorium commission, shall be placed in the hands of the superintendent of the sanatorium, who may deposit such part thereof as he deems advisable in some bank to the credit of the commission in an account to be known as the..... sanatorium revolving fund. The portion of the fund so deposited may be checked upon by the superintendent.

Such revolving fund shall be created by the commission and reimbursed from time to time, as necessity may require, by county auditor or county auditors warrants pursuant to certificates issued therefor by the commission.

Receipts shall be taken by such superintendent for all moneys, disbursed either in cash or by check, from such revolving fund.

[1919 c. 78 s. 5] (698)

376.24 SURETY BONDS. The bank or banks so designated as depositories by the county sanatorium commission shall furnish surety bonds in the amount required by the commission and at least in a sum equal to the amount of funds that are likely to be deposited in such banks at any one time. The secretary and treasurer of the commission shall each furnish a surety bond in an amount to be determined by the commission. Sections 376.19 to 376.24 shall not apply to or affect any county now or hereafter having more than 150,000 inhabitants.

[1919 c. 78 s. 6] (699)

376.25 CERTAIN PERSONS TO RECEIVE MEDICAL ATTENTION. When a patient in a county tuberculosis sanatorium becomes afflicted with sickness other than tuberculosis, and is in need of immediate medical attention and is without means, the superintendent of such sanatorium may provide the necessary medical attention, and the expense thereof shall be paid by the sanatorium district, in the same way as maintenance expenses are paid. Such expense, when paid, shall be a charge against the relatives of the person responsible therefor, and if there are no such relatives, then against the place of settlement of such patient, as defined by section 261.07. Expense chargeable against the place of settlement shall be presented to the governing body thereof, in the form of an itemized, verified claim. Such body, if satisfied that the claim accurately sets forth the expense incurred and paid by the sanatorium district, shall allow the same and direct an order or warrant to issue, as in the case of the allowance of other claims.

[1923 c. 17] (700)

376.26 COUNTY ATTORNEYS LEGAL ADVISERS OF SANATORIUM COMMISSIONS. The attorney of every county, maintaining alone or with other counties, a county tuberculosis sanatorium, shall act as the legal adviser of the commission in charge of the sanatorium with reference to all matters arising in his county, and with reference to such matters arising outside of his county as the commission may direct.

[1923 c. 18] (701)

376.27 LICENSE FOR TUBERCULOSIS SANATORIUM, PEST-HOUSE, HOSPITAL, OR DETENTION HOME IN A VILLAGE. Subdivision 1. **Application.** No city or county shall establish a tuberculosis sanatorium, pest-house, hospital, or detention home in any village, without first making application for a license to the council of such village giving the proposed location of the institution, the plans and specifications of the contemplated buildings, and such other information in reference to the erection of the buildings, as may be required by the council, nor until the council of such village has granted a license for the erection or maintenance of such institution.

Subd. 2. **Approval of location; changes.** When an application for a license for the erection, maintenance, or establishment of any of the institutions herein mentioned shall have been made to a village council, the council shall consider the application within ten days thereafter and if, in the opinion of the council, or a majority thereof, it shall be deemed proper and advisable to license such an institution, the council shall authorize the village recorder to issue to the applicant a license for the erection or maintenance of such institution as per the petition presented or as changed as hereinafter stated; if the council shall require any changes in the plans or specifications, or in the location of the institution, to protect the health and safety of the inhabitants of the village, the council shall suggest changes to be made in the aforesaid application before granting the license.

Subd. 3. **Violation, gross misdemeanor.** Any officer, agent, or employee of any city or county who shall violate any provision of this section shall be deemed guilty of a gross misdemeanor.

[1923 c. 237 ss. 1, 2, 3] (702, 703, 704)

376.28 TUBERCULOSIS SANATORIUMS. The board of county commissioners of any county in this state, or the boards of county commissioners in any group of counties in this state, shall have and are hereby granted and given power, with the advice and approval of the director of social welfare, to establish and maintain, as provided in sections 376.28 to 376.42, a sanatorium for the treatment and care of persons affected with tuberculosis, provided that the power so granted shall be exercised as follows:

(1) Such sanatorium may be established by a majority vote of the commissioners of such county, or a majority vote of the commissioners of each such group of counties, when and in cases where the amount of the cost of construction to be paid by such county or group of counties shall not exceed such sum as may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of any such county or group of counties;

