

CHAPTER 93—H. F. No. 50.

An act to provide for a regular and adequate relief for needy adult blind and suspending Laws 1923, Chapter 336, Section 3, and inconsistent acts.

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 meaning:

(a) A “blind” person shall be one who, with the help of eye glasses or other resources, has not sufficient ocular powers for the ordinary affairs of life, or for the performance of tasks for which eye sight is essential, and who has been found and determined to be blind according to this definition by the state board of control.

(b) The term “adult” shall mean a male or female person of the age of 21 years or over.

(c) The term “needy” shall mean a person whose actual net income from all sources, for the year immediately preceding the date of his application for relief as hereinafter provided, and for each year during which he shall receive the monetary benefits provided by this act, shall be less than the sum of \$365, except when the joint annual income of a blind person and his or her sighted spouse is less than the sum of \$600 per year.

(d) The term “pensioner” shall mean a needy adult blind person, as herein defined, who shall have been determined to be entitled to the benefits of this act and receiving the pension provided for herein.

Sec. 2. **Relief for needy blind.**—Any person who shall have been found and determined to be a needy adult blind person, as herein defined, and eligible therefor as required in section 3 hereof, shall, in the manner hereinafter set forth, receive a pension in the sum of \$360 per year, payable in equal monthly installments, except as the same is qualified in section 10 hereof.

Sec. 3. **Qualifications for relief.**—In order that any person may receive the pension provided for by this act, he must, at the time of making application:

(a) Be a citizen of the United States, a resident of the state of Minnesota for more than five years during the nine

years immediately preceding the date of his application, and a resident of the state of Minnesota continuously for one year immediately preceding the date of such application. If, however, such person was blinded or became blind in this state, and has resided continuously in the state of Minnesota, since the time of becoming blind, such person shall be eligible for a pension even though he has not resided for five years within the state.

(b) Not be an inmate of any state, county, or municipally owned charitable, reformatory, or penal institution in this state, or in attendance at any state, county, or municipally owned school for the blind wherein instruction, room, and board, and other incidentals are furnished free of charge, excepting the Minnesota summer school for the blind at Fairbault, Minnesota.

(c) Must not be soliciting money, alms, or other benefits as an individual from the general public.

Sec. 4. Application.—(a) Any person seeking the benefits of this act shall make written and verified application to the state board of control on forms to be prepared and furnished by it, setting forth therein information showing the applicant to be entitled to receive the pension under this act, and in addition, such applicant shall submit a certificate as to his blindness from a duly licensed ophthalmologist, and he shall also submit an affidavit setting forth the net income for the year immediately preceding the date of this application, together with the affidavits of two freeholders of the county in which he resides showing that they are familiar with the affairs of the applicant and that they believe the contents of the applicant's affidavit are true.

(b) The state board of control shall, within 45 days after the filing of the application, consider the claim made by the applicant together with the evidence submitted and within said 45 days determine whether or not the applicant is entitled to receive the pension provided for by this act and notify him of their decision. Failure of the state board of control to allow the pension within said 45 days shall be considered a rejection of the claim.

Sec. 5. Board of Control to keep roll of blind.—(a) The state board of control upon allowance of the application of any blind person seeking the benefits of this act shall place his name upon the blind pension roll to be kept and maintained in its office.

(b) The name of any blind person which has been placed on the blind pension roll shall not be removed therefrom or his pension discontinued except upon proof to the state board of control of (1) fraud, (2) determination by said board that the pensioner's income exceeds \$365 annually or that the joint annual income of such pensioner and his or her sighted spouse exceeds \$600, (3) removal from the state, (4) cure of blindness, as defined herein, (5) eligibility for old age pension, and (6) death. Any pensioner shall at any time when requested by said board submit to an examination as to blindness and furnish such other information respecting his right to continue to receive a pension pursuant to this act as said board may require. No name shall be removed from said blind pension roll upon any ground excepting death without giving to the pensioner notice and a reasonable opportunity to be heard in defense of his claim.

Sec. 6. Amount of pension.—From the sums appropriated therefor and from the monies furnished to the state of Minnesota by the treasurer of the United States by virtue of Section 1003-a of the Social Security Act of 1935, the state treasurer shall pay on the first day of each calendar month to each of the persons whose name shall appear upon the blind pension roll herein referred to, the sum of \$30.00 per month, except as the same is qualified in section 10 hereof. The names of those persons eligible for the pension shall be certified to the state auditor by the state board of control in each month so as to enable the payment of the pension as above provided.

