

CHAPTER 749—H. F. No. 1181

[Not Coded]

An act relating to public employees retirement association; providing survivorship benefits to the survivors of certain contract employees.

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

Section 1. Public employees retirement; survivorship benefits. Notwithstanding the provisions of Minnesota Statutes 1957, Chapter 353, and any act amendatory thereof to the contrary, a contract employee of a school district who had a contract with a school district for the school term beginning September, 1959, and who died after September 1, 1959, or before September 1, 1960, and who was not a member of any retirement association financed in whole or in part with state funds, shall be deemed to have been a member of the Public Employees Retirement Association from the date of his contract, and upon his death, his survivors are eligible for benefits from the fund of such association.

Approved April 20, 1961.

CHAPTER 750—H. F. No. 1445

[Coded in Part]

An act relating to state departments; providing certain parallel powers for the commissioners of corrections and public welfare; correcting obsolete references; removing obsolete matter; amending Minnesota Statutes 1957, Sections 144.425, 242.09, 242.14 as amended, 242.18, 242.19 as amended, 242.22, 242.24, 242.27, 242.28, 242.29, 242.30, 242.46 as amended, 246.13, 246.14, 246.15, 246.16, 246.18, 246.21, 256.02, Subdivision 1; 640.34, and 640.51; repealing Minnesota Statutes 1957, Sections 246.22, 637.03, and 637.031; repealing Laws 1959, Chapter 263, Section 12.

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

Section 1. Minnesota Statutes 1957, Section 144.425, is amended to read:

144.425 Patients; facilities, transfer. The commissioner of public welfare is hereby authorized and directed to

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provide adequate facilities at one of the state mental institutions where proper care can be provided and where proper precautions can be taken to detain and safely keep any person committed thereto under the provisions of sections 144.422 or 144.424. When it is deemed necessary or desirable, any such person may be transferred from another institution to the institution providing such facilities with the approval of the commissioner of public welfare. The commissioner of public welfare shall establish the rates to be charged for care and treatment at such facilities. Where the patient is committed or transferred to such facility from the state sanatorium or a county sanatorium, the cost of his transportation to and from the facility and his care and treatment therein shall be borne by the county of his residence for tuberculosis sanatorium purposes or the county sanatorium which serves his county of residence or, if he has no such residence within this state, by the county of commitment.

Where it is deemed necessary or desirable, the *commissioner of corrections, with the consent of the commissioner of public welfare*, may authorize the transfer of any inmate afflicted with tuberculosis from any of the state penal institutions under his control and management to said tuberculosis detention facility to be held until his disease is arrested or his sentence expires whereupon he shall be returned to the institution from which he came unless his sentence to such institution shall have expired. The state hospital receiving such patients from the state penal institutions shall make no charge for such care.

Sec. 2. Minnesota Statutes 1957, Section 242.09, is amended to read:

242.09 **Cooperation; other agencies.** The commissioner of public welfare, the commissioner of education, and the state board of health through its executive officer shall advise, cooperate with and assist the commission in carrying out the duties and responsibilities assigned to it by sections ~~242.01 to 242.38~~ *Minnesota Statutes, chapter 242* and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of public welfare ~~and of the state board of parole and probation~~, shall be made available to the commission upon such terms as the governor may direct.

Sec. 3. Minnesota Statutes 1957, Section 242.14, as amended by Laws 1959, Chapter 698, Section 1, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

242.14 Placement in penal institution prohibited. The commission shall not have power by virtue of any commitment to it by a juvenile court, as authorized by *Minnesota Statutes, Section 260.13 Laws 1959, Chapter 685, Section 28*, to place such child in any penal institution.

Sec. 4. Minnesota Statutes 1957, Section 242.18, is amended to read:

242.18 Study of offender's background; treatment policy. When a person has been committed to the commission the commission under its rules shall forthwith examine and study him and investigate all of the pertinent circumstances of his life and the antecedents of the crime because of which he has been committed to it, and thereupon order such treatment as it shall determine to be most conducive to the accomplishment of the purposes of ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242*. The court and the prosecuting and police authorities and other public officials shall make available to the commission all pertinent data in their possession in respect to the case.

