

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

Section 1. Appropriation for veterans relief.—There is hereby appropriated out of the Spanish War Veterans' Fund created by Laws 1931, Chapter 405, Section 4, the sum of \$42,500 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. The adjutant general is hereby charged with the duty of delivering the warrants to the persons and parties entitled thereto.

Approved January 27, 1936.

CHAPTER 95—H. F. No. 264.

An act to promote the public health and welfare by establishing a state wide system for assistance to aged persons in need, providing for the levy and collection of taxes, providing for the payment thereof by the counties and the state and for the allocation and disbursement of federal appropriations available therefor; providing funds therefor; providing penalties for the violation thereof and suspending and repealing acts inconsistent therewith.

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

Section 1. Declaration of purpose.—The care and relief of aged persons who are in need and whose physical or other conditions or disabilities seem to render permanent their inability to provide properly for themselves is hereby declared to be a special matter of state concern and a necessity in promoting public health and welfare. To provide such care and assistance a state wide system of old age assistance is hereby established.

Sec. 2. Definition.—When used in this act the term:

(a) "Old age assistance" or "assistance" shall mean money payments for aged persons, made hereunder;

(b) "Applicant" shall mean any person who has applied for old age assistance;

(c) "Recipient" shall mean any person who has been granted old age assistance;

(d) "County agency" or "county agencies" shall mean the board of county commissioners, or such other board as may be hereinafter authorized to administer this act in any county; provided, however, 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, and where such poor relief is administered by and under the supervision of said poor commission, the term "county agency" shall mean said poor commission and said poor commission shall have all the powers, rights and duties vested in the board of county commissioners and the county auditor, respectively, and for these purposes said poor commission shall have authority to employ such additional assistance as shall be found necessary;

(e) "State agency" shall mean the state board of control.

Sec. 3. Duties of state agency.—The state agency shall:

(a) Supervise the administration of old age assistance by the county agencies under this act.

(b) Make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this act in an efficient, economical and impartial manner, and to the end that the old age assistance system may be administered uniformly throughout the state, having regard for varying costs of living in different parts of the state, and in all things to carry out the spirit and purpose of this act. Such rules and regulations shall require the approval of the attorney general as to form and legality and shall be made and published once in a legal newspaper of general circulation published at the city of St. Paul in this state. From and after the date of such publication, such rules and regulations shall be in full force and effect. An affidavit of such publication, setting forth the rule or regulation in full and the dates of such publication thereof, shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file in the office of the state agency with the original of such rule or regulation. Such rules and regulations shall be furnished immediately to all county agencies and shall be binding on such county agencies.

(c) Prescribe the form of, print, and supply to the county

agencies, blanks for applications, reports, affidavits and such other forms as it may deem necessary or advisable, and establish a uniform system of accounting.

(d) Cooperate with the Federal Social Security Board, created by Title 7 of the Social Security Act, Public No. 271, enacted by the 74th Congress of the United States and approved August 14, 1935, in any reasonable manner as may be necessary to qualify for federal aid for assistance including the making of such reports in such form and containing such information as the federal social security board 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 verifications of such reports.

(e) Within 60 days after June 30, 1936, and within 60 days after the close of each fiscal year thereafter, prepare and print for said fiscal year a report which shall include a full account of the operation of this act, the expenditure of all funds under this act, adequate and complete statistics divided by counties, concerning all old age assistance within the state, and such other information as it may deem advisable.

(f) Prepare and release a summary statement monthly showing by counties the amount paid under this act, the total number of persons assisted, and the total administrative cost of the state agency.

(g) Furnish information to acquaint aged persons and the public generally with the old age assistance plan of this state.

Sec. 4. Duties of county agencies.—(a) The county agencies shall administer the old age assistance system in their respective counties under the supervision of the state agency, and shall make such reports, prepare such statistics, and keep such records and accounts in relation to old age assistance as the state agency may require.

(b) In a county having a board of public welfare as authorized by Laws 1929, 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, the investigation of applications and recipients, decisions upon applications and the fixing of the amount of old age assistance, if any.

