

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass, and Koochiching; six judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, Washington; ~~three four judges; and permanent chambers shall be maintained in Anoka, Lindstrom, Center City, and Stillwater;~~ *and permanent chambers shall be maintained in Anoka, Lindstrom-Center City, and Stillwater.*

Approved June 5, 1961.

EXTRA SESSION

CHAPTER 62—H. F. No. 56

[Coded]

An act relating to charges for care of patients at state institutions for the mentally retarded and the epileptic, and the liability of patients, relatives of patients and counties for such charges; repealing Minnesota Statutes 1957, Section 252.04, as amended.

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

Section 1. [252.041] **Charges for patient care; definitions.** Subdivision 1. For the purposes of this act, the terms set out in subdivisions 2 to 8 have the meanings ascribed to them.

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

Subd. 3. "State institution" means a state institution for the mentally retarded or epileptic now existing or hereafter established, or any state institution where the mentally retarded are receiving care.

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

Subd. 5. "Cost of care" means the commissioner's determination of the average per capita cost of all maintenance,

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treatment and expenses, other than that paid from the Minnesota State Building Fund, at the state schools and hospitals for the mentally deficient at Faribault, Cambridge and Brainerd during the fiscal year previous to the period for which billing is being made.

Subd. 6. "Relatives" means the parents and spouse 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 admission to a state institution, or if he has no such legal settlement in this state, it means the county of commitment, except that where a patient with no such legal settlement is committed while serving a sentence at a penal institution, it means the county from which he was sentenced.

Subd. 8. "County welfare boards" means the welfare board of the patient's county as defined in Subdivision 7 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. [252.042] **Determination of liability of patient or relatives.** The county welfare boards shall investigate the financial circumstances of each patient and his relatives and shall report thereon to the commissioner. The commissioner shall make such further investigation as he deems necessary and shall determine, and as circumstances require he may redetermine, what part of the cost of care the patient is able to pay, if any. If, in the opinion of the commissioner, the patient is unable to pay the full cost of care, he shall make a like determination as to the ability of the relatives to pay the charge provided in section 3 hereof. Such determinations shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. Responsibility under this section shall not apply to those relatives with an income of less than \$4000 per year.

Sec. 3. [252.043] **Order to pay; limitations upon liability.** 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 that the commissioner's determinations shall be conclusive unless appealed from

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as herein provided. In no case shall the relatives be ordered to pay more for each patient than \$10 per month of the cost of care but payments in excess of \$10 per month may be accepted by the commissioner. No relative shall be liable for the cost of care given a patient at a state institution for the mentally deficient or epileptic after such patient has reached the age of 21 years. 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 with interest.

Sec. 4. [252.044] Liability of estate of deceased patient. Upon death of a patient or former patient, the total cost of care from the effective date of this act, regardless of the amount the patient was ordered to pay, less the amount actually paid toward the cost of care by the patient or his relatives, shall be allowed as a claim against the estate of such patient or former patient by the court having jurisdiction to probate the estate. 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.

Sec. 5. [252.045] Patient's county; payment to state; reimbursement. The patient's county shall pay quarterly to the State of Minnesota \$10 for each month or portion thereof the patient spends at the state institution. 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 herein. Each quarter the commissioner shall notify each county of the amount due under this section.

Sec. 6. [252.046] Review. The commissioner shall establish a procedure for hearing complaints regarding the amount of charges. Any patient or relative aggrieved by an order of the commissioner hereunder 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 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'

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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 1957, Section 252.04, as amended by Laws 1959, Chapter 157, Section 8, is repealed.

Approved June 5, 1961.

EXTRA SESSION

CHAPTER 63—H. F. No. 152

[Coded]

An act relating to the plant pest act; amending Laws 1959, Chapter 35, Section 5, Subdivision 2; and Sections 6, 11, and 16.

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

Section 1. Laws 1959, Chapter 35, Section 5, Subdivision 2, is amended to read:

[18.48] Subd. 2. **Rules and regulations.** The commissioner may make reasonable rules and regulations, after a public hearing, in the manner provided by law, to properly ~~execute~~ *carry out the purpose purposes of the Plant Pest Act* Laws 1959, Chapter 35, Sections 1 to 18 and acts amendatory thereof, including but not limited to rules and regulations in regard to labeling and the maintenance of viability and vigor of nursery stock.

Sec. 2. Laws 1959, Chapter 35, Section 6, is amended to read:

Sec. 6. [18.49] **Inspection required.** *Subdivision 1.* It shall be unlawful for any person to sell or offer for sale any nursery stock which has not within the preceding 12 months been officially inspected and found apparently free from plant pests.

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