Sec. 5. Minnesota Statutes 1957, Section 242.19, as amended by Laws 1959, Chapter 631, Section 1, is amended to read:

242.19 Methods of control. When a person has been committed to the commission it may

(a) place him on probation under such supervision and conditions as it believes conducive to law-abiding conduct;

(b) if he has been committed to the commission upon conviction of a felony or gross misdemeanor, order his confinement to such reformatory, state prison, jail or other place of confinement to which he might have been sentenced by the court in which he was convicted except for ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242*. Such reformatories, state prisons, jails, or other places of confinement are hereby required to accept such persons in like manner as though they had been committed by such court;

(c) if he has been committed to the commission by a juvenile court upon a finding of his delinquency, order his commitment to the state training school for boys or the Minnesota home school for girls and such schools shall accept such persons so committed to them or to private schools or

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institutions established by law or incorporated under the laws of this state that may care for delinquent children;

(d) order his release on parole from confinement under such supervision and conditions as it believes conducive to law-abiding conduct;

(e) order reconfinement or renewed parole as often as commission believes to be desirable;

(f) revoke or modify any order, except an order of discharge, as often as the commission believes to be desirable;

(g) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public;

(h) if it finds him eligible for probation or parole, and it appears from the commission's investigation that conditions in the home of his parents or guardian are not conducive to law-abiding conduct, refer the child, together with its findings, to a county welfare board or a licensed child placing agency for placement in foster care or when appropriate, for initiation of dependency or neglect proceedings as provided in ~~sections 260.01 to 260.34~~ *Laws 1959, Chapter 685, sections 1 to 44*. The commission shall reimburse county welfare boards for foster care costs it incurs for such children while on probation or parole to the extent that funds for this purpose are made available to the commission by the legislature.

Sec. 6. Minnesota Statutes 1957, Section 242.22, is amended to read:

242.22 Local probation officer; powers, duties. Any person committed to the commission from a county having a probation officer of a district or juvenile court may be placed on probation by the commission under the supervision of such probation officer who shall assume such supervision as though it were pursuant to a judgment or order of the district or juvenile court. Such probation officer shall cooperate with the commission in providing treatment for such person consistent with the purposes of ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242*, but nothing therein shall give the commission direction or control over such probation officer or require him or his subordinates to perform duties not otherwise required by law. If parole is granted by the commission to such person after confinement

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to a penal institution or after commitment to the state training school for boys or the Minnesota home school for girls, the parole may be conditioned on like supervision with the consent of the district or juvenile court respectively of such county.

Sec. 7. Minnesota Statutes 1957, Section 242.24, is amended to read:

242.24 Limitation, powers of commission. ~~Sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242* shall not be construed to give the commission control over existing facilities, institutions or agencies; or to require them to serve the commission inconsistently with their functions, or with the authority of their officers, or with the laws and regulations governing their activities.

Sec. 8. Minnesota Statutes 1957, Section 242.27, is amended to read:

242.27 Discharge. Unless previously discharged under the provisions of ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242*, a person who has been committed to the commission upon conviction of a crime shall be discharged by the director and be given his liberty on his twenty-fifth birthday, unless the commission shall determine that such discharge at that time would be dangerous to the public in which event the commission shall terminate its control in the following manner:

(1) If he be then on probation under the supervision of the probation officer of a district court, the future control and disposition of the case shall be in all respects as though such probation were under the order of said court.

(2) If he be then on probation, but not under the supervision of a local probation officer, or if he be on parole, control of him shall be transferred to the ~~state board of parole and probation~~ *adult corrections commission* who shall thereupon assume like control over him as though he were on parole following sentence of a court of a maximum term provided by law for the crime for which he was committed.

(3) If he be then confined in a penal institution, the control of the commission shall cease and such confinement shall be upon like terms and conditions as though it had been under sentence of court for the maximum term provided by law for the crime for which he was committed.

