

CHAPTER 256

SOCIAL WELFARE

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**256.01 COMMISSIONER OF PUBLIC WELFARE; POWERS, DUTIES.** Subdivision 1. **Powers transferred.** All the powers and duties now vested in or imposed upon the state board of control by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the commissioner of public welfare, except the powers and duties otherwise specifically transferred by Laws 1939, Chapter 431, to other agencies. The commissioner of public welfare is hereby constituted the "state agency" as defined by the Social Security Act of the United States and the laws of this state.

Subd. 2. **Specific powers.** The commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance in the state including general relief, relief to transients and state homeless, relief to veterans, old age

assistance, aid to dependent children, aid to the blind and otherwise handicapped persons and such other welfare activities or services as may from time to time be vested in the director. Nothing herein shall transfer from the soldiers home board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all mental hygiene work involving persons not in a state institution. The authority and power conferred by this subdivision does not extend to administration or supervision of state institutions of mental hygiene nor to patients therein during the period of actual confinement, nor to mental testing, or to persons feeble-minded, epileptic, or mentally ill on parole from state institutions.

(4) Administer and supervise all non-institutional services to the handicapped persons, including the blind, the deaf, the tubercular, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include such non-institutional services to the handicapped as are now authorized to be performed by the state board of control and by the division of the deaf of the state industrial commission.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431, including the establishment of an efficient working relationship with the director of institutions relating to the care and supervision of individuals both prior to and after departure from institutions under the supervision of said director of institutions.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules and regulations making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(7) Establish and maintain such administrative units as may reasonably be necessary for the performance of administrative functions common to all divisions of the department.

(8) Administer and supervise such additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(9) Establish within his division a bureau of old age assistance, of aid to dependent children, and a bureau of child welfare.

(10) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all of the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as feeble-minded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(11) All the powers and duties vested in or imposed upon the director of public institutions with reference to the state sanatorium for consumptives are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare shall appoint the superintendent of the state sanatorium, but shall not have the power to fix his salary.

(12) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

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(13) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

**Subd. 3. Executive council, powers transferred.** All the powers and duties now vested in or imposed upon the executive council, or any other agency which may have succeeded to its authority, relating to the administration and distribution of direct relief to the indigent or destitute, including war veterans and their families and dependents, are hereby transferred to, vested in, and imposed upon the commissioner of public welfare.

**Subd. 4. Duties as state agency.** The state agency shall:

(1) Supervise the administration of assistance to dependent children under Laws 1937, Chapter 438, by the county agencies in an integrated program with other service for dependent children maintained under the direction of the state agency;

(2) May subpoena witnesses and administer oaths, make rules and regulations, and take such action as may be necessary or desirable for carrying out the provisions of Laws 1937, Chapter 438. 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 adequate standards for personnel employed by the counties and the state agency in the administration of Laws 1937, Chapter 438, and make the necessary rules and regulations to maintain such standards;

(4) Prescribe the form of and print and supply to the county agencies blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(5) Cooperate with the federal government and its public welfare agencies in any reasonable manner as may be necessary to qualify for federal aid for aid to dependent children and in conformity with the provisions of Laws 1937, Chapter 438, including the making of such reports in such forms and containing such information as the Federal Social Security Board 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; and

(6) May cooperate with other state agencies in establishing reciprocal agreements in instances where a child receiving aid to dependent children moves or contemplates moving into or out of the state, in order that such child may continue to receive supervised aid from the state from which he has moved until he shall have resided for one year in the state to which he has moved; and

(7) Make an annual report to the governor not later than four months after the close of each fiscal year showing for such year the total amount paid under Laws 1937, Chapter 438; the total number of persons assisted, and such other particulars as it may deem advisable.

**Subd. 5. Gifts, contributions; acceptance.** The commissioner shall have the power and authority to accept in behalf of the state contributions and gifts, not exceeding \$200 at one time from one person, for the use and benefit of children under the guardianship or custody of the commissioner. Such gifts or contributions shall be deposited in and disbursed from the social welfare fund provided for in sections 256.88 to 256.92.

[1937 c 438 s 2; 1939 c 431 art 7 s 2(a)(c); 1943 c 7 s 1; 1943 c 177 s 1; 1943 c 576 s 1; 1943 c 612 s 1, 2; 1949 c 40 s 1; 1949 c 512 s 5, 6; 1949 c 618 s 1; 1949 c 704 s 1; 1951 c 330 s 1; 1951 c 403 s 1; 1951 c 713 s 27; 1953 c 30 s 1] (3199-102, 8688-4)

**256.011 ADMINISTRATION OF FEDERAL GRANTS-IN-AID.** If, when and during such time as grants-in-aid are provided by the federal government for relief of the poor and accepted by this state, such aid shall be administered pursuant to and in accordance with rules and regulations promulgated and adopted by the director of social welfare; and during such time any provision of Minnesota Statutes 1945, Chapter 261, as amended by Laws 1947, Chapter 546, of Minnesota Statutes 1945, Chapter 262, and of Minnesota Statutes 1945, Chapter 263, in conflict with such rules and regulations shall be and remain, to the extent of such conflict, inoperative and suspended.

[1949 c 618 s 2]

**256.013 REVOLVING FUND.** Subdivision 1. **Establishment.** A revolving fund shall be established from which payment of costs of care and support of children who are both under guardianship of the commissioner of public welfare

and are under the direct supervision of the commissioner of public welfare shall be made. The revolving fund shall be reimbursed by payment of the county share of costs by the county of commitment of such child or children and by payment of the state's share of costs from appropriations made in accordance with the provisions of section 260.38. In the event any county fails to pay its share of costs, the commissioner of public welfare is authorized to withhold from funds due said county for any other purpose an amount sufficient to cover said county's debt to the revolving fund.

**Subd. 2. Appropriation.** There is hereby appropriated to the commissioner of public welfare out of the appropriation for aid to children under his guardianship the sum of \$20,000 for the creation and establishment of aforesaid revolving fund.

[1953 c 592 s 1, 2]

**256.02 INVESTIGATIONS; EXAMINATIONS; SUPERVISION.** Subdivision 1. **Duties.** The commissioner of public welfare shall investigate the whole system of public charities and charitable and correctional institutions in the state, especially prisons, jails, infirmaries, and public hospitals, and examine their condition and management. He may require the officers in charge of any such institution to furnish such information and statistics as he may deem necessary, upon blanks furnished by him. He shall examine all plans for new jails, lockups, and infirmaries, or for repairs at an estimated cost of over \$200, before the same are adopted by the county or other municipal board, and have an advisory supervision over all such institutions. Upon the request of the governor, he shall specially investigate any penal, reformatory, or charitable institution and report its condition; and for this purpose he is hereby authorized to send for persons and papers, administer oaths, and take testimony which he shall cause to be transcribed and included in his report.

**Subd. 2. Powers and duties relating to correctional institutions transferred.** All the powers and duties now vested in or imposed upon the commissioner of public welfare relating to the investigation of correctional institutions, prisons, jails, and lockups, the examination of their condition and management, the supervision of their construction and repairs, and the investigation of penal and reformatory institutions at the request of the governor are hereby transferred to, vested in and imposed upon the commissioner of public welfare.

[R L s 1899; 1949 c 228 s 1] (4448)

**256.03 GRANTS FROM UNITED STATES TO BE USED FOR STATED PURPOSES ONLY.** All funds received by the state from the government of the United States as grants-in-aid for the purpose of assisting in paying old age benefits, or aid to dependent children commonly called "mothers' pensions," or aid to the blind, or for maternal and child health services, or for the care of crippled children, or for the care of neglected children and child welfare generally, or for vocational rehabilitation, or for the extension of public health services, or for any other public assistance or public welfare purpose shall be used solely for the purpose for which the grant was made and any interest or income arising from the funds so granted shall be accredited by the state treasurer to the particular account for which such grant was made and used solely for the purpose of such grant or repaid to the United States treasury as the proper authorities of the government of the United States may require.

[1937 c. 25 s. 1] (53-18a)

**256.04 STATE BOARD OF PAROLE CONTINUED; LIMITATIONS.** The state board of parole, as now constituted, is hereby continued subject to the provisions and limitations of Laws 1939, Chapter 431, and there is hereby transferred to and vested in the state board of parole all the powers and duties in respect to supervising persons on parole from any and all state penal institutions. The members of the state board of parole shall continue in office with salary and terms of office as now provided by law, but at the expiration of the terms of the present members, their successors shall be appointed by the governor who shall have authority to fill any vacancies existing on the board.

[1939 c. 431 art. 7 s. 6; 1945 c. 318 s. 1] (3199-106)

**256.05 SUPERVISION OVER PAROLED INMATES; STATE AGENTS APPOINTED; EXCEPTION.** The commissioner of public welfare so far as possible shall exercise supervision over paroled patients of the state hospitals and asylums for the insane and of the school for feeble-minded and colony for epileptics; and, when deemed necessary for that purpose, may appoint one or more state agents and

fix their salary. He may appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the commissioner of public welfare may prescribe in behalf or in supervision of patients paroled from any hospital or asylum for the insane in the state and from the school for feeble-minded and colony for epileptics, including assistance in obtaining employment and the return of paroled patients when necessary. Such agents and such persons shall hold office at the will of the commissioner of public welfare. The persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institutions for the benefit of which they were appointed in proportion to the number of patients paroled from each. The duty of the commissioner of public welfare or the superintendent of any state institution exercising such supervision over any patient who has been or may be paroled to the custody of the superintendent or other proper officer or authority in charge or control of any United States veterans bureau neuropsychiatric hospital shall cease to exist upon acceptance of his custody thereby.

