

# MINNESOTA STATUTES 1953 ANNOTATIONS

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**245.38 REVOCATION, MODIFICATION, OR SUSPENSION OF ASSISTANCE HISTORY.** 1953 c 617 s 18.

**245.39 REEXAMINATION OF RECIPIENTS HISTORY.** 1953 c 617 s 19.

**245.40 REFUSAL OF MEDICAL CARE HISTORY.** 1953 c 617 s 20.

**245.41 STANDARDS FOR MEDICAL INSTITUTIONS HISTORY.** 1953 c 617 s 21.

**245.42 METHODS OF ADMINISTRATION PRESCRIBED BY STATE AGENCY HISTORY.** 1953 c 617 s 22.

**245.43 GRANTS OF ASSISTANCE, APPROVAL BY ADMINISTRATOR HISTORY.** 1953 c 617 s 23.

## CHAPTER 246

### PUBLIC INSTITUTIONS

#### 246.01 POWERS AND DUTIES

HISTORY. 1853 c 12 s 5; 1857 c 45 s 1; 1858 c 34 s 1, 22-26; PS 1858 c 119 s 38, 59-63; 1863 c 6 s 21-25; GS 1866 c 120 s 45-49; GS 1878 c 120 s 47-49, 51, 52; 1883 c 127 s 1; 1885 c 146 s 9; 1887 c 205 s 1, 2, 4, 9; 1887 c 208 s 2; 1888 Supp c 6 s 124; 1889 c 254 s 9, 23, 24; 1893 c 5 s 3; GS 1894 s 459; 1897 c 210 s 1, 2; 1901 c 122 s 1, 4, 5, 18; 1903 c 316 s 1, 3; 1903 c 335 s 1; RL 1905 s 1858, 1861, 1927; 1917 c 343 s 1; 1921 c 381 s 1; 1923 c 275 s 1; 1925 c 426 art 13 s 1; Mason's 1927 s 4308, 4401, 4543; 1939 c 431 art 7 s 3; Mason's Supp s 3199-103; 1943 c 570 s 2; 1943 c 612 s 3; 1947 c 211 s 1; 1949 c 512 s 7; 1949 c 561 s 11; 1951 c 713 s 23; 1953 c 562 s 1.

NOTE: Laws 1953, Chapter 593, creates the department of public welfare; abolishes the department of social security, division of social welfare, division of public institutions and repeals Minnesota Statutes 1949, Chapter 245.

Commitments, 525.751 et seq.

Reimbursement for support, 526.01 to 526.07.

Under the provisions of Laws 1943, Chapter 594, the governor, after consultation with the legislative advisory committee, made available to the revenue fund created by Laws 1945, Chapter 575, Section 19, as modified by Laws 1947, Chapter 582, Section 16, the sum of \$100,000 for certain purposes, which amount was to be returned to the governor's contingent fund. It is within the powers of the governor to transfer the \$64,830 not returned to the contingent fund to the St. Cloud reformatory revolving fund for the manufacture of license plates. OAG Feb. 19, 1948 (9-A-10).

Under the provisions of Laws 1945, Chapter 575, Section 19 and Laws 1947, Chapter 582, Sections 16, 22, it is permissible to use available funds in the diversified labor account to supplement the appropriation set up as a revolving account for the manufacture of license plates. OAG March 12, 1948 (9-A-10).

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Where buildings at a public institution have been destroyed by fire, and the governor, after consultation with the legislative advisory committee, has found an emergency to exist, it is proper to repair and rebuild such buildings by using such moneys as are necessary from the contingent fund for state institutions. OAG Nov. 23, 1953 (9-A-39).

As mentioned by Laws 1947, Chapter 211, Section 1, section 246.01 transfers guardianships from the state board of control to the director of public institutions; and, as a matter of law, the director is not the guardian of the assets of feebleminded persons. OAG June 16, 1948 (88-A-14).

Notwithstanding the veteran's parents lived in another state, where a veteran under legal age after discharge from the armed forces because of physical disability obtained a marriage license in Minnesota and was committed as an epileptic, the director of public institutions cannot without the veteran's consent transport the veteran beyond the borders of the state for the purpose of relieving the state of the burden of his care. OAG Oct. 2, 1947 (88-A-27).