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Sec. 9. Minnesota Statutes 1957, Section 242.28, is amended to read:

242.28 Imprisonment for life; assumption of control. If a sentence of imprisonment for life is imposed upon a person who was under 21 years of age at the time of his apprehension, and if before he reaches the age of 25 the board of pardons commutes the sentence by committing him to the commission, the commission shall assume control over him pursuant to the provisions of ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242.*

Sec. 10. Minnesota Statutes 1957, Section 242.29, is amended to read:

242.29 Probate court proceedings; insanity; psychopathic personality. Whenever the director is of the opinion that there are grounds for believing that a person committed to the commission is insane, or a psychopathic personality, as defined in Minnesota Statutes ~~1945~~, section 526.09, the director may institute proceedings in the probate court of the county in which such person then resides or is confined to determine whether he is insane or a psychopathic personality. If the court shall so find, he shall be transferred by the order of the court to the Minnesota security hospital or to a state hospital for the insane at the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent of the asylum or hospital, his sanity is restored before the period of his commitment to the commission has expired, he shall be returned by the commissioner of public welfare to the commission for further disposition or treatment under ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242.*

Sec. 11. Minnesota Statutes 1957, Section 242.30, is amended to read:

242.30 Appeal, stay of sentence. The right of a person convicted of a crime to a new trial or to an appeal from the judgment of conviction or to a stay of sentence or to admission to bail is not affected by ~~sections 242.01 to 242.38~~ *Minnesota Statutes, chapter 242.*

Sec. 12. Subdivision 1. Minnesota Statutes 1957, Section 242.46, as amended by Laws 1959, Chapter 698, Section 2, is amended to read:

242.46 Probation and parole services. Subdivision 1.

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The ~~youth conservation commission~~ commissioner of corrections may appoint agents, who shall be in the classified service of the state civil service, and who shall perform such probation and parole services for persons committed to the youth conservation commission and such other duties as the ~~commission~~ commissioner may require. In the performance of their duties they shall have the general powers of a peace officer.

Subd. 2. The ~~youth conservation commission~~ division of youth conservation of the department of corrections shall provide probation and parole services to all persons committed to it who are resident in any county of more than 100,000 population.

Subd. 3. The ~~commission~~ division of youth conservation shall provide probation services to juvenile courts in counties that request it or as required by Minnesota Statutes, Section 260.09; it shall in cooperation with the judges concerned provide supervision to probation officers in all counties of not more than 100,000 population, in order to insure high uniform standards of operation; and it is authorized and empowered to employ the necessary probation and parole agents, supervisors, and clerical personnel. The ~~commission~~ commissioner shall give newly employed probation and parole agents appropriate orientation training and shall provide systematic inservice training to all such agents thereafter, and for that purpose may assign agents to appropriate short courses at the University of Minnesota.

Sec. 12. Subd. 2. *Laws 1959, Chapter 263, Section 12, is repealed.*

Sec. 13. Subdivision 1. Minnesota Statutes 1957, Section 246.13, is amended to read:

246.13 Record of patients; department of public welfare. The commissioner of public welfare shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, or patient, inmate, or convict in the institutions under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. The record shall state every transfer from one institution to another, naming each. This information shall be furnished to the commissioner of public

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welfare by each institution, with such other obtainable facts as he may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person; or patient, ~~inmate,~~ ~~or convict,~~ shall cause a true copy of his entrance record to be forwarded to the commissioner of public welfare. When a patient ~~or inmate~~ leaves, is discharged or transferred, or dies in any institution, the chief executive officer, or other person in charge shall inform the commissioner of public welfare within ten days thereafter on forms by him furnished.

The commissioner of public welfare may authorize the superintendent of any state institution for the mentally ill, mentally retarded or epileptic, to release to public or private medical personnel, hospitals, clinics, county welfare boards or other specifically designated interested persons or agencies any information regarding any patient thereat, if, in the opinion of the commissioner, it will be for the benefit of the patient.

Subd. 2. [243.06] Record of inmates; department of correction. *The commissioner of corrections shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, inmate, or convict in the institutions under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. The record shall state every transfer from one institution to another, naming each. This information shall be furnished to the commissioner of corrections by each institution, with such other obtainable facts as he may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person, inmate, or convict, shall cause a true copy of his entrance record to be forwarded to the commissioner of corrections. When a person, inmate, or convict leaves, is discharged or transferred, or dies in any institution, the chief executive officer, or other person in charge shall inform the commissioner of corrections within ten days thereafter on forms by him furnished.*

The commissioner of corrections may authorize the chief executive officer of any state institution under his control to release to probation officers, county welfare boards or other specifically designated interested persons or agencies

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any information regarding any person, inmate, or convict thereat, if, in the opinion of the commissioner, it will be for the benefit of the person, inmate, or convict.

