

Public Institutions

CHAPTER 246

DIVISION OF PUBLIC INSTITUTIONS

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246.01 POWERS AND DUTIES TRANSFERRED TO DIRECTOR. The director of public institutions is hereby specifically constituted the guardian of both the estate and person of all feeble-minded or epileptic persons, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding, and all the powers and duties vested in or imposed upon the state board of control or the director of social welfare, with reference to mental testing of persons mentally deficient or epileptic, and with reference to the institutions of the State of Minnesota except the state sanatorium for consumptives, the state training school for boys and the Minnesota Home School for Girls, are hereby transferred to, vested in, and imposed upon the director of public institutions, and in relation thereto said director is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: The state prison, the state reformatory for men, the schools for the mentally deficient, state hospitals for the mentally ill, the Minnesota Braille and sightsaving school, the state school for the deaf, the state epileptic colony, the state hospital for indigent, crippled, and deformed children, the state hospital for inebriates, and the state reformatory for women. The director shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in the director. It is intended that there be vested in the director all of the powers, functions, and authority heretofore vested in the state board of control relative to state institutions, except the state sanatorium for consumptives, the state training school for boys, and the Minnesota Home School for Girls. The director shall have the power and authority to accept, in behalf of the state, contributions and gifts not exceeding \$25 for the use and benefit of the inmates of the public institutions under his control, and the amount so received and accepted shall be credited to the amusement account. The director of public institutions is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state for all purposes relating to mental health and mental hygiene.

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It shall be the duty of the several directors to actively cooperate, each with the other, in establishing an efficient working relationship relative to the care and supervision of individuals both prior to and after departure from institutions hereinabove mentioned.

[1939 c 431 art 7 s 3; 1943 c 570 s 2; 1943 c 612 s 3; 1947 c 211 s 1; 1949 c 512 s 7; 1949 c 561 s 1] (3199-103)

246.012 MEASURE OF SERVICE. The measure of services hereinafter set forth are established and prescribed as the goal of the State of Minnesota, in its care and treatment of the mentally ill people of the state.

[1949 c 512 s 1]

246.013 CARE AND TREATMENT OF MENTALLY ILL. Within the limits of the appropriations for the division of public institutions, the director of public institutions is directed, in the performance of the duties imposed upon him by the laws of this state, to bring to the measure prescribed by section 246.012, the care and treatment of the mentally ill as speedily as is possible, and to thereafter, subject to the paramount authority of the Legislature with respect to appropriations, maintain said standards in the care and treatment of the mentally ill.

[1949 c 512 s 2]

246.014 SERVICES. The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the division of public institutions and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of the mentally ill, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of the mentally ill facilities for the segregation and treatment of patients who have communicable disease.

(5) The director shall provide modern and adequate psychiatric social case work services.

(6) The director shall make every effort to improve the accommodations for patients so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) At Hastings and Rochester, the director shall establish training centers for the training of personnel and may require the personnel of the other institutions to attend such training centers from time to time in order that the personnel may be better equipped to carry into effect modern mental hospital treatment.

(8) There shall be a separate hospital for the diagnosis, care and treatment of the mentally ill who have tuberculosis which shall conform to the standards established for the diagnosis, care and treatment of the mentally ill and the standards established for the diagnosis, care and treatment of physical disease. Pending construction of such separate hospital, one of the present state hospitals, or so much thereof as may be necessary, shall be set apart for the diagnosis, care and treatment of the mentally ill who have tuberculosis and shall be staffed and equipped to meet the accepted requirements of modern medicine for the care and treatment of persons afflicted with tuberculosis.

(9) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of senile persons, inebriate persons, mentally deficient persons and epileptic persons who come within those terms as defined in Minnesota Statutes 1945, Section 525.749, Subdivisions 4, 5, 6, and 7, respectively, as amended by Laws 1947, Chapter 622, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

(10) The director shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph (9), and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

(11) The director of civil service and the civil service commission may reclassify employees of the mental institutions from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

(12) In addition to the chaplaincy services, provided in Section 246.014, Subdivision 2, the director of public institutions shall open said institutions to ministers of the Gospel to the end that religious and spiritual counsel and services are made available to the patients therein, and shall cooperate with all ministers of the Gospel in making said patients available for religious and spiritual counsel, and shall provide such ministers of the Gospel with meals and accommodations.

