

(b) Statutes which establish the prima facie evidence as proof of a fact;

(c) Statutes which establish a presumption or a burden of proof;

(d) Statutes which relate to the privacy of communications; and

(e) Statutes which relate to the admissibility of certain documents.

The legislature may enact, modify, or repeal any statute or modify or repeal any rule of evidence promulgated under this section.

Approved April 11, 1974.

CHAPTER 482—H.F.No.1634
[Coded in Part]

An act relating to commitment proceedings involving mentally ill and inebriate persons; amending Minnesota Statutes 1971, Sections 253A.02, Subdivisions 3 and 4; 253A.07, Subdivisions 13, 17, and 21; 253A.21, Subdivision 5, and by adding a subdivision; and 525.11.

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

Section 1. Minnesota Statutes 1971, Section 253A.02, Subdivision 3, is amended to read:

Subd. 3. **MENTALLY ILL; COMMITMENT.** "Mentally ill person" means any person diagnosed as having a psychiatric or other disorder which substantially impairs his mental health and ~~who is~~ as being in need of treatment or supervision . For the purpose of involuntary commitment of a person as mentally ill it is necessary for the court to find: (a) that the person is a mentally ill person, and (b) that involuntary hospitalization is necessary for the welfare of the person or the protection of society as defined in section 253A.07, subdivision 17, clause (a).

Sec. 2. Minnesota Statutes 1971, Section 253A.02, Subdivision 4, is amended to read:

Subd. 4. "Inebriate person" means any person determined as being incapable of managing himself or his affairs by reason of the habitual and excessive use of intoxicating liquors, narcotics, or other drugs . For the purpose of involuntary commitment of a person as inebriate it is necessary for the court to find: (a) that the person is an inebriate person, and (b) that involuntary hospitalization is necessary for the welfare of the person or the protection of society as defined in section

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253A.07, subdivision 17, clause (d) .

Sec. 3. Minnesota Statutes 1971, Section 253A.07, Subdivision 13, is amended to read:

Subd. 13. The hearing shall be conducted in ~~as informal~~ a manner ~~as may be~~ consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the proposed patient. If the proposed patient is to be present, the hearing may be held at a hospital, a public health facility, the proposed patient's residence, or such other suitable and appropriate place as the court may determine. In all such proceedings the court shall keep accurate minutes containing, among other appropriate materials, notations of appearances at the hearing, including witnesses, of motions made and the disposition thereof, and of all waivers of rights made by the parties. ~~In lieu of said minutes,~~ The court ~~may~~ shall have taken and preserved an accurate stenographic record or tape recording of the proceedings. The court shall not be bound by the evidence presented by the examiners but shall make its determination upon the entire record pursuant to the rules of evidence . In all cases the court shall find the facts specifically, state separately its conclusions of law thereon, and direct the entry of an appropriate judgment. Where commitment is ordered under the provisions of subdivision 17(a) of this section, the findings of fact and conclusions of law shall specifically include the proposed patient's conduct which is a basis for determining that each of the requisites of subdivision 17(a) is met, including less restrictive alternatives to commitment considered and rejected by the court and the reasons for rejecting each alternative.

Sec. 4. Minnesota Statutes 1971, Section 253A.07, Subdivision 17, is amended to read:

Subd. 17. 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 or inebriate , and that commitment to a hospital is necessary for the welfare of the patient or the protection of society—(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

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commitment as provided for in Minnesota Statutes, Section 253A.12, and finds no suitable alternative to involuntary hospitalization, 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;

(b) Mentally deficient, the court shall appoint the commissioner guardian of the person of the proposed patient and commit him to the care and custody of the commissioner;

(c) ~~Mentally ill and~~ 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 .

Sec. 5. Minnesota Statutes 1971, Section 253A.07, Subdivision 21, is amended to read:

Subd. 21. A copy of the petition for commitment, a copy of the court's findings of fact and conclusions of law, a copy of the court order committing the patient, a copy of the report of the medical examiners, and a copy of the social service report shall be transmitted within 14 days to the head of the hospital receiving such person, or in the case of a mentally deficient patient, to the commissioner.

Sec. 6. Minnesota Statutes 1971, Section 253A.21, Subdivision 5, is amended to read:

Subd. 5. The commissioner or any other aggrieved party may appeal to the district court from ~~an any~~ order of the probate court entered under sections 253A.01 to 253A.21 ~~to the district court~~ in the manner prescribed by sections ~~525.71 to 525.74~~, for appeals by the state in Minnesota Statutes, Section 487.39 .