(2) When the cost of constructing the sanatorium shall exceed the amount specified in clause (1) hereof, or when it is necessary to issue the bonds of such county or any county in any such group of counties to defray the cost which such county or any of such counties are required to pay under the terms of sections 376.28 to 376.42, then and in all such cases the question of whether such sanatorium

shall be established, and when necessary. Whether such bonds shall be issued to defray any county's portion of the cost thereof shall be submitted to the voters of such county or, if more than one, to the voters of each of such counties requiring a bond issue, and the sanatorium shall not be established or bonds issued therefor unless a majority of the voters of such county or, if more than one, of each such county voting thereon, shall vote in favor of each proposition submitted to it or to them;

(3) The board of county commissioners of any such county or, if more than one, the board of county commissioners of any such counties, shall have the power and authority, in any case, to submit the question to the voters of any such county or counties in the way and manner provided in sections 376.28 to 376.42; and in the event that the cost which the county or, if more than one, the counties will be required to pay for the erection of such sanatorium under sections 376.28 to 376.42 shall be less than an amount equal to the amount which can be raised in any such county or counties by a tax levy of one mill on the dollar of the taxable property of each such county, or group of counties, and the commissioners of any such county or counties shall decide not to construct the same under the power therein contained, on a petition of not less than five per cent of the freeholders of such county or counties, such question shall be submitted to the voters of such county, or group of counties, and if a majority of the voters of such county or a majority of the voters of each county of such group of counties voting thereon in favor thereof, then such sanatorium shall be erected hereunder and a tax levied, if necessary, to pay the cost which such county or counties are required to pay under sections 376.28 to 376.42, which tax shall be extended and collected as herein provided.

Any county or group of counties which has heretofore commenced proceedings to erect a sanatorium or taken any steps preliminary thereto may, by a resolution of the board of county commissioners thereof, adopted by a majority vote of the board of county commissioners or each board of county commissioners, as the case may be, determine to proceed under the provisions of sections 376.28 to 376.42 and may continue thereunder and complete such sanatorium and be entitled to all the provisions and benefits provided for in sections 376.28 to 376.42. The sanatorium, when so constructed, shall in all respects conform to the requirements of sections 376.28 to 376.42.

The board of county commissioners of any such county, or the board of county commissioners of each of such group of counties, if more than one, erecting such sanatorium under the provisions of sections 376.28 to 376.42, may, by resolution, create a fund to be known as the sanatorium fund, and such funds may be raised by taxation at the time of deciding to erect such sanatorium under sections 376.28 to 376.42 or at any time subsequent thereto; or, if submitted to the people at the first meeting of the board of county commissioners, after the people of the county or counties shall have voted to erect the same, and the amount so determined by the board to be raised by taxation shall be levied by the county auditor in addition to all other taxes authorized by law, and shall be extended on the tax lists and collected as other county taxes, and this provision shall be construed to vest in the county commissioners of such county or counties, as the case may be, power to levy a tax to pay interest and principal of any bonds authorized under sections 376.28 to 376.42 as the same shall come due and become payable, and the tax shall be levied, extended, and collected in the same way and manner as other county taxes are levied, extended, and collected, and shall be used for no other purpose, provided that no institution established under sections 376.28 to 376.42 shall have less than 20 beds.

The question as to the establishment and maintenance of the sanatorium, or issuance of bonds therefor, may be submitted at a general or special election; if at the general election, the notices of such election shall state that the questions will be voted upon and the provisions for taking such votes shall be made upon the blue ballots furnished herefor, as in the case of other questions, and the result shall be canvassed and returned in like manner; if at a special election, such election shall be ordered by resolution of the county board and the procedure for, at, and after such election shall be substantially, and as far as applicable, the same as provided for in sections 372.04 to 372.08; and the county auditor, upon the passage of the necessary resolution, shall proceed as provided in sections 372.04 to 372.08. If the proposition is to affect more than one county, then the necessary action shall be taken by the county board and the auditor of each county affected. If

funds are to be borrowed from the state, the procedure outlined herein shall be sufficient for that purpose, instead of those provided for in sections 476.02 to 476.11.

If the bonding proposition should carry at any such election at which both propositions are voted upon, and the other propositions should fail to carry, no bonds shall be issued to provide money for the establishment or maintaining of a sanatorium until at some future election at which the question is properly submitted, and a majority of the votes cast upon the question shall have been in favor of the establishing and maintaining of such sanatorium. Where more than one county is involved in the result of the vote on the question or questions submitted in each of the counties shall be certified by the auditor thereof to the auditors of the other counties interested.

