

Meeker County: Second Monday in June; first Monday in December;

Renville County: Second Monday in May; second Monday in November;

Swift County: Third Monday in May; second Monday in November;

Yellow Medicine County: First Monday in April; third Monday in September;

Lac qui Parle County: First Monday in May; second Monday in December.

Approved April 29, 1935.

CHAPTER 357—H. F. No. 1398

An act to amend Mason's Minnesota Statutes of 1927, Sections 3183-1, 3183-2, 3183-3, 3183-4, 3183-7, 3183-8, 3183-9, 3183-10, 3183-18, 3183-19, 3183-20, and 3183-21, relating to old age pensions, providing for the payment thereof by the county and state, providing for the carrying out of provisions of this act on behalf of the state, and providing for an appropriation therefor; and to repeal Mason's Minnesota Statutes of 1927, Sections 3183-5, 3183-14, and Laws 1931, Chapter 8, and inconsistent acts.

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

Section 1. Old age pension system established.—Mason's Minnesota Statutes of 1927, Section 3183-1, is hereby amended so as to read as follows:

"3183-1. There is hereby established in each county in this state a system of old age pensions, to be paid as follows: One-half of each pension certificate issued pursuant to the provisions of this act shall be paid from county funds annually appropriated by the county board of commissioners as hereinafter provided and/or from any other available county funds, and one-half thereof shall be paid from state funds, which shall be allocated to the county by the state board of control from funds hereinafter appropriated to the state board of control for the purpose of carrying out the provisions of this act in behalf of the state. Any available federal funds which shall be allocated to the state of Minnesota for the purposes of this act shall be applied pro rata between the state and the counties. The state board of control is hereby designated as

the state agency responsible for administering the provisions of this act in behalf of the state. The state board of control is also hereby designated as the state agency to administer all funds available to the state for old age pension purposes from the federal government. The state board of control shall supervise the administration of the old age pension system under this act by the county commissioners. The state board of control shall prescribe the form of and supply to the county auditor blanks of application, reports, affidavits, and such other forms as it may deem advisable. The state board of control is hereby authorized to and shall make rules and regulations necessary for carrying out the provisions of this act to the end that the old age pension system may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of the state and that the spirit and purpose of this act may be complied with. All rules and regulations made by the state board of control under this act shall be binding on the county boards. The county auditor shall keep such records and accounts in relation to the old age pension system as the state board of control shall prescribe. No person receiving assistance hereunder shall be deemed to be a pauper by reason thereof.

Sec. 2. Amount of pensions.—Mason's Minnesota Statutes of 1927, Section 3183-2, is hereby amended so as to read as follows:

"3183-2. Any person who shall comply with these provisions shall be entitled to a pension, while continuing to reside in the county in which the pension is granted. The amount of such pension shall be fixed with due regard to the conditions in each case, and in each case at such sum, when added to the contributions in money, subsistence or service from legally responsible relatives or net income available to such person from his own resources is adequate to provide reasonable subsistence compatible with decency and health, not exceeding, however, the sum of \$30.00 per month.

If a person receiving old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the state board of control may direct the payment of the installments of the old age assistance to any responsible person for his benefit, but otherwise no payment due or to become due hereunder shall be assignable to any person or liable to attachment, garnishment or levy.

Sec. 3. Qualifications for pension.—Mason's Minnesota Statutes of 1927, Section 3183-3, is hereby amended so as to read as follows:

"3183-3. An old age pension shall be granted to an applicant who:

(1) Has attained the age of 65 years or upwards.

(2) *Is a United States citizen, or has resided in the state for over 25 years.*

(3) *Has resided in the state for five years or more within the nine years immediately preceding application for assistance; has resided in and been an inhabitant of the county in which application is made for at least one year immediately preceding the date of the application, or has a legal settlement in the county in which the application is made.*

Provided, that absence in the service of the state of Minnesota or of the United States shall not be deemed to interrupt residence in the state or county if domicile be not acquired outside the state or county.