Notwithstanding the provisions of sections 246.01 and 640.20, a prisoner incarcerated in a state prison may: (1) communicate with his attorney and send him briefs; (2) communicate with any judge before whom he has a case pending, and send him briefs; (3) send out petitions for habeas corpus to any judge having jurisdiction thereof, and may send briefs; and, (4) send out briefs relating to an appeal in the case in which he was convicted even though no appeal is pending and the time to appeal has expired. OAG Jan. 20, 1948 (342).

Subject to certain restrictions, the director of public institutions has authority to make rules with reference to the mailing out from the state prison of certain papers and documents. OAG Jan. 20, 1948 (342).

### 246.012 MEASURE OF SERVICE

HISTORY. 1949 c 512 s 1.

Rights of the insane offender. 36 MLR 933.

### 246.013 MENTALLY ILL; CARE, TREATMENT, EXAMINATION

HISTORY. 1949 c 512 s 2; 1953 c 724 s 1.

### 246.014 SERVICES

HISTORY. 1949 c 512 s 3; 1953 c 561 s 1.

### 246.015 SUPERVISION OF MENTALLY ILL

HISTORY. 1949 c 512 s 4; 1953 c 608 s 1, 2.

Authorization for emergency cases in public institutions should come from the director of public institutions and not from the commissioner of mental health. OAG March 30, 1951 (88-A-27-E).

The commissioner of mental health and mental hospitals is appointed by the governor. OAG Sept. 12, 1951 (213-F).

### 246.016 OFFICE OF COMMISSIONER OF MENTAL HEALTH AND MENTAL HOSPITALS ABOLISHED

HISTORY. 1953 c 608 s 1.

### 246.017 MEDICAL POLICY DIRECTIONAL COMMITTEE ON MENTAL HEALTH

HISTORY. 1953 c 608 s 3, 4.

**246.02 EXECUTIVE OFFICERS**

**HISTORY.** 1853 c 12 s 5, 30; Ex1857 c 45 s 1; 1858 c 34 s 6; 1858 c 119 s 43; 1866 c 6 s 4, 5, 11; GS 1866 c 120 s 28, 29; 1868 c 18 s 1, 4; 1878 c 35 s 15; GS 1878 c 120 s 28, 29; 1885 c 46 s 10; 1887 c 205 s 5; 1887 c 208 s 3; 1889 c 254 s 5; 1897 c 210 s 2; 1901 c 122 s 6; RL 1905 c 1865; Mason's 1927 s 4405; 1953 c 344 s 1.

**246.05 DISSEMINATION OF INFORMATION**

**HISTORY.** Amended, 1949 c 262 s 1.

**246.08 INSPECTIONS; INVESTIGATIONS; WITNESSES; CONTEMPT**

**HISTORY.** 1853 c 12 s 8, 9, 12; 1858 c 34 s 11, 12; PS 1858 c 119 s 48, 49; 1863 c 6 s 8-10; GS 1866 c 120 s 32-34; GS 1878 c 120 s 32-34; 1883 c 127 s 2; 1887 c 93 s 1; 1889 c 254 s 8; 1901 c 122 s 20; RL 1905 s 1877; Mason's 1927 s 4417; 1953 c 239 s 1.

Self incrimination; confession covered by police; legislative investigations; production of writings; bodily or mental examination; jurisdictional limits of the privilege; waiver by testifying. 34 MLR 1.

The privilege against self incrimination is not applicable where there is a statutory immunity based on the disclosure. 34 MLR 696.

**246.09** Repealed, 1953 c 254 s 1.

**246.10 SURGICAL OPERATIONS**

Authorization for medical procedure on surgical operation on a patient in a public institution should come from the director of public institutions and not from the commissioner of mental health. OAG March 30, 1951 (88-A-27-E).

The word "health" is construed according to its common and approved usage and includes mental as well as physical health, a normal mind being essential to a normal life. OAG Sept. 25, 1947 (248).

