

permit the use of planting stock furnished hereunder for any purpose not authorized hereunder, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished hereunder for replanting on any ground other than his own or for any purpose not authorized hereunder. Any violation of this section shall be a misdemeanor.

Sec. 4. Minnesota Statutes 1971, Chapter 89, is amended by adding a section to read:

[89.391] NURSERY INSPECTION CERTIFICATES; LIMITATIONS ON ISSUANCE. No certificate of inspection shall be issued pursuant to section 18.51 by the commissioner of agriculture to a person who is determined by the commissioner of natural resources to have purchased trees from him pursuant to sections 89.35 to 89.39 and who is selling, giving, removing, or permitting the removal of the trees with roots attached.

Sec. 5. Minnesota Statutes 1971, Sections 89.31; 89.32; 89.33; 89.34; and 89.40, are repealed.

Sec. 6. This act is effective the day following its final enactment.

Approved May 11, 1973.

CHAPTER 235—S.F.No.1507

An act relating to public welfare; changing the method of determining rates for state hospital care; amending Minnesota Statutes 1971, Sections 246.50, Subdivision 5; and 246.51.

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

Section 1. Minnesota Statutes 1971, Section 246.50, Subdivision 5, is amended to read:

Subd. 5. **PUBLIC WELFARE; COST OF CARE IN STATE HOSPITALS.** "Cost of care" means the commissioner's determination of the anticipated average per capita cost of all maintenance, treatment and expense, including depreciation of buildings and equipment, and indirect costs related to the operation 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 current year ~~previous to the period~~ for which billing is being made. "Cost of care" for outpatient or day-care patients shall not

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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. 2. Minnesota Statutes 1971, 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 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 ordered to pay more for each patient than ten percent of the cost of care but not to exceed \$60 per month 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.

Approved May 11, 1973.

CHAPTER 236—S.F.No.1559

[Coded in Part]

An act relating to the metropolitan sewer board and the federal water pollution control act amendments of 1972; amending

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