No one shall be appointed as such agent without having had previous experience in caring for the insane or feeble-minded at a hospital for the insane or school for the feeble-minded for a period of not less than one year.

[1907 c. 292 ss. 1, 2; 1917 c. 208 s. 1; 1925 c. 308] (4419, 4420)

**256.06 GUARDIANSHIP OF INMATES.** The commissioner of public welfare shall be deemed the guardian of the persons of the inmates of any state hospital or asylum for the insane or of any school for feeble-minded and colony for epileptics for the purpose of consenting to any surgical operation necessary to save the life, health, eyesight, hearing, or a limb of any inmate committed thereto.

[1907 c. 145 s. 2] (4422)

**256.07 STERILIZATION OF FEEBLEMINDED PERSONS; CONSENT TO OPERATION.** When any person has lawfully been committed as feeble-minded to the guardianship of the commissioner of public welfare the commissioner of public welfare, after consultation with the superintendent of the state school for feeble-minded, a reputable physician, and a psychologist selected by the commissioner of public welfare, and after a careful investigation of all the circumstances of the case, may, with the written consent of the spouse or nearest kin of such feeble-minded person, cause such person to be sterilized by the operation of vasectomy or tubectomy. If no spouse or near relative can be found, the commissioner of public welfare, as the legal guardian of such feeble-minded person, may give his consent.

[1925 c. 154 s. 1] (4422-1)

**256.08 INSANE PERSONS IN STATE HOSPITALS; CONSENT TO OPERATION.** When any person has been committed as insane to the custody of the superintendent of a state hospital for the insane and has been an inmate of such hospital for at least six consecutive months, the commissioner of public welfare, after consultation with the superintendent of the hospital wherein such person is an inmate, a reputable physician, and psychologist selected by the commissioner of public welfare, and after a careful investigation of all the circumstances of the case, may, with the written consent of the patient and of the spouse or nearest kin, or the duly appointed guardian of such insane person, cause such insane person to be sterilized by a competent surgeon by the operation of vasectomy or tubectomy.

[1925 c. 154 s. 2] (4422-2)

**256.09 NO CIVIL OR CRIMINAL LIABILITY.** Sterilization, as outlined in sections 256.07 and 256.08, shall be lawful and shall not render the commissioner of public welfare, or his employees, or other persons participating in the examination, liable either civilly or criminally

[1925 c. 154 s. 3] (4422-3)

**256.10 RECORDS KEPT.** A complete record of the case shall be made and kept as a permanent file in the office of the commissioner of public welfare.

[1925 c. 154 s. 4] (4422-4)

**256.11 STATE OLD AGE ASSISTANCE; POLICY DECLARED.** The care and relief of aged persons who are in need and whose physical or other conditions or disabilities seem to render permanent their inability to provide properly for them-

selves is hereby declared to be a special matter of state concern and a necessity in promoting public health and welfare. To provide such care and assistance a state wide system of old age assistance is hereby established.

[*Ex. 1936 c. 95 s. 1*] (3199-11)

**256.12 DEFINITIONS.** Subdivision 1. **Old age assistance or assistance.** As used in sections 256.11 to 256.43, the term "old age assistance" or "assistance" means money payments for aged persons, made thereunder.

Subd. 2. **Assistance.** As used in sections 256.49 to 256.71, the word "assistance" means any money payments to blind persons in need as provided for therein.

Subd. 3. **Applicant.** As used in sections 256.11 to 256.43, the word "applicant" means any person who has applied for old age assistance.

Subd. 4. **Applicant.** As used in sections 256.49 to 256.71, the word "applicant" means a person who has applied for assistance thereunder.

Subd. 5. **Recipient.** As used in sections 256.11 to 256.43, the word "recipient" means any person who has been granted old age assistance.

Subd. 6. **Recipient.** As used in sections 256.49 to 256.71, the word "recipient" means a person who has received assistance under the terms thereof.

Subd. 7. **County agency or county agencies.** As used in sections 256.11 to 256.43, the term "county agency" or "county agencies" means the board of county commissioners or such other board as may be therein authorized to administer sections 256.11 to 256.43 in any county; provided, in any county having a poor commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, and where such poor relief is administered by and under the supervision of the poor commission, the term "county agency" means the poor commission and the poor commission shall have all the powers, rights, and duties vested in the board of county commissioners and the county auditor, respectively, and for these purposes the poor commission shall have authority to employ such additional assistance as shall be found necessary.

Subd. 8. **County agency.** As used in sections 256.49 to 256.71, the term "county agency" means a county welfare board.

Subd. 9. **County agency.** As used in sections 256.72 to 256.87, "county agency" means the county board of public welfare as established by law.

Subd. 10. **State agency.** As used in sections 256.11 to 256.43, 256.49 to 256.71, and 256.72 to 256.87, the term "state agency" means the commissioner of public welfare in the department of public welfare.

Subd. 11. **Blind person.** As used in sections 256.49 to 256.71, the term "blind person" means a person who has no vision or who, with the help of eye glasses or other resources, has not sufficient ocular power for the ordinary affairs of life.

Subd. 12. **Ophthalmologist.** The word "ophthalmologist," as used in sections 256.49 to 256.71, means a physician licensed to practice medicine in this state and who is actively engaged in the treatment of diseases of the human eye.

Subd. 13. **Rehabilitation.** As used in sections 256.49 to 256.71, the word "rehabilitation" means any medical or surgical treatment, vocational training, or social service intended to improve the individual's physical, social, and economic condition.

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, if school facilities are available, is regularly attending school, if physically able and above the minimum school age, or who is under compulsory school age, or who is physically unable to attend school, or who is over compulsory school age, but through physical or mental disability is unable to be employed, or who is over compulsory school age and unemployed, but where further schooling is inadvisable in the opinion of the county agency and his unemployment is without fault on his part, and 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, or aunt in a place of residence maintained by one or more of such relatives as his or their home.

Subd. 15. **Continued absence from the home.** "Continued absence from the home," as used in sections 256.71 to 256.87, means the absence from the home of the parent, whether or not entitled to the custody of the child, by reason of being an

inmate of a penal institution or a fugitive after escape therefrom, or absence from the home by the parent for a period of at least three months continuous duration together with failure on the part of the absent parent to support the child, provided that prior to the granting of such aid all reasonable efforts have been made to secure support for such child from the defaulting parent, and, provided, further, that no child which shall have been abandoned in this state shall continue eligible for such aid unless a warrant for arrest for such abandonment shall have been issued under the laws of this state, either prior to the application for aid or as soon thereafter as legally possible, and in any event within a period of not more than 120 days from the date of such application except in the event that a proceeding under Chapter 122, Laws of 1951 shall have been commenced, the issuance of a warrant for arrest for such abandonment may be stayed for a period of not more than 120 days.

Subd. 16. **Optometrist.** The word "optometrist," as used in sections 256.49 to 256.71, means a person licensed to practice optometry under the provisions of the laws of this state.

Subd. 17. **Resources.** The word "resources," as used in sections 256.49 to 256.71, means any cash or other liquid assets, real or personal property, and the earning capacity of an applicant or recipient when combined with opportunity for same.

Subd. 18. **Vendor of medical care.** "Vendor of medical care," as used in this chapter, shall encompass any person or persons furnishing, within the scope of his respective license, any or all of the following goods or services: medical, surgical, hospital, optical, dental, nursing services, drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care and such other medical services or supplies provided or prescribed by persons authorized by state law to give such services and supplies.

The commissioner of public welfare is hereby authorized to establish by rule and regulation methods for the provision on a prepayment basis, by nonprofit hospital and medical service plans of any or all of the supplies or services enumerated in this section or in lieu thereof may authorize by rule and regulation the establishment of a county medical payments fund within each county. This fund shall be established by a prepayment monthly into the county medical payments fund of an amount equal to the total county average monthly per capita cost of medical and hospital care of all recipients of public assistance except general relief wherever such provision is not in conflict with the social security act enacted by the 74th Congress of the United States, approved August 14, 1935, Public Law No. 271, and any amendments to or supplements thereof, including specifically the "Social Security Act Amendments of 1950," Public Law No. 734, 81st Congress, approved August 28, 1950, and any act of the Congress encompassing the same field, provided that such rules and regulations shall not deprive the recipient of free choice of vendor nor deprive the vendor of payment on a fee for service or supply basis. All claims for goods and services set forth in paragraph (1) of this subdivision shall be paid from moneys in the county medical payments fund which is hereby made available for that purpose. Upon dissolution of said county medical payments fund, any undisbursed balance shall be returned to the same sources and in the same proportion as originally deposited therein.

