

by an additional tax levy or levies for said purpose during any and all of the next succeeding four years sufficient in amount to compensate for such deficit. The additional tax levy authorized hereunder shall not be subject to the 15 mill limitation for road and bridge purposes as provided in Minnesota Statutes 1949, Section 163.05.

Approved April 3, 1951.

CHAPTER 229—S. F. No. 875

An act relating to aid to dependent children; amending Minnesota Statutes 1949, Sections 256.12, Subdivisions 14 and 15, 256.73, 256.74, Subdivision 1, 256.76 and 256.81.

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

Section 1. Minnesota Statutes 1949, Section 256.12, Subdivisions 14 and 15, are hereby amended to read:

256.12 Subd. 14. **Dependent child.** "Dependent child," as used in sections 256.72 to 256.87, means a child under the age of 18 years who, if school facilities are available, is regularly attending school, if physically able and above the minimum school age, or who is under compulsory school age, or who is physically unable to attend school, or who is over compulsory school age, but through physical or mental disability is unable to be employed, or who is over compulsory school age and unemployed, but where further schooling is inadvisable in the opinion of the county agency and his unemployment is without fault on his part, and who is found to be deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives, liable under the law for his support are not able to provide adequate care and support of such child, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt in a place of residence maintained by one or more of such relatives as his or their home.

Subd. 15. **Continued absence from the home.** "Continued absence from the home," as used in sections 256.72 to

256.87, means the absence from the home of the parent, whether or not entitled to the custody of the child, by reason of being an inmate of a penal institution or a fugitive after escape therefrom, or absence from the home by the parent for a period of at least one month continuous duration together with failure on the part of the absent parent to support the child, provided that prior to the granting of such aid all reasonable efforts shall have been made to secure support for such child from the defaulting parent, and, provided, further, that no child which shall have been abandoned in this state shall continue eligible for such aid unless a warrant for arrest for such abandonment shall have been issued under the laws of this state, either prior to the application for aid or as soon thereafter as legally possible, and in any event within a period of not more than 120 days from the date of such application.

Sec. 2. Minnesota Statutes 1949, Section 256.73, is hereby amended to read:

256.73. Assistance, to whom given. Subdivision 1. Dependent children. Assistance shall be given under sections 256.72 to 256.87 to or on behalf of any dependent child who:

(1) has resided in the state for one year immediately preceding the application for such assistance; or who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the state for one year immediately preceding the birth;

(2) is living in a suitable home conducted by a family having as far as practicable the same religious faith as the family of the child and meeting the standards of care and health fixed by the laws of this state and rules and regulations of the state agency thereunder.

Subd. 2. Ownership of property. The ownership by a father or mother of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Personal property of a reasonable market value in excess of \$300, exclusive of appropriate clothing and necessary household furniture and equipment, and of such tools, implements, and domestic animals as in the opinion of the county agency it is expedient to retain for the purpose of reducing the expense or increasing the income of the family; or

(2) Real estate not used as a home, provided that if such real estate does not produce net income sufficient to meet the family budget and there is no available market for the sale of such property, or if the price which can be obtained on the prevailing market is not fair and reasonable considering the applicant's interest therein and the possibilities of sale of said property for a greater amount within a reasonable length of time thereafter then in that event, in the discretion of the county agency, ownership of the same shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expense toward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

Subd. 3. Persons who may not receive. No assistance shall be given under sections 256.72 to 256.87 to or on behalf of any one who is receiving aid to the blind, old age assistance, aid to the permanently and totally disabled; or is a patient in a tuberculosis or mental institution or who is 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 dependent children may be paid to or on behalf of patients in public or private medical institutions other than those herein excluded, who are eligible to such aid, subject to rules and regulations of the state agency.

Subd. 4. County responsible for payment. The county responsible for the payment of assistance under sections 256.72 to 256.87 shall be the county in which said child has resided for the year preceding the application for assistance; provided, that if said child has not resided continually in any one county for the year preceding said application, then the county in which said child has resided for the longest period of time during said year shall be responsible for the payment of assistance under sections 256.72 to 256.87, subject to the provisions of section 256.79.

Sec. 3. Minnesota Statutes 1949, Section 256.74, Subdivision 1, is hereby amended to read:

256.74. Assistance. Subdivision 1. Amount. The amount of assistance which shall be granted to or on behalf of

any dependent child *and mother or other needy eligible relative caring for such dependent child* shall be determined by the county agency with due regard to the resources and necessary expenditures of the family 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 available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

Sec. 4. Minnesota Statutes 1949, Section 256.76, is hereby amended to read:

256.76. **Assistance, determination of amount.** Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant *or to the vendor of medical care* upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under those sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to *or for* recipients of this assistance or in accordance with any subsequent order.

Sec. 5. Minnesota Statutes 1949, Section 256.81, is hereby amended to read:

256.81. **County agency, duties.** (1) The county agency shall keep such records, accounts, and statistics in relation to aid to dependent children as the state agency shall prescribe.

(2) Each grant of aid to dependent children shall be paid to the recipient by the county agency in the first instance, *except in those instances in which the county agency, subject to rules and regulations of the state agency, determines that payments for medical care shall be made directly to the vendor of such care.*

(3) The county shall be paid from state and federal funds available therefor the amount provided for in section 256.82.

(4) Not exceeding two-thirds of any federal funds for *administration* shall be used to repay the counties' necessary administrative expenses pro rata in the proportion the total number of recipients in each county bears to the total number of recipients in the state for the period for which such funds were received and are available, and the balance of any such sum shall be available to the state agency to defray the necessary expenses of the state agency.

Sec. 6. Minnesota Statutes 1949, Section 256.82, is hereby amended to read:

256.82. **Payments by state.** Based upon estimates submitted by the county agency to the state agency, *which* shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month, together with an amount of state funds equal to 50 per cent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Approved April 3, 1951.

CHAPTER 230—H. F. No. 986

An act relating to weights and measures and the weighing of livestock for sale; amending Minnesota Statutes 1949, Section 239.13.

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

Section 1. Minnesota Statutes 1949, Section 239.13, is amended to read:

239.13 **Weighers at packing plants.** The commission