Sec. 14. Subdivision 1. Minnesota Statutes 1957, Section 246.14, is amended to read:

246.14 Transfers of patients to other state institutions. The commissioner of public welfare may transfer a patient from one state hospital for the mentally ill to another, or to an institution for the mentally retarded or epileptic or from one institution for the mentally retarded or epileptic to another or to a state hospital for the mentally ill; and he may transfer an inmate of the state prison, state reformatory for men, or state reformatory for women to a state institution for the mentally ill, mentally retarded or epileptic or to the state sanatorium for diagnosis, treatment or care which is not available at the prison or reformatory and shall cause a proper record thereof to be made at the institutions and his office. An inmate of the prison or reformatory so transferred shall be returned to the prison or reformatory by order of the commissioner upon conclusion of treatment, or, if he becomes eligible for release from custody pursuant to the terms of his sentence prior to conclusion of treatment, he shall be released unless prior to such time, he shall have been committed to such medical institution by competent authority as provided by law. The superintendent of any state hospital for the mentally ill or institution for the mentally retarded or epileptic shall at once notify the commissioner of public welfare if there is any question as to the propriety of the commitment or detention of any person admitted to such institution and the commissioner shall immediately take action thereon or any other institution under his jurisdiction.

The commissioner of public welfare may use available space in any institution under his jurisdiction, or in any institution under the jurisdiction of another department or agency of the state in which space is proffered him, by executive or legislative action, for the care and custody of persons, patients, or inmates; or convicts in of the institutions under his exclusive control for whom other, more suitable, space is not available. All laws relating to the commitment and care of such persons who may be so committed and institutionalized shall be applicable to such persons.

Sec. 14. Subd. 2. [243.07] **Transfer of inmates to other state institutions.** *The commissioner of corrections*

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may transfer an inmate of the state prison, state reformatory for men, or state reformatory for women to a state institution for the mentally ill, mentally retarded or epileptic or to the state sanatorium for diagnosis, treatment, or care which is not available at the prison or at a reformatory and shall cause a proper record thereof to be made at the institutions to which a transfer has been made and at his office. No such transfer shall be made by the commissioner of corrections without the approval of the commissioner of public welfare. An inmate of the prison or reformatory so transferred shall be returned to the prison or reformatory by order of the commissioner of corrections upon conclusion of treatment, or, if the inmate becomes eligible for release from custody pursuant to the terms of his sentence prior to conclusion of treatment, he shall be released unless prior to such time, he shall have been committed to such medical institution by competent authority as provided by law. The superintendent of any state hospital for the mentally ill or institution for the mentally retarded or epileptic shall at once notify the commissioner of corrections if there is any question as to the propriety of the commitment or detention of any person admitted to such institution and the commissioner shall immediately take action thereon.

Sec. 14. Subd. 3. Minnesota Statutes 1957, Section 640.34, is amended to read:

640.34 Site, management. Subdivision 1. The state reformatory shall be continued at its present site, in Sherburne county, and be under the general management of the commissioner of ~~public welfare~~ *corrections*. A portion of the state reformatory shall be set apart for the care of mentally deficient persons.

Subd. 2. *With the consent of the commissioner of corrections, any committed mentally deficient person may be placed at this facility if in the judgment of the commissioner of public welfare it is in the best interests of that person to receive care and training at this facility.*

Sec. 14. Subd. 4. Minnesota Statutes 1957, Section 640.51, is amended to read:

640.51 Financial control; general supervision. The financial control and general supervision of the state reformatory for women, hereby created and established, shall be, and hereby is, vested in the commissioner of ~~public welfare~~ *corrections*, as now provided by law in respect to other state

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institutions; and the commissioner is hereby vested with power and authority to appoint a superintendent and such other officers and employees as the commissioner may deem necessary and proper for the due administration of the affairs of the reformatory for women, and may prescribe their duties and fix the compensation of the officers and employees other than the superintendent, subject to the provisions of sections 43.01 to 43.35; and the commissioner is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of the reformatory for women, and for the education, employment, and training, discipline and safekeeping of the inmates thereof as may be deemed by him to be expedient and proper; provided, that all officers of the reformatory shall be women. ~~The commissioner may transfer inmates of the state reformatory for women on a temporary basis without commitment to a state hospital for diagnosis and treatment when, in his judgment, the same appears to be advisable for the proper care and treatment of such inmates.~~