[*Ex*1936 c 95 s 2; 1937 c 324 s 1; 1937 c 438 s 1; 1939 c 195 s 1; 1943 c 6 s 1; 1947 c 628 s 1; 1951 c 229 s 1; 1951 c 600 s 1, 2; 1951 c 618 s 1; 1953 c 725 s 1; 1953 c 639 s 1] (3199-63, 8688-3)

**256.13 STATE AGENCY; DUTIES.** The state agency shall:

(1) Supervise the administration of old age assistance by the county agencies under sections 256.11 to 256.43;

(2) Make uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of sections 256.11 to 256.43 in an efficient, economical, and impartial manner, and to the end that the old age assistance system may be administered uniformly throughout the state, having regard for varying costs of living in different parts of the state, and in all things to carry out the spirit and purpose of these sections. Such rules and regulations shall be made with the approval of the attorney general as to form and legality, and shall be furnished immediately to all county agencies and shall be binding on such county agencies;

(3) Prescribe the form of, print, and supply to the county agencies, blanks for applications, reports, affidavits, and such other forms as it may deem necessary or advisable, and establish a uniform system of accounting;

(4) Cooperate with the federal department of health, education, and welfare in any reasonable manner as may be necessary to qualify for federal aid for assistance including the making of such reports in such form and containing such information as the department of health, education, and welfare may, from time to time, require, and comply with such provisions as such department may, from time to time, find necessary to assure the correctness and verifications of such reports;

(5) Within 60 days after the close of each fiscal year, prepare and print for the fiscal year a report which shall include a full account of the operation of sections 256.11 to 256.43, the expenditure of all funds thereunder, adequate and complete statistics divided by counties, concerning all old age assistance within the state, and such other information as it may deem advisable;

(6) Prepare and release a summary statement monthly showing by counties the amount paid under sections 256.11 to 256.43, the total number of persons assisted, and the total administrative cost of the state agency;

(7) Furnish information to acquaint aged persons and the public generally with the old age assistance plan of this state; and

(8) Cooperate with other state agencies in establishing reciprocal agreements to provide for payment of old age assistance to recipients who have moved from Minnesota to another state, consistent with the provisions of sections 256.11 to 256.43.

[*Ex. 1936 c. 95 s. 3; 1941 c. 466 s. 1*] (3199-13)

**256.14 COUNTY AGENCIES; DUTIES.** Subdivision 1. **Administration.** The county agencies shall administer the old age assistance system in their respective counties under the supervision of the state agency, and shall make such reports, prepare such statistics, and keep such records and accounts in relation to old age assistance as the state agency may require.

Subd. 2. **Investigations.** In a county having a board of public welfare as authorized by Laws 1929, Chapter 371, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, the investigation of applications and recipients, decisions upon applications and the fixing of the amount of old age assistance, if any.

Subd. 3. **Deputy clerks of court to accept applications.** In any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in the county as clerks for the purpose of accepting applications for such old age assistance. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such old age assistance.

Subd. 4. **Official investigators.** In a county having an official investigator appointed as provided in Mason's Minnesota Statutes of 1927, Section 8676, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners.

Subd. 5. **Other investigators appointed.** The county agency may appoint some person or other agency to investigate applications and recipients and assist applicants in making out of applications, always, however, subject to the supervision of the county agency; provided, that decisions upon applications and fixing of amount of old age assistance shall be made by the county agency.

[*Ex. 1936 c. 95 s. 4*] (3199-14)

**256.15 RESIDENTS; OTHER ASSISTANCE.** Subdivision 1. **Qualifications.** Any resident of this state who shall comply with the provisions of sections 256.11 to 256.43 shall be eligible for old age assistance while continuing to reside in this state. Temporary absences from the state may be allowed a recipient in accordance with the regulations established by the state agency.

Subd. 2. **Payment, amount.** The manner and amount of old age assistance payments shall be fixed with due regard to the conditions in each case in accordance with the rules and regulations of the state agency, but in no case shall it be an amount which, when added to the net income and resources available to the support and care of the applicant, exceeds a total of \$60 a month, except for medical, dental, surgical, hospital, nursing, or licensed nursing home care provided however that where the county welfare board determines that the infirmity or physical disability of an applicant or recipient requires board and room in the nature of congregate



care but not in need of continual medical or nursing care such board may allow not to exceed \$75 per month providing such care is received from a nonrelative in a licensed boarding care home, subject to the following:

(1) 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.

(2) An amount not to exceed \$100 received during a calendar year as gifts or as a result of personal labor, may be excluded in determining the amount of such old age assistance subject to the rules and regulations of the state agency uniformly applied throughout the state.

Subd. 3. [Repealed, 1951 c 92 s 1]

[*Ex* 1936 c 95 s 5; 1941 c 466 s 2; 1943 c 456 s 1; 1945 c 302 s 1; 1947 c 530 s 1; 1949 c 677 s 1, 2; 1951 c 199 s 1; 1951 c 626 s 1; 1953 c 507 s 1] (3199-15)

256.151 [Repealed, 1951 c 92 s 2]

**256.16 APPLICANT; AGE; CITIZENSHIP; RESIDENCE; INSTITUTIONAL CARE.** Old age assistance may be granted to an applicant who:

(1) Has attained the age of 65 years;

(2) Is a United States citizen, or has resided continuously in the United States for over 25 years;

(3) Has been a resident of the state for five years or more within the nine years immediately preceding application, at least one year of which shall have been continuous and immediately precede such application; provided, that when a person has been a resident of the state at least two years continuously and immediately preceding application, but has not resided therein five years within the above mentioned nine-year period, there may be added to the years of actual residence within the nine-year period a credit for years of actual residence in the state preceding the nine-year period on the following basis:

(a) 40 per cent of actual residence in the six years immediately preceding the above mentioned nine years;

(b) 20 per cent of actual residence in the five years immediately preceding the above mentioned six years;

(c) Ten per cent of actual residence in the ten years immediately preceding the above mentioned five years; and

(d) Five per cent of actual residence in any time preceding the above mentioned ten years;

(4) Is not, because of physical or mental condition, in need of continued institutional care and such care is reasonably available to him.

[*Ex.* 1936 c. 95 s. 6] (3199-16)

**256.17 ABSENCE IN STATE OR FEDERAL SERVICE.** For all purposes of sections 256.11 to 256.43 absence in the service of the state of Minnesota or the United States shall not be deemed to interrupt residence in the state if domicile be not acquired outside of the state.

[*Ex.* 1936 c. 95 s. 7] (3199-17)

**256.18 DISQUALIFICATION.** No old age assistance shall be paid a person:

(1) While or during the time he is an inmate of, and receives gratuitously all the necessities of life from any public institution maintained by the United States, or any state or any of the political subdivisions of a state; while he is a patient in a tuberculosis or mental institution; or while he is a patient in a medical institution as a result of diagnosis of tuberculosis or psychosis; provided, however, that part or all of any old age assistance may be paid to patients of public or private medical institutions other than those herein excluded, subject to rules and regulations made by the state agency;

(2) If the net value of his property or the net value of the combined property of husband and wife exceeds \$7,500; or if the net value of his assets convertible into cash exceeds \$300 or the combined convertible assets of husband and wife exceeds \$450. The county agency in its discretion may permit eligibility of an applicant having liquid assets in excess of this amount when the liquidation of the assets would cause undue loss. Household goods and furniture in use in the home, wearing apparel, insurance policies the cash surrender value of which does not exceed \$500 per person, personal property used as a regular abode by the applicant or recipient, and a lot in the burial ground may be owned in addition to the property limitation.

(3) Who has, after the passage of section 256.11 to 256.43, or within two years prior thereto deprived himself directly or indirectly of any property for the purpose of qualifying for old age assistance;

(4) Whose spouse, living with the person, has made an assignment or transfer directly or indirectly of any property for the purpose of qualifying either person for old age assistance under sections 256.11 to 256.43;

(5) Who is receiving aid to the blind, aid to dependent children or aid to the permanently and totally disabled.

[*Ex. 1936 c 95 s 8; 1939 c 315 s 2; 1941 c 466 s 3; 1951 c 118 s 1; 1951 c 225 s 1; 1953 c 656 s 1; 1953 c 702 s 1*] (*§199-18*)

256.183-256.185 [Obsolete]

**256.19 LEGAL SETTLEMENT.** Subdivision 1. **Requirements.** For the purposes of sections 256.11 to 256.43 every person who has resided one year continuously in any county shall have a legal settlement therein, and such legal settlement shall not be deemed lost or terminated until a new settlement shall have been acquired in another county of this state or acquired in another state. The time during which a person has been an inmate of a hospital, poor house, jail, prison or other public institution, or an inmate of a private charitable institution or home for the aged, either by voluntarily becoming an inmate thereof, or if placed there and maintained by any governmental unit of the state or by his children or relatives, or under commitment to the guardianship of the commissioner of public welfare or one of the state institutions, shall be excluded in determining the time of residence hereunder.

Subd. 2. **Application to county agency.** An applicant for old age assistance shall file his application in writing with the county agency of the county in which he has a legal settlement, in such manner and form as shall be prescribed by the state agency. As to a person otherwise qualified who has no legal settlement in any county of the state, his legal settlement for the purpose of making application hereunder shall be deemed to be the county in which he has longest resided during the year immediately preceding the filing of such application.

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. The county agency shall forthwith upon the making of such order mail a copy of the same to the applicant. Any applicant or recipient shall have the right to produce any evidence that he desires and be represented by a friend or counsel.

Subd. 4. **Hearing; appeal.** When an application is rejected or denied by a county agency upon the sole ground that the same was not filed in the county of applicant's legal settlement, an appeal may be taken to the state agency in the same manner as other appeals, and the state agency shall thereupon determine the question of legal settlement and refer the application to the county agency of the proper county for further action.