(13) Within the limits of the appropriations therefor, the director shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of the mentally ill and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related fields, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

[1949 c 512 s 3]

246.015 COMMISSIONER OF MENTAL HEALTH AND HOSPITALS. Subdivision 1. There is hereby established in the division of public institutions a commissioner of mental health and mental hospitals, who shall be in the unclassified service.

Subd. 2. The qualifications for appointment of such commissioner shall include five years recognized experience in the field of psychiatry and related medicine and administration thereof.

Subd. 3. The commissioner, subject to the direction and control of the director of public institutions, shall supervise the care and treatment of mentally ill or nervous persons and persons within those specified in Section 246.014, Paragraph (9). Within the limits of the appropriations available, the medical commissioner may provide consultative services for courts, and state welfare agencies, supervise the placement and aftercare of patients provisionally or otherwise discharged from a state hospital or institution, promote and conduct programs of education for the people of the state relating to the problem of mental health and mental hygiene. The commissioner shall administer, expend and distribute Federal funds which may be made available to the state and funds other than those appropriated by the Legislature, which may be made available to the state for mental health and mental hygiene purposes.

[1949 c 512 s 4]

246.02 INSTITUTION OFFICERS. The director of public institutions shall appoint a chief executive officer for each institution under his exclusive control and may remove him for misconduct, incompetency, or neglect of official duty. No such removal shall be made except upon written charges and opportunity to be heard. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by the director of public institutions. In case of an apparent conflict between the powers conferred by law upon any executive officer of a state institution and those conferred by this chapter upon the director of public institutions, it shall be conclusively presumed that the power belongs to the latter.

[R. L. s. 1865] (4405)

246.03 OFFICIAL BONDS. The director of public institutions shall require his officers and employees, and those of the several institutions under his control, who may be charged with any money or property belonging to the state, to give bond to the state, properly conditioned, in such sum and with such sureties as he shall approve.

[R. L. s. 1868] (4408)

246.04 BOOKS AND ACCOUNTS. The director of public institutions shall keep at his office a proper and complete system of books and accounts with each insti-

tution, showing every expenditure authorized and made therefor. Such books shall contain a separate account of each extraordinary or special appropriation made by the legislature, with every item of expenditure therefrom.

[R. L. s. 1872] (4412)

246.05 DISSEMINATION OF INFORMATION. The director of the division of public institutions may, from time to time, publish and distribute scientific, educational, and statistical articles, bulletins, and reports concerning clinical, research and other studies conducted in the division in the fields of mental or nervous diseases, mental deficiency, or epilepsy.

[R. L. s. 1874; 1949 c 262 s 1] (4414)

246.06 REPORTS. On or before November 15 in each even-numbered year, the director of public institutions shall make a report to the governor and legislature, covering the biennial period ending June 30th preceding, therein giving his observations and conclusions respecting each institution under his control. This report shall contain the reports of the executive officers of the institutions, a statement of the visitations thereto, and when and by whom made, the name and salary of every employee of the director, and of every officer and employee of the several institutions. Such report shall be published under the direction of the commissioner of administration and paid for out of the appropriation for public printing. The director shall make such other reports to the governor as he may from time to time require, or as the director may deem necessary, relating to the condition and wants of the several institutions.

