

Sec. 2. *The provisions of this act shall apply only to final federal changes and corrections made, amended returns filed, or extensions of time agreed upon, after the effective date of this act.*

Approved June 6, 1969.

CHAPTER 1043—H. F. No. 2270

An act relating to welfare; amending certain sections of the hospitalization and commitment act and the community mental health act; amending Minnesota Statutes 1967, Sections 253A.04, Subdivision 2; 253A.07, Subdivisions 2, 3, and 15; 253A.10, Subdivision 2; 253A.11; and 245.61.

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

Section 1. Minnesota Statutes 1967, Section 253A.04, Subdivision 2, is amended to read:

Subd. 2. **Welfare; mentally ill; hospitalization and commitment.** A peace or health officer may take a person into custody and transport him to a licensed physician or hospital if such officer has reason to believe that such person is mentally ill and in imminent danger of injuring himself or others if not immediately restrained. Application for admission of such person to a hospital shall be made by the peace or health officer and the application shall contain a statement given by the peace or health officer stating the circumstances under which such person was taken into custody and the reasons therefor. Such person may be admitted to a hospital for emergency care and treatment pursuant to this subdivision with the consent of the head of the hospital if a written statement is made by the medical officer on duty at the hospital that after preliminary examination the person has symptoms of a mental illness and appears to be in imminent danger of harming himself or others.

A peace or health officer may take a person into custody and transport him to a licensed hospital, mental health center or other facility equipped to treat alcoholism if the person is intoxicated in public. Provided, if such person is not endangering himself or any other person or property the peace or health officer may transport the person to his home.

Application for admission of an intoxicated person to a hospital, mental health center or other facility equipped to treat alcoholism

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shall be made by the peace or health officer taking such person into custody and the application shall contain a statement given by the peace or health officer stating the circumstances under which such person was taken into custody and the reasons therefor. Such person may be admitted to a facility specified in this provision for emergency care and treatment with the consent of the institution.

Sec. 2. Minnesota Statutes 1967, Section 253A.07, Subdivision 2, is amended to read:

Subd. 2. **Judicial commitment.** After the filing of the petition the probate court shall appoint two examiners, at least one of whom shall be a licensed physician; *if the proposed patient is alleged to be mentally ill; deficient one of the two examiners shall be skilled in the ascertainment of mental deficiency; otherwise the court shall appoint two licensed physicians and in addition thereto may appoint a person skilled in the ascertainment of mental deficiency to examine the proposed patient.* The court shall issue such orders as may be necessary to provide for the examination of the proposed patient which will be conducted prior to the hearing. The examination shall be held at a hospital, a public health facility, the home of the proposed patient, or such other suitable place as the court shall determine is not likely to have a harmful effect on the health of the proposed patient. No persons shall be present during the examination unless authorized by the examiner. The court may require the examiners to file with the court, prior to the hearing two copies of their report as to the condition of the proposed patient and his need for hospitalization, which report, if filed, shall be available to counsel.

Sec. 3. Minnesota Statutes 1967, Section 253A.07, Subdivision 3, is amended to read:

Subd. 3. The court may direct a health or peace officer or any other person to take the proposed patient into custody and transport him to a public hospital, private hospital consenting to receive him, public health facility, or other institution, for observation, evaluation, diagnosis, emergency treatment, care, and if necessary, confinement. The order of the court may be executed on any day and at any time thereof, by the use of all necessary means including the breaking open of any place in which the proposed patient is located and the imposition of necessary restraint upon the person of such proposed patient. Unless otherwise ordered by the court, ~~the person~~ *a peace officer* taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle.

