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CHAPTER 246

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701580 16 246.01 **POWERS AND DUTIES.** The commissioner of public welfare 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 Minnesota State Sanatorium, the state training school for boys and the Minnesota Home School for Girls, are hereby transferred to, vested in, and imposed upon the commissioner of public welfare, and in relation thereto he 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. He 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 him. It is intended that there be vested in him all of the powers, functions, and authority heretofore vested in the state board of control relative to state institutions, except the Minnesota State Sanatorium, the state training school for boys, and the Minnesota Home School for Girls. He shall have the power and authority to accept, in behalf of the state, contributions and gifts of money and personal property for the use and benefit of the inmates of the public institutions under his control, and all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner of public welfare. If the gift or contribution is designated by the donor for a certain institution or purpose, the commissioner of public welfare shall expend or use the same as nearly as may be in accordance with the conditions of the gift or contribution, compatible

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with the best interests of the inmates and the state. The commissioner of public welfare 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.

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 11; 1951 c 713 s 23; 1953 c 562 s 1; 1957 c 287 s 3] (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 MENTALLY ILL; CARE, TREATMENT, EXAMINATION. Within the limits of the appropriations for the commissioner of public welfare, he 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.

He shall establish a screening staff or panel of three or more qualified persons to supervise the policies of the various mental hospitals as to both the admission and discharge of patients, to examine the records of all patients admitted, to examine personally all patients who from the records appear to justify a reasonable doubt as to the need of commitment or the need of continued confinement in a mental hospital and to further examine all patients in each mental hospital, (1) by record and (2) by examination of the patient in all instances where the examination of the record indicates reasonable doubt as to the patient's need to continue in a mental institution and report its findings to the commissioner of public welfare.

[1949 c 512 s 2; 1953 c 724 s 1]

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 department of public welfare 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 commissioner of public welfare shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of public welfare 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) The commissioner of public welfare shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

(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

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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 commissioner of public welfare 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 commissioner of public welfare 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 commissioner of public welfare 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 field, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

[1949 c 512 s 3; 1953 c 561 s 1]

246.015 SUPERVISION OF MENTALLY ILL. Subdivision 1. [Repealed, 1953 c 608 s 1]

Subd. 2. [Repealed, 1953 c 608 s 1]

Subd. 3. **Consultative services; after-care of patients; public information; funds.** Within the limits of the appropriations available, the commissioner of public welfare may provide consultative services for courts, and state welfare agencies, supervise the placement and after-care 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. He 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; 1953 c 608 s 1, 2]

246.016 OFFICE OF COMMISSIONER OF MENTAL HEALTH AND MENTAL HOSPITALS ABOLISHED. The office of the commissioner of mental health and mental hospitals is hereby abolished.

[1953 c 608 s 1]

246.017 MEDICAL POLICY DIRECTIONAL COMMITTEE ON MENTAL HEALTH. Subdivision 1. **System of records and statistics.** The commissioner of public welfare shall cause to be devised, installed and operated an adequate system of records and statistics which shall consist of all basic record forms including patient personal records and medical record forms and the manner of their use shall be precisely uniform throughout all hospitals for the mentally ill.

Subd. 2. **Membership, duties, meetings.** The commissioner of public welfare shall create and establish a medical policy directional committee on mental health composed of five members who are experts in their various fields of medicine or related sciences. Not more than one member shall be selected from any one field

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of medicine or related sciences which shall include the field of psychiatry, neurology, physiology, biochemistry, internal medicine, pediatrics, pharmacology, and psychology.

One member shall be appointed whose term shall expire July 1, 1954, and his successors thereafter shall be appointed for a period of three years; two members shall be appointed whose terms expire on July 1, 1955, and their successors shall be appointed whose terms expire on July 1, 1955, and their successors shall be appointed for a term of three years; two members shall be appointed whose terms shall expire on July 1, 1956, and their successors thereafter shall be appointed for a term of three years.