[R. L. s. 1875] (4415)

246.07 DAILY RECORDS. The director of public institutions shall require the proper officer of each of the institutions to keep, in a book prepared for that purpose, a daily record of the time and number of hours of service of each employee; the monthly pay-roll shall be made from such time book, and accord therewith. When an appropriation is based on the number of inmates in, or persons at, an institution, the director shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

[R. L. s. 1876] (4416)

246.08 INVESTIGATION; WITNESSES; CONTEMPT. As often as once in six months, the director of public institutions shall visit and inspect each institution, and investigate its financial condition and management. He shall have power to summon and compel the attendance of witnesses; to examine them under oath, and order the production of all books, property, and papers material to such investigation. Witnesses other than those in the employ of the state shall receive the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced may tend to criminate the person giving or producing it, or to expose him to public ignominy, shall not excuse him, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any matter or thing concerning which he may be so required to testify or produce evidence; provided, that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. The director shall cause the testimony so taken to be transcribed and filed with him as soon as practicable and when so filed it shall be open to public inspection. Every person failing or refusing to obey any order of the director issued under this section, or to give or produce evidence when so requested, shall be reported by the director to the district court and dealt with as for a contempt of court.

[R. L. s. 1877] (4417)

246.09 VISITS TO HOSPITALS AND ASYLUMS FOR INSANE. Each hospital and asylum for the insane shall be visited by the director of public institutions once each month. When he deems proper, he may appoint a competent woman to visit and report upon any such hospital or asylum. She shall be paid a reasonable compensation for services and expenses from the funds appropriated for the support of the institution visited.

[R. L. s. 1878] (4418)

246.10 SURGICAL OPERATIONS. When, in the opinion of the superintendent of a state hospital or asylum for the insane or of the school for feeble-minded and colony for epileptics, a surgical operation is necessary to save the life, health, eyesight, hearing, or a limb of any inmate committed thereto, he shall call in consultation some reputable physician in general practice in the city or village where such

institution is situated; and, if such consulting physician and superintendent shall certify to the director of public institutions that in their opinion such operation is necessary, as herein provided, the superintendent shall be authorized by and with the written consent of the director of public institutions and under his direction to perform or cause to be performed such surgical operations upon any such inmate as may be necessary and proper for such purpose; provided, that the consent of the proper relatives or guardian cannot be had in season to effect such saving.

[1907 c. 145 s. 1] (4421)

246.101 DISCHARGE OF EPILEPTIC INMATES. Whenever in the judgment of the superintendent of any state institution any epileptic inmate shall be recovered or his epilepsy shall be arrested and such inmate is not feeble-minded or psychotic and is not charged with or convicted of some criminal offense, the superintendent may recommend the discharge of such inmate, and upon approval by the director of public institutions such inmate shall be discharged.

[1943 c. 166 s. 1]

246.11 INSPECTION. The director of public institutions, upon stated visits to any institution, shall inspect every part thereof, the general and special dietary, and the stores and methods of supply; and, so far as practicable, shall see all inmates of the charitable institutions, especially those admitted since the preceding visit, and shall give such as desire it suitable opportunity to converse with him privately. The director of public institutions may examine under oath the officers, attendants, guards, and other employees in order to determine their fitness for their duties.

[R. L. s. 1879] (4423)

246.12 BIENNIAL ESTIMATES; SUGGESTIONS FOR LEGISLATION. The director of public institutions shall prepare, for the use of the legislature, biennial estimates of appropriations necessary or expedient to be made for the support of the several institutions and for extraordinary and special expenditures for buildings and other improvements. He shall, in connection therewith, make suggestions relative to legislation for the benefit of the institutions, or for improving the condition of the dependent, defective, or criminal classes. The director of public institutions on request shall appear before any legislative committee and furnish any required information in regard to the condition of any such institution.

[R. L. s. 1883] (4427)

246.13 RECORD OF INMATES. The director of public institutions shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, patient, inmate, or convict in the institutions under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. The record shall state every transfer from one institution to another, naming each. This information shall be furnished to the director of public institutions by each institution, with such other obtainable facts as he may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person, patient, inmate, or convict, shall cause a true copy of his entrance record to be forwarded to the director of public institutions. When a patient or inmate leaves, is discharged or transferred, or dies in any institution, the chief executive officer, or other person in charge, shall inform the director of public institutions within ten days thereafter on forms by him furnished.

