

CHAPTER 599—H. F. No. 1717

[Coded as Section 84.032]

An act authorizing the Commissioner of Conservation to agree, with parties to a civil action involving the navigability of a body of water, river or stream, or the ownership of the bed thereof, upon the location of the ordinary low-water mark, and providing for the inclusion thereof in the final judgment.

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

[84.032] Section 1. Commissioner may enter into agreements with riparian owners. In any civil action involving the navigability of any body of water, river or stream, or the ownership of the bed thereof, wherein the state is a party thereto, the Commissioner of Conservation, in behalf of the State, with the approval of the Attorney General, may agree by written stipulation with any riparian owner and party to such action as to the location of the ordinary low-water mark upon the riparian lands of such party. Such stipulation when executed by all parties thereto shall be presented to the Judge of the District Court wherein the action is pending for approval, and, if approved, the Judge shall make and enter an order therein providing that the final judgment when entered shall, as to the parties to such stipulation, conform to the location of the ordinary low-water mark as provided for in such stipulation.

Approved April 20, 1951.

CHAPTER 600—H. F. No. 1720

An act relating to aid to the blind; amending Minnesota Statutes 1949, Section 256.12 by adding two new subdivisions thereto and also amending Minnesota Statutes 1949, Sections 256.49, 256.51, 256.53, Subdivision 1, 256.55, and 256.60.

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

Section 1. Minnesota Statutes 1949, Section 256.12, is hereby amended by adding a new subdivision to read:

256.12 [Subd. 16.] **Optometrist.** The word "optometrist", as used in sections 256.49 to 256.71, means a person licensed to practice optometry under the provisions of the laws of this state.

Sec. 2. Minnesota Statutes 1949, Section 256.12, is hereby amended by adding a new subdivision to read:

[Subd. 17.] **Resources.** The word "resources," as used in sections 256.49 to 256.71, means any cash or other liquid assets, real or personal property, and the earning capacity of an applicant or recipient when combined with opportunity for same.

Sec. 3. Minnesota Statutes 1949, Section 256.49, is hereby amended to read:

256.49 **State agency, duties.** *Subdivision 1. Aid to blind persons.* The state agency shall:

(1) Supervise the administration of assistance to the needy blind under sections 256.49 to 256.71, and administer same in cooperation with county agencies, as hereinafter provided;

(2) Make all rules and regulations and take such action as may be necessary or desirable for the carrying out of the provisions of sections 256.49 to 256.71. 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;

(3) Establish minimum standards for personnel employed by the state agency in the administration of sections 256.49 to 256.71, and make rules and regulations necessary to maintain such standards;

(4) Prescribe the form of and print blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(5) 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 sections 256.49 to 256.71; 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;

(6) Appoint a suitable number of ophthalmologists *and optometrists*, duly licensed to practice *as such* in Minnesota and actively engaged in *such practice*, to examine applicants and recipients of assistance to the blind;

(7) Fix and pay to ophthalmologists *and optometrists*, from funds appropriated to the state agency, fees for examination of applicants and recipients;

(8) Maintain proper records of all persons making applications for and receiving assistance under sections 256.49 to 256.71;

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

(a) Eligibility as to blindness; and

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

Subd. 2. Application, approval. No application shall be approved until:

(a) The applicant has been examined by an ophthalmologist *or an optometrist* designated or approved by the state agency to make such examination *for the purpose of determining the applicant's degree of blindness and such other information as required by rules and regulations of the state agency; and has been found to be blind by the state agency's ophthalmologist following such examination; and*

(b) *A determination has been made by the state agency as to whether or not the applicant will benefit from medical or surgical treatment; and*

(c) *A determination has been made by the state agency*

as to whether or not the applicant is taking advantage of any opportunity for rehabilitation.