The amount of taxes to be raised in any one year in any one county for the construction of any such sanatorium under sections 376.28 to 376.42 shall never exceed an amount equal to the amount which may be raised by a tax levy of one mill on the dollar of taxable property in such county.

[1913 c. 500 s. 1; 1915 c. 270 s. 1] (705)

376.29 SANATORIUM COMMISSION. Upon the decision to establish and maintain a tuberculosis sanatorium under sections 376.28 to 376.42, the county commissioners of any county shall appoint a commission consisting of three members, residents of the county, at least one of whom shall be a licensed physician. These members shall be chosen with reference to their special fitness for such office and the appointment of the licensed physician, before becoming effective, shall be approved by the state board of health. Under the first appointment one member shall be chosen to hold office for one year, one for two years and one for three years, all from the first Monday of the next July following such appointment, and thereafter one member shall be chosen each year to serve for a period of three years commencing with the first Monday in July in each year, respectively, and each appointee shall hold office until his successor is appointed and has qualified. This commission shall be known as the county sanatorium commission. Its members shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred by them in connection with their official duties.

The county sanatorium commission shall have full charge and control, except as provided in sections 376.28 to 376.42, of all moneys received for the credit of the tuberculosis sanatorium fund described therein and full charge and control of the location, establishing, and maintenance of any sanatorium building constructed under these sections and make such regulations concerning the same as may seem to it advisable, but no site shall be secured and no buildings erected or equipped without the approval and consent of the director of the division of social welfare, and before final action is taken and plans and specifications shall be submitted to the state board of health for approval as provided by section 144.12. The director of the division of social welfare shall have full power and control over the construction and equipment of any such sanatorium whose establishment has been so determined upon by the county sanatorium commission.

The county sanatorium commission may when deemed necessary appoint and employ, with the approval and consent of the director of the division of social welfare, a competent superintendent who shall employ other necessary help at a compensation to be determined by the county sanatorium commission. The superintendent shall be the executive officer of the sanatorium and act as secretary of the county sanatorium commission. One member of the commission shall be elected annually by the commission as its president.

The county sanatorium commission of a county or group of counties may authorize the superintendent of a sanatorium to employ a nurse or nurses to visit in their homes consumptives who have been discharged from such institution and who reside within such county or group of counties. Such nurse shall render monthly reports in duplicate to the superintendent of the sanatorium and to the state board of health. The sanatorium commission may establish an open air school or preventorium for child patients in connection with the sanatorium, with the consent and approval of the director of the division of social welfare. When one or more units of the preventorium is not needed for the care of the child patients infected with the tubercle bacillus, the commission may, with the consent and approval of the director of the division of social welfare, and the local authori-

ties charged with the responsibility for the operation and management of the preventorium, use such unit or units for the care of indigent children convalescing from disease in a non-communicable stage.

The county sanatorium commission of a county or group of counties is hereby authorized, with the approval of the director of the division of social welfare, to use any surplus of the tax levy made for the maintenance of a sanatorium, for building, purchasing equipments, building additions, building cottages, making improvements and repairs.

[1913 c. 500 s. 2; 1915 c. 270 s. 2; 1941 c. 349] (706)

376.30 MEMBERSHIP OF COMMISSION. Two or more counties may unite in acquiring, establishing, equipping, or maintaining such sanatorium and in such case the commission shall be composed, in the first instance, of two members, chosen from each county in such group, of the county commissioners of each such county, and after the site for the sanatorium has been selected and has received the approval of the director of social welfare such commission shall be increased by the addition of a third member chosen from the county in which the sanatorium is to be located, by the county commissioners thereof.

Such site may include lands upon which there are already erected a building or buildings, if the same are suitable and can be utilized, in whole or in part, for sanatorium purposes.

Under the first appointment one member from each county shall be chosen to hold office for two years and one for three years from the first Monday of the next July following such appointment, and the additional member thereafter chosen from the county in which the sanatorium is to be located shall be chosen to hold office for one year from the first Monday of the next July, and thereafter the members chosen to succeed the first appointees at the expiration of their terms shall each hold office for the term of three years, and each appointee provided for in this section shall hold office until his successor is appointed and has qualified.