[*Ex. 1936 c. 95 s. 9; 1943 c. 203 s. 1*] (*§199-19*)

**256.20 INVESTIGATIONS; DETERMINATION; RENEWAL OF APPLICATION.** The county agency shall promptly make or cause to be made such investigation as it may deem necessary; the object of such investigation shall be to ascertain the facts supporting the application made under sections 256.11 to 256.43 and such other information as may be required by the rules of the state agency. Upon the completion of such investigation, the county agency shall promptly decide upon the application, fix the amount of old age assistance, if any, and issue to each applicant to whom old age assistance is allowed, a certificate stating the date upon which old age assistance payments shall commence and the amount of each installment, which shall be paid monthly.

[*Ex. 1936 c. 95 s. 10; 1941 c. 466 s. 4*] (*§199-20*)

**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. 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.

**Subd. 2. Appeal to district court.** If a decision or determination by the state agency is not, in the opinion of the county agency or applicant or recipient, in conformity with sections 256.11 to 256.43, 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 by serving a copy of a written notice of such appeal upon the state agency and adverse party 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 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 state agency shall, if demanded, furnish the county agency 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 state agency as certified to it and in the 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 the matter not inconsistent with the determination of the court.

During the pendency of the appeal, if the state agency has awarded old age assistance to a recipient, the old age assistance shall be paid to him pending the determination of the appeal. If the appeal shall be from the order of the state agency raising or lowering the amount paid to a recipient, and if the order of the state agency shall not be sustained, then the recipient shall receive the amount, if any, theretofore fixed by the county agency.

**Subd. 3. Appeal to supreme court.** The county agency may question the validity of any rule or regulation of the state agency and the district court where the county agency is located shall have power to determine the validity of any such rule or regulation by original proceedings in the court. Either the state agency or the county agency may appeal from such decision to the supreme court in the same manner as other appeals in civil actions.

**Subd. 4. Objections by taxpayers.** Any taxpayer of the state, resident therein, may appear at any time before the county agency of the county wherein he resides and protest the granting or continuance of any individual old age assistance, or any portion thereof, with the same right to appeal to the state agency as granted an applicant or recipient.

[*Ex. 1936 c. 95 s. 11*] (3199-21)

**256.22 ATTORNEY GENERAL, COUNTY ATTORNEY; DUTIES.** The attorney general shall be the attorney for the state agency in all matters pertaining to sections 256.11 to 256.43. The county attorney of each county shall be the attorney for the county agency in all matters pertaining to sections 256.11 to 256.43.

[*Ex. 1936 c. 95 s. 12*] (3199-22)

**256.23 SUBPOENAS.** The county agency and the state agency shall have the power to issue subpoenas for the witnesses and compel their attendance and the production of papers and writing; and officers and employees designated by the county agency or the state agency may administer oaths and examine witnesses under oath in connection with any application or proceeding under sections 256.11 to 256.43.

[*Ex. 1936 c. 95 s. 13*] (3199-23)

**256.24 FUNERAL EXPENSES OF RECIPIENT; CLAIM AGAINST ESTATE.**

On the death of a recipient, the county agency shall 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 cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which deceased resided, shall not limit payment by the county agency as herein authorized. 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. Any amount paid by the county as funeral expenses shall be a prior claim against the estate, as provided in section 525.44, and any amount recovered shall be paid to the treasury of the county which paid the expenses and deposited in the county old age assistance fund and 50 percent thereof shall be paid to the state agency.

[*Ex 1936 c 95 s 14; 1941 c 112 s 1; 1945 c 147 s 1; 1951 c 246 s 1*] (3199-24)

**256.25 OLD AGE ASSISTANCE TO BE ALLOWED AS CLAIM IN PROBATE COURT.** On the death of any person who received any old age assistance under this or any previous old age assistance law of this state, or on the death of the survivor of a married couple, either or both of whom received old age assistance, the total amount paid as old age assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate. If the value of the estate of any such person has been enhanced as a result of the failure on the part of a recipient to make a full disclosure of the amount or value of his property, or the amount or value of the combined property of a married couple, in any old age assistance proceeding, the claim shall be allowed by the probate court as a preferred claim and have preference to the extent of such enhancement over all other claims, excepting only claims for expenses of administration, funeral expenses, and expenses of last sickness. If the value of any such estate, exclusive of household goods, wearing apparel, and a burial lot, is more than the value of the property of such person, as disclosed by the applicant in any old age assistance proceeding, it shall be prima facie evidence that the value of such estate was enhanced by the payment of old age assistance to the extent of the excess, but not exceeding the total amount of old age assistance paid to such person or persons. The statute of limitations which limits the county agency or the state agency, or both, to recover only for assistance granted within six years shall not apply to any claim made under sections 256.11 to 256.43 for reimbursement for any assistance granted hereunder.

[*Ex. 1936 c. 95 s. 15; 1939 c. 242 s. 1*] (3199-25)

**256.26 OLD AGE ASSISTANCE; LIENS.** Subdivision 1. **Contributions.** If at any time during the continuance of any assistance granted under sections 256.11 to 256.43 the state agency or the county agency finds that any child or the spouse of any recipient is reasonably 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 256.11 to 256.43 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 against this person for the recovery of such amount of assistance granted after such notice, as hereinbefore provided, together with the costs and disbursements of such action.

Subd. 2. **Real property without state.** The county agency shall require a recipient, as a prerequisite to receiving old age assistance, to sell all his real property situate without the state, having due regard to the nature and marketability of the property, and to use the proceeds for his support.

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**Subd. 3. Lien on real property within state.** No person shall be paid old age assistance without first giving the state a lien on all his property situate within the state as hereinafter provided.

**Subd. 4. Amount of lien.** The total amount of old age assistance paid a recipient, including burial expenses, but without interest, shall be a lien in favor of the state upon all real property belonging to such recipient.

**Subd. 5. Certificate of assistance.** No old age assistance shall be given under sections 256.11 to 256.43 until a certificate stating the name and residence of the recipient, the amount of assistance granted, the date when such assistance became effective, the name of the county granting the assistance and such other information as the state agency shall require shall have been prepared by the county agency granting assistance on a form provided therefor by the state agency. Such certificate, or a copy thereof, shall be filed by the county agency of the county granting assistance with the register of deeds, or together with a written statement containing a description of each parcel of land upon which the lien is claimed and a proper reference to the certificate or certificate of title to such land, in the office of the registrar of titles, of each county in this state where there is real property belonging to the recipient.

**Subd. 6. Priority of lien.** Thereupon the lien hereby imposed shall arise. It shall attach to all real property then owned by the recipient or thereafter acquired, including joint tenancy interests, have effect in all counties in which such certificate shall have been filed, be for such amount as may be paid the recipient as old age assistance, and continue until the liability for such amount is satisfied. Such lien shall take priority over all other liens subsequently acquired, except that such lien shall not take priority over the claims of children of the recipient for money actually expended by them in permanently improving the homestead of the recipient or in payment of the taxes or encumbrances thereon.

In case of the death of the recipient the debt secured by such lien shall be a claim against his estate and, after expenses of administration, funeral expenses, expenses of last illness, and debts having preference by the laws of the United States, and taxes, shall have priority over all other debts.

**Subd. 7. Record.** The several registers of deeds shall keep a record of every certificate so filed, showing its date, the time of filing, the name and residence of the recipient, the name of the county granting assistance to him and any release or satisfaction of the lien. No fee shall be charged for the filing of such certificate, or the entry of the abstract thereof, except in counties where the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25 cents shall be paid to the register of deeds by the county filing the certificate.

**Subd. 8. Enforcement of lien.** Such liens, after filing, shall be enforced in the manner provided by law for the enforcement of mechanic's liens upon real property, provided, no such lien, and no claim under section 256.25 shall be enforced against the homestead of the lienor while occupied by his surviving spouse, or minor children.

**Subd. 9. Release of lien.** When the county agency of the county granting assistance to a recipient is satisfied that the collection of the amount paid him as old age assistance will not be jeopardized or that the release of the lien against his property, in whole or in part, is necessary for the maintenance or support of the recipient, his spouse, minor or incapacitated children, or when the county agency is satisfied by competent evidence that the major portion of the investment in the recipient's homestead was made by the children or grandchildren of the recipient by personal services in the home or otherwise and that substantial justice can only be done by the release of the lien, it may, with the approval of the state agency, release such lien with respect to all or part of the real property of the recipient, and such release, or a certified copy thereof, shall be filed with the register of deeds of each county where the lien certificate is filed.

**Subd. 10. Discharge of lien.** The recipient, his heirs, personal representatives, or assigns, may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county agency, shall execute a satisfaction thereof and file the same with the register of deeds of each county where the lien certificate is filed.

Subd. 11. **Disqualification.** Any recipient 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.

[*Ex. 1936 c 95 s 16; 1939 c 315 s 1; 1941 c 453 s 1; 1945 c 460 s 2; 1953 c 267 s 1; 1953 c 487 s 1*] (3199-26)

**256.263 LAND ACQUIRED BY STATE UNDER OLD AGE ASSISTANCE LIENS.** Subdivision 1. **Duty of county board.** When land shall have been acquired by the state under the provisions of Minnesota Statutes 1941, Section 256.26, either by conveyance in settlement of the lien held by the state, or by foreclosure of such lien, it shall be the duty of the county board to manage and lease the real estate while the state continues to own it.