Sec. 4. Minnesota Statutes 1949, section 256.51, is hereby amended to read:

256.51 Public assistance. Subdivision 1. To whom given. Assistance shall be given under sections 256.49 to 256.71 to any person who:

1. Has lost his eyesight while a resident of the state, or shall have resided in the state for a period of one year immediately preceding the filing of the application for assistance;

2. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health which shall mean, with respect to personal property, a person whose personal property is worth not more than \$500 for a single person, or \$750 for a married couple. Personal property shall include stocks and bonds, bank savings, land contracts, mortgages and cash value of life insurance policies. The first \$500 for a single person or \$750 in the case of a married couple, of the cash surrender value of life insurance, and the first \$500 for a single person, or \$750 for a married couple, of sale value of clothing and household goods shall be disregarded in determining how much personal property is owned;

3. Is not an inmate of, or being maintained by a municipal, county, state, or national institution at the time of receiving assistance, *or a patient in a tuberculosis or mental institution, or a patient in a medical institution as a result of diagnosis of tuberculosis or psychosis; provided, however, that part or all of any aid to the blind may be paid to patients in public or private medical institutions other than those herein excluded, who are eligible for such aid, subject to rules and regulations made by the state agency;*

4. Has not made an assignment or transfer of property, so as to render himself eligible for assistance under these sections, at any time within two years immediately prior to the filing of application for assistance pursuant to the provisions thereof;

5. Is not, because of his physical or mental condition, in need of continuing institutional care;

6. Is not, while receiving assistance under these sections, soliciting alms;

7. Is not, while receiving assistance under these sections, receiving old age assistance, *aid to dependent children or aid to the permanently and totally disabled.*

Subd. 2. Application, investigation. Any individual who believes that he is eligible for assistance shall have the opportunity to apply for it, his application shall be promptly investigated, and if he is found eligible, assistance shall be furnished to him.

Sec. 5. Minnesota Statutes 1949, Section 256.53, Subdivision 1, is hereby amended to read:

256.53 Amount of assistance. Subdivision 1. **Determined by state agency.** 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 sufficient, when added to all other income and support of the recipient, to provide him with a reasonable subsistence compatible with decency and health. *Effective July 1, 1952, the first \$50 of earned monthly income shall be disregarded in determining the need of an applicant or recipient; such applicant or recipient shall furnish a monthly report of all earnings within ten days after the close of each month and the state agency shall consider such reports in adjusting subsequent monthly grants.*

Sec. 6. Minnesota Statutes 1949, Section 256.55, is hereby amended to read:

256.55 Investigation. When an application for assistance under sections 256.49 to 256.71 is received the state agency shall immediately arrange for an examination as to the blindness of the applicant by an ophthalmologist or optometrist 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 sections 256.49 to 256.71, 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.

Sec. 7. Minnesota Statutes 1949, Section 256.60, is hereby amended to read:

256.60 Appeals. *Subdivision 1. Consideration of application.* If an application is not acted upon *with reasonable promptness or an* applicant is aggrieved by any order or determination of the state agency, *he* may request *prompt consideration of his application or a reconsideration thereof* and shall be entitled to a fair and impartial hearing before the state agency. All requests for reconsideration by the state agency shall be in writing.

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 sections 256.49 to 256.71.

Subd. 2. Final decision or determination. If any final decision or determination by the state agency is not, in the opinion of the applicant or recipient, in conformity with sections 256.49 to 256.71, 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 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 county. Such appeal may, upon not less than ten days' written notice, be brought on for hearing by either party before the 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, refer the matter to some other judge in the 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 be-

fore the state agency and a copy of its decision. The court shall try and determine the appeal upon the record of the state agency as certified to it and in its determination shall be limited to the issue as to whether the order of the state agency is fraudulent, arbitrary, or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in the district court, unless such new or additional evidence, in the opinion of the court, is necessary to a disposition of the appeal. The court shall *within 30 days* make its decision upon the appeal, giving its reasons therefor, and shall order the state agency to take further action in the matter not inconsistent with the determination of the court.

During the pendency of the appeal, if the state agency has awarded assistance to a recipient, this assistance shall be paid to him pending the determination of the appeal. The state agency and the district court shall construe these sections liberally in favor of the blind applicant to the end that the applicant shall be awarded sufficient assistance compatible with decency and health.

Approved April 20, 1951.

CHAPTER 601—H. F. No. 1723

(Not Coded)

An act relating to de facto corporations, and legalizing and validating certain corporate acts and legalizing and validating certain de facto corporations; and providing for the extension of the corporate existence of such corporation.

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

Section 1. De facto corporations; amendment to articles. Any corporation organized for profit which was organized defectively under the laws of this state that has conducted its business and has in good faith carried on and transacted business, and the time of whose corporate existence has expired, may amend its articles of incorporation in their entirety; including an amendment extending corporate existence of such corporation, so as to come under and be bound by the pro-