[R. L. s. 1889] (4437)

246.14 TRANSFERS; QUESTIONABLE COMMITMENTS. The director of public institutions may transfer an inmate from one hospital or asylum for the insane to another, or to the school for feeble-minded or from the school to any hospital or asylum for the insane and shall cause a proper record thereof to be made at such institutions and in his office. The superintendent of any state hospital or asylum for the insane, or school for the feeble-minded, shall at once notify the director if there is any question as to the propriety of the commitment or detention of any person admitted to such institution and the director shall immediately take action thereon.

[R. L. s. 1890] (4438)

246.15 MONEY OF INMATES. The chief executive officer of each institution shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under

rules and regulations prescribed by law or by the director of public institutions, taking vouchers therefor. He shall give such additional bond as the director may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the director, shall forward to the director a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, the director shall transmit the same to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Inmates' Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the director of public institutions as in other cases. The director may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

[R. L. s. 1891; 1907 c. 280 s. 1] (4439)

246.16 UNCLAIMED MONEY OF INMATES. When there has heretofore accumulated or shall hereafter accumulate in the hands of the superintendent of any state institution money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money may, at the discretion of such superintendent, be expended under his direction for the amusement, entertainment, and general benefit of the inmates of such institution. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sum of money as shall have been expended by the superintendent belonging to the inmate.

[1905 c. 199 s. 1] (4440)

246.17 MONEY TO DISCHARGED INMATES. Upon the parole or discharge of any inmate of the state training school for boys situated at Red Wing, Minnesota, or the home school for girls situated at Sauk Centre, Minnesota, the director of public institutions may in his discretion pay to each inmate released an amount of money not exceeding the sum of \$10. All such payments shall be made from the current expense fund of the institution.

[1937 c. 110 s. 1; 1939 c. 27] (4440-1)

246.18 DISPOSAL OF FUNDS. Every officer and employee of the several institutions shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the director of public institutions a statement of the amount and sources of all moneys received. On receipt of such statement, the director shall transmit the same to the state auditor, who shall deliver to the state treasurer a draft upon the accounting officer for the same, specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

[R. L. s. 1892] (4441)

246.19 PROTECTION AGAINST FIRE. The director of public institutions shall provide at each institution adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid regulations by which danger from fire may be minimized.

[R. L. s. 1893] (4442)

246.20 EMPLOYEES FORBIDDEN TO ACCEPT GIFTS. No agent or employee of the director of public institutions, and no officer or manager of any institution under his charge, shall directly or indirectly, for himself or another, or for any such institution, receive or accept any gift or gratuity from any dealer in goods, merchandise, or supplies which are or may be used in any such institution, or from any servant or agent of such dealer. Any violation of the provisions of this section shall be a misdemeanor.

[R. L. s. 1895] (4444)

246.21 CONTINGENT FUND. The director of public institutions may permit a contingent fund to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its

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inmates and for the purpose of paying freight, purchasing produce, live stock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the director of public institutions. An itemized statement of every expenditure made during the month from such fund shall be submitted to the director under rules established by him. If necessary, the director shall make proper requisition upon the state auditor for a warrant upon the state treasurer to secure the contingent fund for each institution. When for any reason the services of an employee terminates during the month, where such termination is not in violation of his contract of employment, the salary due such employee may be advanced from the contingent fund, which fund shall be reimbursed by the regular pay check of such employee when received at the institution.

[R. L. s. 1896; 1909 c. 74 s. 1] (4445)

246.22 BLANKS AND FORMS. The director of public institutions shall provide each institution with proper blank forms for all statements and accounts necessary for furnishing the information required therefrom.

[R. L. s. 1897] (4446)

246.23 PERSONS ADMISSIBLE TO INSTITUTIONS. No person who has not a settlement in a county, town, city, or village, as defined in section 261.07, shall be admitted to a hospital or asylum for the insane, the school for the deaf, the school for the blind, the school for the feeble-minded, or the state public school, except that the director of public institutions may authorize admission thereto when the residence cannot be ascertained, or when the circumstances in his judgment make it advisable. When application is made to a judge of probate for admission to any such hospital or asylum, or to the state public school, or to the superintendent of one of the other institutions above named for admission thereto, if he finds that the person for whom application is made has not such residence, or that his residence cannot be ascertained, he shall so report to the director; and he may recommend that such person be admitted notwithstanding, giving his reasons therefor. The director of public institutions shall thereupon investigate the question of residence and, if he finds that such person has not such residence and has a legal residence in another state or country, he may cause him to be returned thereto at the expense of this state. When the overseer of a county poorhouse believes an inmate thereof not to have a residence in the state, but to have a residence elsewhere, he shall so notify the director of public institutions who shall thereupon proceed in the manner above provided; except that, if deemed impracticable to return such person to the state of his residence, he may so certify and such person shall thereafter be a charge upon the county, town, city, or village in which he has longest resided within the preceding year.

