

or statement of the expenses incurred and paid by the commission shall be included with the commission's report.

Approved April 22, 1955.

CHAPTER 711—H. F. No. 1259

An act relating to aid to the blind; amending Minnesota Statutes 1953, Section 256.12, Subdivision 8, Sections 256.49 to 256.68, inclusive; repealing Minnesota Statutes 1953, Section 256.49, Subdivision 2.

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

Section 1. Minnesota Statutes 1953, Section 256.12, Subdivision 8 is amended to read:

Subd. 8. **County agency.** As used in sections 256.49 to 256.71, the term "county agency" means a county welfare board operating under and pursuant to the provisions of Minnesota Statutes 1953, chapter 393.

Sec. 2. Minnesota Statutes 1953, Section 256.49, Subdivision 1, is 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 by the county agencies under section 256.49 to 256.71;

(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) *Pay to county agencies* from funds appropriated to the state agency, *reasonable* fees for examination of applicants and recipients *by ophthalmologists and optometrists*;

(8) Maintain proper records of all persons making application 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.

Sec. 3. **Repealer.** Minnesota Statutes 1953, Section 256.49, Subdivision 2 is hereby repealed.

Sec. 4. Minnesota Statutes 1953, Section 256.50, is amended to read:

256.50 **Blind persons, duties of county agency.** *Subdivision 1. Administrative services.* The county agency shall render to the state agency such service in connection with the administration of sections 256.49 to 256.71 as the state agency may, from time to time, find necessary and advisable.

Subd. 2. Approval of application. *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; and*

(b) *The state agency has determined the extent to*

which the applicant will benefit from medical or surgical treatment; and

(c) *The county agency has determined the extent to which the applicant is taking advantage of any opportunity for rehabilitation;*

Subd. 3. Contributions by relatives. If any time during the continuance of any assistance granted under sections 256.49 to 256.71 the state agency or county agency finds that any spouse, parent or child of any recipient receiving assistance is able to contribute to the necessary care and support of such recipient without undue hardship to himself or his immediate family and such person so able to contribute to the care and support of such recipient fails or refuses to contribute according to his ability to the care and support of such recipient, then, after notice to such person, there shall exist a cause of action against this person for such amount of assistance furnished under sections 256.49 to 256.71 subsequent to such notice, or such part thereof as such person is reasonably able to pay. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which such assistance was granted, or by the state agency against this person for the recovery of such amount of assistance granted after the notice provided in this subdivision, together with the costs and disbursements of the action.

Sec. 5. Minnesota Statutes 1953, Section 256.51, is amended to read:

256.51 Public assistance. Subdivision 1. Eligibility. 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 has resided in the state, for a period of one year immediately preceding the filing of the application for assistance *with the county agency of the county in which he is residing;*

(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. Personal property used as a regular abode by the applicant or recipient may be excluded in determining the value of personal property owned. 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; but 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, while receiving assistance under these sections, soliciting alms;

(6) 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. **Investigation of applications.** 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. 6. Minnesota Statutes 1953, Section 256.53, is amended to read:

256.53 **Amount of assistance.** Subdivision 1. **Determination.** The amount of assistance which any recipient shall receive shall be determined by the *county* 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. The first \$50 of earned monthly income shall be disregarded in determining the need of an applicant or recipient and the following deductions from the gross income of the applicant or recipient from salaries, wages, commissions, sales and fees unless reimbursed

by the employer, shall be deducted before determining such earned monthly income:

- (1) expenses of travel incidental to employment;
- (2) cost of meals and lodging away from home necessarily incurred to earn income;
- (3) cost of merchandise purchased for sale;
- (4) salaries, wages, commissions or fees paid by the applicant or recipient where necessary in carrying on his business or profession;
- (5) interest paid on business or professional indebtedness;
- (6) cost of telephone service used in business or profession;
- (7) taxes, reasonable depreciation, rent, service charges and cost of repairs on property used in business or profession;
- (8) cost of supplies purchased for business or profession;
- (9) bad debts resulting from sale of merchandise or equipment used in business or profession.