(c) 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 old age assistance. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such old age assistance.

(d) 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.

(e) The county agency may appoint some person or other agency to investigate applications and recipients and assist applicants in the making out of applications, always, however, subject to the supervision of the county agency; provided, that decisions upon applications and fixing of amount of old age assistance shall be made by the county agency.

Sec. 5. Eligibility.—(a) Any resident of this state who shall comply with the provisions of this act shall be eligible for old age assistance while continuing to reside in this state. Temporary absences from the state may be allowed a recipient by permission from the county agency in accordance with the regulations of the state agency, and may be continued where the recipient can receive from a relative, or otherwise, a substantial amount of gratis service or subsistence not available in the state.

(b) The amount and the manner of payment of old age assistance shall be fixed with due regard to the conditions in each case and shall be an amount which, when added to the net income of the applicant, including subsistence or service reasonably available to him, does not exceed a maximum of of \$30.00 per month, subject, however, to the following:

(1) The annual income of any property which is not so utilized as to produce reasonable returns shall be deemed to be the net income which would be available if the property were suitably used. Due consideration shall be given to the current or prevailing conditions affecting the use of such property.

(2) Irregular or casual earnings, and gifts, when such do not exceed \$100 in any calendar year, may be excluded in calculating income.

(c) While a recipient is receiving old age assistance, he shall not receive any other relief from the state or from any political subdivision thereof, except for medical, dental, surgical or hospital assistance, or nursing care.

Sec. 6. Who may receive.—Old age assistance may be granted to an applicant who:

- (a) Has attained the age of 65 years;
- (b) Is a United States citizen, or has resided continuously in the United States for over 25 years;
- (c) Has been a resident of the state for five years or more within the nine years immediately preceding application, at least one year of which shall have been continuous and immediately precede such application; provided, that whenever a person has been a resident of the state at least two years continuously and immediately preceding application, but has not resided therein five years within the above mentioned nine-year period, there may be added to the years of actual residence within said nine-year period a credit for years of actual residence in the state preceding said nine-year period on the following basis:
 - (1) 40 per cent of actual residence in the six years immediately preceding the above mentioned nine years; and
 - (2) 20 per cent of actual residence in the five years immediately preceding the above mentioned six years; and
 - (3) Ten per cent of actual residence in the ten years immediately preceding the above mentioned five years; and
 - (4) Five per cent of actual residence in any time preceding the above mentioned ten years; and
- (d) Is not, because of physical or mental condition, in need of continued institutional care, and such care is reasonably available to him.

Sec. 7. Residence.—For all purposes of this act absence in the service of the state of Minnesota or the United States shall not be deemed to interrupt residence in the state if domicile be not acquired outside of the state.

Sec. 8. Eligibility.—No old age assistance shall be paid to a person:

- (a) While or during the time he is an inmate of, and receives gratuitously all the necessities of life from any public charitable, custodial or correctional institution maintained by the United States, or any state or any of the political subdivisions of the state; provided, in the case of temporary medical or surgical care in a hospital or infirmary, part or all of any

old age assistance may be paid at the discretion of the county agency subject to rules and regulations made by the state agency;

(b) If the net value of his property or the net value of the combined property of husband and wife exceeds \$3,500; provided, however, that household goods and furniture in use in the home, wearing apparel and a lot in a burial ground may be owned in addition to the property limitation provided in this subsection;

(c) Who has after the passage of this act or within two years prior thereto deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age assistance;

(d) Whose spouse, living with said person, has made an assignment or transfer, directly or indirectly, of any property for the purpose of qualifying either person for old age assistance under this act.

Sec. 9. Who are residents.—(a) For the purposes of this act every person who has resided one year continuously in any county shall have a legal settlement therein, and such legal settlement shall not be deemed lost or terminated until a new settlement shall have been acquired in another county of this state or acquired in another state. The time during which a person has been an inmate of a hospital, poor house, jail, prison or other public institution shall be excluded in determining the time of residence hereunder.

