

CHAPTER 352—H. F. No. 254

An act relating to aid to the blind, amending Mason's Supplement 1940, Sections 3199-66, 3199-75 and 3199-76.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 3199-66, is hereby amended to read as follows:

"3199-66. Public assistance.—Assistance shall be given under this act to any person who;

(a) Is an adult blind person found, by the state agency, to be in need of financial assistance to enable him to pay for his maintenance or for other purposes;

(b) Has lost his eyesight while a resident of the state, or shall have resided in the state for a period of five years during the nine years immediately preceding the filing of the application for assistance, the last year of which shall be continuous and immediately precede such application;

(c) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(d) Is not an inmate of, or being maintained by any municipal, county, state, or national or institution at the time of receiving assistance. An inmate of an institution may, however, make application for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate of such institution;

(e) Has not made an assignment or transfer of property so as to render himself eligible for assistance under this act, at any time within two years immediately prior to the filing of application for assistance pursuant to the provisions of this act;

(f) Is not, because of his physical or mental condition in need of continuing institutional care;

(g) Is not, while receiving assistance under this act, soliciting alms;

(h) Is not, while receiving assistance under this act, receiving old age assistance."

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 3199-75, is hereby amended to read as follows:

"3199-75. Appeals.—If an application is not acted upon within 60 days after the filing thereof, the applicant may

appeal to the state agency in the manner and form prescribed herein. Any applicant who is aggrieved by any order or determination of the state agency may request a reconsideration of his application and shall be entitled to a fair and impartial hearing before the state agency. All requests for reconsideration by the state agency shall be made in writing.

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 of assistance to be granted the applicant as, in its opinion, is justified and in conformity with the provisions of this act.

If any final decision or determination by the state agency is not, in the opinion of the applicant or recipient, in conformity with this act, 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 application was filed or 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 said county. Such appeal may, upon not less than ten days' written notice, be brought on for hearing by either party before said 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, shall refer the matter to some other judge in said district. Upon serving of such notice, the state agency shall 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 summarily, upon 10 days' written notice, try and determine the said appeal upon the record of the state agency as certified to it and in said 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 more equitable disposition of the appeal. If the court shall find the order of the state agency fraudulent, arbitrary or unreasonable, the court shall make an order declaring the order of the state agency null and void, giving its reasons therefor, and shall order the state agency to take further action in said matter not inconsistent with the determination of the court.*

During the pendency of said appeal, if the state agency has awarded assistance to a recipient, said assistance shall be paid to him pending the determination of said appeal. The state agency and the district court shall construe the act liberally in favor of the blind applicant to the end that the applicant shall be awarded sufficient assistance compatible with decency and health.

Sec. 3. **Law amended.**—Mason's Supplement 1940, Section 3199-76, is hereby amended to read as follows:

"3199-76. **Reconsideration of assistance grants.**—All assistance grants made under this act shall be reconsidered as frequently as may be required by the rules of the state agency. After such reconsideration, the grant of assistance may be modified, suspended or revoked *as indicated by a reinvestigation of the recipient's financial circumstances as determined upon his living needs.*"

Approved April 21, 1941.

CHAPTER 353—H. F. No. 759

An act relating to gifts to the state or its institutions; amending Mason's Minnesota Statutes of 1927, Sections 89 and 92.

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 89, is hereby amended to read as follows:

"89. **Gifts—acceptance.**—The state treasurer is hereby authorized to receive and accept, on behalf of the state of Minnesota, any gift, bequest, devise or endowment which may be made by any person, by will, deed or gift or otherwise, *to or for the benefit of the state or any of its departments or agencies, or to or in aid, or for the benefit, support or maintenance of any educational, charitable or other institution maintained in whole or in part by the state of Minnesota, or for the benefit of students, employees or inmates thereof, or for any proper state purpose or function,* and the money, property or funds constituting such gifts, bequest, or devise or endowment. Provided, however, that no such gift, bequest, devise or endowment shall be so accepted unless the governor, the state auditor and the state treasurer shall determine that