

130278

1941 Supplement

To

Mason's Minnesota Statutes

1927

1939 to 1941

(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

Edited by
the
Publisher's
Editorial Staff

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St. Paul, Minnesota*

MASON PUBLISHING CO.

SAINT PAUL, MINNESOTA

1941

CHAPTER 25

Board of Control and Charities Under Its Exclusive Management

THE BOARD

4406-1. New employees of state institutions, etc. [Repealed.]

Repealed. Laws 1941, c. 479.

4406-2. Same—Infected employees to be treated. [Repealed.]

Repealed. Laws 1941, c. 479.

Employee may use accumulated sick leave prior to application for hospitalization, and application need not be made immediately upon evidence of necessity thereof. Op. Atty. Gen. (644), June 4, 1940.

Hospitalization may be provided by state under Laws 1939, c. 116, during same period of time that employee is receiving salary or sick leave allowance under a rule of the civil service director. Id.

Employee of state hospital contracting tuberculosis in line of duty need not use his accumulated sick leave as a classified employee before hospitalization is used under Laws 1939, c. 116, but must use his accumulated sick leave before continued payment for sick leave and a full or partial rate permitted under civil service rule. Id.

Where an employee has contracted tuberculosis in line of his employment and is being hospitalized at expense of his department and is carried on department's pay-roll on a leave of absence with pay, deductions for retirement fund should be based only on amount of salary employee is actually receiving, and money paid for hospitalization is no part of salary. Op. Atty. Gen. (331a-12), Jan. 15, 1941.

4406-3. Same—Who are eligible for treatment. [Repealed.]

Repealed. Laws 1941, c. 479.

4406-4. Examination of new employees for tuberculosis.—After the effective date of this act no new employee shall be given employment in any state institution under the direction of the Division of Public Institutions, Department of Social Security, whether certified for such employment by the State Civil Service Department or otherwise selected, unless such person presents to the appointing officer of such institution a certificate showing that he or she has undergone the physical examination hereinafter provided for and has been found to be free of tuberculosis. (Act Apr. 26, 1941, c. 479, §1.)

4406-5. Same—Report by examining physician.—Such physical examination shall include an X-ray examination of the lungs and such additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the State Board of Health in cooperation with said Division of Public Institutions. Such examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by said Division of Public Institutions in cooperation with the State Board of Health showing the presence or absence of tuberculous infection and disease based upon such examination. (Act Apr. 26, 1941, c. 479, §2.)

4406-6. Employee contracting tuberculosis—Claim with Industrial Commission.—Whenever the superintendent of any state institution under the direction of the Division of Public Institutions learns that any employee of such institution whose duties brought such employee in direct contact with inmates therein who were known to be afflicted with tuberculosis has contracted and become ill from tuberculosis while employed in such institution, he shall report such illness to the director of the Division of Public Institutions, who shall, in turn, report the same to the Industrial Commission. The Industrial Commission, upon receiving such report, shall mail to the superintendent of such institution blank forms for a petition to be filled out by such employee claiming the medical and

sanatorium treatment and compensation hereinafter provided for. The Industrial Commission shall thereupon set the claim for a hearing and determination in the same manner as claims of other state employees under the workmen's compensation law are heard and determined. (Act Apr. 26, 1941, c. 479, §3.)

4406-7. Employee's admission to sanatorium.—If, upon the evidence produced at such hearing, the Industrial Commission finds that such employee is suffering from tuberculosis contracted in such institution by contact with tuberculous inmates therein, it shall order the director of the Division of Public Institutions to apply for the admission of such employee to the state sanatorium for consumptives or some county tuberculosis sanatorium. The Department of Social Security shall pay, out of funds heretofore or hereafter appropriated for aid to or maintenance of county tuberculosis sanatoria, to the state sanatorium for consumptives or the county tuberculosis sanatorium where said patient may be received the same fee for the maintenance and care of such person as is received by said state sanatorium for consumptives or said county tuberculosis sanatorium for the maintenance and treatment of a non-resident patient. The Industrial Commission shall also order payment to such employee from the State Compensation Revolving Fund two-thirds of his salary during the period of his disability, not, however, to exceed 65 weeks. All such compensation payments made from said State Compensation Revolving Fund shall be reimbursed by the Department of Social Security in the same manner as now required of other state departments by law. (Act Apr. 26, 1941, c. 479, §4.)