(b) An applicant for old age assistance shall file his application in writing with the county agency of the county in which he has a legal settlement, in such manner and form as shall be prescribed by the state agency. Provided, however, that as to a person otherwise qualified who has no legal settlement in any county of the state, his legal settlement for the purpose of making application hereunder shall be deemed to be the county in which he has longest resided during the year immediately preceding the filing of such application.

(c) 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 application, the county agency shall make an order fixing a time and place for the hearing thereon. The county agency shall forthwith upon the making of such order mail a copy of the same to the applicant. Any applicant or recipient shall have the right to

produce any evidence that he desires and be represented by a friend or counsel.

(d) Whenever an application is rejected or denied by a county agency upon the sole ground that the same was not filed in the county of applicant's legal settlement, an appeal may be taken to the state agency in the same manner as other appeals, and the state agency shall thereupon determine the question of legal settlement and refer the application to the county agency of the proper county for further action.

Sec. 10. County agency to make investigation.—The county agency 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 agency. Upon the completion of such investigation, the county agency shall promptly decide upon the application, and fix the amount of old age assistance, if any, and issue to each applicant to whom old age assistance is allowed, a certificate stating the date upon which old age assistance payments shall commence and the amount of each installment, which shall be paid monthly. An applicant whose application for old age assistance has been rejected by the county agency or to whom old age assistance was denied on appeal, as hereinafter provided, may not again apply for old age assistance until the expiration of 12 months from the date of his previous application, unless said refusal was on the sole ground that applicant had not complied with the residence requirements.

Sec. 11. May appeal to state agency.—(a) Any applicant or recipient aggrieved by any order or determination by the county agency may appeal from such order or determination to the state agency. Before making such appeal to the state agency the applicant or recipient shall give written notice to the county agency that he is not satisfied with the decision made. The county agency shall, within 30 days thereafter, grant a new hearing. The county agency may adhere to the decision already made, or may modify its order. If the applicant or recipient is then dissatisfied he may, within 30 days after receiving notice of such order, appeal to the state agency as herein provided. The state agency shall upon receipt of such an appeal notify the county agency and review the case, giving the applicant or recipient an opportunity for a fair hearing before such state agency. The state agency may also, upon its own motion, review any decision made by the county agency. The state agency may make such addi-

tional 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 or recipient as in its opinion is justified and in conformity with the provisions of this act. All decisions of the state agency shall be binding upon the county involved and the applicant or recipient and shall be complied with by the county agency unless modified or reversed on appeal as hereinafter provided.

(b) If a decision or determination by the state agency is not, in the opinion of the county agency or 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, by serving a copy of a written notice of such appeal upon the state agency and adverse party 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 be brought on for hearing by either party by mailing ten days' written notice stating the time and place of such hearing. Upon serving of such notice, the state agency shall, if demanded, furnish the county agency and applicant a summary of the applicant's claims on appeal, a copy of all supporting papers, a transcript of any testimony and a copy of its decision. The court shall summarily hear and determine said application on its merits. The court may either affirm or reverse the decision of the state agency appealed from, and shall enter and file with the clerk of the district court such order as may be proper in the premises; and said order and judgment of the district court shall be final; subject, however, to the power of the court to amend or modify its order from time to time as changing circumstances may require.

(c) The county agency may question the validity of any rule or regulation of the state agency, and the district court where said county agency is located shall have power to determine the validity of any such rule or regulation by original proceedings in said court. Either the state agency or the county agency may appeal from such decision to the supreme court of the state of Minnesota in the same manner as other appeals in civil actions.

(d) Any taxpayer of the state of Minnesota, resident therein, may appear at any time before the county agency of the county wherein he resides, and protest the granting or continuance of any individual old age assistance, or any por-

tion thereof, with the same right to appeal to the state agency as granted an applicant or recipient.

Sec. 12. Attorney General to appear as attorney for state agencies.—The attorney general shall be the attorney for the state agency in all matters pertaining to this act. The county attorney of each county shall be the attorney for the county agency in all matters pertaining to this act.

Sec. 13. Powers of agencies.—The county agency and the state agency shall have the power to issue subpoenas for the witnesses and compel their attendance and the production of papers and writing; and officers and employees designated by the county agency or the state agency may administer oaths and examine witnesses under oath in connection with any application or proceeding under this act.