The director of public institutions may release information as to patients and former patients to the division of vocational rehabilitation. The consent of the patient is not necessary. OAG March 23, 1953 (851-B).

**246.13 RECORD OF INMATES**

The division of public institutions may release to the veterans administration information as to former patients without the patient's consent. OAG Nov. 6, 1950 (851-B).

**246.14 TRANSFERS, PERSONS EXEMPTED FROM TRANSFER**

**HISTORY.** 1887 c 208 s 14; 1889 c 256 s 1; 1901 c 122 s 34, 35; RL 1905 s 1890; Mason's 1927 s 4438; 1953 c 515 s 1.

The director of public institutions has authority to transfer inmates committed by the district court pending criminal proceedings from the school for feebleminded to another state hospital for better care. OAG Aug. 31, 1948 (88-A-26).

A voluntary inebriate patient may not be transferred to a hospital for the insane without commitment. OAG July 10, 1951 (248-B-6).

Where the probate court in the exercise of its discretion has committed a mentally ill convict to the asylum for the dangerously insane, the right of a director to transfer patient between institutions has no application, and the patient must remain in the custody of the superintendent of the asylum for the dangerously insane until the commitment is released by court order, or until the patient has been restored and returned to the penal institution; and this though quite often a dangerously insane tuberculosis patient would benefit by transfer to other institutions which have more elaborate facilities for treatment. OAG July 3, 1952 (248-A-7).

### 246.15 MONEY OF INMATES

The probate court may appoint any qualified person to act as guardian of the estate of a mentally deficient person, but the director of public institutions cannot accept such an appointment in his official capacity. OAG June 16, 1948 (88-A-14).

Money on deposit to the credit of a patient who dies while in a state institution must be paid to his legal representative appointed by the court. If the money is not claimed within five years, it diverts to a fund to be expended at the discretion of the superintendent for the amusement, entertainment, and general benefit of the inmates of the institution. OAG April 28, 1948 (88-A-27-C).

The commissioner of mental health and mental hospitals must be appointed by the governor. OAG Sept. 12, 1951 (213-F).

Where a guardian has been appointed by the probate court to handle the property of a person committed to a state mental hospital, and who has been paying to the state the regular monthly charge for the care of the patient, finds there remains less than a \$1000 in cash in the ward's estate, the probate court in order to preserve the remaining funds may order the money turned over to the hospital superintendent as guardian. The hospital superintendent may, in his discretion, reserve such part of the remaining sum as may be necessary for burial and funeral expenses, or other like expense. OAG Feb. 10, 1948 (248-A-1).

### 246.16 UNCLAIMED MONEY OR PERSONAL PROPERTY OF INMATES

**HISTORY.** 1874 c 14 s 4; GS 1878 c 120 s 89; 1889 c 254 s 9; 1905 c 199 s 1; Mason's 1927 s 4440; 1951 c 369 s 1.

Where an epileptic patient dies having money on deposit to his account, the colony superintendent cannot pay the money over to anyone but a legal representative of such decedent appointed by the probate court. Should five years elapse without the money being called for, it may be used by the superintendent for the benefit or amusement of other patients. OAG April 27, 1948 (88-A-27-C).

Money on deposit to the credit of a patient who dies while in a state institution must be paid to his legal representative appointed by the court. If the money is not claimed within five years, it diverts to a fund to be expended at the discretion of the superintendent for the amusement, entertainment, and general benefit of the inmates of the institution. OAG April 28, 1948 (88-A-27-C).

Deposits in a social welfare fund to the credit of wards who have disappeared may be expended by the director for the purposes specified in section 246.16; but this does not include deposits in banks to the credit of wards represented by deposit books held by the director. Such deposit books must be held by the director until the proper claimant appears or until the court having jurisdiction orders them delivered to the ward's estate. OAG June 9, 1952 (88-A-27-C).