(4) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, or any other public correctional institution;

(5) During the period of ten years immediately preceding such date has not been imprisoned for a felony.

(6) If a husband, has not without just cause, failed to support his wife and children under the age of 15 years for six months or more during the 15 years preceding the date of application;

(7) Has not, within one year preceding such application, been a habitual tramp or beggar;

(8) Has no child or other responsible person under the law of this state liable for his support and able to support him.

(9) *Does not have an income which, when joined with the income of such person's spouse, is adequate to provide a reasonable subsistence compatible with decency and health.*

Sec. 4. Who may not receive pensions.—Mason's Minnesota Statutes of 1927, Section 3183-4, is hereby amended so as to read as follows:

"3183-4. No old age pension shall be granted or paid to a person:

(1) While or during the time he is an inmate of and received the necessities of life from any charitable institution

maintained by the state or any of the political sub-divisions of the state, or of a private charitable, benevolent or fraternal institution, or home for the aged;

(2) If the value of his property or the value of the combined unencumbered property of husband and wife, living together, exceeds \$5,000.00;

(3) Who has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief."

Sec. 5. May require property be surrendered to county.—Mason's Minnesota Statutes of 1927, Section 3183-7, is hereby amended so as to read as follows:

"3183-7. (1) If the board of county commissioners deems it necessary, it may require as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension be transferred to the county. Such property shall be managed by the board of county commissioners, which shall pay the net income to the person or persons entitled thereto. The board shall have power to sell, lease or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and do all other things necessary for the protection, preservation, and management of the property; provided that the property acquired by the county under the provisions hereof shall be sold, leased or transferred only in the manner provided by *Mason's Minnesota Statutes of 1927, Section 638, provided, however, that in the event the property is sold by the county, one-half of the proceeds derived from such sale shall be paid by the county to the state old age pension fund hereinafter provided for, and the other one-half shall be deposited in the county old age pension fund and become a part thereof.*"

Sec. 6. Filing of application.—Mason's Minnesota Statutes of 1927, Section 3183-8, is hereby amended so as to read as follows:

"3183-8. An applicant for a pension shall file his application in writing with the county auditor of the county in which he resides in such a manner and form as shall be prescribed by the *state board of control*. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such an application, the board of county commissioners shall make an order fixing a time and place for the hearing thereon, which hearing shall be not sooner than 30 days after the making of such order. The county auditor shall forthwith upon the making of such order mail a copy of the

same and of the application to the clerk or recording officer of the city, town or village of which the applicant is a resident; a like copy of such order shall be mailed to the applicant."

Sec. 7. Investigation by County Board.—Mason's Minnesota Statutes of 1927, Section 3183-9, is hereby amended so as to read as follows:

"3183-9. The board of county commissioners shall promptly make or cause to be made such investigation as it may deem necessary; *the object of such investigation shall be to ascertain the facts supporting the application made under this act and such other information as may be required by the rules of the state board of control upon the completion of such investigation.* The board of county commissioners shall decide upon the application, and fix the amount of the pension, if any. Provided, however, that in a county having a board of public welfare as authorized by Laws 1939, *Chapter 371*, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, such investigation, decisions upon the applications and fixing of the amounts of the pensions, if any. Provided, that in any county having a Poor Commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, the said Poor Commission shall make or cause to be made by competent authority, such investigations, decisions, upon applications for pension, and the fixing of the amounts of pension, if any, to be awarded hereunder, all subject to the final approval of said Poor Commission by resolution and order duly entered in its records, before any such pension shall be paid by the county auditor. In any such county where such poor relief is administered by and under the supervision of said Poor Commission, it shall be the duty of said Poor Commission and its secretary or clerk, to carry out the provisions of this act with the same powers, duties and obligations as are herein vested in the board of county commissioners, and the county auditor, respectively, and for the purpose said Poor Commission shall have authority to employ such additional assistance as shall be found necessary. Provided, further, that in any county having a Poor Commission, it shall be the duty of the Poor Commission to designate the deputy clerks of court at such places where regular terms of court are held in said county as clerks for the purpose of accepting applications for such pension. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such pension. Provided, further, that in

a county having an official investigator appointed as provided in *Mason's Minnesota Statutes of 1927, Section 8676*, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners. An applicant whose application for pension has been rejected, *by the county commissioners or by any of the above respective boards or to whom a pension certificate was denied on appeal to the state board of control as hereinafter provided*, may not again apply for a pension until the expiration of 12 months from the date of his previous application."