In any case where a group of two or more counties have jointly acquired, established, equipped, or maintained a sanatorium, and one or more counties in such group desires to separate from such group for the purpose of alone, or with another county or group of counties, establishing or maintaining a separate sanatorium under sections 376.28 to 376.42, such county or counties desiring to withdraw from such group shall, in writing, request permission of the remaining counties in such group to do so and to fix and determine the financial obligation of the petitioner and of the other remaining counties of the group. In the event that the majority of such remaining counties shall fail to consent to such withdrawal within 90 days of such request, or consenting, fail to agree on the financial obligation, the county or counties desiring such separation shall, through the county attorney, make a petition setting forth facts showing that it would better serve the interests of all concerned that such county, alone or with another group, carry on its work, which petition shall be presented to the district court of any county affected by the proceeding. Upon the presentation of such petition the court shall fix a time and place of hearing, and by order direct the other interested counties to appear not less than 20 days after the service of notice thereof on the several auditors of the interested counties. At the time so fixed, or at any other time designated, the court, without a jury, shall hear the petition and such evidence as may be adduced by the parties; and, if the petition be granted, by its order detach the petitioner from the group to which it belonged, and may annex the same to another group, and may fix and determine the financial obligation of the petitioner with respect to the group of counties to which it was formerly joined, and also to the group of counties to which it may be annexed.

[1913 c. 500 s. 3; 1915 c. 270 s. 3; 1929 c. 160] (707)

376.31 APPROPRIATION; BONDS; CONTRIBUTION OF STATE; LEVIES.

A county or group of counties wishing to establish a sanatorium, as indicated in section 376.28, shall, through the board or boards of county commissioners, appropriate one-half of the necessary funds in apportioned amounts, as hereafter provided, for the establishment, construction, and equipment of the same and may issue bonds therefor in the manner provided by law for the issuance by counties of bonds for other purposes. The state treasurer shall pay, out of the funds hereafter provided under sections 376.28 to 376.42, one-half the cost of the erection and equipment of each such sanatorium, including cost of site, which payment shall be made in the manner provided by law for the payment of expense incurred by the com-

missioner of administration in the erection and equipment of public buildings; provided, that the amount contributed by the state towards the cost of the erection and equipment of each such sanatorium, including cost of site, shall not exceed \$50,000. When any such sanatorium has been erected and equipped the county sanatorium commission shall have full charge and control of the maintenance of the same, but may confer with the commissioner of administration with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and the commissioner of administration shall aid in the securing of favorable contracts for the purchase of supplies when so called upon. The county sanatorium commission shall determine, by resolution, each year, prior to July first, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of the resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards may, in their discretion, at the regular meeting in July, include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed one mill on the dollar of assessed valuation. For the maintenance of each free patient treated in the sanatorium \$7.50 per week shall be paid to the county or group of counties by the state treasurer out of funds appropriated under sections 376.28 to 376.42, which payments shall be made monthly upon warrants of the state auditor, drawn upon the state treasurer; provided, that the director of social welfare certifies that the institution has been properly conducted. In case two or more counties unite in a decision to establish a sanatorium, the county sanatorium commission shall apportion, by resolution, one-half the estimated total cost of site, erection, and equipment and the estimated total cost of maintenance for the ensuing year between or among the counties, and designate the amount to be raised by each county, which apportionment shall be based approximately upon the respective population of the counties, as determined by the last previous federal or state census, except that when the county boards of such counties shall agree upon a different apportionment of such cost of maintenance such agreed apportionment shall govern. When so apportioned the commission shall forward to the board of county commissioners of each county a certified copy of such resolution, and each county board shall then proceed to pay, if it has funds available for that purpose, or to make a tax levy for the amount apportioned to its county. All moneys collected or received for such sanatorium purposes, except cost of site, erection, and equipment, shall be deposited in the treasury of the county or counties to the credit of the tuberculosis sanatorium funds, and shall not be used for any other purpose and shall be paid out in a manner provided by law for other county expenses by the proper officers of the county or counties upon the properly authenticated vouchers of the county sanatorium commission, signed by the president and the secretary thereof, and all moneys collected or received to be used toward the payment of the cost of site, erection, and equipment of such sanatorium shall be sent by each county treasurer to the state treasurer to be placed to the credit of the sanatorium and shall be paid out in the manner as in this section provided for other payments toward cost of site, erection, and equipment of the sanatorium.

[1913 c 500 s 4; 1915 c 270 s 4; 1921 c 218; 1949 c 731 s 1] (708)

376.32 MONTHLY REPORTS TO STATE AUDITOR. The county sanatorium commission shall file monthly, on or before the fifteenth of each month, with the state auditor reports of all its financial transactions for the preceding month, and the public examiner shall examine all the books and accounts of the county sanatorium commission pertaining to its financial transactions at least once a year and make report thereof to the governor.

