

act. The word "board" as herein used means the board of supervisors of the town in which the lands or roads described in the petition are located or, if said lands or roads are located in more than one town, then the word "board" means all of the supervisors of each one of the towns in which any of said lands or roads are located, acting together as one body at a legally called meeting. The town clerk of the town in which the petition was filed shall act as the clerk of said board and keep a detailed record of its doings. Two or more of said supervisors shall constitute a quorum of said board and a majority of the supervisors present shall have power to act. The words "town clerk" and "town treasurer" as herein used shall always be held to refer to the town clerk and town treasurer of the town in which the petition was filed. *The word "engineer" as used in this act shall be held to include any competent surveyor.*

Section 2. This act shall take effect and be in force from and after its passage.

Approved April 17, 1917.

---

#### CHAPTER 294—H. F. No. 242.

*An act imposing upon the estates of persons who are confined, and cared for in state hospitals and asylums for the insane, and upon certain relatives of such inmates, a portion of the cost of maintenance therein and providing for the collecting thereof and relating thereto.*

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

Section 1. **Duty of superintendent of asylum or hospital on receiving patient committed to his institution.**—Subdivision (1). Whenever after August 1st, 1917, any probate court of this state shall have committed any person to the superintendent of a state asylum, detention hospital or hospital for the insane, and one of the duplicate warrants issued pursuant thereto shall have been returned, with the superintendent's indorsement thereon that the person named therein has been received by him, and filed in such probate court, the clerk of such probate court, or the judge, if there is no clerk, shall make and file with the state board of control, a copy of such warrant and of the indorsements thereon together with such other information as is provided for in this act.

Subdivision (2). Whenever after August 1st, 1917, any person shall be received into any state detention hospital on his own application or pursuant to a determination that such person is mentally disturbed, and in need of treatment therein, under the provisions of chapter 224, Laws 1909, the superintendent so receiving him shall forthwith mail to the state board of con-

trol a written statement setting forth the names of the person so received, the nature, amount and location of any money or other property owned by such person, the time when received, the name and address, if known, of the relative or guardian, if any, on whose application the determination was made, together with such other information as is provided for in this act.

Subdivision (3). On or before the 3rd day of August, 1917, the superintendent of each asylum, detention hospital or hospital for the insane shall file with the state board of control, a statement in writing of the names of the inmates of their respective institutions committed thereto, also the names of all persons who have been received into any detention hospital without a warrant of commitment and who were inmates thereof on August 1st, 1917. Such statement shall also contain the date of commitment or reception of the inmate, his residence, any information which the superintendent may have as to any money or property which may be owned by such inmate, and the nature, amount and location thereof; the name and address of the guardian of such inmate, if known, also the names and addresses, so far as known, of the relatives of such inmate who are or may be, under the provisions of this act, liable to contribute to the support of such inmate.

Sec. 2. Duty of superintendent on death of patient.—Whenever any person who has been committed to or received into any asylum, detention hospital or hospital for the insane, dies, or is required to leave, or is paroled, or discharged therefrom, it shall be the duty of the superintendent of the institution to at once report in writing such fact and the time of the occurrence thereof to the state board of control.

It shall also be the duty of the superintendent to forthwith report to the state board of control the time when any paroled inmate was returned to his actual custody, either because of the revocation of his parole or the expiration of the period for which he was paroled.

Sec. 3. Judge of probate and county attorney to inquire into property and estate of person committed or deceased, and property owned by relatives.—It shall be the duty of the judge of probate and county attorney, of the respective counties in this state, upon and in connection with the proceeding and examination of any person petitioned to be committed to a state hospital to fully inquire into the property and estate of such person and the property and estate of the persons upon whom liability is imposed for his care under the provisions of this act, and, in case of commitment of such person, to report such information forthwith to the state board of control upon such blanks or forms of report as it may provide therefor. Such re-

ports shall be accompanied by the recommendation of such officers to the board of control as to what extent the estates or relatives of the persons so committed should be charged with liability under the provisions of this act.

**Sec. 4. State to have claim for reimbursement to the extent of \$10 per month.**—For the purpose of defraying the expenses and cost of maintenance of any inmate in a state asylum, detention hospital or hospital for the insane, the state of Minnesota shall have a valid claim for reimbursement to the extent of \$10.00 per month for each such inmate, for all moneys paid and expenses incurred by the state for such maintenance,—first, against the property or estate of such person so maintained, second, against the relatives of such person in the following order, to-wit: spouse, children and parents provided, that if the state board of control shall determine that the property or estate of any such insane person is not sufficient to more than care for and maintain the wife and minor children of such inmate, or that the means and property of the classes of persons herein secondly charged with the liability and cost of the maintenance of such insane person in said institutions, is not more than sufficient to properly provide for themselves and those otherwise dependent upon them, the said board of control shall relieve the estate of such insane person and the relatives of such insane person from a portion or all of such charge or liability as they in their judgment and upon investigation may deem just and proper. In case of increase or decrease in the estate of such insane person, or in the estates of those persons herein secondarily liable for the cost of the maintenance of an insane person in such institutions, or in case of the death of such persons, or either of them, the board of control is hereby authorized to modify or cancel its previous order made in relation thereto, and from time to time make such other and further order with reference thereto as it may seem just and proper.

