

payable solely from the combined utility revenues and net revenues of the municipal liquor store and shall not constitute a debt of the village payable in any way from ad valorem taxes nor shall the amount of such bonds at any time outstanding be included in determining the village's net indebtedness under the provisions of any applicable law.

Sec. 3. **Question submitted to voters.** The resolution for the issuance of such bonds to be adopted by the village council shall provide for the submission of the question to a vote of the electors therein. No such bonds shall be issued without the approval of the majority of the electors voting on the question of their issuance.

Approved April 18, 1953.

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CHAPTER 464—S. F. No. 1307

[Coded]

*An act relating to relief of the poor providing for an appeals procedure.*

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

Section 1. [261.123] **Relief of poor; order or determination; appeal to director of social welfare.** Any applicant or recipient aggrieved by any order or determination of an officer or officers of the political subdivision having jurisdiction of general relief or general assistance may appeal from such order of determination to the director of social welfare. Before making such appeal to the director of social welfare the applicant or recipient shall give written notice to the officer or officers of the political subdivision having jurisdiction that he is not satisfied with the decision made. The officer or officers having jurisdiction shall, within 30 days thereafter, grant a new hearing. The officer or officers of the political subdivision having jurisdiction 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 director of social welfare as herein provided. The director of social welfare shall, upon receipt of such an appeal notify the officer or officers of the political subdivision having jurisdiction and review the case, giving the applicant or recipient an opportunity for a fair hearing before the director of social welfare or his legal representative. The director of social welfare may upon his own motion review any decision made by an officer or officers of a political subdivision having jurisdiction. The director of

social welfare may make such additional investigation as he deems 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 his opinion is justified and in conformity with the provisions of sections 261.01 to 263.12. All decisions of the director of social welfare shall be binding upon the political subdivision involved and the applicant or recipient and complied with by the officer or officers of the political subdivision having jurisdiction unless modified or reversed on appeal as hereinafter provided.

**Sec. 2. [261.124] Procedure on appeal.** If a decision or determination by the director of social welfare is not, in the opinion of the officer or officers of a political subdivision having jurisdiction or applicant or recipient, in conformity with section [sections] 261.01 to 263.12, either may within 30 days after such decision appeal from the decision or determination of that [the] director of social welfare 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 director of social welfare and adverse party and filing the original of such notice, together with proof of service, with the clerk of the district court of the 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 director of social welfare shall, if demanded, furnish the officer or officers of political subdivision having jurisdiction and applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony and a copy of its decision. The court shall summarily, upon ten days' written notice, try and determine the appeal upon the record of the director of social welfare as certified to it and in the determination shall be limited to the issue as to whether the order of the director of social welfare 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 a district court, unless such new or additional evidence in the opinion of the court, is necessary to a more equitable disposition of the appeal. If the court shall find the order of the director of social welfare fraudulent, arbitrary or unreasonable, the court shall make an order declaring the order of the director of social welfare null and void, giving its reasons therefor, and shall order the director of social welfare to take further action in the matter not inconsistent with the determination of the court.

During the pendency of the appeal, if the director of social welfare has awarded general relief or general assistance to a recipient, the general relief or general assistance shall be

paid to him pending the determination of the appeal. If the appeal shall be from the order of the director of social welfare, raising or lowering the amount paid to a recipient, and if the order of the director of social welfare shall not be sustained, then the recipient shall receive the amount, if any, theretofore fixed by the officer or officers of the political subdivision having jurisdiction.

Sec. 3. [261.125] **Appeal to district court.** The officer or officers of the political subdivision having jurisdiction may question the validity of any rule or regulation of the director of social welfare and the district court where the political subdivision having jurisdiction is located shall have power to determine the validity of any such rule or regulation by original proceedings in the court. Either the director of social welfare, or the officer or officers of the political subdivision having jurisdiction may appeal from such decision to the supreme court in the same manner as other appeals in civil actions.

Sec. 4. [261.126] **Protests against granting of relief.** Any taxpayer of the state, resident therein, may appear at any time before the officer or officers of the political subdivision having jurisdiction of the county wherein he resides and protest the granting or continuance of any individual general relief or general assistance or any portion thereof, with the same right to appeal to the director of social welfare as granted an applicant or recipient.

Approved April 18, 1953.

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CHAPTER 465—S. F. No. 1318

*An act relating to livestock buyers or dealers; amending Minnesota Statutes 1949, Section 239.18, Subdivisions 3 and 4.*

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

Section 1. Minnesota Statutes 1949, Section 239.18, Subdivision 3, is amended to read:

Subd. 3. **Surety bonds; filing, when not required.** Each applicant shall file with his application a surety bond issued by a responsible surety company in the sum of \$5,000, in which the commission shall be the obligee but which shall be for the purpose of protecting any person dealing with such applicant, or his or their agent or agents, *within the state of Minnesota*, from loss by reason of acts of fraud, dishonesty, forgery, and theft on the part of the principal or his or their agents and