

assessments shall be made in the same manner and be of the same force and effect as any other special assessment or tax.

Sec. 3. Street lighting district, location of. The governing body shall by ordinance provide that the city engineer shall determine and designate the location, extent and character of such street lighting district or expansion or other changes therein. The ordinance shall also require that the city engineer shall thereupon make and present to the governing body a report containing a list and description of the several parcels of land within the district, together with the number of feet of each fronting along the street lighting improvement and the names of the owners of the several parcels as nearly as the city engineer can readily ascertain the same. A brief minute of the reception of the report shall be made and published in the record of the proceedings of the City Council. In addition to the publication of this report the Clerk shall give written notice by United States Mail to the listed owner of each of the premises in the street lighting district of a hearing before the City Council Committee to be held not earlier than two weeks after the mailing of the notice. Any interested party may appear at the hearing and give evidence and enter any objection to the delineation or establishment of any such street lighting district. The ordinance shall further provide that the City Council shall not give final approval until at least two weeks after the Committee's report and recommendation; and shall further provide that any person whose property is affected may appeal to the district court within 20 days following the City Council's final approval if before such approval such person shall have filed a written objection with the committee or the city clerk stating the grounds thereof. The ordinance shall also provide for the method and manner of arriving at the city's cost of maintenance and operation, including electric current, of the street lighting districts.

Sec. 4. This act shall become effective only after its approval by a majority of the governing body of the City of Minneapolis.

Approved April 24, 1959.

CHAPTER 578—S. F. No. 404

[Coded]

An act relating to charges for care of patients at state hospitals for the mentally ill and the liability of patients, rela-

tives or patients and counties for such charges; repealing Minnesota Statutes 1949, Section 246.31, Subdivision 4, as amended, Minnesota Statutes 1953, Sections 526.01 to 526.07 and 246.47 to 246.49.

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

Section 1. [246.50] **Care of patients at state hospitals; definitions.** Subdivision 1. For the purposes of this act, the terms set out in subdivisions 2 to 8 shall have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of public welfare of the State of Minnesota.

Subd. 3. "State hospital" means a state hospital for the mentally ill now existing or hereafter established.

Subd. 4. "Patient" means any person receiving care or treatment at a state hospital whether he entered such hospital voluntarily or under commitment.

Subd. 5. "Cost of care" means the commissioner's determination of the average per capita cost of all maintenance, treatment and expenses, other than that paid from the Minnesota State Building Fund, at all of the state hospitals for the mentally ill during the fiscal year previous to the period for which billing is being made.

Subd. 6. "Relatives" means the spouse, parents and children of a patient, in that order of liability for cost of care.

Subd. 7. "Patient's county" means the county of the patient's legal settlement for poor relief purposes at the time of commitment or voluntary admission to a state hospital.

Subd. 8. "County welfare board" means the welfare board of the patient's county as defined in subdivision 7 and of the county of commitment, and any other county welfare board possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient or his relatives.

Sec. 2. [246.51] **Payment for care and treatment; determination.** The Commissioner shall make such investigation as he deems necessary and determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the commissioner finds that the patient is unable to pay the full cost of care he shall make a determination as to the ability of the relatives to pay provided, however, that in no case shall the relatives be or-

dered to pay more for each patient than ten percent of the cost of care but voluntary payments in excess thereof may be accepted by the commissioner. Such determination shall be *conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided*. All money received shall be paid to the state treasurer and placed in the general revenue fund and a separate account kept thereof. Responsibility under this section shall not apply to those relatives earning less than \$4,000 per year.

Sec. 3. [246.52] Payment for care; order; action. The commissioner shall issue an order to the patient or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the State of Minnesota the amounts so determined the total of which shall not exceed the full cost of care. Such order shall specifically state the commissioner's determination shall be conclusive unless appealed from as herein provided. When a patient or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount.

Sec. 4. [246.53] Claim against estate of deceased patient. Upon the death of a patient, or a former patient, the total cost of care given him, less the amount actually paid toward the cost of such care by the patient and his relatives, shall be filed by the commissioner as a claim against the estate of such patient with the court having jurisdiction to probate the estate and all proceeds collected by the state in such case shall be divided between the state and county in proportion to the cost of care each has borne. If the commissioner of public welfare shall determine that the property or estate of any such patient is not sufficient to more than care for and maintain the wife and minor or dependent children of such deceased patient, he shall have the power to compromise the claim of the state in such manner as he, in his judgment and upon investigation, may deem just and proper.

Sec. 5. [246.54] Liability of county; reimbursement. The patient's county shall pay quarterly to the State of Minnesota \$10 for each month or portion thereof the patient spends at a state hospital. Any portion of said amount actually received by the State of Minnesota from the patient and his relatives shall be reimbursed to said county. The county shall not be entitled to reimbursement therefor from the patient, his estate or his relatives, except as provided in Section 4. No such payments shall be made for any patient who

was last committed prior to July 1, 1947. Each quarter the commissioner shall notify each county of the amount due under this section.

Sec. 6. [246.55] **Appeal from order of commissioner.** Any patient or relative aggrieved by an order of the commissioner under this act may appeal from such order to the district court of the county in which he resides by serving notice of such appeal on the commissioner and filing the notice, with proof of service thereof, in the office of the clerk of the district court of such county within 30 days from the date the order was mailed, or such later date not exceeding one year from the date of mailing as permitted by order of such court. Such appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear such evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under this act is brought in question on such appeal, such order or determination shall be determined de novo. Appeal to the supreme court from the order of the district court may be taken in the same manner as appeals are taken from appealable orders in civil actions.

Sec. 7. Minnesota Statutes 1953, Sections 526.01 to 526.07 and 246.47 to 246.49, and Minnesota Statutes 1949, Section 246.31, Subdivision 4, as amended by Laws 1951, Chapter 173, are hereby repealed.

Approved April 24, 1959.

CHAPTER 579—S. F. No. 1064

An act relating to the revisor of statutes; amending Minnesota Statutes 1957, Sections 482.02; 482.03; 482.09; and 482.12.

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

Section 1. Minnesota Statutes 1957, Section 482.02, is amended to read:

482.02 **Appointment, salary.** The supreme court shall appoint to the office of revisor of statutes a person qualified to perform the duties imposed upon the office at an annual salary *which it shall fix unless otherwise provided for by law*, and he shall be reimbursed for any necessary traveling ex-