The committee will meet at least six times each year at such times and in such places as the commissioner of public welfare may determine. He may call such additional meetings from time to time as he may deem necessary not exceeding a maximum of 50 meetings in any one year. Each member will receive the sum of \$50 per day for time actually spent in transacting the business of the board and shall be reimbursed for expenses actually incurred in the performance of their official duties.

The committee shall advise the commissioner of public welfare as to all phases of professional standards including patient care, training of personnel, establishment of treatment programs, obtaining adequate staff, establishment of medical and statistical records and operation of practices in order that they be compatible with professional requirements. The committee shall advise the commissioner of public welfare in approval and guidance of research projects and distribution of research funds. They shall assist him in establishing and maintaining the best possible practices in all mental institutions.

The commissioner of public welfare shall appoint a licensed physician to serve as medical director to assist him in establishing and maintaining the medical policies formulated by committee and other medical policies of the department of public welfare. Such physician shall have the rights and qualifications and serve upon the conditions prescribed by section 246.02 for the appointment of certain officers.

[1953 c 608 s 3, 4; 1955 c 528 s 1]

246.02 EXECUTIVE OFFICERS. Subdivision 1. The commissioner of public welfare 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 commissioner of public welfare. He may appoint an acting chief executive officer during such interim period as is necessary to select and appoint a chief executive officer. 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 commissioner of public welfare, it shall be conclusively presumed that the power belongs to the latter. When a chief executive officer is required to live on the institution grounds, he is entitled to residence and maintenance in addition to his salary.

Subd. 2. The commissioner of public welfare shall act with the advice of the medical policy directional committee on mental health in the appointment and removal of the chief executive officers of the following institutions: Anoka State Hospital, Fergus Falls State Hospital, Hastings State Hospital, Moose Lake State Hospital, Rochester State Hospital, St. Peter State Hospital, Sandstone State Hospital, Willmar State Hospital, Faribault State School and Hospital, Cambridge State School and Hospital, Brainerd State School and Hospital, and Minnesota State Sanatorium.

Subd. 3. The salary of the chief executive officer of Gillette State Hospital for Crippled Children shall be \$8,000 in addition to the reasonable cost of quarters, food and services.

Subd. 4. Within the limits of appropriations available but not to exceed individual salaries of \$12,250 each and with the advice of the medical policy directional committee, the commissioner shall set the salary of the individual officers named in subdivision 2 according to standards of training and experience established by him. He may not reduce the salary of any officers incumbent at the time of the passage of this subdivision. In addition to his salary, each officer named in subdivisions 2 and 3 is entitled to reimbursement for all expenses necessarily incurred by him in the performance of his duties. The said chief executive officer shall reside

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at the institution, if required so to do by the commissioner of public welfare and if quarters reasonably suitable are available at such State institution, such residence quarters and maintenance thereof, including food and services for such chief executive officer and his family shall be furnished without charge and without deduction from salary. The commissioner of public welfare shall ascertain and establish the reasonable cost thereof. If reasonably suitable quarters are not available at the institution and the chief executive officer shall, with the permission of the commissioner of public welfare, reside in quarters not furnished by the state, a sum shall be added to the salary of such chief executive officer in an amount equal to but not to exceed the reasonable cost of quarters and maintenance including food and services as the cost is established by the commissioner of public welfare with respect to other executive officers of such other institutions.

[R. L. s. 1865; 1953 c 844 s 1; 1955 c 746 s 1; 1957 c 19 s 2] (4405)

10-13 3/10 **246.03 OFFICIAL BONDS.** The commissioner of public welfare 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 commissioner of public welfare shall keep at his office a proper and complete system of books and accounts with each institution, 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 commissioner of public welfare 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 department of public welfare 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 commissioner of public welfare 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 commissioner, 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 commissioner of public welfare shall make such other reports to the governor as he may from time to time require, or as the commissioner may deem necessary, relating to the condition and wants of the several institutions.