Sec. 15. Subdivision 1. Minnesota Statutes 1957, Section 246.15, is amended to read:

246.15 Money of inmates of public welfare institutions. The chief executive officer of each institution *under the jurisdiction of the commissioner of public welfare* shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the commissioner of public welfare, taking vouchers therefor. He shall give such additional bond as the commissioner may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by

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the state treasurer upon vouchers duly approved by the commissioner of public welfare as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

Subd. 2. *Any moneys in the inmates fund provided for in Minnesota Statutes 1957, Section 246.15, belonging to inmates of state institutions under the jurisdiction of the commissioner of corrections shall forthwith be transferred by the commissioner of public welfare to the correctional inmates fund created by subdivision 3 of section 15 of this act.*

Subd. 3. [243.08] **Money of inmates of correctional institutions.** *The chief executive officer of each institution under the jurisdiction of the commissioner of corrections shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the commissioner of corrections, taking vouchers therefor. He shall give such additional bond as the commissioner may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Correctional Inmates Fund", for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of corrections as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.*

Sec. 16. Subdivision 1. Minnesota Statutes 1957, Section 246.16, is amended to read:

246.16 **Unclaimed money or personal property of inmates.** Subdivision 1. **Unclaimed money.** When there has heretofore accumulated or shall hereafter accumulate in

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the hands of the superintendent of any state institution *under the jurisdiction of the commissioner of public welfare* money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money may, at the discretion of such superintendent, be expended under his direction for the amusement, entertainment, and general benefit of the inmates of such institution. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sum of money as shall have been expended by the superintendent belonging to the inmate.

Subd. 2. Unclaimed personal property. When any inmate of a state institution *under the jurisdiction of the commissioner of public welfare* has died or disappeared therefrom, or hereafter shall die or disappear therefrom leaving in the custody of the superintendent thereof personal property, exclusive of money, which remains unclaimed for a period of two years, and there is no person entitled thereto known to the superintendent, the superintendent or his agent may sell such property at public auction. Notice of such sale shall be published for two consecutive weeks in a legal newspaper in the county wherein the institution is located and shall state the time and place of such sale. The proceeds of the sale, after deduction of the costs of publication and auction, may be expended, at the discretion of the superintendent, for the entertainment and benefit of the inmates of such institution. Any inmate, his heirs or his representatives, may file with, and make proof of ownership to, the superintendent of the institution disposing of such personal property within four years after such sale, and, upon proof satisfactory to such superintendent, he shall certify for payment to the state treasurer the amount received by the sale of such property. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.

Sec. 16. Subd. 2. [243.09] Unclaimed money or personal property of inmates of correctional institutions. Subdivision 1. Money. *When there has heretofore accumulated or shall hereafter accumulate in the hands of the superintendent of any state institution under the jurisdiction*

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of the commissioner of corrections money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money may, at the discretion of such superintendent, be expended under his direction for the amusement, entertainment, and general benefit of the inmates of such institution. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sums of money as shall have been expended by the superintendent belonging to the inmate.

Subd. 2. Unclaimed personal property. *When any inmate of a state institution under the jurisdiction of the commissioner of corrections has died or disappeared therefrom, or hereafter shall die or disappear therefrom leaving in the custody of the superintendent thereof personal property, exclusive of money, which remains unclaimed for a period of two years, and there is no person entitled thereto known to the superintendent, the superintendent or his agent may sell such property at public auction. Notice of such sale shall be published for two consecutive weeks in a legal newspaper in the county wherein the institution is located and shall state the time and place of such sale. The proceeds of the sale, after deduction of the costs of publication and auction may be expended, at the discretion of the superintendent, for the entertainment and benefit of the inmates of such institution. Any inmate, his heirs or his representatives, may file with, and make proof of ownership to, the superintendent of the institution disposing of such personal property within four years after such sale, and, upon proof satisfactory to such superintendent, he shall certify for payment to the state treasurer the amount received by the sale of such property. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.*