Sec. 8. Board to issue certificate.—Mason's Minnesota Statutes of 1927, Section 3183-10, is hereby amended so as to read as follows:

"3183-10. (1) The board of county commissioners shall issue to each applicant to whom a pension is allowed, a certificate stating the date upon which pension payments shall commence and the amount of each installment, which *shall be paid monthly*.

(2) Each pensioner shall file such reports with the board of county commissioners as the said board of county commissioners *or the state board of control* may from time to time require. If it appears at any time that the *pensioner's* circumstances have changed *or that a certificate was improperly obtained by any pensioner*, the board of county commissioners may revoke or modify any pension certificate issued to *such pensioner solely by the county board*, and the county board may suspend payment of any installment pending any inquiry. *If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course. However, in cases where the pension certificate was modified or issued pursuant to the order of state board of control as the results of an appeal to the state board of control as hereinafter provided, the board of county commissioners shall submit such facts to such state board of control who shall take such action as the facts then existing shall warrant.* Any pension paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county."

Sec. 9. Appropriation.—Mason's Minnesota Statutes of 1927, Section 3183-18, is hereby amended so as to read as follows:

"3183-18. *The funds for the purpose of carrying out the provisions of this act on the part of the county and state shall be provided as follows:*

(1) *The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this act on the part of the county to be known as the "County Old Age Pension Fund". Upon the orders of the board of county commissioners, the county auditor shall draw his warrant on the proper fund in accordance with said order of said board and the county treasurer shall pay out the amounts ordered to be paid as pensions, under the provisions of this act. The state shall reimburse each county to the extent of one-half of the amount expended for assistance for each aged person which has been granted under the provisions of this act and in accordance with the rules of the state board of control.*

(2) *Claims for state reimbursement under this act shall be presented by the respective county boards to the state board of control at such times and in such manner as the board may prescribe. For the purposes of the annual departmental estimates, the probable amount needed for expenditure by the state under this act shall be regarded as financial needs of the state board of control. The approval of such claims shall be made by the state board of control to the extent of one-half of the payments made in accordance with the provisions of this act and the rules of the state board of control. The state board of control shall certify to the state auditor the amounts so approved by it, specifying the amount to which each county is entitled. The amounts so certified shall be paid from the state treasury upon the audit and warrant of the state auditor to the fiscal officers of the counties entitled thereto, from moneys available therefor. The funds available to the state board of control pursuant to the above provisions shall be kept and deposited by the state treasurer in a separate fund hereby designated as the "State Old Age Pension Fund" and secured in the same manner as other state funds 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 board of control or some other person thereunto duly authorized by resolution thereof."*

Sec. 10. County Auditor to make report.—Mason's Minnesota Statutes of 1927, Section 3183-19, is hereby amended so as to read as follows:

"3183-19. Within 30 days after the close of each calendar year, the county auditor of each county shall make a report for the preceding year to the *state board of control* and to the board of county commissioners stating:

(1) The amount paid for pensions and to whom and in what amount paid;

(2) The total number of applications for pensions and the name of each applicant;

(3) The number granted, the number denied, the number cancelled during that year, the name of each applicant and such other information as the board of county commissioners or the *state board of control* may deem advisable."

Sec. 11. **State Board of Control to make rules.**—Mason's Minnesota Statutes of 1927, Section 3183-20, is hereby amended so as to read as follows:

"3183-20. The *state board of control* shall from time to time prescribe and promulgate rules and regulations to efficiently carry out the provisions of this act and shall publish such information as it may deem advisable to acquaint aged persons and the public generally with the old age pension plan of this state."