**246.17** Repealed, 1953 c 341 s 1.

### 246.20 EMPLOYEES, AGENTS; ACCEPTANCE OF GIFTS

**HISTORY.** 1889 c 254 s 22; 1901 c 122 s 40; RL 1905 s 1895; Mason's 1927 s 4444; 1953 c 563 s 1.

### 246.234 RECIPROCAL EXCHANGE OF INSANE PERSONS

"I" was indicted for murder in the first degree in October, 1938. While awaiting trial his sanity was questioned and on being tested, under the provisions of section 631.18, he was found to be insane and the district court committed him to the state hospital at St. Peter. He escaped from that hospital on Aug. 28, 1948, and is still under indictment for murder. Under the provisions of section 525.762, the state hospital at St. Peter is required to file notice of the inmate's escape in the court of his commitment. Upon receiving notice it is the duty of the county attorney of the county of the inmate's commitment to determine whether or not he desires to institute extradition proceedings. If there are extradition agreements between Minnesota

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and the state to which "I" escaped, section 246.234 applies. OAG Sept. 28, 1948 (248-A-3).

## **246.27 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CERTAIN STATE INSTITUTIONS**

HISTORY. 1939 c 116 s 1-3; 1941 c 479 s 1; M Supp s 4406-1-4406-3.

## **246.28 WHAT INCLUDED IN EXAMINATION**

HISTORY. 1939 c 116; 1941 c 479 s 2; M Supp s 4406-1-4406-3.

**246.29** Repealed, 1947 c 616 s 5; 1949 c 578 s 1.

## **246.31 ALLOCATION OF MONEYS IN DEFERRED BUILDING ACCOUNT**

HISTORY. 1947 c 534 s 1-3; 1951 c 173 s 1; 1953 c 732 s 5.

NOTE: Annotations relating to section 246.31, subdivision 4, repealed by Laws 1953, Chapter 732, Sections 3, 4, 6.

Notwithstanding that a state officer must not incur a state indebtedness in excess of that authorized by the legislature, the commissioner of administration is authorized to proceed in the making of contracts for construction in part of buildings proposed under Laws 1945, Chapter 593, Section 1, and under the allocation of funds authorized under Laws 1947, Chapter 534, Section 1, Subdivision 1, but in no case is the commissioner empowered to exceed the amount of appropriation made for the different institutions in question. OAG April 17, 1948 (9-A-39).

The claim of the state for \$10 a month for support of a person committed to a public institution under section 246.31 may be paid by auditor's warrant under authority of section 384.13 and does not require an audit or authorization by county board. OAG Aug. 28, 1950 (107-B-4).

Where the director of public institutions, proceeding under section 253.21, transfers a prisoner from the state prison or reformatory to a state mental hospital, the county in which is located the prison or reformatory is not required to pay to the state the monthly charge under the provision of section 246.31, subdivision 4, as is the case in other commitments. OAG July 1, 1947 (248).

Laws 1947, Chapter 534, Section 4, supersedes the provisions of section 526.01 relating to payment or refundment of the \$10 per month charged for maintenance of an inmate of a state institution. OAG Dec. 9, 1947 (248).

The county of commitment is liable for the \$10 payment to the state during the period of confinement of a displaced person. OAG Jan. 12, 1951 (248).

If the resources of the patient are not such as are exempted under section 526.01, subdivision 3, any county who has disbursed money for the benefit of an individual committed to the state hospital for the insane may seek reimbursement provided the individual was committed to the state hospital under the provisions of section 246.31. OAG Dec. 8, 1952 (248).

It is the county from which the patient is committed and not the county of the inmate's residence which, under section 246.31, subdivision 4, is liable for the monthly payment. OAG Oct. 27, 1947 (248-B-3).

Where a boy whose residence is in the state of Indiana was committed to the state training school for boys at Red Wing, from St. Louis county, and was thereafter committed to a mental hospital, the \$10 per month to be paid to the hospital under the provisions of Laws 1947, Chapter 534, Section 1, is chargeable to Goodhue county from which he was committed to the mental hospital. OAG May 4, 1948 (248-B-3).

Where an individual was committed by the district court of Carlton county to the St. Peter hospital for the insane, the county of the commitment is chargeable

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with the \$10 per month maintenance fee, even though the place of residence of the patient was in Koochiching county. OAG July 30, 1953 (248-B-3).