Sec. 17. Subdivision 1. *Minnesota Statutes 1957, Section 246.18, is amended to read:*

246.18 Disposal of funds. *Every officer and employee of the several institutions under the jurisdiction of the commissioner of public welfare shall pay to the accounting*

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officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of public welfare a statement of the amount and sources of all moneys received. On receipt of such statement, the commissioner shall transmit the same to the state auditor, who shall deliver to the state treasurer a draft upon the accounting officer for the same specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

Subd. 2. [243.10] Disposal of funds; correctional institutions. *Every officer and employee of the several institutions under the jurisdiction of the commissioner of corrections shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of corrections a statement of the amount and sources of all moneys received. On receipt of such statement, the commissioner shall transmit the same to the state auditor, who shall deliver to the state treasurer a draft upon the accounting officer for the same, specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.*

Sec. 18. [243.11] Protection against fire. *The commissioner of corrections shall provide at each institution adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid regulations by which danger from fire may be minimized.*

Sec. 19. [243.12] Employees, agents of corrections department; acceptance of gifts. *No agent or employee of the commissioner of corrections, and no officer or manager of any institution under his charge, shall directly or indirectly, for himself or another, or for any such institution, receive or accept any gift or gratuity from any dealer in goods, merchandise, or supplies which are or may be used in any such institution, or from any servant or agent of such dealer. Any violation of the provisions of this section shall be a misdemeanor.*

Except as provided above, the superintendent or chief executive officer of any institution may under rules and regulations prescribed by the commissioner of corrections accept contributions and gifts of money and personal property for the use and benefit of the inmates of the institution under his jurisdiction. All monies and securities so received shall be

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deposited in a separate account at the institution and records shall be kept, clearly showing the identity of the donor, the purpose of the donation and the ultimate disposition of the contribution. Each contribution shall be duly receipted and shall be expended or used as nearly in accordance with the conditions of the gift or contribution as is compatible with the best interest of the inmates and the institution.

Sec. 20. Subdivision 1. Minnesota Statutes 1957, Section 246.21, is amended to read:

246.21 Contingent fund. The commissioner of public welfare may permit a contingent fund to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of public welfare. An itemized statement of every expenditure made during the month from such fund shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the state auditor for a warrant upon the state treasurer to secure the contingent fund for each institution. ~~When for any reason the services of an employee terminates during the month, where such termination is not in violation of his contract of employment, the salary due such employee may be advanced from the contingent fund, which fund shall be reimbursed by the regular pay check of such employee when received at the institution.~~

Subd. 2. [243.13] **Contingent funds; correctional institutions.** *The commissioner of corrections may permit a contingent fund to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of corrections. An itemized statement of every expenditure made during the month from such fund shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the*

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state auditor for a warrant upon the state treasurer to secure the contingent fund for each institution.

Sec. 21. [243.14] Physical examinations for employment in correctional institutions. *No new employee shall be given employment in any state institution under the direction of the department of corrections, whether certified for such employment by the state civil service department, or otherwise selected, unless such person presents to the appointing officer of such institution a certificate showing that he has undergone the physical examination hereinafter provided for and has been found to be free of tuberculosis.*

Sec. 22. [243.15] Scope of physical examination. *Such physical examination shall include an X-ray examination of the lungs and such additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state board of health in cooperation with the department of corrections. Such examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of corrections in cooperation with the state board of health showing the presence or absence of tuberculosis infection and disease based upon such examination.*

Sec. 23. [243.16] Cemetery at correctional institution. *Subdivision 1. The commissioner of corrections may establish, maintain, or continue in existence, a cemetery for the burial of any patient, inmate or person admitted to any state institution under his control upon the public grounds of such institution in the manner set forth in the following subdivision.*

Subd. 2. The land shall be surveyed and a plat thereof made.

Subd. 3. A stone or other monument shall be established to mark each corner of such cemetery, and its location shown on the plat.

Subd. 4. The cemetery shall be platted into lots, which shall be numbered; it shall have streets and walks, and the same shall be shown on the plat. All containing graves shall be indicated by an appropriate marker of permanent nature for identification purposes.