Subd. 2. **Management.** While the state owns such real estate, if the county board by resolution stating the price to be paid in cash shall recommend the sale and conveyance thereof, and transmit a copy of such resolution to the state agency, the state agency shall make an order approving the sale for the price recommended and transmit a copy thereof to the county auditor, in the county where the land is situated. Thereupon, when the purchase price is paid by the purchaser to the treasurer of such county, the chairman of the county board shall execute a deed in the name of the state, which shall be attested by the county auditor, conveying such land to the purchaser.

[1945 c. 172 ss. 1, 2]

**256.27 REIMBURSEMENT OF UNITED STATES OUT OF AMOUNTS COLLECTED.** When any amount shall be recovered from any source for assistance furnished under the provisions of sections 256.11 to 256.43, there shall be paid to the United States the amount which shall be due under the terms of the social security act and the balance thereof shall be paid into the treasuries of the state, county, town, village, borough, or city in the proportion in which they respectively contributed toward the total assistance paid.

[*Ex. 1936 c. 95 s. 17*] (3199-27)

**256.28 PAYMENTS TO RECIPIENT.** Subdivision 1. All payments of old age assistance must be issued to the recipient except:

(1) In those instances in which a legal guardian has been appointed by the court having jurisdiction to make such appointments;

(2) In those instances in which the county agency, subject to rules and regulations of the state agency, determines that payments for medical care shall be made directly to the vendor of such care.

Subd. 2. "Medical care" as used in this section shall mean, medical, dental, surgical, hospital, nursing or licensed nursing home care. Payments of grants under section 256.15 for all other purposes shall be made to the recipient.

[*Ex. 1936 c 95 s 18; 1941 c 466 s 5; 1951 c 118 s 2*] (3199-28)

**256.29 ASSIGNABILITY OF ASSISTANCE; EXEMPTION.** No old age assistance given under sections 256.11 to 256.43 shall be transferable or assignable at law or in equity, except as provided in section 256.28; and no money paid or payable under sections 256.11 to 256.43 shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

[*Ex. 1936 c. 95 s. 19*] (3199-29)

**256.30 REPORTS BY RECIPIENT.** Each recipient shall file such reports with the county agency as the county agency or the state agency may from time to time require. The county agency may modify, suspend, or cancel any old age assistance certificate issued to any recipient on the basis of findings obtained during investigations by a representative of such county agency. If on inquiry it appears that a certificate which was suspended pending inquiry was properly obtained, the suspended instalment shall be payable in due course. Any old age assistance paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county.

[*Ex. 1936 c. 95 s. 20; 1941 c. 466 s. 6*] (3199-30)

**256.31 UNLAWFULLY OBTAINING ASSISTANCE; GROSS MISDEMEANOR.** Any person who has obtained or who, by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, hereafter obtained, or attempts to obtain, or aids or abets any person to obtain:

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- (1) An old age assistance certificate to which he is not entitled;
- (2) More old age assistance than that to which he is justly entitled;
- (3) Payment of any forfeited instalment grant;
- (4) Or who knowingly aids or abets any person buying or disposing of the property of the recipient with the intention to assist in receiving or qualifying any person for old age assistance;
- (5) Or any recipient who transfers any personal property exceeding \$300.00 in value without first giving notice to the county agency of his intention to do so; shall be guilty of a gross misdemeanor.

[*Ex. 1936 c. 95 s. 21; 1937 c. 103 s. 1*] (3199-31)

**256.32 CANCELANON OF CERTIFICATE.** Where a recipient or applicant is convicted of an offense under section 256.31, the county agency may cancel the certificate or refuse to issue same.

[*Ex. 1936 c. 95 s. 22*] (3199-32)

**256.33 PAYMENT BY COUNTY; COST; REIMBURSEMENT.** Each old age assistance granted under sections 256.11 to 256.43 shall be paid by the county in which an old age assistance certificate is issued and while the same is in effect. The cost of old age assistance grants in each county shall be borne as follows:

(1) Payments shall be made by the state to the counties of that portion of old age assistance paid by the federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the counties as to the amount required for the succeeding month. The expense of old age assistance grants shall be paid from federal funds available for that purpose and the balance not paid by federal funds shall be paid as follows: two-thirds by the state from state funds and one-third by the counties from county funds; provided, that for payments made in excess of amounts matchable by federal funds, the cost shall be paid equally from county and state funds.

(2) Not exceeding one-fourth of any funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of the old age assistance laws of this state, and 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.

[*Ex. 1936 c. 95 s. 23; 1937 c. 484 s. 1; 1945 c. 302 s. 2*] (3199-33)

**256.34 COUNTY BUDGET, LEVY; WARRANTS; CLAIMS FOR REIMBURSEMENT, PAYMENT.** The providing of funds necessary to carry out the provisions of sections 256.11 to 256.43 on the part of the counties and the manner of administering and disbursing funds of the counties and the state shall be as follows:

(1) The board of county commissioners of each county shall annually set up in its budget an item designated as the county old age assistance fund and levy taxes and fix a tax rate for old age assistance sufficient to produce the full amount of such item, in addition to all other tax levies and tax rates, however fixed or determined, sufficient to carry out the provisions of sections 256.11 to 256.43 and to pay in full the county share of old age assistance and administrative expenses for the ensuing year; and annually on or before October 10th certify the same to the county auditor to be extended by him on the tax rolls. Such tax levy and tax rate shall make proper allowance and provision for shortage in tax collections.

(2) Any county may transfer surplus funds from any county fund, except the sinking or ditch fund, to the general fund or to the county old age assistance fund in order to provide moneys necessary to pay old age assistance awarded under sections 256.11 to 256.43. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose, shall be transferred back to the fund from which taken.

(3) Upon the orders of the county agency the county auditor shall draw his warrant on the proper fund in accordance with the orders and the county treasurer shall pay out the amounts ordered to be paid out as old age assistance under the provisions of sections 256.11 to 256.43. When necessary by reason of failure to levy sufficient taxes for the payment of the old age assistance in the county, the county board shall nevertheless authorize payment of the old age assistance and the county auditor shall carry any such payments as an overdraft on the old age assistance fund of the county until sufficient tax funds shall be provided for the old age

assistance payments. The board of county commissioners shall include in the tax levy and tax rate in the year following the year in which such overdraft occurred an amount sufficient to liquidate such overdraft in full.

(4) Claims for reimbursement shall be presented to the state agency by the respective counties in such manner as the state agency shall prescribe not later than ten days after the close of the month in which the expenditures were made. The state agency shall audit such claims and certify to the state auditor the amounts due the respective counties without delay. The amounts so certified shall be paid within ten days after such certification, from the state treasury upon warrant of the state auditor from any moneys available therefor. The moneys available to the state agency to carry out the provisions of sections 256.11 to 256.43, including all federal funds available to the state, shall be kept and deposited by the state treasurer in the revenue fund and disbursed upon warrants in the same manner as other state funds.

[*Ex*1936 c 95 s 24; 1953 c 220 s 1] (3199-34)

**256.35 MANDAMUS TO COMPEL COMPLIANCE.** In the event that the county agency or the county auditor, or both, of any county fails to comply with the provisions of sections 256.11 to 256.43, mandamus proceedings may be instituted against such county agency or county auditor, or both, by the state agency or any interested party to compel such county agency or county auditor, or both, to comply therewith.

[*Ex.* 1936 c. 95 s. 25] (3199-35)

**256.36 CHANGE OF RESIDENCE OF RECIPIENT.** When a recipient changes his place of residence he shall notify the county agency in which his old age assistance certificate is in effect. If he removes to another county he shall declare whether such absence is temporary or for the purpose of taking up regular domicile. The county originally granting old age assistance shall continue to pay the same regardless of change of residence within the state by a recipient.

[*Ex*1936 c 95 s 26; 1945 c 476 s 1; 1947 c 543 s 1; 1949 c 341 s 1] (3199-36)

**256.37 FUNERAL EXPENSES; REIMBURSEMENT.** All funeral expenses paid under sections 256.11 to 256.43 shall, in the first instance, be paid by the county in which the deceased received his old age assistance certificate; and the state shall reimburse the county for 50 per cent of the payments made for reasonable funeral expenses from state funds.

[*Ex.* 1936 c. 95 s. 27] (3199-37)

**256.38 ASSISTANCE GRANTED UNDER PRIOR LAW; MODIFICATION OR REVOCATION.** The claim of any person to any old age assistance existing on the effective date of sections 256.11 to 256.43, which claim has been granted under any old age assistance law of this state, shall continue as a valid order for old age assistance under sections 256.11 to 256.43 for the amount previously approved; provided, that such old age assistance may be modified, suspended, or revoked by the county agency or the state agency in the same manner as though the old age assistance was originally granted under sections 256.11 to 256.43.

[*Ex.* 1936 c. 95 s. 28] (3199-38)

**256.39 MODIFICATION BY GROUPS.** Neither the county agency nor the state agency shall have the power to modify any old age assistance as a group but must consider each application, each modification, and each old age assistance individually upon its merits.