Sec. 12. **Court orders validated.**—Mason's Minnesota Statutes of 1927, Section 3183-21, is hereby amended so as to read as follows:

"3183-21. (a) In every case where any district court or district judge has heretofore made and entered an order for the payment of a pension under the terms of *Mason's Minnesota Statutes of 1927, Section 3183-1 to 3183-21*, the same shall be and hereby is in all respects validated and confirmed and shall continue as a valid order for a pension under the terms of said act and the board of county commissioners or Poor Commission of the county in which such order has been so entered shall continue to pay the pension granted in accordance with the terms of said order, subject to the limitations and provisions of *Mason's Minnesota Statutes of 1927, Section 3183-1 to 3183-20, inclusive*, and until modified or revoked by said county board or Poor Commission as provided by said *Mason's Minnesota Statutes of 1927, Section 3183-1 to 3183-20, inclusive*, as by this act amended.

(b) *Any applicant aggrieved by an order and/or determination of his application by the county board of commissioners, or by any other board or commission designated in*

section 7 hereof, may appeal from such order or determination of his application by the county board of commissioners to the state board of control. The state board of control shall upon receipt of such an appeal review the case. The state board of control may also, upon its own motion, review any decision made by the county board. The state board of control may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. All decisions of the state board of control shall be binding upon the county involved and shall be complied with by the county board.

(c) Any county may transfer surplus funds from any county funds except the sinking fund or ditch fund to the general fund or to a special old age pension fund in order to provide moneys necessary to pay pensions awarded under this act. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose shall be transferred back to the fund from which taken. When necessary by reason of failure to levy sufficient taxes for payment of said old age pensions in the county, the county board shall nevertheless authorize the payment of said pensions and the county auditor shall carry any such payments as an overdraft on the old age pension fund of said county until sufficient tax funds shall be provided for said old age pension payments.

(d) In the event that the board of county commissioners and/or the county auditor of any county fail to comply with the provisions of this act, mandamus proceedings may be instituted against such county board and/or county auditor by any interested party to compel such county board or county auditor to comply therewith."

Sec. 13. State appropriation to carry out act.—For the purpose of carrying out the provisions of this act, there is hereby appropriated to the state board of control, from the state treasury, out of funds not otherwise appropriated the sum of \$2,000,000.00 for the biennium, ending June 30th, 1937.

Sec. 14. Additional Funds.—Any additional funds necessary to carry out the provisions of any old age pension act on the part of the state shall be provided from the state relief fund by the executive council to the state board of control, whenever an emergency exists because of the insufficiency of funds to pay old age pensions as provided by law.

Sec. 15. Laws repealed.—Mason's Minnesota Statutes of 1927, Sections 3183-5 and 3183-14, and Laws 1931, Chapter 8, are hereby repealed.

Sec. 16. Inconsistent acts repealed.—All acts or parts acts inconsistent with the provisions of this act are hereby repealed.

Sec. 17. Provisions severable.—The various provisions of this act shall be severable. If any section or part of this act be declared unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

Sec. 18. Effective July 1, 1935.—This act shall take effect and be in force from and after July 1, 1935.

Approved April 29, 1935.

CHAPTER 358—H. F. No. 1404

An act to amend Laws 1933, Chapter 430, Sections 1, 2, 3, 12, 17 and 21, regulating aeronautics.

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

Section 1. Definitions.—Laws 1933, Chapter 430, Section 1, is hereby amended so as to read as follows:

“Section 1. When used in this Act,

(a) “Aeronautics” means the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, emergency landing strips, air navigation facilities, or air instruction.

(b) “Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment.

(c) “Public Aircraft” means an aircraft used exclusively in the governmental service, including military and naval aircraft, or of any state or territory thereof.

(d) “Civil Aircraft” means any aircraft other than a public aircraft.

(e) “Airport” means any area, either of land or water, which is used or which is made available for the landing and