4406-8. Continuation of benefits.—All employees of state institutions under the direction of the Division of Public Institutions who are now receiving benefits under Laws 1939, chapter 116, shall continue to receive such benefits, and in addition thereto shall, beginning with May 1, 1941, be paid compensation with the same limitations as employees of such institutions who become beneficiaries of this act. (Act Apr. 26, 1941, c. 479, §5.)

4406-9. Repealed.—Laws 1939, chapter 116, is hereby repealed. (Act Apr. 26, 1941, c. 479, §6.)

4406-10. Time of taking effect.—This act shall take effect and be in force from and after its passage. (Act Apr. 26, 1941, c. 479, §7.)

4419. Supervision over paroled patients from certain institutions—Etc.

Under current appropriation act parole expenses incurred on account of inmates of hospitals for the insane, school for feeble-minded, and colony for epileptics, including compensation of parole agents, are to be paid from current expense fund of the respective institutions. Op. Atty. Gen., (640), Dec. 5, 1939.

4421. Surgical operations.

"Next of kin" who may consent to operation are the spouse, children, parents, brothers or sisters, in the order named. Op. Atty. Gen., (88a-27(e)), April 3, 1940.

4422-1. Sterilization by vasectomy or tubectomy—Etc.

Responsibility for selecting proper persons to examine patients, for causing sterilization operation upon the feeble-minded, and for consenting thereto is imposed upon director of social welfare. Op. Atty. Gen., (679i), Dec. 22, 1939.

4423. Transfers—Questionable commitments.

An inebriate may not be transferred to hospital for insane without a new proceeding for commitment. Op. Atty. Gen. (248B-6), Dec. 17, 1940.

4439. Money of inmates.

Though purchases for inmates at state prison and state reformatory are made by division of purchases of department of administration, requirement of reorganization act of competitive bidding is not applicable, stores being owned and operated by inmates. Op. Atty. Gen. (980B-22), July 10, 1940.

4451. Indigent blind infants—Duties of board of control.

A blind child is subject to compulsory education law, and it is duty of county attorney to bring appropriate proceedings to compel parents to send a blind child to the state school for the blind. Op. Atty. Gen., (482a), Dec. 6, 1939.

ILLEGITIMATE CHILDREN**4454. Board of control may have legal guardianship of children. [Repealed.]**

Repealed. Laws 1941, c. 159.

STATE TRAINING SCHOOL**4470. Location and management.**

Act Mar. 13, 1941, c. 63, authorizes sale of certain lands belonging to state known as the Minnesota State Training School for Boys.

4472. Duties of board—Girls—Discharge.

Powers and duties respecting children committed to state training school for boys and Minnesota home school for girls vested in state director of public institutions, state board of parole, director of social welfare, or any other state agency are transferred to the director of public institutions. Laws 1941, c. 356. See §§3199-106a and 3199-106b.

4473. Duties of board.

Powers and duties respecting children committed to state training school for boys and Minnesota home school for girls vested in state director of public institutions, state board of parole, director of social welfare, or any other state agency are transferred to the director of public institutions. Laws 1941, c. 356. See §§3199-106a and 3199-106b.

HOSPITALS AND ASYLUMS FOR THE INSANE**4508. Location—Superintendents.**

Director of public institution may permit men who die at Homeless Men's Camp to be interred in burial plot at Hastings State Hospital. Op. Atty. Gen. (89), Jan. 22, 1941.

4524. Discharge of patients.

Parole or discharge of patients with psychopathic personality is governed by same provisions as dangerously insane. Op. Atty. Gen., (248B-11), March 19, 1940.