Sec. 4. Minnesota Statutes 1967, Section 253A.07, Subdivision 15, is amended to read:

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

Subd. 15. In all such proceedings the county attorney ~~shall~~ *may* appear and represent the petitioner; ~~or shall appear and represent the petitioner upon the request of the judge of probate court or the petitioner. The petitioner shall be notified of his right to request that the county attorney appear.~~ The proposed patient shall be afforded an opportunity to be represented by counsel, and if neither the proposed patient nor others provide counsel, the court at the time the examiners or licensed physicians are appointed shall appoint counsel to represent the proposed patient. Counsel shall consult with the proposed patient prior to the hearing and shall be given adequate time to prepare therefor. Counsel shall have the full right of subpoena.

Sec. 5. Minnesota Statutes 1967, Section 253A.10, Subdivision 2, is amended to read:

Subd. 2. Each county or a group of counties or other political subdivisions shall at the expense of the county or participating counties or political subdivisions maintain or provide by contract a facility for hospitalization of persons held temporarily for observation, evaluation, diagnosis, treatment, and care while awaiting a hearing under the terms of sections 253A.01 to 253A.21; *and when such hospitalization is provided at a state hospital the commissioner shall charge the responsible county, and shall be paid, at a rate based on the commissioner's determination of the average per capita cost of all maintenance, treatment and expense, other than that paid from the Minnesota state building fund, for persons hospitalized pursuant to section 253A.04, subdivision 2 and section 253A.07, subdivision 3 at all of the state hospitals for the mentally ill during the fiscal year previous to the period for which billing is being made.*

Sec. 6. Minnesota Statutes 1967, Section 253A.11, is amended to read:

253A.11 Notice of admission to hospital. Whenever a patient has been admitted to a hospital or public health facility under the provisions of sections 253A.04 and 253A.07, ~~the head of the hospital or public health facility shall notify forthwith the patient's spouse or parent, if the patient was not admitted upon the petition of the spouse or parent, and the county of the patient's legal settlement if said county may bear a portion of the cost of hospitalization. If the patient was admitted upon the petition of a spouse or parent the head of the hospital or public health facility shall notify an interested person other than the petitioner.~~

Sec. 7. Minnesota Statutes 1967, Section 245.61, is amended to read:

245.61 Commissioner of public welfare may make grants for

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local mental health programs. The commissioner of public welfare is hereby authorized to make grants to assist cities, counties, towns, villages or any combinations thereof, or non-profit corporations in the establishment and operation of local mental health programs to provide the following services: (a) collaborative and cooperative services with public health and other groups for programs of prevention of mental illness, mental retardation, *alcoholism*, and other psychiatric disabilities; (b) informational and educational services to the general public, and lay and professional groups; (c) consultative services to schools, courts and health and welfare agencies, both public and private; (d) out-patient diagnostic and treatment services; (e) rehabilitative services for patients suffering from mental or emotional disorders, mental retardation, *alcoholism*, and other psychiatric conditions particularly those who have received prior treatment in an in-patient facility; ; (f) *detoxification and alcoholism evaluation and service facilities.*

Approved June 6, 1969.

CHAPTER 1044—H. F. No. 2274

An act relating to safety in the use of waters of this state; amending Minnesota Statutes 1967, Sections 361.03, Subdivisions 2, 3, and 6; 361.24, Subdivision 1; and 361.27, Subdivision 1; repealing Minnesota Statutes 1967, Section 97.50, Subdivision 10.

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

Section 1. Minnesota Statutes 1967, Section 361.03, Subdivision 2, is amended to read:

Subd. 2. **Water safety; licenses; enforcement; application, issuance, reports.** Application for a watercraft license shall be made to the commissioner, or a county auditor or his agent, in such form as the commissioner shall prescribe, and shall state the name and address of every owner of the watercraft and be signed by at least one owner. Upon receipt of the application and the appropriate fee ~~for two years~~, hereinafter provided, a license shall be issued in such form as the commissioner shall prescribe. The county auditors and their agents shall make such reports relating to the issuance of licenses as the commissioner shall require.

Sec. 2. Minnesota Statutes 1967, Section 361.03, Subdivision 3, is amended to read:

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