

is located shall accept each such certificate for filing and recording in his office upon payment of a fee therefore commensurate with the length of the certificate. Neither witnesses nor an acknowledgment shall be required on any such certificate, but it shall be signed by the registered surveyor and shall state following his signature that he is a registered surveyor in the State of Minnesota. The register of deeds shall make suitable notations on his record of the plat or subdivision to which such certificate refers to direct the attention of anyone examining such plat or subdivision to the record of such certificate.

Sec. 4. [508.88] **Certificate as prima facie evidence.** A certificate filed pursuant to this act shall be prima facie evidence of the statements appearing therein and shall be received in evidence for that purpose. No such certificate shall have the effect of destroying or changing vested rights acquired based upon an existing plat or subdivision despite errors or defects therein or omissions therefrom.

Approved April 16, 1955.

CHAPTER 473—H. F. No. 957

[Not Coded]

An act relating to the salary of county auditor in certain counties.

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

Section 1. **Sibley county, auditor's salary.** In all counties in this state having a population of not less than 15,000 nor more than 16,000 according to the last federal census, containing not less than 18 nor more than 20 congressional townships, an area of less than 600 square miles, and a valuation in excess of \$12,000,000, the county auditor shall receive a salary of \$5,000 per annum.

Approved April 16, 1955.

CHAPTER 474—H. F. No. 978

An act relating to old age assistance; amending Minnesota Statutes 1953, Section 256.19, Subdivisions 1, 2, and 3; Section 256.21, Subdivision 1, and Section 256.26, Subdivision 11.

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

Section 1. Minnesota Statutes 1953, Section 256.19, Subdivision 1 is amended to read :

256.19 Legal settlement. Subdivision 1. Requirements. For the purposes of sections 256.11 to 256.43 every person who has established state residence under section 256.16 and meets all other eligibility requirements for old age assistance is entitled to receive payment from the county in which he has acquired legal settlement. Legal settlement for this purpose is determined as follows :

(a) If a person resides one year continuously in any county, he has a legal settlement therein.

(b) If a person has not resided one year continuously in any county, he has a legal settlement in the county in which he has resided for the longest period during the 12 months of time, not excluded below, before he applies.

(c) If a person has not resided in the state for 12 months or more of non-excluded time, who has acquired state residence under section 256.16, he has a legal settlement in the county in which he has resided for the longest period of non-excluded time.

(d) Every person not included in (a), (b), and (c) above has a legal settlement in the county in which he has resided for the longest period during the year preceding the filing of his application, whether that year is excluded or non-excluded time.

His legal settlement is not lost or terminated until a new settlement is acquired in another county of this state or acquired in another state. For the purpose of determining county settlement, but not state residence, the time during which a person is an inmate or patient in one of the following places, whether public or private, is excluded; a hospital, poor house, jail, prison, licensed nursing home or licensed boarding care home, or home for the aged.

Sec. 2. Minnesota Statutes 1953, Section 256.19, Subdivision 2 is amended to read :

Subd. 2. **Application.** An applicant for old age assistance shall file his application in writing with the county agency of the county in which he has legal settlement, in such manner and form as shall be prescribed by the state agency.

Sec. 3. Minnesota Statutes 1953, Section 256.19, Subdivision 3 is amended to read :

Subd. 3. Verification. 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. Any applicant or recipient shall have the right to produce any evidence that he desires and be represented by a friend or counsel.

Sec. 4. Minnesota Statutes 1953, Section 256.21, Subdivision 1 is amended to read:

256.21 Appeals, reviews. Subdivision 1. **Appeal to state agency.** 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. *An appeal may also be taken if the application is not acted upon by the county agency within 60 days.* 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 upon its own motion review any decision made by the county agency. 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 and nature of assistance to be granted the applicant or recipient as in its opinion is justified and in conformity with the provisions of sections 256.11 to 256.43. All decisions of the state agency shall be binding upon the county involved and the applicant or recipient and complied with by the county agency unless modified or reversed on appeal as hereinafter provided.

Sec. 5. Minnesota Statutes 1953, Section 256.26, Subdivision 11 is amended to read:

Subd. 11. Disqualification. Any person who has heretofore transferred or who hereafter transfers, or disposes of his property in order to avoid the application of this section shall be disqualified from receiving old age assistance.

Approved April 16, 1955.