~~Any person, other than the commissioner, aggrieved by an order of the probate court entered under sections 253A.01 to 253A.21, may appeal to the district court in the manner prescribed by sections 525.71 to 525.74. Such appeal shall not suspend the operation of the order appealed from until such order is reversed or modified by the district court. Upon perfection of the appeal, the return shall be filed forthwith. The district court shall give the appeal preference over every~~

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other proceeding therein. Such appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the district court; and hear the matter de novo, without a jury, and in a summary manner. Upon determination of the appeal, judgment shall be entered pursuant to the provisions of said sections 625.71 to 625.74. Notwithstanding any contrary provision in Minnesota Statutes, Section 487.39, an appeal may be taken from the determination of a district court judge to the supreme court without leave of the supreme court in cases in which the district court upholds an order committing a person under Minnesota Statutes, Section 253A.07, Subdivision 17 or an order denying a petition under section 253A.19.

Sec. 7. Minnesota Statutes 1971, Section 253A.21, is amended by adding a subdivision to read:

Subd. 8. For purposes of taking an appeal or petition for habeas corpus or for a judicial determination of mental competency or need for hospitalization, transcripts of commitment proceedings, or portions thereof, shall be made available to the parties upon written application to the court. Upon a showing by a party that he is unable to pay the cost of such transcripts or portions thereof they shall be made available at no expense to such party.

Sec. 8. Minnesota Statutes 1971, Section 525.11, is amended to read:

525.11 REPORTER; APPOINTMENT AND DUTIES. The judge may appoint a competent stenographer as reporter and secretary in all matters pertaining to his official duties to hold office during his pleasure. Such reporter shall make a complete record of all testimony given and all proceedings had before the court upon the trial of issue of fact except that in commitment proceedings a tape recording of the proceedings may be kept in lieu of a stenographic record. ~~He~~The reporter shall inscribe all questions in the exact language thereof, all answers thereto precisely as given by the witness or sworn interpreter, all objections made and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all admissions made, all oral stipulations, and all oral motions and orders. When directed by the judge, he shall make a record of any matter or proceeding and without charge shall read to or transcribe for such judge any record made by him or any tape recording made in a commitment proceeding. Upon completion of every trial or proceeding, such reporter shall file his stenographic record or tape recording in the manner directed by the judge. Upon request of any person and payment of his fees by such person, he shall furnish a transcript. The reporter may take acknowledgments, administer oaths, and certify copies of his stenographic record or transcript ~~thereof~~ of either such record or tape recording made in a commitment proceeding.

Sec. 9. Section 6 of this act shall take effect in Hennepin and
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Ramsey county on July 1, 1975.

Approved April 11, 1974.

CHAPTER 483—H.F.No.1662
[Coded in Part]

An act relating to pollution; providing for a deputy director and an assistant director of the Minnesota pollution control agency; changing the definition of "solid waste"; giving the pollution control agency power to regulate the storage of solid waste; providing permit authority to govern noise pollution; expanding the definition of "junk yard"; amending Minnesota Statutes 1971, Sections 116.03, Subdivision 1; 116.06, Subdivision 10, and by adding subdivisions; 116.07, Subdivisions 4 and 4a; 116.081, Subdivision 1; and Minnesota Statutes, 1973 Supplement, Sections 43.09, Subdivision 2; 116.07, Subdivision 2; and 161.242, Subdivision 2.

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

Section 1. Minnesota Statutes, 1973 Supplement, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. **POLLUTION; REGULATION; UNCLASSIFIED SERVICE.** The unclassified service comprises positions held by state officers or employees who are:

(1) Chosen by election or appointed to fill an elective office;

(2) Heads of department required by law to be appointed by the governor or other elective officers, except the department of public service, and the executive or administrative heads of departments, divisions and institutions specifically established by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry, nor to the director of the division of vocational rehabilitation in the department of education;

(3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employee to the secretary of state, state auditor, and state treasurer;

(4) Seasonal help employed by the commissioner of public safety to assist in the issuance of motor vehicle licenses;

(5) Employees in the office of the governor, and one confidential employee for the governor in the office of the adjutant general;

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