Such applicant or recipient shall furnish a monthly report of all earnings within ten days after the close of each month and the *county* agency shall consider such reports in adjusting subsequent monthly grants.

Subd. 2. Funeral expenses. On the death of a recipient, the *county* agency may pay an amount for reasonable funeral expenses, not exceeding \$150. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses, or if the children or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses, provided that the additional payment or donation of the cost of the cemetery lot, interment, religious services, or for the transportation of the body into or out of the community in which deceased resided, shall not limit the payment by the *county* agency as herein authorized. Provided further that freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate due regard shall be had for the nature and marketability of the assets of the estate. The *county* agency may grant funeral expenses where the sale would cause undue loss to the estate. *The state*

shall reimburse the county for 50 percent of the payments made for such funeral expenses.

Sec. 7. Minnesota Statutes 1953, Section 256.54, is amended to read:

256.54 Applications. *Subdivision 1. Manner of making.* Application for assistance under sections 256.49 to 256.71 shall be made to the county agency of the county in which the applicant 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. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application and such other information as may be prescribed by the state agency.

Subd. 2. Eligibility. For the purposes of sections 256.49 to 256.71 every person who meets all of the eligibility requirements in section 256.51, subdivision 1, is entitled to receive payments from the county in which he has acquired legal settlement. Legal settlement for this purpose is defined 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 the non-excluded time during which a person has resided in the state is less than 12 months, 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, licensed boarding care home or home for the aged.

Sec. 8. Minnesota Statutes 1953, Section 256.55, is amended to read:

256.55 Investigations. When an application for assistance under sections 256.49 to 256.71 is received the *county* 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 *county* 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 *county* agency may administer oaths.

Sec. 9. Minnesota Statutes 1953, Section 256.57, is amended to read:

256.57 Determination of eligibility. *When the state agency certifies that the applicant is legally blind, the county agency shall determine the eligibility of the applicant for assistance under the provisions of sections 256.49 to 256.71, and determine the amount of assistance, if any, and the date on which it shall begin. In determining the amount of assistance account shall be taken of any income or property of the applicant, and any support which he may receive from other sources. The county agency shall notify the applicant of its decision in writing. Assistance shall be paid monthly from funds appropriated to the county agency for such purposes. The county agency shall, upon the granting of that assistance, file an order, on a 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 that order to the recipient of that assistance subject to the provisions of section 256.61.*

Sec. 10. Minnesota Statutes 1953, Section 256.58, is amended to read:

256.58 Guardians. If in the opinion of the *county* agency a blind recipient is incapable of handling his own affairs, or the assistance received under sections 256.49 to 256.71 is not used for his best interests, the *county* agency may arrange for the appointment of a legal guardian, and when ap-

pointment is made the *county* agency shall pay the assistance through such guardian.

Sec. 11. Minnesota Statutes 1953, Section 256.60 is amended to read:

256.60 Appeals. Subdivision 1. **Request for 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 *county* agency, he may *appeal directly to the state agency*. All requests for reconsideration by the state agency shall be in writing.

Upon receipt of such appeal the state agency may make such additional investigation as it deems 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. **District court.** If any final decision or determination by the state agency is not, in the opinion of the *county* agency, or 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 *if demanded* 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 before 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.

Sec. 12. Minnesota Statutes 1953, Section 256.64, is amended to read:

256.64 Acquisition of property, notice. If at any time during the continuance of assistance under sections 256.49 to 256.71 the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application provided for in section 256.54, it shall be the duty of the recipient to notify the *county* agency of the receipt, or possession of such property or income, and the *county* agency may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into the possession of such property or income and in excess of his need shall be recoverable by the *county* as a debt due the *county*.