[R. L. s. 1898] (4447)

246.234 RECIPROCAL EXCHANGE OF INSANE PERSONS. The director of public institutions is hereby authorized and empowered with the approval of the governor to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of insane, feeble-minded, or epileptic persons who are within the confines of one state but have legal residence or legal settlement for the purposes of relief in another state. Such agreements shall contain no provisions conflicting with any law of this state.

[1945 c. 228 s. 1]

246.24 COMPROMISE OF CLAIMS. In case of any disagreement between the director of public institutions and any person concerning a claim of such person to any right interest or estate in or lien upon lands occupied by or used in connection with any state institution under his exclusive or partial control, or of any claim by him for damages to any such land, or the improvements thereon, the director, with the approval of the governor and auditor, may compromise and settle such claim; and in so doing may make any necessary conveyance of land. All moneys received by the director upon any such settlement shall be paid into the state treasury to the credit of the revenue fund.

[R. L. s. 1900] (4449)

246.25 INDIGENT BLIND INFANTS; DUTIES OF DIRECTOR. The director of public institutions is hereby authorized and directed to provide at some state institution by law under his control, to be selected by him, for the care, medical

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treatment, maintenance, and education of indigent blind infants, residents and citizens of the state of Minnesota, under such rules and regulations as he may prescribe.

[1913 c. 284 s. 1] (4451)

246.26 RELIGIOUS INSTRUCTION. The director of public institutions shall provide at least one hour, on the first day of each week, between nine o'clock a. m. and five o'clock p. m., for religious instruction to inmates of all prisons and reformatories under his control, during which clergymen of good standing in any church or denomination may freely administer and impart religious rites and instruction to those desiring the same. He shall provide a private room where such instruction can be given by clergymen of the denomination desired by the inmate, or, in case of minors, by the parents or guardian, and, in case of sickness, some other day or hour may be designated; but all sectarian practices are prohibited, and no officer or employee of the institution shall attempt to influence the religious belief of any inmate, and none shall be required to attend religious services against his will.

[R. L. s. 1903] (4452)

246.27 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CERTAIN STATE INSTITUTIONS. 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 has undergone the physical examination hereinafter provided for and has been found to be free of tuberculosis.

[1941 c. 479 s. 1]

246.28 WHAT INCLUDED IN EXAMINATION. 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 the 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 the division of public institutions in cooperation with the state board of health showing the presence or absence of tuberculosis infection and disease based upon such examination.

[1941 c. 479 s. 2]

246.29 [Repealed, 1947 c 616 s 5; 1949 c 558 s 1]

246.30 DEFERRED BUILDING ACCOUNT. Subdivision 1. For the purpose of providing moneys for the construction, remodeling and alterations of buildings at state hospitals, school for the feeble-minded, the colony for epileptics, and for sewage disposal plants thereat, and when labor and materials become available, there is hereby created in the general revenue fund in the state treasury a special account which shall be known as the deferred building account. The sum of \$5,000,000 is hereby transferred to the deferred building account from the moneys in the general revenue fund in the state treasury not otherwise credited to a special account therein. The moneys in the deferred building account shall be available for appropriation for the construction, remodeling and alterations of buildings at state hospitals, school for the feeble-minded, the colony for epileptics, and for sewage disposal plants thereat, and shall not be used for any other purpose. The state auditor and state treasurer are authorized and directed to make the appropriate entries upon their records.