STATE SANATORIUM FOR CONSUMPTIVES**4544. Buildings—Superintendent.**

State Sanatorium cannot sell telephone equipment at private sale to telephone company, which will install new equipment, and if it did sell the equipment it could not retain the money received and use it to help defray expenses on telephone service to be rendered, authority to sell obsolete and surplus property being in the com-

missioner of administration, and sale on basis of competitive bids being necessary, and the proceeds thereof would go to general revenue fund of the state. Op. Atty. Gen. (640), Oct. 22, 1940.

MINNESOTA GENERAL HOSPITAL**4579. Officers to report case needing hospital care.**

The \$5.00 fee to be paid an examining doctor under Laws 1921, c. 411, §3, is applicable to Laws 1935, c. 355, §2, and examination under the 1935 law entitles doctor to flat fee of \$5.00, providing examining doctor was appointed by judge of probate court. Op. Atty. Gen., (1001c), Dec. 11, 1939.

Laws 1935, c. 359 (§§3164-19 to 3164-22), was passed as a supplemental measure to §§4577 to 4585, and did not amend this section, and gives county option of sending its patients to Minnesota General Hospital or to some other hospital. Op. Atty. Gen., (1001c), March 8, 1940.

Five dollar fee is proper charge against county of residence of patient, whether there is county or township system of poor relief. Id.

Probate court jurisdiction in proceeding under §§4577 to 4585 is transferred to county board, and if proceeding is under Laws 1935, c. 359 (§§3164-19 to 3164-22), county board has jurisdiction. Id. But see §4590.

Cost of hospitalization is paid by county of residence rather than county of settlement so in proper case reimbursement may be had from county of legal settlement. Op. Atty. Gen. (339g-2), July 19, 1940.

4580. Transportation of patients to hospital, etc.

Cost of hospitalization is paid by county of residence rather than county of settlement so in proper case reimbursement may be had from county of legal settlement. Op. Atty. Gen. (339g-2), July 19, 1940.

4584. Expenses paid by counties.

State has no authority to reimburse county for charges to patients referred to Minnesota General Hospital, which was unable to receive them, necessitating treatment in other hospitals. Op. Atty. Gen., (1001c), Dec. 9, 1939.

University of Minnesota hospital expense may be paid by county from welfare fund. Op. Atty. Gen., (905B), May 14, 1940.

Where poor person residing in one county was subjected to an emergency appendectomy and hospitalized, and proper local authorities of county of settlement ratified hospitalization and medical care, county in which operation and hospitalization were had could pay the bill and recover from county of settlement, notwithstanding that it had an arrangement whereby cases taken care of in the hospital were in lieu of hospitalization in University Hospital. Op. Atty. Gen., (339g-2), May 31, 1940.

Cost of hospitalization is paid by county of residence rather than county of settlement so in proper case reimbursement may be had from county of legal settlement. Op. Atty. Gen. (339g-2), July 19, 1940.

4590. Certain powers of judges of probate transferred to County Board.

Probate court does not retain jurisdiction in proceeding under §4577 to §4585. Op. Atty. Gen., (1001c), March 8, 1940; note under §4579.

STATE SOLDIERS WELFARE FUND**4605-1 and 4605-2. [Repealed.]**

Repealed. Laws 1941, c. 548.

CHAPTER 26**Schools for the Deaf and the Blind****4610. Location—Organization.**

Name of state school for the blind at Faribault, changed to, The Minnesota Braille and Sight Saving School. Act Apr. 21, 1941, c. 332, §1.

4613. Blind student to receive expenses while at certain schools.

Under laws relating to dependent, neglected, and delinquent children a probate court has power to commit a blind boy to state school for blind at Faribault. Op. Atty. Gen., (482a), Dec. 28, 1939.

4615. Certain children required to attend.

A blind child is subject to compulsory education law, and it is duty of county attorney to bring appropriate proceedings to compel parents to send a blind child to the state school for the blind. Op. Atty. Gen., (482a), Dec. 6, 1939.

Boy's failure to attend school is sufficient proof that he is a delinquent child. Op. Atty. Gen., (482a), Dec. 28, 1939.

CHAPTER 27**State Public School****4618. Location—Purpose.**

State public schools with approval of director of division of public institutions may permit use of auditorium

by private organizations for a theatrical performance. Op. Atty. Gen. (345c), Aug. 21, 1940.