[1913 c. 500 s. 5; 1919 c. 321 s. 5] (709)

376.33 CHARGES; FREE PATIENTS. The county sanatorium commission shall fix the amount to be charged for the care, treatment, and maintenance of each patient. When a patient is unable to pay these charges and has no kindred legally liable therefor from whom payment can be secured, the patient may be admitted without charge or a patient by whom or for whom continued payments cannot be made may become a free patient. Any individual, resident of the state, residing outside of a county or counties maintaining a tuberculosis sanatorium, may apply for treatment in any sanatorium established under sections 376.28 to 376.42, or any city, village, town, or county may so apply on behalf of any of its charges, and such patient may be cared for therein upon payment of a weekly sum to be fixed by the county sanatorium commission; provided, that the director of social welfare shall

approve of the admission of such patient and the sum so fixed. When any such non-resident patient is admitted to a county sanatorium upon the application of any county the state shall pay out of the moneys available for the maintenance of county sanatoriums \$7.50 per week. In case any such non-resident patient is admitted solely for the purpose of surgery or special diagnostic procedures to effect treatment of tuberculosis, the full charge fixed by the county sanatorium commission shall be paid, one-half thereof by the state and one-half by the county of the patient's legal residence.

[1913 c 500 s 6; 1939 c 197; 1941 c 163; 1949 c 731 s 2] (710)

376.34 TUBERCULOSIS SANATORIUMS; RESIDENTS; HOW ADMITTED.

Any person who has been a resident of a county or counties maintaining a tuberculosis sanatorium throughout the year immediately preceding application, exclusive of the time spent in a hospital or sanatorium, who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in such sanatorium and may apply for admission thereto, or anyone may apply on behalf of any such individual, and the superintendent shall, when conditions so warrant, admit such persons to such sanatorium for care and treatment. Preference shall be given to patients in the most advanced stages of the disease, except that applications of residents of a county or counties where a sanatorium is located shall always have precedence over applications of non-residents, regardless of the stage of the disease of such non-resident applicants. The superintendent of each county sanatorium shall keep lists of applications, resident and non-resident, numbered, respectively, in the order in which they are received. When the conditions warrant the admission of another patient, the superintendent shall give to the applicant who is first upon the resident list, or if there be no resident list, then to the applicant who is first upon the non-resident list, an order for examination directed to one of the county examiners of the state sanatorium, or to any licensed physician of the state residing in the county in which the applicant resides, to determine that the applicant is afflicted with tuberculosis. The fee for each examination by an examining physician shall be \$3.00, payable out of the funds of the sanatorium for which the examination is made. The provisions of this section shall in no manner operate to abridge or repeal the provisions of section 144.44 relating to the commitment of persons afflicted with tuberculosis.

[1913 c. 500 s. 7; 1923 c. 19; 1929 c. 255 s. 1; 1945 c. 345 s. 2] (711)

376.35 GIFTS. Subdivision 1. **County sanatorium may accept gift from county in which located.** The county sanatorium commission is empowered to accept in the name of the county in which the sanatorium is located as a trust any gift, bequest, grant, or devise of property, both real and personal, from any source, whether subject to the special provisions of the donors or not. The proceeds derived from the sale of any property so acquired, and all gifts of cash, shall be placed to the credit of the tuberculosis sanatorium fund in the treasury of the county in which the sanatorium is located, and shall be disbursed as provided for under section 376.31.

Subd. 2. **May accept gift from certain other counties.** The county sanatorium commission is empowered to accept from any county not a part of the sanatorium district when the district was first organized but joining the district after its organization, any sum of money agreed to by the commission and said county, and place the money in a separate building fund to be used for the construction of new buildings, and furtherance of the new building program of the district. In consideration of the payment of such money from the county to the commission, the county making the payment shall have such interest in all the lands, buildings, equipment and all other assets forming a part of and used in connection with the operation of the sanatorium in such district as may be agreed upon between said commission and said county.

Any such agreements entered into and any such payments made pursuant thereto prior to the passage of Laws 1947, Chapter 349, are hereby validated, ratified and confirmed to the same extent as though made and entered into subsequent thereto.