Sec. 14. May pay funeral expenses.—On the death of a recipient, the county agency may pay an amount for reasonable funeral expenses, not exceeding \$100. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses, or if the children, or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses. In determining the sufficiency of such estate due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid by the county as funeral expenses shall be a prior claim against the estate, as provided in Laws 1935, Chapter 72, Section 108, and any amount recovered shall be paid to the treasury of the county which paid said expenses and be deposited in the county old age assistance fund, and 50 per cent thereof shall be paid to the state agency.

Sec. 15. Payments may be allowed as claim against the estate.—On the death of any person who receives any old age assistance under this or any previous old age assistance law of this state, or on the death of the survivor of a married couple, either or both of whom received such old age assistance, the total amount paid as old age assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate. The statute of limitations which limits the county agency or the state agency, or both, to recover only for assistance granted within six years shall not apply to any claim made under this act for reimbursement for any assistance granted hereunder.

Sec. 16. Contributions by children.—If at any time during the continuance of any assistance granted under this act the state agency or the county agency finds that any child or the spouse of any recipient is reasonably able to contribute to the necessary care and support of such recipient without undue hardship to himself or his immediate family, and such person so able to contribute to the care and support of such recipient fails or refuses to contribute according to his ability to the care and support of such recipient, then, after notice to such person or persons, there shall exist a cause of action against said person or persons for such amount of assistance furnished under this act subsequent to such notice, or such part thereof as such person or persons are reasonably able to pay. Said action may be ordered by the state agency, or county agency, and shall be brought in the name of the county by the county attorney of the county in which such assistance was granted and shall be brought against said person or persons for the recovery of such amount of assistance granted after such notice, as hereinbefore provided, together with a cost and disbursement of such action.

Sec. 17. United States to be reimbursed.—Whenever any amount shall be recovered from any source for assistance furnished under the provisions of this act, there shall be paid to the United States the amount which shall be due under the terms of the Social Security Act and the balance thereof shall be paid into the treasuries of the state, county, town, village, borough or city in the proportion in which they respectively contributed toward the total assistance paid.

Sec. 18. May be paid to trustees.—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 county agency may direct the payment of the old age assistance to any responsible person in trust for such recipient.

Sec. 19. May not be transferred or assigned.—No old age assistance given under this act shall be transferable or assignable at law or in equity except as provided in section 18 hereof; and no 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. 20. Recipients to make report.—Each recipient shall file such reports with the county agency as the county agency or the state agency may from time to time require. If it

appears at any time that the recipient's circumstances have materially changed or that a certificate was improperly obtained by any recipient, or if the recipient has failed to comply with the provisions of section 26, the county agency may modify, suspend or revoke any old age assistance certificate issued to such recipient, and 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. Any old age assistance paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county.

Sec. 21. Penalties for misrepresentations.—Any person who has obtained or who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, hereafter obtained, or attempts to obtain, or aids or abets any person to obtain:

(a) An old age assistance certificate to which he is not entitled;

(b) More old age assistance than that to which he is justly entitled;

(c) Payment of any forfeited installment grant;

(d) Or aids or abets in buying or in any way disposing of the property of the recipient without the consent of the county agency;

(e) Or aids or abets in buying or in any way disposing of the property of any person for the purpose of qualifying any person or his spouse for old age assistance; shall be guilty of a gross misdemeanor.

Sec. 22. County Agent may cancel certificate.—Where a recipient or applicant is convicted of an offense under section 21, the county agency may cancel the certificate or refuse to issue same.

Sec. 23. County to pay aid,—reimbursement.—Each old age assistance granted under this act shall in the first instance be paid by the county in which an old age assistance certificate is issued and while the same is in effect. The state shall reimburse each county as follows:

(a) For 33-1/3 per cent of the total amount of old age assistance paid by such county, from state funds.