In all cases under the provision of this act, the property which under the laws of this state, is exempt from attachment, or sale on any final process, issued from any court, shall be exempt also as to the estates and persons charged with or upon whom any liability is imposed under the provisions of this act.

**Sec. 5. Determination of state board of control to be conclusive.**—In any action brought as hereinafter provided to enforce any liability created by this act or to collect from the property or estate of any inmate or relative as herein provided, the determination of the state board of control as to the sufficiency of the property or estate of the inmate to properly care for and maintain the wife and children, if any, or either or any of such classes of persons upon whom liability is imposed under

the provisions of this act, shall be conclusive unless appealed from as herein provided.

**Sec. 6. Proceedings to be commenced by state board of control.**—When the state board of control shall have determined the liability of the estate or persons herein named to defray the cost of maintenance of an insane person and no appeal taken therefrom as herein provided and shall direct the persons herein charged with the expense and cost of maintenance of insane persons cared for in state institutions as herein provided to pay and demand payment for such maintenance and such persons shall refuse or neglect to make such payment for thirty days after receiving such demand or notice, the state board of control in the name of the state of Minnesota may bring an action against any and all of said relatives and persons and the representative of such inmate and recover against them therefor, and the further sum of \$10.00 as costs of such action in addition to the disbursements in such action.

**Sec. 7. Petition for release or modification or order of board.**—Any person who has been ordered to make payment for the support of an inmate in the institutions referred to in this act, the guardian or relative of any such insane person may petition the state board of control for the release from or modification of such order and said board after investigation may cancel or modify its former order if it shall find the conditions warranting such action.

**Sec. 8. Board of control given power to make certain investigations.**—The state board of control shall have the power to make investigation as to the property and estate of persons therein charged with liability for the cost and expense of maintenance of insane persons in state institutions and shall have the power to subpoena witnesses, take testimony under oath and examine any public records relating to the estate of an inmate or relative liable for his or her support. The state board of control shall determine whether such relative shall be required to pay for the support of such inmates or whether such charges shall be made against the estate of such an inmate. An order shall be issued to the persons who are determined liable for such payments requiring them to pay monthly, quarterly or otherwise as may be determined by said board. The board shall make all reasonable and proper efforts to collect such amounts, and in case of inability to collect, the attorney general, upon the recommendation of such board, shall direct the prosecuting attorney of the proper county to collect or institute civil action in the name of the state of Minnesota to recover the amount due with interest. All money received, as herein provided or by suit instituted, shall be paid to the state treasurer

and placed in the general revenue fund and a separate account kept thereof. The board may, if it shall find it necessary, appoint one or more competent persons to act under its direction to assist in the carrying into effect the provisions of this act and the salaried and necessary expenses of such agents and other necessary expenses incident to carrying into effect the provisions of this act, shall be paid upon the order of the state board of control out of the moneys received or collected under the provisions of this act.

**Sec. 9. Aggrieved person given right of appeal to district court.**—Any person or party feeling himself aggrieved by any order or determination of the state board of control under the provisions of this act may appeal therefrom to the district court of the county in which the person or party resides, but upon any such appeal where any order or determination of the board of control made under the provisions of this act be brought in question such order shall be *prima facie* evidence of the facts therein stated. Such appeal shall be taken within thirty days after service of notice of the filing of the order or determination of the board of control appealed from. Such appeal may be taken by serving a notice thereof upon the chairman of the said board of control or the secretary thereof and upon filing such notice, with proof of service thereof in the office of the clerk of the district court of the proper county within ten days after service thereof, the said court shall be deemed to have jurisdiction of said appeal and thereafter such proceedings shall be had as in other civil actions triable in said court. On such appeal the court shall have the power to order pleadings to be filed and make any other order necessary to the proper procedure and determination of said appeal.

**Sec. 10. Procedure for receiving and disbursing of money so paid or paid voluntarily.**—That whenever after August 1, 1917, any person who has committed himself or herself for treatment at any state detention hospital, or the relatives, friends, or legal representatives of any person who has been committed to a state asylum, detention hospital or hospital for the insane, desires to pay the whole or any portion of the cost of the maintenance of such person in any of said institutions, in addition to the requirements of this act, the same shall be received and disbursed as other money paid pursuant to the provisions of this act, and said board is hereby directed to establish a schedule of the cost to the state of the care and maintenance of the patients in such institutions.

**Sec. 11.** This act shall take effect and be in force from and after August 1st, 1917.

Approved April 17, 1917.