[1913 c 500 s 8; 1945 c 118 s 1; 1947 c 349 s 1] (712)

376.37 SANATORIUMS UNDER PROVISIONS. Any county which has hitherto established, built, and equipped or let the contract for building a sanatorium under the provisions of sections 376.10 to 376.17 may, by resolution of its county commissioners, make application to come under the provisions of sections 376.28 to 376.42, and when the institution and the manner in which it is conducted meet with the

approval of the director of social welfare, the state auditor shall draw his warrants upon the state treasurer in favor of such county in the sum equal to \$500 for each bed provided for a patient in such sanatorium at the time such application is made, and the state treasurer shall pay such warrant out of the funds in the state treasury provided for in sections 376.28 to 376.42.

[1913 c. 500 s. 10] (714)

376.38 SANATORIUMS FOR WHICH TAX LEVIED UNDER PROVISIONS.

Any county or group of counties that has heretofore, under sections 376.10 to 376.17, levied a tax or otherwise provided for the establishment of a sanatorium which has not been built and equipped, may, by resolution of the proper board or boards of county commissioners, come under the provisions of sections 376.28 to 376.42 and receive the state aid provided for a county or counties that may hereafter comply with the provisions of sections 376.28 to 376.42 by depositing in the state treasury for the credit of its county sanatorium one-half of the estimated cost of the site, erection, and equipment thereof and the county treasurer or treasurers, upon the adoption of such resolution, shall forthwith forward such amounts to the state treasurer.

[1913 c. 500 s. 11] (715)

376.39 COUNTIES HAVING BOARD OF CONTROL OF HOSPITAL AND CHARITABLE FUNDS. In all counties of this state now or hereafter having a board of control of hospital and charitable funds, the members of such board of control shall constitute the county sanatorium commission and shall perform the duties prescribed by sections 376.28 to 376.42 as part of their duties as members of such board of control and without additional compensation. In such counties the superintendent shall not be secretary of the board or commission, but the secretary of such board of control shall perform the duties imposed by sections 376.28 to 376.42 upon the secretary of the county sanatorium commission without additional compensation.

[1913 c. 500 s. 12] (716)

376.40 DEFINITIONS. Where the words "sanatorium," "county sanatorium," or "county sanatorium commission" are used in sections 376.28 to 376.42, they shall apply to a sanatorium or commission whether the sanatorium in question is one for a county or a group of counties. Each member of a county sanatorium commission shall, before entering upon his duties, take the oath provided by law.

[1913 c. 500 s. 13; 1933 c. 237] (717)

376.41 MONEY ERRONEOUSLY PAID STATE REFUNDED. When any sum shall have been, in whole or in part, erroneously transmitted under the provisions of sections 376.28 to 376.42 by any county to the state treasurer, the county paying or transmitting the same shall be entitled to a refundment of the amount so erroneously paid and transmitted, and the state auditor shall, upon proper certificate furnished him by the director of social welfare, draw his warrant upon the state treasurer for the amount so certified as having been overpaid and in favor of the county entitled thereto.

[1913 c. 500 s. 13A; 1917 c. 45 s. 1] (718)

376.42 SANATORIUMS TO CONTINUE UNDER CERTAIN LAWS. Any county or counties that have heretofore established, built, and equipped or contracted for building a sanatorium under the provisions of Laws 1909, Chapter 347, shall continue under said law until the provisions of section 376.27 have been complied with.

[1913 c. 500 s. 14] (719)

376.43 IMPROVING AND ENLARGING SANATORIUMS. Subdivision 1. **Bonds authorized.** The board of county commissioners of each county in this state now or hereafter having 400,000 inhabitants or over, wherein a county sanatorium is or shall be established under the provisions of sections 376.28 to 376.42, for the care and treatment of persons affected with tuberculosis, is hereby authorized, by resolution duly passed by a majority vote, to issue and sell the negotiable bonds of such county in such amounts as it shall from time to time deem necessary, not exceeding, in the aggregate, \$75,000 par value, for the purpose of enlarging and improving and providing additional grounds and buildings for such sanatorium.

Subd. 2. **Sale of bonds.** Such county board may issue and sell the bonds of the county for the purposes hereinbefore specified, not exceeding \$75,000 par value of such bonds, the principal of which bonds shall mature and be payable in not more than five annual instalments, as nearly equal as practicable, and the first

annual instalment whereof shall mature not more than two years from the issuance of such bonds. The bonds shall be sold in the manner provided for in section 475.15, but the rate of interest shall in no case exceed four and one-half per cent per annum, payable annually or semiannually, and the bonds shall not be sold at less than par. The board of county commissioners of any such county shall annually levy under the authority of this section a tax on all the taxable property of the county sufficient to pay such bonds in annual instalments corresponding to the amounts of interest and principal thereof, as herein provided, falling due from year to year.