(b) For 50 per cent of the total amount of old age assistance paid by such county, from federal funds; provided that in the event federal funds shall be inadequate to pay in full 50 per cent of all old age assistance paid by each county, then the available federal funds shall be paid ratably and proportionately to the several counties in the proportion which the total amount of old age assistance paid by each county bears to the total amount of old age assistance paid by all counties of the state.

(c) Not exceeding one-fourth of any funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of the old age assistance laws of this state, and the balance shall be used to repay the counties pro rata in the proportion the total number of recipients in the county bears to the total number of recipients in the state for the period in question, for actual administrative expenses.

Sec. 24. Funds—tax levies.—The providing of funds necessary to carry out the provisions of this act on the part of the counties and the manner of administering and disbursing funds of the counties and the state shall be as follows:

(a) The board of county commissioners of each county shall annually set up in its budget an item designated as the county old age assistance fund, and shall levy taxes and fix a tax rate for old age assistance sufficient to produce the full amount of such item, in addition to all other tax levies and tax rates, however fixed or determined, sufficient to carry out the provisions of this act and to pay in full the county share of old age assistance and administrative expenses for the ensuing year; and shall annually, on or before October 10th, certify the same to the county auditor to be extended by him on the tax rolls. Such tax levy and tax rate shall make proper allowance and provision for shortages in tax collections.

(b) Any county may transfer surplus funds from any county fund, except the sinking or ditch fund, to the general fund or to the county old age assistance fund in order to provide moneys necessary to pay old age assistance 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.

(c) Upon the orders of the county agency the county auditor shall draw his warrant on the proper fund in accordance with said orders and the county treasurer shall pay out the amounts ordered to be paid out as old age assistance under the provisions of this act. When necessary by reason of failure to levy sufficient taxes for the payment of said old age assistance in the county, the county board shall nevertheless authorize payment of said old age assistance and the county auditor shall carry any such payments as an overdraft on the old age assistance fund of said county until sufficient tax funds shall be provided for said old age assistance payments. The board of county commissioners shall include in the tax levy and tax rate in the year following the year in which such overdraft occurred an amount sufficient to liquidate such overdraft in full.

(d) Claims for reimbursement shall be presented to the state agency by the respective counties in such manner as the state agency shall prescribe not later than ten days after the close of the month in which the expenditures were made. The state agency shall audit such claims and certify to the state auditor the amounts due the respective counties without delay. The amounts so certified shall be paid within ten days after such certification, from the state treasury upon warrant 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 revenue 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.

Sec. 25. Agencies may be compelled to provide funds.—In the event that the county agency or the county auditor, or both, of any county fails to comply with the provisions of this act, mandamus proceedings may be instituted against such county agency or county auditor, or both, by the state agency or any interested party to compel such county agency or county auditor, or both, to comply therewith.

Sec. 26 Change of residence.—Whenever a recipient changes his place of dwelling he shall notify the county agency in which his old age assistance certificate is in effect. If he removes to another county he shall declare whether such absence is temporary, or for the purpose of taking up regular domicile. The county originally granting old age assistance

shall continue to pay the same regardless of change of residence within the state by a recipient.

Sec. 27. Funeral expenses.—All funeral expenses paid under this act shall, in the first instance, be paid by the county in which the deceased received his old age assistance certificate; and the state shall reimburse said county for 50 per cent of the payments made for reasonable funeral expenses from state funds.

Sec. 28. Claims shall be valid until revoked.—The claim of any person to any old age assistance existing on the effective date of this act, which claim has been granted under any old age assistance law of this state, shall continue as a valid order for old age assistance under this act for the amount previously approved; provided, however, that such old age assistance may be modified, suspended, or revoked by the county agency or the state agency, in the same manner as though said old age assistance was originally granted under this act.

Sec. 29. Applications must be considered on merits.—Neither the county agency nor the state agency shall have the power to modify any old age assistance as a group, but must consider each application, each modification, and each old age assistance, individually, upon its merits.

Sec. 30. Provisions severable.—The various provisions of this act shall be severable. If any section or part of this act or the application of such provision to any person, board or circumstance shall be declared unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

Sec. 31. Limitation on administrative expense.—The total administrative and supervisory expense of the state agency for the period ending June 30, 1937, shall not exceed \$75,000.

