

## CHAPTER 323—S. F. No. 996

*An act to enable each city of the first class of this state now or hereafter having a population of 50,000 inhabitants or more, and the board of park commissioners thereof, including each such city now or hereafter operating under a home rule charter adopted under and pursuant to Section 36, Article 4, of the State Constitution, and having a board of park commissioners, to fill elective vacancies on said board.*

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

Section 1. **May fill vacancies in board of park commissioners in certain cities.**—In each city of the first class of this state now or hereafter having a population of 50,000 inhabitants or more, including each such city now or hereafter operating under a home rule charter adopted under and pursuant to Section 36, Article 4, of the State Constitution, if the Board of Park Commissioners of said city (if any such there be) shall fail to fill any elective vacancy on said Board ten days prior to the last day for filing for nomination to an elective city office, in advance of a general primary election held in said city, for the unexpired term of the person causing such vacancy, then the voters of said district wherein said vacancy exists in any such city shall fill such elective vacancy by nomination at such primary election and election at the general city election thereafter in the manner prescribed by law for nomination and election of elective members of said Board, anything in the charter of said city to the contrary notwithstanding. The President or Vice-President and the Secretary of said Board shall certify to the City Clerk ten days before said last day to file as a candidate for an elective city office the fact of an elective vacancy on said Board, and thereupon said Clerk shall list and receive filings of candidates to fill said elective vacancy, for such unexpired term.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1937.

## CHAPTER 324—H. F. No. 1020

*An act relating to blind persons, providing aid for such persons and repealing certain laws pertaining thereto.*

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

Section 1. **Definitions.**—The following words, terms and phrases shall for the purposes of this Act, have the following meanings:

- (a) "County Agency" means a County Welfare Board.
- (b) "State Agency" means the State Board of Control.
- (c) "Applicant" means a person who has applied for assistance under this Act.
- (d) "Recipient" means a person who has received assistance under the terms of this Act.
- (e) "Assistance" means any money payments to blind persons in need as provided for in this Act.
- (f) "A "blind person" means a person who has no vision or who, with the help of eye glasses or other resources, has not sufficient ocular power for the ordinary affairs of life.
- (g) The term "adult" shall mean any male or female person of the age of twenty-one or over.
- (h) "Ophthalmologist" shall mean a physician licensed to practice medicine in this State, and who is actively engaged in the treatment of diseases of the human eye.
- (i) "Rehabilitation" shall mean any medical or surgical treatment, vocational training or social service intended to improve the individual's physical, social and economic condition.

Sec. 2. **Duties of state agency, for blind persons.**—The State Agency shall:

- (a) Supervise the administration of assistance to the needy blind under this Act, and administer same in cooperation with county agencies, as hereinafter provided;
- (b) Make all rules and regulations and take such action as may be necessary or desirable for the carrying out of the provisions of this Act. All rules and regulations made by the State Agency shall be binding on the counties, and shall be complied with by the respective County Agencies.
- (c) Establish minimum standards for personnel employed by the State Agency in the administration of this Act, and make rules and regulations necessary to maintain such standards.
- (d) Prescribe the form of and print blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable.

(e) Cooperate with the Federal Social Security Board created under Title 7 of the Social Security Act approved August 14, 1935, or other agency of the Federal Government, in any reasonable manner as may be necessary to qualify for Federal Aid for assistance to the needy blind and in conformity with the provisions of this Act; including the making of such reports in such form, and containing such information as the Federal Agency of the Federal Government may from time to time require, and comply with such provisions as such Board may from time to time find necessary to assure the correctness and verification of such reports;

(f) Appoint a suitable number of ophthalmologists, duly licensed to practice in Minnesota and actively engaged in the treatment of diseases of the human eye, to examine applicants and recipients of assistance to the blind;

(g) Fix and pay to ophthalmologists, from funds appropriated to the State Agency, fees for examination of applicants and recipients, and also pay necessary travel and incidental expenses incurred in connection with such examination;

(h) Maintain proper records of all persons making application for and receiving assistance under this Act;

(i) Promptly examine all applications and other supporting evidence submitted, as herein provided, and determine;

(1) Eligibility as to blindness, and;

(2) The possibility for rehabilitation or other constructive service.

(j) No application shall be approved until the applicant has been examined by an ophthalmologist designated or approved by the State Agency to make such examination and the possibility of a rehabilitation program determined by the State Agency.

**Sec. 3. Duties of county agency, for blind persons.**—The County Agency shall render to the State Agency such service in connection with the administration of this Act as the State Agency may, from time to time, find necessary and advisable.

**Sec. 4. Public assistance.**—Assistance shall be given under this Act to any person who;

(a) Is an adult blind person found, by the State Agency, to be in need of financial assistance to enable him to pay for his maintenance or for other purposes;

(b) Has lost his eyesight while a resident of the State, or shall have resided in the State for a period of five years during the nine years immediately preceding the filing of the application for assist-

ance, the last year of which shall be continuous and immediately precede such application;

(c) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(d) Is not an inmate of, or being maintained by any municipal, State, National, County or private institution at the time of receiving assistance. An inmate of an institution may, however, make application for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate of such institution;

(e) Has not made an assignment or transfer of property so as to render himself eligible for assistance under this Act, at any time within two years immediately prior to the filing of application for assistance pursuant to the provisions of this Act;

(f) Is not, because of his physical or mental condition in need of continuing institutional care;

(g) Is not, while receiving assistance under this Act, soliciting alms;

(h) Is not, while receiving assistance under this Act, receiving Old Age Assistance.