Subd. 5. The surveyor shall certify as to the correctness of the plat by his endorsement thereon.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Subd. 6. The plat with the surveyor's endorsement thereon shall be filed for record with the register of deeds in the county wherein the cemetery is located. A copy of the plat shall be kept in the office of the superintendent of the institution, together with a register showing the name of the persons buried in the cemetery and the lot in which they are buried.

Sec. 24. [243.17] Reburial. *Subdivision 1. The commissioner of corrections may remove the body of any person now buried in a cemetery situated upon the land belonging to the state for public institution purposes and rebury it in a cemetery created under the provisions of section 23 by complying with the provisions set forth in the following subdivisions of this section.*

Subd. 2. The commissioner shall petition the district court of the county wherein the present cemetery is situated setting forth the reasons for such removal, the place to which the body is to be removed, and praying for an order of the court authorizing such removal. Upon the presentation of such petition, the court shall make its order setting the time, which shall not be less than 60 days from the date of the order, and the place for hearing the same. The commissioner shall serve the nearest relative or, if the commissioner cannot locate any relative, some friend of the person whose body is to be removed by mailing to him a copy of the petition and court's order 30 days before the date of hearing and file his affidavit of mailing with the clerk of district court. If the commissioner is unable to locate a relative or friend, he shall make his affidavit to that effect and file the same with the clerk of district court.

Subd. 3. Upon the hearing of such petition, if the court determines that it is for the best interests of the public, the relatives and friends that such body be removed and that the same will be conducted in a manner commensurate with the methods commonly employed for the reburial of the dead in the community, the court shall make its order authorizing such removal, setting forth the time within which such removal shall be accomplished and the place to which the body is to be removed. Upon completion of such removal, the director shall cause the name of the person so removed to be entered in the register, together with the number of the lot in the cemetery and file an affidavit thereof with the clerk of district court.

Sec. 25. [243.18] Abandonment of cemetery; court

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order. *If the court makes its order under the provisions of section 24 authorizing the removal of bodies from a cemetery and the same is accomplished in accordance with such order and the commissioner files affidavits of such removal as hereinbefore provided, together with his affidavit that he has caused a thorough search to be made, and there are no more dead bodies remaining in such cemetery to the best of his knowledge, information and belief, the court may make its order authorizing the abandonment of such cemetery and thereby discontinue its use as such.*

Sec. 26. [243.19] Food products, production and preservation. *The commissioner of corrections may contract with corporations or individuals engaged in the commercial canning or freezing of food products, under such terms as he believes are for the best interests of the state, for the seeding, fertilizing, harvesting, and preserving of food products for consumption by institution inmates. The contract may provide for the payment of the processor's services by a fractional share of the food processed. The commissioner shall not be required to advertise for or secure bids.*

Sec. 27. Subdivision 1. Minnesota Statutes 1957, Section 256.02, Subdivision 1, is amended to read:

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. [243.021] Supervision over correctional institutions, jails, lockups. *The commissioner of corrections shall investigate the whole system of correctional institutions*

Changes or additions indicated by italics, deletions by strikeout.

in the state, especially prisons and jails, 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 and lockups, or for repairs at an estimated cost in excess of the limits set by Minnesota Statutes, sections 641.21, 642.01, and 642.02, 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 or reformatory 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.

Sec. 28. Repealer. *Minnesota Statutes 1957, Sections 246.22, 637.03, and 637.031 are repealed.*

Approved April 20, 1961.

CHAPTER 751—H. F. No. 1575

[Not Coded]

An act relating to the public employees retirement association; providing for the continuation of membership in the association under certain circumstances.

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

Section 1. Public employees retirement; continuation of membership. A member of the Public Employees Retirement Association, since August, 1941, who for not less than one year prior to August 1, 1961, was on an authorized leave of absence without pay by reason of sickness and who is no longer able to perform his duties as a school district employee may nonetheless continue as a member of the association providing he makes his employee's contributions to the association, and the employer's contributions are paid to the association either by the member or the school district until eligible for retirement benefits under Minnesota Statutes 1953, Chapter 353, as amended by Laws 1955, Chapter 815, or the benefits computed under Laws 1957, Chapter 935.

Approved April 20, 1961.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.