

rules and regulations of the state agency, but in no case shall it exceed \$65 a month, except for medical, dental, surgical, hospital, nursing, or licensed nursing home care, provided, however, that where the county welfare board determines that *because of his infirmity or physical disability* an applicant or recipient requires board and room in the nature of congregate care but not continual medical or nursing care, such board may allow not to exceed \$90 per month providing such care is received from a nonrelative in a boarding care home *complying with the licensing requirements pertaining thereto*, subject to the following:

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.

Approved April 26, 1957.

CHAPTER 690—H. F. No. 131

An act to promote the public welfare relating to aid to dependent children and the definition of "dependent child"; amending Minnesota Statutes 1953, Sections 256.12, Subdivision 14, 256.73, Subdivision 1, 256.74, Subdivision 2, and 256.76.

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

Section 1. Minnesota Statutes 1953, Section 256.12, Subdivision 14 is amended to read:

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 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, aunt, *first cousin, nephew, or niece* in a place of residence maintained by one or more of such relatives as his or their home.

Sec. 2. Minnesota Statutes 1953, Section 256.73, Subdivision 1 is amended to read:

256.73 Assistance, recipients. 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 *application*; provided, that the time during which a child has been an inmate of a hospital, a home of detention, a licensed boarding or foster home, or of any public or private institution, shall be excluded in determining the time of residence of such child in obtaining county residence but shall not preclude a child from gaining state residence; or a dependent child who has come to the state of Minnesota from another state which has no residence requirements;

(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.

Sec. 3. Minnesota Statutes 1953, Section 256.74, Subdivision 2 is amended to read:

Subd. 2. **Allowance barred by ownership of property.** Application for assistance under sections 256.72 to 256.87 shall be made to the county agency of the county *in* which the dependent child is *residing*. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and verified by the oath of the applicant. The application shall be made by the person with whom the child will live and contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the state agency. One application may be made for several children of the same family if they reside with the same person.

Sec. 4. Minnesota Statutes 1953, Section 256.76 is amended to read:

256.76 Assistance, determination of amount. *Subdivision 1.* 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 these 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.

Subd. 2. If upon the investigation the county agency shall decide that the application was not filed in the county from which the dependent child is entitled to receive assistance under section 256.73, Subdivision 4, it shall transfer the application and all records of its investigation to the county decided to be responsible for the payment of assistance. Thereupon the latter county shall proceed in the same manner as though the application had been originally filed with it. If, after prompt investigation, the agency of the county to which the application is transferred decides that county is not responsible for the payment of assistance, it shall transmit to the state agency the original application together with such information and records as the state agency shall require. The state agency shall make such investigation as it deems necessary and shall make an order determining the county responsible for payment and referring the application to such county for appropriate action. A copy of the order of the state agency shall be mailed to the county found responsible and to the applicant. The order shall be binding and shall be complied with unless reversed on appeal and shall be complied with pending any appeal. Any order of the state agency hereunder may be appealed in the manner provided by section 256.77, subdivisions 3 to 6.

Approved April 26, 1957.

CHAPTER 691—H. F. No. 268

[Coded]

An act authorizing the use of portions of county tuberculosis sanatoriums for the care and treatment of non-tuberculous patients and providing for the payment of such care and treatment.

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