Subd. 2. Whenever there shall be any moneys in the deferred building account which is not currently needed, the commissioner of administration shall certify to the state board of investment the amount thereof and the length of time, as he may determine, when it will not be needed for the payment of any appropriation therefrom. Upon receipt of the certification, the state board of investment may invest the amount so certified in bonds or securities of the United States of America, so conditioned as to be convertible into cash without discount through federal government agencies at the option of the state on or before the expiration of the time when the proceeds will not be needed as certified by the commissioner of administration. At or before the expiration of the time so certified, except as the commissioner of administration may then certify that there is no current need

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therefor, the board shall proceed to cash such bonds or securities and shall deposit the proceeds in the deferred building account. All interest and profit shall be credited to and be a part of the deferred building account.

[1945 c. 593 s. 1]

246.31 ALLOCATION OF MONEYS IN DEFERRED BUILDING ACCOUNT.

Subdivision 1. **Schedule of enactments.** Out of the money appropriated and credited to the deferred building account by section 246.30, or so much thereof as may be necessary, the commissioner of administration is authorized to provide for the necessary repairs, improvements and betterments, and for the purchase of equipment as recommended by the report of the interim committee created and established by section 246.30, at the following named state institutions, at a cost not exceeding the amounts below stated, respectively, subject to transfer of unexpended balances as hereinafter provided:

St. Peter State Hospital	
2 Units for seniles, 300 beds.....	\$819,000
Rochester State Hospital	
2 units for seniles, 300 beds.....	819,000
Fergus Falls State Hospital	
2 units for seniles, 300 beds.....	819,000
Moose Lake State Hospital	
2 units for seniles, 300 beds.....	819,000
Anoka State Hospital	
One receiving unit, 60 beds.....	280,000
Willmar State Hospital	
One receiving unit, 60 beds.....	280,000
Hastings State Hospital	
One receiving unit of 40 beds, and replacing main center of administration and assembly hall, and one 4-plex.....	686,000
Moose Lake State Hospital	
Occupational therapy, recreation and assembly building.....	364,000
Anoka State Hospital	
Reconversion of building for tuberculosis unit.....	86,000
Willmar State Hospital	
Remodeling two buildings for senile patients.....	19,000

Subd. 2. **Use of surplus.** In case the cost of the repairs, improvements, betterments and equipment for any institution shall be less than the amount authorized in subdivision 1, the commissioner of administration may use the surplus in addition to the amount allocated for any other institution as provided in said section.

Subd. 3. **Laws 1939, c 431, as amended, to govern.** The provisions of Laws 1939, Chapter 431, as amended, shall apply to and govern all matters under this section.

Subd. 4. **Partial payment of expense of inmates by county to state.** For the purpose of partially defraying expenses and cost of maintenance of each person hereafter committed to any one of the public institutions referred to in subdivision 1, the county from which any such person is hereafter committed to any such public institution shall pay to the State of Minnesota the sum of \$10 per month for each month or portion of a month during which that person is an inmate of that institution. Any county which has paid to the state any sums pursuant to the provisions of this subdivision shall have a valid claim for reimbursement for all moneys so paid (1) against the property or estate of the person committed, and (2) against the relatives of such person in the following order: spouse, children, and parents. The provisions of Minnesota Statutes 1945, Section 526.01, Subdivision 3, shall apply to each claim of any county made under this subdivision.

[1947 c 534 s 1-4]

246.32 LIVESTOCK CONTINGENCY FUND. Subdivision 1. **Transfer of funds.** The aggregate undisbursed balance in the livestock accounts of all institutions, including the State Sanatorium for Consumptives, is hereby transferred and credited to the Livestock Contingency Fund, which fund is hereby created.

Subd. 2. **Income and disbursements.** All income derived from the sale of livestock by all institutions, including the State Sanatorium for Consumptives, and any increase or products thereof or therefrom shall be credited to said fund, and all purchases of livestock for the purpose of establishing, increasing, or replacing livestock shall be paid out of said fund as herein provided.