The county auditor shall extend the tax so levied by the county board in sufficient amounts, from year to year, to cover the principal and interest as they mature.

The credit of the county shall be pledged to the payment of the principal and interest of such bonds. The bonds shall be signed by the chairman of the board of county commissioners and attested by the county auditor and sealed with his official seal, and shall have proper interest coupons attached.

The auditor shall keep a record of all bonds issued under the provisions of this section, which record shall show the date, number and amount of each bond, rate of interest, time when due, and the name of the person to whom issued.

Subd. 3. Proceeds placed in sanatorium fund. The proceeds of the sale of such bonds shall be deposited with the treasurer of such county to the credit of the sanatorium fund and shall be used in accordance with and for the purposes described in this section, and for no other purpose whatsoever.

[1925 c. 243 ss. 1, 2, 3] (708-1, 708-2, 708-3)

376.44 COUNTIES MAY JOIN IN MAINTAINING TUBERCULOSIS SANATORIUM. Any county, not maintaining and operating a county tuberculosis sanatorium, either alone or in connection with another or other counties, accessible to a county or group of counties maintaining and operating such a sanatorium, may become associated with such county or group of counties in the maintenance and operation of such sanatorium in the manner and under the conditions hereinafter specified.

[1921 c. 116 s. 1] (720)

376.45 PROCEEDINGS. If the board of county commissioners of such county shall, by resolution, decide to join such group of counties maintaining and operating such sanatorium, the board shall direct its county auditor to notify, in writing, director of social welfare and the auditors of the counties forming such group of the action taken by it. The county auditors so notified shall, at the next meeting of their respective boards, lay the matter before such boards. Such boards shall determine, by resolution, whether to admit such county into the group.

[1921 c. 116 s. 2] (721)

376.46 COUNTIES ADMITTED TO SANATORIUM GROUPS. If the boards of a majority of the counties forming the group decide to admit such county, the auditors of such counties shall notify in writing the director of social welfare of the action taken. If the enlargement of the group by the admission of the applying county meets with the approval of the director, he shall notify in writing the auditor of each county affected and the boards of those counties shall then proceed to perfect the enlargement of the group.

[1921 c. 116 s. 3; 1931 c. 6 s. 1] (722)

376.47 COSTS APPORTIONED. Upon being notified of the approval by the director of social welfare, the boards of the counties involved, or representatives designated by them, such representatives to be either members of the boards or the county auditors, shall meet and consider the conditions upon which the applying county shall be admitted with reference to the amount of money such applying county shall pay to the other counties, if any, on account of the funds expended by them in erecting and equipping the sanatorium being maintained and operated by them. The conditions agreed upon shall be set forth in writing and submitted to the county board of each county involved, and if approved by the majority of the county boards resolutions to that effect shall be adopted and upon the adoption of such resolution by the new county to be admitted and by a majority of the counties already within such group, the conditions agreed upon shall be binding on all such counties and the applying county shall become attached to such group. After such resolutions are adopted certified copies thereof shall be filed in the office of the director of social welfare.

[1921 c. 116 s. 4; 1931 c. 6 s. 2] (723)

376.48 COUNTIES ATTACHED, RIGHTS. Upon becoming attached to the group the county attached shall become entitled to all the benefits and privileges conferred, and charged with all the duties and obligations imposed by sections 376.28 to 376.42, and shall thereafter in all things be treated as though one of the original counties forming the group.

[1921 c. 116 s. 5] (724)

376.49 TAX LIMITATION FOR SANATORIUM PURPOSES. In all cases where not less than four nor more than six counties have joined in the establishment and maintenance of a tuberculosis sanatorium, which counties have a total assessed valuation of not less than \$10,000,000 nor more than \$20,000,000 and a total population of not less than 35,000 nor more than 60,000 and a total number of full and fractional townships of not less than 140 nor more than 250 the total annual levy of county taxes for all tuberculosis sanatorium purposes authorized by law shall not be in excess of four mills on the dollar of assessed valuation in the county, of which not more than three mills shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided by law. Any county so adjoining now or hereafter having a population of not less than 15,000 nor more than 16,000 and having an assessed valuation exclusive of money and credits of not less than \$2,200,000 nor more than \$3,200,000 and containing not less than 54 nor more than 56 full and fractional congressional townships, may annually levy for such tubercular sanatorium purposes a tax not to exceed five mills on the dollar of the assessed valuation in such county, of which not more than four mills shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided for by law.