Sec. 7. Appeals.—(a) Any interested person aggrieved may within 30 days after notice of any order of the state board of control or within 30 days after rejection of a claim by failure of the state board of control to act upon it within the time limited by section 4 (b) of this act appeal therefrom to the district court of the county in which such aggrieved person resides. On such appeal all issues shall be determined by the court without a jury, either in term time or in chambers and the matter may be brought to trial in any county within the same judicial district.

(b) Notices of appeal must be filed by the appellant with the clerk of district court to which such appeal is taken within 60 days after the entry of the order or determination appealed from, and the applicant shall by registered mail send a copy of such notice of appeal to the state board of control and to the attorney general of the state of Minnesota.

(c) The papers and proofs filed with the state board of

control and all other records in the proceedings before the state board of control shall, within ten days after receipt by him of the copy of the notice of appeal as above provided be certified by the secretary of the state board of control to the clerk of the district court to which the appeal is taken.

(d) The district court shall determine said appeal after and upon a hearing, notice of which shall be given to the state board of control and the attorney general, and to the appellant, all in such manner as the court shall determine. If the court shall determine the appeal favorably to the appellant it shall in its order state the date from which such pension payments should have commenced and the amount of arrears.

(e) The district court shall file its written order determining said appeal with the clerk thereof, and said clerk shall cause a certified copy of the same to be personally served on the state board of control and the appellant. Registered mail shall constitute personal service. If the order of the court provides for the payment of the pension provided herein, the state board of control shall place the name of such blind person upon the blind pension roll and certify his name to the state auditor for the current payment then due and for all arrears, if so provided in said court order.

(f) Appeal from the order or determination of the court may be taken to the supreme court in the manner provided by statute for the appeal of civil actions. Such appeal, however, if taken by the respondents shall not stay or suspend the pension payments to the applicant or pensioner as provided in the order of said district court.

Sec. 8. Board of Control to make reports.—The state board of control shall make reports in such form and containing such information as the Social Security Board of the United States may from time to time require and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correction and verification of such reports.

Sec. 9. Pensioner may be transferred to old age pension rolls.—Any pensioner who becomes eligible for the benefits of any old age pension law shall at the time of eligibility be removed from the blind pension roll and shall be paid the benefits of such old age pension law in lieu thereof.

Sec. 10. Monies to be transferred.—The monies heretofore appropriated for the care, relief and support of the blind

under jurisdiction of the state board of control are hereby made available for the purpose of this act, except that the board of control may set aside, out of such funds, a sum necessary for the administration of this act, and for other services required by Laws 1923, Chapter 336, Sections 1 and 2; provided, that in the event the appropriation therefor is insufficient to pay the pension in full to such qualified pensioners, the state board of control shall pro rate the said appropriation.

Sec. 11. Effective July 1, 1936.—This act shall take effect July 1, 1936.

Sec. 12. Certain laws suspended.—The operation of Laws 1923, Chapter 336, Section 3, and all other acts and parts of acts inconsistent herewith are hereby suspended, during the time payments shall be made to the state of Minnesota, as aid to the blind under the Federal Social Security Act; but if at any time after payments have been commenced by the United States Government in accordance with Title X of the Social Security Act, same being Public Number 271, 74th Congress, or any act amendatory thereto, such payments shall be permanently discontinued, because of the repeal or amendment of Title X of said Social Security Act, or because of the failure of Congress to provide the necessary revenue, or because Title X of said Social Security Act shall have been declared unconstitutional by final decision of the Supreme Court of the United States, then this act shall become suspended and inoperative and relief to blind persons shall be paid as provided in Laws 1923, Chapter 336, Section 3, until the United States Government shall resume such payments to the state of Minnesota as aid to the blind under the said Social Security Act.

Approved January 27, 1936.

CHAPTER 94—H. F. No. 217.

An act to appropriate money for the payment of claims approved under the provisions of Laws 1935, Chapter 213, to provide relief and assistance for certain officers, soldiers, sailors, marines, nurses, dietitians and the surviving wives of certain deceased officers, soldiers, sailors, marines, and nurses, who have not heretofore received relief or assistance under provisions of law.