

of the commissioner to comply with this paragraph shall not affect the validity of the regulations or any conviction for violation of the regulations.

(e) The cost of publishing regulations and of marking and posting waters pursuant to this subdivision shall be paid by the counties affected by the regulations, as apportioned by the commissioner.

(f) Regulations or ordinances relating to the use of waters of this state enacted by a local governmental unit before the effective date of this act shall continue in effect until repealed by the local governmental unit or superseded by a regulation of the commissioner promulgated pursuant to this subdivision.

Sec. 29. **REPEALER.** Minnesota Statutes 1969, Sections 361.03, Subdivision 4; 361.04; 361.14; and 361.15, Subdivisions 3, 4, and 5, are repealed.

Sec. 30. **EFFECTIVE DATE.** This act is effective January 1, 1972. However, before this effective date the commissioner may promulgate regulations and standards to take effect on the effective date of this act.

Approved June 1, 1971.

CHAPTER 637—H.F.No.759

An act relating to welfare; providing for consolidation of the separate provisions authorizing collection of the costs of care provided to mentally ill and mentally retarded state hospital patients; amending Minnesota Statutes 1969, Sections 246.50, Subdivisions 3, 5, 6, and 7; 246.51; 246.54; repealing Minnesota Statutes 1969, Sections 252.041 to 252.046.

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

Section 1. Minnesota Statutes 1969, Section 246.50, Subdivision 3, is amended to read:

Subd. 3. **PUBLIC WELFARE; MENTALLY ILL OR DEFICIENT STATE HOSPITAL PATIENTS; COSTS.** "State hospital" means a state hospital for the mentally ill or mentally deficient now existing or hereafter established.

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

Minnesota Statutes 1969, Section 246.50, Subdivision 5, is amended to read:

Subd. 5. "Cost of care" means 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, at all of the state hospitals for the mentally ill or mentally deficient during the fiscal year previous to the period for which billing is being made. "Cost of care" for outpatient or day-care patients shall not exceed 50 percent of the total average per capita cost for resident patients as determined by the commissioner of public welfare.

For purposes of this subdivision "resident patient" means a person who occupies a bed while housed in a hospital for observation, care, diagnosis, or treatment.

For purposes of this subdivision "outpatient" or "day-care" patient means a person who makes use of diagnostic or therapeutic service but does not occupy a regular hospital bed.

For the purposes of collecting from the federal government for the care of those patients eligible for medical care under the social security act "cost of care" shall be determined as set forth in the rules and regulations of the Department of Health, Education, and Welfare.

Sec. 3. Minnesota Statutes 1969, Section 246.50, Subdivision 6, is amended to read:

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

Sec. 4. Minnesota Statutes 1969, Section 246.50, Subdivision 7, is amended to read:

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 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.

Sec. 5. Minnesota Statutes 1969, Section 246.51, is amended to read:

246.51 PAYMENT FOR CARE AND TREATMENT; DETERMINATION. *The commissioner shall make such investigation as he deems necessary and determine, and as circumstances require re-determine, what part of the cost of care, if any, the patient is able to*

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

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 ordered 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. No parent shall be liable for the cost given a patient at a state hospital after such patient has reached the age of 21 years. 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 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. 6. Minnesota Statutes 1969, Section 246.54, is amended to read:

246.54 LIABILITY OF COUNTY; REIMBURSEMENT. The patient's county shall pay ~~quarterly~~ annually 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~~ credited 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 246.53. 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. 7. Minnesota Statutes 1969, Sections 252.041; 252.042; 252.043; 252.044; 252.045; and 252.046 are repealed.

Approved June 1, 1971.

CHAPTER 638—H.F.No.940

[Coded]

An act relating to agriculture; fertilizers, soil conditioners and related materials; providing for the regulation of their manufacture, sale, distribution, labeling, and handling; imposing fees; providing penalties; repealing Minnesota Statutes 1969, Sections 17.201 to 17.219.

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

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