**Sec. 5. Who may receive assistance.**—No person receiving a grant under this Act shall at the same time receive any other public relief from the State, or from any instrumentality or political subdivision thereof, except for temporary medical and surgical assistance.

**Sec. 6. Amount of assistance.**—The amount of assistance which any recipient shall receive shall be determined by the State Agency, with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the State Agency, and shall be sufficient, when added to all other income and support of the recipient to provide him with a reasonable subsistence compatible with decency and health.

**Sec. 7. Applications.**—Application for assistance under this Act shall be made to the state agency. The application shall be in writing, or reduced to writing in the manner and upon the form prescribed by the State Agency, and shall be verified by the oath or affirmation of the applicant. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest, and of all income which he may have at the time of the filing of the application, and such other information as may be prescribed by the State Agency.

**Sec. 8. Investigations.**—Whenever an application for assistance under this Act is received the State Agency shall immediately arrange for an examination as to the blindness of the applicant by an ophthalmologist designated by the State Agency, and shall cause to be made such social and economic investigation as may be necessary to determine facts supporting the application made under this Act, and such other information as may be required by rules and regulations of the State Agency.

The State Agency and the officers and authorized employees thereof shall have the power to conduct examinations and subpoena witnesses. The officers and employees designated by the State Agency may administer oaths and affirmations.

**Sec. 9. Applicants must be examined.**—No application shall be approved until the applicant has been examined by an ophthalmologist designated by the State Agency to make such examinations. The examining ophthalmologist shall certify in writing upon forms prescribed by the State Agency as to diagnosis, prognosis, and visual acuity of the applicant.

**Sec. 10. State agency to determine eligibility.**—Upon the completion of such examination the State Agency shall determine the eligibility of the applicant for assistance under the provisions of this Act, and determine the amount of assistance, if any, and the date on which it shall begin. In determining the amount of assistance account shall be taken of any income or property of the applicant, and any support which he may receive from other sources. The State Agency shall notify the applicant of its decision in writing. Assistance shall be paid monthly from funds appropriated to the State Agency for such purposes, and from moneys furnished to the State of Minnesota by the Federal Government for such purposes.

**Sec. 11. Guardians.**—If, in the opinion of the State Agency a blind recipient is incapable of handling his own affairs, or the assistance received under this Act is not used for his best interests, the State Agency may arrange for the appointment of a legal guardian, and when appointment is made the State Agency shall pay the assistance through such guardian.

**Sec. 12. Assistance not transferable.**—All assistance granted under this Act shall not be transferable or assignable, at law or in equity, and none of the money paid, or payable under this Act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

**Sec. 13. Appeals.**—If an application is not acted upon within a reasonable time after the filing thereof, the applicant may appeal to the State Agency in the manner and form prescribed herein. Any

applicant who is aggrieved by any order or determination of the State Agency may request a reconsideration of his application and shall be entitled to a fair and impartial hearing before the State Agency. All requests for reconsideration by the State Agency shall be made in writing. After a fair and impartial hearing all decisions of the State Agency shall be binding, and the applicant may not again apply for assistance under this Act until the expiration of twelve months from date of his previous application, unless such application is approved by the State Agency.

The State Agency may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as, in its opinion, is justified and in conformity with the provisions of this Act.

If any final decision or determination by the State Agency is not, in the opinion of the applicant or recipient, in conformity with this Act, either may within 30 days after such decision appeal from the decision or determination of the State Agency to the district court of the county in which the application was filed or in which the applicant resides, by serving a copy of a written notice of such appeal upon the State Agency and filing the original of such written notice, together with proof of service, with the clerk of the district court of the said county. Such appeal may, upon not less than ten days' written notice, be brought on for hearing by either party before said district court at any general or special term, out of term, or in chambers; and in judicial districts having more than one judge, the senior or presiding judge shall hear the same or, if unable, shall refer the matter to some other judge in said district. Upon serving of such notice, the State Agency shall furnish all parties in interest a concise statement of the issues involved, copies of all supporting papers, a transcript of the testimony taken at the hearing before the State Agency and a copy of its decision. The court shall summarily hear and determine said appeal by a review of the records and proceedings had before the State Agency, and the State Agency shall enter an order in accordance with such determination, provided that the findings of the State Agency as to the facts, if supported by the evidence and in the absence of fraud, shall upon said appeal be conclusive and the order of the State Agency as to the amount of assistance to be granted shall be final if it is in conformity with the law.