[*Ex.* 1936 c. 95 s. 29] (3199-39)

**256.40 SUSPENSION OF PRIOR LAWS; VALIDATION; ACT INOPERATIVE IN EVENT OF REPEAL OR INVALIDITY OF FEDERAL LAW; INSTRUMENTS, HOW SIGNED.** All tax levies, agreements, mortgages, and liens made pursuant to Laws 1935, Chapter 357, are hereby in all respects validated and confirmed, and all funds received or to be received are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in sections 256.11 to 256.43. During the period sections 256.11 to 256.43 are in effect Mason's Minnesota Statutes of 1927 (1934 Supplement), Sections 3183-1 to 3183-22, inclusive, and all acts or parts of acts, general and special, inconsistent with the provisions of sections 256.11 to 256.43 and not expressly repealed hereby are hereby suspended, except all tax levies, and reimbursements due counties from local units of government, made pursuant to these laws, which are hereby in all respects validated and confirmed and shall remain in full force and effect for



the periods for which made; and all funds received or to be received are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in sections 256.11 to 256.43 and shall be subject to sections 256.11 to 256.43. In the event that title 1 of the social security act, same being Public Act No. 271, of the 74th congress [Mason's U. S. Code, Anno., title 42, ch. 7], shall at any time be repealed or become void by final decision of the supreme court of the United States, then sections 256.11 to 256.43 shall become and be suspended and inoperative, and all laws and parts of laws hereby suspended shall again become operative and be in full force and effect. All instruments necessary to accomplish the intent of this section shall be signed by a majority of the members of the county agency in office on the date of such instrument, and when so executed shall be effective to accomplish the results herein provided for.

[*Ex. 1936 c. 95 s. 32*] (3199-42)

**256.41 RESERVATION OF RIGHT TO AMEND, REPEAL, OR SUSPEND LAW.**

Anything in sections 256.11 to 256.43 to the contrary notwithstanding, the legislature reserves the right to alter, amend, repeal, or suspend at any time the whole or any part or portion thereof.

[*Ex. 1936 c. 95 s. 33*] (3199-43)

**256.42 ACT DEPENDENT ON FEDERAL AID; REDUCTION OF ASSISTANCE.** Sections 256.11 to 256.43, in their various terms and provisions, including the amount of old age assistance paid to an individual hereunder, is intended to comply with and give effect to the social security act referred to therein. In the event federal funds shall not be available or shall be inadequate to pay in full one-half of all old age assistance grants contemplated by sections 256.11 to 256.43, then and in such case, and until federal funds are available in full, the county agency of each county may reduce each old age assistance grant by an amount equal to such deficiency.

[*Ex. 1936 c. 95 s. 34; 1937 c. 100 s. 1*] (3199-44)

**256.43 APPROPRIATION.** All federal funds made available for the purposes of sections 256.11 to 256.43 are hereby appropriated to the state agency to be disbursed and paid out in accordance with the provisions thereof.

[*Ex. 1936 c. 95 s. 35*] (3199-45)

**256.431-256.434** [Obsolete]

**256.44 to 256.48** [Repealed, 1947 c 535 s 16]

**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 under sections 256.49 to 256.71, and administer same in cooperation with county agencies, as hereinafter provided;

(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) Fix and pay to ophthalmologists and optometrists, from funds appropriated to the state agency, fees for examination of applicants and recipients;

(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.

Subd. 2. **Application, approval.** 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 following such examination; and

(b) A determination has been made by the state agency as to whether or not the applicant will benefit from medical or surgical treatment; and

(c) A determination has been made by the state agency as to whether or not the applicant is taking advantage of any opportunity for rehabilitation.

[1937 c 324 s 2; 1951 c 600 s 3] (3199-64)

**256.50 COUNTY AGENCY; DUTIES FOR BLIND PERSONS.** 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.

[1937 c. 324 s. 3] (3199-65)

**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 shall have resided in the state for a period of one year immediately preceding the filing of the application for assistance;

(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, because of his physical or mental condition, in need of continuing institutional care;

(6) Is not, while receiving assistance under these sections, soliciting alms;

(7) 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. **Application, investigation.** 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.

[1937 c 324 s 4; 1941 c 352 s 1; 1947 c 343 s 1; 1949 c 534 s 1; 1949 c 711 s 1; 1951 c 600 s 4; 1953 c 238 s 1] (3199-66)

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**256.52 WHO MAY RECEIVE ASSISTANCE.** No person receiving a grant under sections 256.49 to 256.71 shall at the same time receive any other public relief from the state or from any instrumentality or political subdivision thereof except for temporary medical and surgical assistance.

[1937 c. 324 s. 5] (3199-67)

**256.53 AMOUNT OF ASSISTANCE.** Subdivision 1. **Determination by state agency; earned monthly income.** The amount of assistance which any recipient shall receive shall be determined by the state 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 state agency shall consider such reports in adjusting subsequent monthly grants.

Subd. 2. **Funeral expenses.** On the death of a recipient, the state 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 state 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 state agency may grant funeral expenses where the sale would cause undue loss to the estate.

[1937 c 324 s 6; 1941 c 486 s 1; 1947 c 343 s 2; 1949 c 711 s 2; 1951 c 600 s 5; 1953 c 693 s 1] (3199-68)

**256.54 APPLICATIONS.** Application for assistance under sections 256.49 to 256.71 shall be made to the state agency. 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.

[1937 c. 324 s. 7] (3199-69)

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

[1937 c 324 s 8; 1951 c 600 s 6] (3199-70)

**256.56 EXAMINATION OF APPLICANTS.** No application shall be approved until the applicant has been examined by an ophthalmologist designated by the state agency to make such examinations. The examining ophthalmologist shall certify, in writing, upon forms prescribed by the state agency as to diagnosis, prognosis, and visual acuity of the applicant.

[1937 c. 324 s. 9] (3199-71)

**256.57 STATE AGENCY TO DETERMINE ELIGIBILITY.** Upon the completion of such examination the state 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 state agency shall notify the applicant of its decision in writing. Assistance shall be paid monthly from funds appropriated to the state agency for such purposes, and from moneys furnished to the state of Minnesota by the federal government for such purposes.

[1937 c. 324 s. 10] (3199-72)

**256.58 GUARDIANS.** If in the opinion of the state 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 state agency may arrange for the appointment of a legal guardian, and when appointment is made the state agency shall pay the assistance through such guardian.

[1937 c. 324 s. 11] (3199-73)

**256.59 ASSISTANCE NOT TRANSFERABLE.** All assistance granted under sections 256.49 to 256.71 shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under these sections shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

[1937 c. 324 s. 12] (3199-74)

**256.60 APPEALS.** Subdivision 1. **Consideration or reconsideration of application.** If an application is not acted upon with reasonable promptness or an applicant is aggrieved by any order or determination of the state agency, he may request prompt consideration of his application or a reconsideration thereof and shall be entitled to a fair and impartial hearing before the state agency. All requests for reconsideration by the state agency shall be 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 sections 256.49 to 256.71.

Subd. 2. **Appeal to district court.** If any final decision or determination by the state agency is not, in the opinion of 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 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.

[1937 c 324 s 13; 1941 c 352 s 2; 1951 c 600 s 7] (3199-75)

**256.61 RECONSIDERATION OF ASSISTANCE GRANTS.** All assistance grants made under sections 256.49 to 256.71 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.

[1937 c. 324 s. 14; 1941 c. 352 s. 3] (3199-76)

**256.62 REEXAMINATIONS.** Every recipient shall submit to a reexamination as to his eyesight at least once in every three years and at other times when required to do so by the state agency, unless excused therefrom by the state agency. He shall furnish any information required by the state agency for the purpose of establishing his continued eligibility for assistance under sections 256.49 to 256.71.

[1937 c. 324 s. 15] (3199-77)

**256.63 WHO MAY NOT RECEIVE ASSISTANCE.** No assistance under sections 256.49 to 256.71 shall be granted or continued to any person who refuses medical, surgical, or other treatment when his eyesight may be partially or wholly restored by such treatment, and a certificate in writing to that effect is made by three properly qualified and licensed ophthalmologists, one selected by the affected person, one selected by the state agency, and one selected by the first two. Any person denied assistance upon this ground may appeal to the state agency in the manner provided therein.

[1937 c. 324 s. 16] (3199-78)

**256.64 SHALL NOTIFY STATE AGENCY OF ACQUISITION OF STATE PROPERTY.** 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 state agency of the receipt, or possession of such property or income, and the state 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 state as a debt due the state.

[1937 c. 324 s. 17] (3199-79)

**256.65 ASSISTANCE TO BE CLAIM AGAINST ESTATE OF DECEDENT.** 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.

[1937 c 324 s 18; 1947 c 343 s 3] (3199-80)

**256.66 RECIPIENT WHO MOVES TO NOTIFY STATE AGENCY.** Any recipient who moves to another county in this state shall notify the state agency.

[1937 c. 324 s. 19] (3199-81)

**256.67 PAYMENTS TO BE MADE MONTHLY.** All payments of aid to the blind provided for in sections 256.49 to 256.71 shall be made monthly, in accordance with rules and regulations of the state agency. The state agency shall certify to the state auditor the amounts due the respective recipients. The amounts so certified shall be paid within ten days after such certification from the state treasury upon the warrants of the state auditor from any moneys available therefor. The moneys available to the state agency to carry out the provisions of those sections, 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 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.

[1937 c. 324 s. 20] (3199-82)

**256.68 FRAUDULENT CLAIMS; PENALTY.** 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 state 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, or both fined and imprisoned in the discretion of the court.