### 246.32 LIVESTOCK CONTINGENCY FUND

HISTORY. 1947 c 315 s 1-5; 1951 c 392 s 1; 1953 c 553 s 1.

It was the clear intent of the legislature in enacting Laws 1953, Chapter 553, that the director of public institutions could make rules and regulations in the matter of purchase and sales of cattle and other property, as set forth in Chapter 553, without the securing of and advertising for bids. OAG May 28, 1953 (980-A-11).

### 246.33 CEMETERY

HISTORY. 1949 c 155 s 1.

### 246.34 REBURIAL

HISTORY. 1949 c 155 s 2.

### 246.35 ABANDONMENT OF CEMETERY; COURT ORDER

HISTORY. 1949 c 155 s 3.

### 246.36 ACCEPTANCE OF VOLUNTARY, UNCOMPENSATED SERVICES

HISTORY. 1949 c 638 s 1.

### 246.37 FACTORY AT REFORMATORY FOR MEN

HISTORY. 1953 c 616 s 1.

### 246.38 VOCATIONAL TRAINING FOR INMATES; ADMINISTRATION

HISTORY. 1953 c 616 s 2.

### 246.39 SALE OF GOODS

HISTORY. 1953 c 616 s 3.

### 246.40 GOODS MADE FOR NATIONAL DEFENSE

HISTORY. 1953 c 616 s 4.

### 246.41 CONTRIBUTIONS FOR BENEFIT OF MENTALLY DEFICIENT AND EPILEPTIC PERSONS

HISTORY. 1953 c 519 s 1.

### 246.42 FOOD PRODUCTS, PRODUCTION AND PRESERVATION

HISTORY. 1953 c 581 s 1.

### 246.43 SEX OFFENDERS

HISTORY. 1953 c 673 s 1.

### 246.44 PIPESTONE INDIAN SCHOOL, LEASE BY STATE

HISTORY. 1953 c 727 s 1.

### 246.45 PUBLIC INSTITUTION

HISTORY. 1953 c 727 s 2.

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## **246.46 NAME; CARE AND TREATMENT OF MENTALLY DEFICIENT PERSONS OR OF ALCOHOLICS**

HISTORY. 1953 c 727 s 3.

## **246.47 VOLUNTARY INMATES OF STATE HOSPITALS FOR MENTALLY ILL; PAYMENT FOR CARE AND TREATMENT**

HISTORY. 1953 c 732 s 1.

## **246.48 COLLECTIONS; LEGAL ASSISTANCE; COSTS**

HISTORY. 1953 c 732 s 2.

## **246.49 LIMITATION ON APPLICATION**

HISTORY. 1953 c 732 s 7.

## **CHAPTER 247**

### **OWATONNA STATE SCHOOL**

**247.01-247.10** Repealed, 1947 c 91 s 8.

## **247.11 CREATION**

HISTORY. 1947 c 91 s 1.

NOTE: The effect of the enactment of Laws 1947, Chapter 91, was to abolish the state public school for dependent and neglected children at Owatonna, transfer certain duties of the superintendent of the school to the commissioner of public welfare, and to impose upon the school and its superintendent duties similar to those in force in the school for the feebleminded at Faribault.

## **247.12 SUCCESSOR TO STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN**

HISTORY. 1947 c 91 s 2.

## **247.13 CONTROL, MANAGEMENT, COMMITMENT**

HISTORY. 1947 c 91 s 3.

## **247.14 VOCATIONAL TRAINING FOR FEEBLEMINDED PERSONS**

HISTORY. 1947 c 91 s 4.

## **247.15 SELECTION OF TRAINEES**

HISTORY. 1947 c 91 s 5.

## **247.16 SUPERINTENDENT, APPOINTMENT**

HISTORY. 1947 c 91 s 6; 1951 c 713 s 24.

## **247.17 COMMISSIONER OF PUBLIC WELFARE, DUTIES**

HISTORY. 1947 c 91 s 7.