**Sec. 14. Reconsideration of assistance grants.**—All assistance grants made under this Act shall be reconsidered as frequently as may be required by the rules of the State Agency. After such reconsideration, the grant of assistance may be modified, suspended or revoked, if the State Agency finds that the recipient's circum-

stances have altered sufficiently to warrant any such action, provided that whenever assistance is reduced, cancelled, revoked or suspended the recipient shall be given an opportunity for a hearing as provided for in Section 13.

**Sec. 15. Re-examinations.**—Every recipient shall submit to a re-examination as to his eyesight at least once in every three years, and at other times when required to do so by the State Agency, unless excused therefrom by the State Agency. He shall also furnish any information required by the State Agency for the purpose of establishing his continued eligibility for assistance under this Act.

**Sec. 16. Who may not receive assistance.**—No assistance under this Act shall be granted or continued to any person who refuses medical, surgical or other treatment when his eyesight may be partially or wholly restored by such treatment, and a certificate in writing to that effect is made by three properly qualified and licensed ophthalmologists, one selected by the affected person, one selected by the State Agency, and one selected by the first two. Any person denied assistance upon this ground may appeal to the State Agency in the manner hereinbefore provided.

**Sec. 17. Shall notify state agency of acquisition of state property.**—If at any time during the continuance of assistance under this Act the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application provided for in Section 7 of this Act, it shall be the duty of the recipient to notify the State Agency of the receipt, or possession of such property or income, and the State Agency may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into the possession of such property or income and in excess of his need shall be recoverable by the State as a debt due the State.

**Sec. 18. Assistance to be claim against estate of decedent.**—On the death of any recipient the total amount of assistance paid under this Act shall be allowed as a claim against the estate of such person.

**Sec. 19. Recipient who moves to notify state agency.**—Any recipient who moves to another county in this State shall notify the State Agency.

**Sec. 20. Payments to be made monthly.**—All payments of aid to the blind provided for in this Act shall be made monthly, in accordance with rules and regulations of the State Agency. The State Agency shall certify to the State Auditor the amounts due the respective recipients. The amounts so certified shall be paid

within ten days after such certification from the State Treasury upon the warrants of the State Auditor from any moneys available therefor. The moneys available to the State Agency to carry out the provisions of this Act, including all Federal funds available to the State, shall be kept and deposited by the State Treasurer in the "aid to the blind" fund and shall be disbursed upon warrants in the same manner as other State funds except that such warrants shall be countersigned by a member of the State Agency or some other person thereunto duly authorized by resolution thereof. Any interest accruing on such fund shall be credited to that fund.

**Sec. 21. Fraudulent claims—penalty.**—Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the State Agency with intent to defeat the purposes of this Act, shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined not more than One Hundred Dollars (\$100.00) or be imprisoned for not more than three months, or be both so fined and imprisoned in the discretion of the court.

**Sec. 22. No vested rights in grants.**—All assistance granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act.

**Sec. 23. Aid to the blind Act.**—This Act may be cited as the "Aid to the Blind Act."

**Sec. 24. Appropriation of U. S. aid.**—All monies received or to be received from the United States Government for aid to the needy blind are hereby appropriated for the purpose of carrying out the provisions of this Act.

**Sec. 25. Effective July 1, 1937.**—This Act shall take effect July 1, 1937; or upon approval by the Social Security Board, pursuant to the provisions of Title X of the Federal Social Security Act approved August 14, 1935, of a State plan for aid to the blind formulated by the State Agency pursuant to this Act, if the Social Security Board shall have approved such a plan on or before July 1, 1937.

**Sec. 26. Provisions severable.**—If any section of this Act shall be held unconstitutional, the remaining provisions shall be given full force and effect as if the part held unconstitutional had not been included herein.



Sec. 27. **Laws repealed.**—Mason's Minnesota Statutes 1927, Section 4617-1, and Extra Session Laws 1935, Chapter 93, and all acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved April 21, 1937.

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#### CHAPTER 325—S. F. No. 1026

*An act providing penalties for causing or permitting garbage or tin cans to be thrown or scattered about, or failure to remove the same, under certain conditions.*

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

**Section 1. Scattering of garbage prohibited.**—It shall be unlawful for any person to cause or permit garbage or tin cans to be thrown or scattered upon any street, alley, highway or parkway, or to fail, neglect or refuse to remove the same prior to the vacation of premises used or occupied as a tenement, dwelling house, lodging house, hotel or place of business. The term "garbage" shall be construed to mean kitchen offal and all other refuse matter composed of either animal or vegetable substance. The governing body of any county, city, village or town shall have authority by ordinance, resolution or by-law to prohibit any such acts and to prescribe penalties for violation thereof as herein provided.

**Section 2. Limitation of act.**—Nothing in this act shall limit or abrogate any of the existing powers of the governing body or board of any county, city, village or town. Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

Approved April 21, 1937.

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#### CHAPTER 326—S. F. No. 1066

*An act to amend Laws 1935, Chapter 386, Section 7, as amended by Extra Session Laws, 1935-1936, Chapter 105, Section 2, relating to lands acquired by the state for taxes, by providing for the transfer to the state of absolute title to certain trust fund lands therein described.*

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