

even if they are over 65 years of age. With respect to such persons who are over 65 years of age and whose public service terminated between May 1, 1975 and the effective date of this act, proportionate annuity payments may be made retroactive to January 1, 1976 or the date of termination of public service, whichever is later.

Sec. 36. Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b, are repealed.

Sec. 37. This act shall be effective the day following final enactment. Any person then employed in a position excluded from Minnesota state retirement system coverage by section 2 shall be paid an immediate refund of employee contributions.

Approved April 20, 1976.

CHAPTER 330—S.F.No.2313

An act relating to commitment and discharge of inebriate persons; limiting length of commitment for inebriates; amending Minnesota Statutes 1974, Section 253A.07, Subdivision 25; Minnesota Statutes, 1975 Supplement, Sections 253A.07, Subdivision 17; and 253A.15, Subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes, 1975 Supplement, Section 253A.07, Subdivision 17, is amended to read:

Subd. 17. INEBRIATES; COMMITMENT AND DISCHARGE. If, upon completion of the hearing and consideration of the record which shall be made pursuant to the rules of evidence, the court finds the proposed patient is:

(a) A mentally ill person, and (1) that the evidence of the proposed patient's conduct clearly shows that his customary self-control, judgment, and discretion in the conduct of his affairs and social relations is lessened to such an extent that hospitalization is necessary for his own welfare or the protection of society; that is, that the evidence of his conduct clearly shows: (i) that he has attempted to or threatened to take his own life or attempted to seriously physically harm himself or others; or (ii) that he has failed to protect himself from exploitation from others; or (iii) that he has failed to care for his own needs for food, clothing, shelter, safety or medical care; and (2) after careful consideration of reasonable alternative dispositions, including but not limited to, dismissal of petition, out-patient care, informal or voluntary hospitalization in a private or public facility, appointment of a guardian, or release before commitment as provided for in section 253A.12, and finds no suitable alternative to involuntary hospitalization, the

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court shall commit such patient to a public hospital or a private hospital consenting to receive him, subject to a mandatory review by the head of the hospital within 60 days from the date of the order as hereinafter provided;

(b) A mentally deficient person, and (1) that the evidence clearly shows that the person is so deficient in daily living skills, self-control or the conduct of his affairs and social relations that commitment to a residential training center or hospital is necessary for his own welfare or the protection of society; that is, that the evidence clearly shows (i) that he is unable and has not cared for his own needs for food, clothing, shelter, safety or medical care or (ii) that he has failed to protect himself from exploitation from others or (iii) that he has attempted to seriously physically harm himself or others; and (2) after careful consideration of reasonable alternative dispositions, including, but not limited to, dismissal of petition, informal or voluntary placement in a residential training center or hospital, or appointment of a guardian, and finds no suitable alternative to involuntary commitment to a residential training center or hospital, the court shall commit such person to a residential training center or hospital consenting to receive him, subject to a mandatory review by the head of the facility within 60 days from the date of the order as hereinafter provided;

(c) A mentally ill person determined to be in need of commitment in accordance with clauses (a) (1) and (2) above, and a person who is dangerous to the public, the court shall commit such patient to a public hospital or a private hospital consenting to receive him, subject to a mandatory review by the head of the hospital within 60 days from the date of the order as hereinafter provided;

(d) An inebriate person, and that commitment to a hospital is necessary for the welfare of the patient or the protection of society, the court shall commit such patient to a public hospital or a private hospital consenting to receive the person, subject to a mandatory review by the head of the hospital within 60 days from the date of the order as hereinafter provided. An initial commitment for inpatient treatment shall not exceed 45 days and any subsequent commitment shall not exceed one year from the date of order except that the head of the hospital may provisionally discharge a patient as part of a treatment plan which may include outpatient care. In no case shall any patient's commitment and provisional discharge, including any revocations or extensions thereof, exceed 18 months.

Sec. 2. Minnesota Statutes 1974, Section 253A.07, Subdivision 25, is amended to read:

Subd. 25. If the written statement describes the patient as being in need of further institutional care and treatment, the court shall consider such finding in making its final determination, and the court may order hospitalization of the proposed patient for an indeterminate period subject to subdivision 17, clause (d) in the case of inebriate pa-

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tients . A copy of the final order for commitment shall be forwarded to the head of the proper hospital.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 253A.15, Subdivision 1, is amended to read:

253A.15 **DISCHARGE.** Subdivision 1. The head of a hospital shall discharge any patient admitted as mentally ill, inebriate or mentally deficient when certified by him to be no longer in need of institutional care and treatment, unless such patient was charged with or convicted of a criminal offense, or was found by the committing court to be dangerous to the public or to have a psychopathic personality. In the case of committed patients, other than those committed as mentally ill and dangerous to the public or as a psychopathic personality the head of the hospital may provisionally discharge any such patient; that is, discharge him from the hospital without discharging his commitment. Where such patient was charged with or convicted of a criminal offense, he shall not be discharged except upon order of a court of competent jurisdiction. In cases where the patient was charged with, or convicted of, a criminal offense the hospital shall notify the court that the patient is no longer in need of institutional care and treatment and the court shall order appropriate disposition of the patient. A patient committed as inebriate shall be subject to discharge pursuant to this section except that his commitment may not exceed the limits set by section 253A.07, subdivision 17, clause (d).

Approved April 20, 1976.

CHAPTER 331—S.F.No.2581

[Coded in Part]

An act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 4.19; 177.43, Subdivision 4; and 177.44, Subdivision 4; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; 15.315; and Minnesota Statutes, 1975 Supplement, Section 299F.55.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. STATE GOVERNMENT; APPROPRIATIONS. Except as herein otherwise specifically provided the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in

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