Subd. 3. **Duties of state auditor.** The state auditor shall set aside each year in an account within said fund the amount of \$7,500 to be expended in connection with livestock at the State Sanatorium for Consumptives for the purposes set forth in subdivision 2 by the director of social welfare. The unobligated balance in said account shall lapse at the end of each fiscal year.

Subd. 4. **Duties of director of public institutions.** The balance remaining in said fund after setting aside the amount provided for in subdivision 3 shall be administered and expended, for the purpose set forth in subdivision 2, under the direction of the director of public institutions.

Subd. 5. **Transfer of undisbursed balance in excess of \$50,000.** The undisbursed balance in said fund in excess of \$50,000 shall be transferred at the end of each fiscal year to the general revenue fund.

[1947 c 315 s 1-5]

246.33 CEMETERY IN CONNECTION WITH STATE INSTITUTIONS. Subdivision 1. The director of public institutions may establish and maintain a cemetery for the burial of any patient, inmate or person admitted to any state institution under his control upon the public grounds of such institution in the manner set forth in the following subdivisions of this section.

Subd. 2. The land shall be surveyed and a plat thereof made.

Subd. 3. A stone or other monument shall be established to mark each corner of such cemetery, and its location shown on the plat.

Subd. 4. The cemetery shall be platted into lots, which shall be numbered; it shall have streets and walks, and the same shall be shown on the plat. All containing graves shall be indicated by an appropriate marker of permanent nature for identification purposes.

Subd. 5. The surveyor shall certify as to the correctness of the plat by his endorsement thereon.

Subd. 6. The plat with the surveyor's endorsement thereon shall be filed for record with the register of deeds in the county wherein the cemetery is located. A copy of the plat shall be kept in the office of the superintendent of the institution, together with a register showing the name of the persons buried in the cemetery and the lot in which they are buried.

[1949 c 155 s 1]

246.34 REBURIAL; DUTIES OF DIRECTOR. Subdivision 1. The director of public institutions may remove the body of any person now buried in a cemetery situated upon the land belonging to the state for public institution purposes and rebury it in a cemetery created under the provisions of section 246.33, by complying with the provisions set forth in the following subdivisions of this section.

Subd. 2. The director shall petition the district court of the county wherein the present cemetery is situated setting forth the reasons for such removal, the place to which the body is to be removed, and praying for an order of the court authorizing such removal. Upon the presentation of such petition, the court shall make its order setting the time, which shall not be less than 60 days from the date of the order, and the place for hearing the same. The director shall serve the nearest relative or, if the director cannot locate any relative, some friend of the person whose body is to be removed by mailing to him a copy of the petition and court's order 30 days before the date of hearing and file his affidavit of mailing with the clerk of district court. If the director is unable to locate a relative or friend, he shall make his affidavit to that effect and file the same with the clerk of district court.

Subd. 3. Upon the hearing of such petition, if the court determines that it is for the best interests of the public, the relatives and friends that such body be removed and that the same will be conducted in a manner commensurate with the methods commonly employed for the reburial of the dead in the community, the court shall make its order authorizing such removal, setting forth the time within which such removal shall be accomplished and the place to which the body is to be removed. Upon completion of such removal, the director shall cause the name of the person so removed to be entered in the register, together with the number of the lot in the cemetery and file an affidavit thereof with the clerk of district court.

[1949 c 155 s 2]

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246.35 ABANDONMENT OF CEMETERY; COURT ORDER. If the court makes its order under the provisions of section 246.34 authorizing the removal of bodies from a cemetery and the same is accomplished in accordance with such order and the director files affidavits of such removal as hereinbefore provided, together with his affidavit that he has caused a thorough search to be made, and there are no more dead bodies remaining in such cemetery to the best of his knowledge, information and belief, the court may make its order authorizing the abandonment of such cemetery and thereby discontinue its use as such.

[1949 c 155 s 3]

246.36 ACCEPTANCE OF VOLUNTARY, UNCOMPENSATED SERVICES. For the purpose of carrying out his duties, the director of public institutions shall have authority to accept uncompensated and voluntary services and to enter into contracts or agreements with private or public agencies, or persons, for uncompensated and voluntary services, as he may deem practicable.

[1949 c 638 s 1]