Sec. 13. Minnesota Statutes 1953, Section 256.65, is amended to read:

256.65 Assistance a claim against estate. On the death of any recipient the total amount of assistance and funeral expenses paid under sections 256.49 to 256.71 shall be allowed as a claim against the estate of such person. *When any amount is recovered from any source for assistance furnished under the provisions of sections 256.49 to 256.71, there shall be paid to the United States the amount due under the terms of the social security act, and the balance thereof shall be paid into the treasuries of the state and county, in the proportion in which each contributed toward the total assistance paid.*

Sec. 14. Minnesota Statutes 1953, Section 256.66, is amended to read:

256.66 Removal by recipient to another county, notice. Any recipient who moves to another county in this state shall notify the *county* agency.

Sec. 15. Minnesota Statutes 1953, Section 256.67, is amended to read:

256.67 Aid to the blind fund. Subdivision 1. Payments, when made. All payments of aid to the blind provided

for in sections 256.49 to 256.71 shall be made monthly, by the county agency in the first instance in accordance with the rules and regulations of the state agency. The county agency shall submit to the state agency an estimate of expenditures for each succeeding month in the form required by the state agency.

Subd. 2. Disbursements from fund. The moneys available to the state agency to carry out the provisions of sections 256.49 to 256.71, including all federal funds available to the state, shall be kept and deposited by the state treasurer in the "aid to the blind" fund and disbursed to the county agencies upon warrants in the same manner as other state funds except that such warrants shall be countersigned by the state agency or some other person duly authorized. Any interest accruing on such fund shall be credited to that fund.

Subd. 3. Federal funds, use. Not exceeding one half of any federal funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of state laws governing aid to the blind. The balance shall be used to repay the counties pro rata in the proportion the total number of recipients in the county bears to the total number of recipients in the state for the period in question.

Subd. 4. State agencies to pay federal funds to counties. The state agency shall pay to the counties federal funds available for administrative and benefit costs together with state funds equal to 50 percent of the difference between the total estimated cost and the federal funds available. Payments to the counties shall be made monthly in advance and shall be based on county estimates of expenditures for the succeeding month. Adjustment of any underestimate or overestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Subd. 5. Appropriations by county, transfer of funds. The county board of commissioners in each county in this state shall appropriate annually such sum as may be needed to carry out the provisions of sections 256.49 to 256.71, and include in the tax levy for such county the sum appropriated for this purpose. Should the appropriated sum be expended during the year, additional sums shall be appropriated for this purpose by the board of county commissioners.

A county may transfer surplus funds from any county fund except the sinking and drainage ditch funds to the fund established for aid to the blind, pending collection of taxes levied for that purpose. Any portion of the money so transferred which is not needed for such purpose shall be returned

to the fund from which it was transferred. Any county not having surplus funds available may borrow the amount required for granting assistance under sections 256.49 to 256.71 until taxes levied for this purpose are available.

Sec. 16. Minnesota Statutes 1953, Section 256.68, is amended to read:

256.68 Fraud, penalties. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the county agency with intent to defeat the purposes of sections 256.49 to 256.71, shall be guilty of a misdemeanor; and, upon conviction thereof, fined not more than \$100 or imprisoned for not more than three months.

Sec. 17. The effective date of this act shall be July 1, 1955.

Approved April 22, 1955.

CHAPTER 712—H. F. No. 1289

[Coded]

An act relating to taxation; providing a method for levying taxes in certain school districts; repealing Minnesota Statutes 1953, Section 127.05, Subdivision 2.

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

Section 1. [127.055] **Joint school districts, levies for school purposes.** Subdivision 1. On or before October 10 of each year the clerk of the school board of any joint school district shall certify to the county auditor of the county in which such clerk's office is located the levies for school purposes authorized by law for such district.

Subd. 2. The county auditor to whom the levies are certified shall apportion the same to the respective counties in which the school district is located on the basis of relative proportionate valuations of taxable property of the school district located in each county as determined by the department of taxation under authority of section 128.082, subdivision 1.