[1937 c. 324 s. 21] (3199-83)

**256.69 NO VESTED RIGHTS IN GRANTS.** All assistance granted under sections 256.49 to 256.71 shall be deemed to be granted and held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

[1937 c. 324 s. 22] (3199-84)

**256.70** [Not necessary]

**256.71 APPROPRIATION OF UNITED STATES AID.** All moneys received or to be received from the United States government for aid to the needy blind are hereby appropriated for the purpose of carrying out the provisions of sections 256.49 to 256.71.

[1937 c. 324 s. 24] (3199-86)

**256.72 DUTIES OF COUNTY AGENCIES.** The county agencies shall:

(1) Administer the provisions of sections 256.72 to 256.87 in the respective counties subject to the rules and regulations prescribed by the state agency pursuant to the provisions of those sections;

(2) Report to the state agency at such times and in such manner and form as the state agency may from time to time direct; and

(3) Submit quarterly and annually to the county board of commissioners a budget containing an estimate and supporting data setting forth the amount of money needed to carry out the provisions of those sections.

[1937 c. 438 s. 3] (8688-5)

**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 birth; 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.

Subd. 2. **Property ownership barring allowance.** The ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Real estate used as a home the market value of which less encumbrances exceeds \$7,500; provided that real estate used as a home in excess of this amount will not be a bar to eligibility where the county welfare board determines that such real estate is not available for support of the family.

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(2) Personal property of a reasonable market value in excess of \$300 for one child recipient or \$500 for more than one child recipient, exclusive of personal property used as the home, appropriate clothing and necessary household furniture and equipment, and of such tools, implements, and domestic animals as in the opinion of the county agency it is expedient to retain for the purpose of reducing the expense or increasing the income of the family; or

(3) Real estate not used as a home, provided that if such real estate does not produce net income sufficient to meet the family budget and there is no available market for the sale of such property, or if the price which can be obtained on the prevailing market is not fair and reasonable considering the applicant's interest therein and the possibilities of sale of said property for a greater amount within a reasonable length of time thereafter then in that event, in the discretion of the county agency, ownership of the same shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

**Subd. 3. Persons who may not receive.** No assistance shall be given under sections 256.72 to 256.87 to or on behalf of any one who is receiving aid to the blind, old age assistance, aid to the permanently and totally disabled; or is a patient in a tuberculosis or mental institution or who is a patient in a medical institution as a result of diagnosis of tuberculosis or psychosis; provided, however, that part or all of any aid to dependent children may be paid to or on behalf of patients in public or private medical institutions other than those herein excluded, who are eligible to such aid, subject to rules and regulations of the state agency.

**Subd. 4. County to make payment.** The county responsible for the payment of assistance under sections 256.72 to 256.87 shall be the county in which said child has resided for the year preceding the application for assistance; provided, that if said child has not resided continually in any one county for the year preceding said application, then the county in which said child has resided for the longest period of time during said year shall be responsible for the payment of assistance under sections 256.72 to 256.87, subject to the provisions of section 256.79. 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.

[1937 c 438 s 4; 1939 c 195 s 2; 1943 c 7 s 2; 1951 c 229 s 2; 1953 c 140 s 1, 2; 1953 c 639 s 2] (8688-6)

**256.74 ASSISTANCE.** Subdivision 1. **Amount.** The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for such dependent child shall be determined by the county agency with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules and regulations made by the state agency and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

**Subd. 2. Application for.** Application for assistance under sections 256.72 to 256.87 shall be made to the county agency of the county from which the dependent child is entitled to receive assistance as provided in section 256.73. 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.

[1937 c 438 s 5, 6; 1943 c 580 s 1; 1945 c 320 s 1; 1947 c 192 s 1; 1949 c 606 s 1; 1951 c 229 s 3] (8688-7, 8688-8)

**256.75 INVESTIGATIONS TO BE MADE BY COUNTY AGENCIES.** When a county agency receives a notification of the dependency of a child or an application for assistance an investigation and record shall be made within a reasonable time

of the circumstances to ascertain the dependency of the child or the facts supporting the application made under sections 256.72 to 256.87 and such other information as may be required by the rules of the state agency.

[1937 c. 438 s. 7] (8688-9)

**256.76 ASSISTANCE, DETERMINATION OF AMOUNT.** 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 those 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.

[1937 c 438 s 8; 1951 c 229 s 4] (8688-10)

**256.77 COUNTY AGENCY TO REPORT TO STATE DEPARTMENT.** Subdivision 1. **Appeal to state agency.** The county agency shall at once report to the state department its decision upon each application. 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. Such appeal may be taken if the application is not acted upon within a reasonable time by the county agency. 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 its decision or its delay in acting upon his application. Upon the filing of such notice of dissatisfaction, the county agency shall make an order fixing the time and place for hearing thereon, which hearing shall be held within the ensuing 30 days. Copies of such order shall be forthwith mailed to the applicant or recipient and the state agency. The county agency may adhere to the decision already made or modify the same and copies of such new decision shall be forthwith mailed to the applicant or recipient and the state agency. If the applicant or recipient is then dissatisfied he may, within 30 days after the mailing of such decision, 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 of the county agency and consider any application upon which a decision has not been made by the county agency within a reasonable time. Any applicant aggrieved by a decision of the state agency made upon its own motion shall be granted an opportunity for a fair hearing before the state agency.

Subd. 2. **Investigation by state 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 of assistance to be granted as in its opinion is justified and in conformity with the provisions of sections 256.72 to 256.87. Any applicant or recipient shall have the right to produce any evidence that he desires and be represented by a friend or counsel at all hearings before any administrative agency considering his case. All decisions of the state agency shall be binding upon the county agency involved and the applicant or recipient and shall be complied with by such county agency unless modified or reversed on appeal as hereinafter provided.

Subd. 3. **Appeal to district court.** If a decision or determination by the state agency is not, in the opinion of the county agency or applicant or recipient, in conformity with those sections, 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 by serving a copy of a written notice of such appeal upon the state agency and adverse party 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 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 state agency shall, if demanded, furnish the county



agency 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 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 more equitable disposition of the appeal. If the court shall find the order of the state agency fraudulent, arbitrary, or unreasonable, the court shall, within 30 days, 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 the matter not inconsistent with the determination of the court.

**Subd. 4. Hearing; reference.** The matter may be heard by the district court at any general or special term thereof or 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 to do so, shall refer the matter to some other judge in the district.

**Subd. 5. Appeal to supreme court.** The applicant or recipient or the county agency or the state agency may appeal from the order of the district court to the supreme court in the same manner as other appeals in civil actions. No costs or disbursements shall be taxed against any party on appeals to the district court or to the supreme court.

**Subd. 6. Payments made pending hearings and appeals.** All grants of assistance or aid shall be paid pending the hearing and determination of appeals to the district court or supreme court when such assistance or aid is ordered paid by the state agency.

[1937 c. 438 s. 9; 1939 c. 195 s. 3] (8688-11)

**256.78 ASSISTANCE GRANTS RECONSIDERED.** All assistance granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When assistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section 256.77.

[1937 c. 438 s. 10] (8688-12)

**256.79 REMOVAL TO ANOTHER COUNTY.** Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which he has moved or has been taken until he shall have resided for one year in the county to which he has moved. When he has resided one year in the county to which he has moved, or has been taken, the county agency of the county from which he has moved shall transfer all necessary records relating to the child to the county agency of the county to which he has moved.

[1937 c. 438 s. 11; 1945 c. 83 s. 1] (8688-13)

**256.80 COUNTY BOARD TO APPROPRIATE MONEY; MANDATORY.** 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 256.72 to 256.87, including expenses of administration based upon a budget prepared by the county agency, after taking into account state aid, and to include in the tax levy for such county the sum or sums appropriated for that purpose. Should the sum so appropriated be expended or exhausted during the year and for the purpose for which it was appropriated additional sums shall be appropriated by the board of county commissioners.

[1937 c. 438 s. 12] (8688-14)

**256.81 COUNTY AGENCY, DUTIES.** (1) The county agency shall keep such records, accounts, and statistics in relation to aid to dependent children as the state agency shall prescribe.

(2) Each grant of aid to dependent children shall be paid to the recipient by the county agency in the first instance, except in those instances in which the county agency, subject to rules and regulations of the state agency, determines that payments for medical care shall be made directly to the vendor of such care.

(3) The county shall be paid from state and federal funds available therefor the amount provided for in section 256.82.

(4) Not exceeding two-thirds of any federal funds for administration shall be used to repay the counties necessary administrative expenses pro rata in the proportion the total number of recipients in each county bears to the total number of recipients in the state for the period for which such funds were received and are available, and the balance of any such sum shall be available to the state agency to defray the necessary expenses of the state agency.

[1937 c 438 s 13; 1943 c 619 s 2; 1951 c 229 s 5] (8688-15)

**256.82 PAYMENTS BY STATE.** Based upon estimates submitted by the county agency to the state agency, which shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month, together with an amount of state funds equal to 50 percent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

[1937 c 438 s 14; 1943 c 619 s 1; 1951 c 229 s 6] (8688-16)

**256.83 VIOLATIONS A MISDEMEANOR.** 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;

(1) Assistance to which he is not entitled;

(2) Assistance greater than that to which he is justly entitled; is guilty of a misdemeanor; and, upon the conviction thereof, shall be fined not more than \$100 or imprisoned for not more than three months.