[1939 c. 15; 1941 c. 203; 1943 c. 268 s. 1] (699-1)

376.50 TUBERCULOSIS, PREVENTING SPREAD OF. In case any town, district, or county anti-tuberculosis society or association or county sanatorium commission or other society or association organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of visiting nurse or nurses or to disinfect any building, room, residence, hotel, or other place in such county infected with tuberculosis, or to care for, support, or maintain poor persons afflicted with tuberculosis, such society shall report such fact to the county sanatorium commission, if there be one in the county, otherwise to the county board, and shall in such report recommend the course of action advisable to be adopted by the county sanatorium commission or county board in relation thereto and in accordance with the provisions of this chapter, and such commission or county board shall, at the next meeting of such commission or board, consider such report and recommendation and act on the same, and such commission or county board is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto.

The county boards of the several counties of this state may appropriate money out of the general revenue fund of the county, or the county sanatorium commissions may appropriate money out of their funds, for the purpose of paying for the services of visiting nurses or other medical attention or advice in preventing the spread of tuberculosis in such county, or for the care, support, and maintenance of poor persons afflicted with tuberculosis, whether the county has the town, county, or commission system of caring for the poor, or for the purpose of disinfecting any building, room, residence, hotel, or other place in such county infected with tuberculosis.

[1911 c. 116 ss. 1, 2; 1923 c. 216 ss. 1, 2; 1927 c. 408 ss. 1, 2] (725, 726)

376.51 COUNTY BOARD MAY AID SOCIETIES. The county board of any county in this state now or hereafter having a population of not less than 220,000, nor more than 330,000, may appropriate and expend not to exceed \$50,000 for the purpose of aiding any society, association, or corporation organized and existing for the purpose of giving medical attention to children afflicted with tuberculosis or who such society, association, or corporation has reason to believe may become afflicted with tuberculosis, in constructing and equipping additional buildings to any sanatorium now operated by any such society, association, or corporation, for the purpose of caring and giving medical attention to such children.

Such county board may, for the purpose of carrying out the provisions of this section, appropriate or expend any unexpended funds not in the county treasury of such county.

Such expenditure shall be over and above the limits now fixed by law.

[1929 c. 228 ss. 1, 2, 3] (726-3½, 726-3½a, 726-3½b)

376.52 FARMS FOR COUNTY CHARGES AFFLICTED WITH COMMUNICABLE DISEASES. In addition to the other powers now granted by law, the county commissioners of any county wherein there is any person afflicted with a communicable disease, who is a public charge, is hereby authorized, by unanimous affirmative vote of the members of the board, and with the approval of the state board of health, to purchase not to exceed 40 acres of farm land in the county, to erect thereon necessary buildings, to purchase and place thereon farm machinery and live stock necessary for the operation of the farm, and to place thereon for the purpose of operating the same the person or persons so afflicted, together with the members of their respective families who are also public charges.

[1925 c. 125] (726-4)

376.53 STATE CONFERENCE OF CHARITIES. Every board of county commissioners shall have the power to designate annually one of its members to attend the state conference of charities and correction, and shall have the power to appropriate from the county funds to pay the reasonable expense incurred by such commissioner in attending such conference.

[1905 c. 262 s. 1] (676)

376.54 DISCONTINUANCE OF SANATORIUM AND SALE OF PROPERTY. In those instances where a tuberculosis sanatorium has been established and is being maintained in accordance with the provisions of Minnesota Statutes 1945, Chapter 376, and acts amendatory thereto, and there is no longer a need for the operation of such tuberculosis sanatorium to care for the persons living within the county or district wherein such sanatorium is situated and maintained, the sanatorium commission of a county or counties and the county board of commissioners or county boards of commissioners of a sanatorium district may, by resolution approved by a majority of each body, cease the operation and maintenance of such sanatorium in the district, with the approval of the director of social welfare. If the director of social welfare approves such discontinuance of operation, the county board of the county wherein such sanatorium is situated may sell the real and personal property pertaining to such institution or lease the same by good and valid instrument executed by the chairman of the board and the county auditor. The proceeds from such sale or lease shall be divided proportionately between the county or counties and the state, according to their respective contributions. The portion so received by a county shall be set aside as a fund to be used under the direction of the county board of the county receiving the same to assist in the treatment and care of tubercular patients from such county. The state's portion of such proceeds shall be deposited with the state treasurer and credited to the general revenue fund of the state.

[1949 c 96 s 1]