Sec. 32. Law repealed—exceptions.—Upon the effective date of this act, Laws 1935, Chapter 357, are hereby expressly repealed; provided, however, that all tax levies, agreements, mortgages and liens made pursuant to Laws 1935, Chapter 357, are hereby in all respects validated and confirmed, and all funds received, or to be received are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in this act. During the period that this act is in effect Mason's Minnesota Statutes of 1927, (1934 Supplement), Sections 3183-1 to 3183-22, inclusive, and all acts or parts of acts, general and special, inconsistent with the provisions of this act and not expressly

repealed hereby are hereby suspended, except all tax levies, and reimbursements due counties from local units of government, made pursuant to these laws, which are hereby in all respects validated and confirmed and shall remain in full force and effect for the periods for which made; and all funds received or to be received are hereby made available to the respective county agencies for the purposes of paying old age assistance and administrative costs authorized in this act and shall be subject to this act. In the event that Title I of the Social Security Act, same being Public No. 271, of the 74th Congress, shall at any time be repealed or become void by final decision of the supreme court of the United States, then this act shall become and be suspended and inoperative, and all laws and parts of laws hereby suspended shall again become operative and be in full force and effect. All instruments necessary to accomplish the intent of this section shall be signed by a majority of the members of the county agency in office on the date of such instrument, and when so executed shall be effective to accomplish the results herein provided for.

Sec. 33. Reservations.—Anything in this act to the contrary notwithstanding, the legislature reserves the right to alter, amend, repeal or suspend at any time the whole or any part or portion of this act.

Sec. 34. To comply with Social Security Act.—This act in its various terms and provisions, including the amount of old age assistance paid to an individual hereunder, is intended to comply with and give effect to the Social Security Act above referred to. In the event federal funds shall not be available or shall be inadequate to pay in full one-half of all old age assistance grants contemplated by this act, then and in such case, and until federal funds are available in full, the county board of each county may reduce each old age assistance grant by an amount equal to such deficiency.

Sec. 35. Appropriations.—For the purpose of carrying out the provisions of this act, there is hereby appropriated out of the general revenue fund, from moneys not otherwise appropriated, the sum of \$2,750,000, or so much thereof as may be necessary, the same to be made available for the period commencing with the effective date of this act, and ending June 30, 1937; provided, that an amount not to exceed \$10,000 of the above appropriation may be used by the state agency to supplement reimbursements to those counties where the total assessed valuation, exclusive of moneys and credits, does not now or hereafter exceed \$1,000,000, as shown by the annual

report of the state tax commission. All federal funds made available for the purposes of this act are hereby appropriated to the state agency to be disbursed and paid out in accordance with the provision of this act.

Sec. 36. May expend money prior to effective date.—The state agency is hereby empowered to anticipate the effective date of this act, and until the effective date may expend not to exceed \$10,000 of the sum authorized in section 31 hereof.

Sec. 37. Effective March 1, 1936.—This act shall take effect March 1, 1936, and said day shall be the effective date of this act.

Approved January 27, 1936.

CHAPTER 96—H. F. No. 268.

An act authorizing and directing payments to be made out of the trunk highway fund to compensate certain cities and villages for special assessments due against lands acquired for the trunk highway system.

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

Section 1. Commissioner to pay assessments in certain cases.—That the commissioner of highways is authorized and directed to pay to any city or village, having both a population of not less than 4,600 and not more than 5,300 inhabitants according to the last state or federal census, and an assessed valuation, exclusive of monies and credits, of not less than \$2,300,000 nor more than \$2,400,000, out of the trunk highway fund, all special assessments, including both delinquent and future unpaid installments thereof, due said city or village, which, at the time of acquisition of any lands for trunk highway purposes, were then assessed against said lands; provided, that each special assessment so paid shall be against a tract of land used for trunk highway purposes at the time of the passage of this act; provided, further, that the sum hereby authorized and directed to be paid shall not exceed \$4,000.

Approved January 27, 1936.