[1937 c. 438 s. 15] (8688-17)

**256.84 UNITED STATES GOVERNMENT ASSISTANCE NOT TO BAR AID.** The receipt or possession by any person of sums received from United States government war risk insurance or any government compensation shall not be a bar to the granting of an allowance provided for in sections 256.72 to 256.87 if, in the opinion of the county agency having jurisdiction to order the allowance, such insurance or compensation is not sufficient to maintain the children, in whose behalf an allowance is requested, in their own home.

[1937 c. 438 s. 16] (8688-18)

**256.85 LIBERAL CONSTRUCTION.** Sections 256.72 to 256.87 shall be liberally construed with a view to accomplishing their purpose, which is hereby declared to be to enable the state and its several counties to cooperate with responsible mothers or relatives in rearing future citizens, when such cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the mother and secure to the children during their tender years her personal care and training.

[1937 c. 438 s. 17] (8688-19)

**256.86 UNITED STATES FUNDS TO BE APPROPRIATED TO STATE AGENCY.** All moneys received, or to be received, from the United States government for aid to dependent children are hereby appropriated to the state agency for the purpose of carrying out the provisions of sections 256.72 to 256.87.

[1937 c. 438 s. 18] (8688-20)

**256.863 RECOVERY OF MONEYS; DISTRIBUTION.** When any amount shall be recovered from any source for assistance furnished under the provisions of sections 256.71 to 256.87, there shall be paid to the United States the amount which shall be due under the terms of the social security act and the balance thereof shall be paid into the treasury of the state or county in the proportion in which they have respectively contributed toward the total assistance paid.

[1953 c 55 s 1]

**256.87 CONTRIBUTION BY RELATIVES; AMENDMENTS; REPEALS.** Subdivision 1. **Actions against relatives for assistance furnished.** If any time during the continuance of any assistance granted under sections 256.72 to 256.87 the state agency or county agency finds that any parent, grandparent, sister, or brother of any child receiving assistance is reasonably 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 256.72 to 256.87 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 such notice, as hereinbefore provided, together with the costs and disbursements of such action.

Subd. 2. **Not to be vested right.** All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Subd. 3. [Not necessary]

[1937 c 438 s 19-21; 1953 c 639 s 3] (8688-21, 8688-22, 8688-23)

**256.88 SOCIAL WELFARE FUND ESTABLISHED.** Except as hereinafter expressly provided otherwise, all moneys and funds now or hereafter held by the commissioner of public welfare and the county welfare boards of the several counties in trust or for the benefit of defective, illegitimate, dependent, neglected, and delinquent children or persons feebleminded, inebriate, or insane, or other wards or beneficiaries, under any law now or hereafter in force, shall be and the same hereby are constituted and made into a single fund to be known as the "social welfare fund" which shall be deposited at interest, held, or disbursed as provided in sections 256.89 to 256.92.

[1923 c. 106 s. 1; 1939 c. 8 s. 1] (4462)

**256.89 FUND DEPOSITED IN STATE TREASURY.** The social welfare fund and all accretions thereto shall be deposited in the state treasury, as a separate and distinct fund, to the credit of the commissioner of public welfare as trustee for the beneficiaries thereof in proportion to their several interests. The state treasurer shall be responsible only to the commissioner of public welfare for the sum total of the fund, and shall have no duties nor direct obligations toward the beneficiaries thereof individually. Subject to the regulations of the commissioner of public welfare moneys so received by a county welfare board may be deposited by the executive secretary of the county welfare board in a local bank carrying federal deposit insurance, designated by the county welfare board for this purpose. The amount of such deposit in each such bank at any one time shall not exceed the amount protected by federal deposit insurance.

[1923 c. 106 s. 2; 1939 c. 8 s. 2] (4463)

**256.90 SOCIAL WELFARE FUND; USE DISPOSITION; DEPOSITORIES.** The commissioner of public welfare at least 30 days before the first day of January and the first day of July in each year shall file with the state treasurer an estimate of the amount of the social welfare fund to be held in the treasury during the succeeding six months period, subject to current disbursement. Such portion of the remainder thereof as may be at any time designated by the request of the commissioner of public welfare may be invested by the state treasurer in bonds in which the permanent trust funds of the state of Minnesota may be invested, upon approval by the state board of investment. The portion of such remainder not so invested shall be placed by the treasurer at interest for the period of six months, or when directed by the commissioner of public welfare, for the period of 12 months thereafter at the highest rate of interest obtainable in a bank, or banks, designated by the board of deposit as a suitable depository therefor. All the provisions of law relative to the designation and qualification of depositories of other state funds shall be applicable to sections 256.88 to 256.92, except as herein otherwise provided. Any bond given, or collateral assigned or both, to secure a deposit here-

under may be continuous in character to provide for the repayment of any moneys belonging to the fund theretofore or thereafter at any time deposited in such bank until its designation as such depository is revoked and the security thereof shall be not impaired by any subsequent agreement or understanding as to the rate of interest to be paid upon such deposit, or as to time for its repayment. The amount of money belonging to the fund deposited in any bank, including other state deposits, shall not at any time exceed the amount of the capital stock thereof. In the event of the closing of the bank any sum deposited therein shall immediately become due and payable.

[1923 c. 106 s. 3; 1925 c. 253; 1943 c. 236 s. 1] (4464)

**256.91 PURPOSES.** From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the commissioner of public welfare at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the defective, illegitimate, dependent, neglected, and delinquent children, or persons feebleminded, inebriate, or insane, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase thereof from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the commissioner of public welfare the amount then remaining subject to use for the benefit of such person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

[1923 c. 106 s. 4] (4465)

**256.92 COMMISSIONER OF PUBLIC WELFARE SHALL KEEP ACCOUNTS.** It shall be the duty of the commissioner of public welfare and of the county welfare boards of the several counties of this state to cause to be deposited with the state treasurer all moneys and funds in their possession or under their control and designated by section 256.91 as and for the social welfare fund; and all such moneys and funds shall be so deposited in the state treasury as soon as received. The commissioner of public welfare shall keep books of account or other records showing separately the principal amount received and deposited in the social welfare fund for the benefit of any person, together with the name of such person, and the name and address, if known to the commissioner of public welfare, of the person from whom such money was received; and, at least once every two years, the amount of interest, if any, which the money has earned in the social welfare fund shall be apportioned thereto and posted in the books of account or records to the credit of such beneficiary.

The provisions of sections 256.88 to 256.92 shall not apply to any fund or money now or hereafter deposited or otherwise disposed of pursuant to the lawful orders, decrees, judgments, or other directions of any probate or district court having jurisdiction thereof.

[1923 c. 106 ss. 5, 6] (4466, 4467)

**256.93 COMMISSIONER OF PUBLIC WELFARE; POSSESSION OF ESTATES.** Subdivision 1. **Limitations.** In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, has been committed to the commissioner of public welfare, and in any case where the guardianship of the person of any feebleminded or epileptic person has been committed to the commissioner of public welfare, the probate court having jurisdiction of such estate may on such notice as the court may direct, authorize such commissioner to take possession of the personal property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Subd. 2. **Annual report.** The commissioner of public welfare shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by him for his respective wards, pursuant to subdivision 1. Upon petition of the ward or of any person interested in such estate and upon notice to the commissioner the probate court may terminate such trust and require final accounting thereof.

[1929 c 55 s 1, 2; 1939 c 9; 1943 c 612 s 4, 5; 1949 c 32 s 1] (4467-1, 4467-2)

**256.94 CONFERENCES OF VARIOUS OFFICIALS.** For the purpose of promoting economy and efficiency in the enforcement of laws relating to children, and particularly of laws relating to defective, delinquent, dependent, and neglected children, the commissioner of public welfare may, at such times and places as he deems advisable, call an annual conference with officials responsible for the enforcement of such laws. When practicable such conference shall be held at the same time and place as the state conference of social work.

[1917 c. 224 s. 1; 1921 c. 403 s. 1] (4468)

**256.95 EXPENSE OF ATTENDANCE AT CONFERENCE.** The necessary expenses of all probate judges and of one member of the county child welfare board in each county invited to attend such conference shall be paid out of the funds of their respective counties.

[1917 c. 224 s. 2; 1921 c. 403 s. 2] (4469)

**256.96 COOPERATION WITH OTHER BOARDS.** The commissioner of public welfare and the several county child welfare boards within their respective jurisdictions, upon request of county boards, city, village, or borough councils, town boards, or other public boards or authorities charged by law with the administration of the laws relating to the relief of the poor, may cooperate with such boards and authorities in the administration of such laws.

[1923 c. 152 s. 1] (4461)

**256.97 CHIEF OF DIVISION OF THE DEAF; DUTIES.** The commissioner of public welfare shall appoint a competent man to take charge of a division of the deaf, who shall be designated as chief of the division for the deaf, and who shall devote his time to the special work of labor for the deaf, under the supervision of the commissioner. He shall collect statistics of the deaf, ascertain what trades or occupations are most suitable for them, and best adapted to promote their interest, and shall use his best efforts to aid them in securing such employment as they may be fitted to engage in.

He shall keep a census of the deaf and obtain facts, information and statistics as to their condition in life with a view to the betterment of their lot. He shall endeavor to obtain statistics and information of the condition of labor and employment and education of the deaf in other states with a view to promoting the general welfare of the deaf of this state.

[1913 c. 238 ss. 2, 3] (4085, 4086)