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

246.07 DAILY RECORDS. The commissioner of public welfare 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 commissioner 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 INSPECTIONS; INVESTIGATIONS; WITNESSES; CONTEMPT. At least once each year and in addition as frequently as he deems necessary, the commissioner of public welfare, or his designated representative, shall visit and inspect each institution, and investigate its financial condition and management, and the care being provided for the inmates thereof. 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 commissioner of public welfare 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 commissioner of public welfare issued under this section, or to give or produce evidence when so requested, shall be reported by him to the district court and dealt with as for a contempt of court.

[R. L. s. 1877; 1953 c. 239 s. 1] (4417)

246.09 [Repealed, 1953 c. 254 s. 1]

246.10 SURGICAL OPERATIONS. When, in the opinion of the superintendent of a state hospital for the mentally ill, mentally deficient, or epileptic, a surgical operation is necessary to save the life, health, eye-sight, hearing, or a limb of any patient, the superintendent is authorized to perform or cause to be performed such surgical operation provided that after diligent search the consent of the proper relatives or guardian cannot be had in season to effect such saving.

[1907 c. 145 s. 1; 1955 c. 532 s. 1]

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 commissioner of public welfare such inmate shall be discharged.

[1943 c. 166 s. 1]

246.11 INSPECTION. The commissioner of public welfare, 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. He may examine under oath the officers, attendants, guards, and other employees in order to determine their fitness for their duties.

[R. L. s. 1879] (4428)

246.12 BIENNIAL ESTIMATES; SUGGESTIONS FOR LEGISLATION. The commissioner of public welfare 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 commissioner of public welfare 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 commissioner of public welfare 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 commissioner of public welfare 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 commissioner of public welfare. 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 commissioner of public welfare within ten days thereafter on forms by him furnished.

The commissioner of public welfare may authorize the superintendent of any state institution for the mentally ill, mentally retarded or epileptic, to release to public or private medical personnel, hospitals, clinics, county welfare boards or

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other specifically designated interested persons or agencies any information regarding any patient thereat, if, in the opinion of the commissioner, it will be for the benefit of the patient.

[R L s 1889; 1957 c 319]

246.14 TRANSFERS, PERSONS EXCEPTED FROM TRANSFER. The commissioner of public welfare may transfer a patient from one state hospital for the mentally ill to another, or to an institution for the mentally retarded or epileptic or from one institution for the mentally retarded or epileptic to another or to a state hospital for the mentally ill, and he may transfer an inmate of the state prison, state reformatory for men, or state reformatory for women to a state institution for the mentally ill, mentally retarded or epileptic or to the state sanatorium for diagnosis, treatment or care which is not available at the prison or reformatory and shall cause a proper record thereof to be made at the institutions and his office. An inmate of the prison or reformatory so transferred shall be returned to the prison or reformatory by order of the commissioner upon conclusion of treatment, or, if he becomes eligible for release from custody pursuant to the terms of his sentence prior to conclusion of treatment, he shall be released unless prior to such time, he shall have been committed to such medical institution by competent authority as provided by law. The superintendent of any state hospital for the mentally ill or institution for the mentally retarded or epileptic shall at once notify the commissioner of public welfare if there is any question as to the propriety of the commitment or detention of any person admitted to such institution and the commissioner shall immediately take action thereon.

The commissioner of public welfare may use available space in any institution under his jurisdiction, or in any institution under the jurisdiction of another department or agency of the state in which space is proffered him, by executive or legislative action, for the care and custody of persons, patients, inmates, or convicts in the institutions under his exclusive control for whom other, more suitable, space is not available. All laws relating to the commitment and care of such persons who may be so committed and institutionalized shall be applicable to such persons.

[R L s 1890; 1953 c 515 s 1; 1957 c 261] (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 commissioner of public welfare, taking vouchers therefor. He shall give such additional bond as the commissioner 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 commissioner, shall forward to the commissioner 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 commissioner 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 commissioner of public welfare as in other cases. The commissioner 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 OR PERSONAL PROPERTY OF INMATES. Subdivision 1. **Unclaimed money.** 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

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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.

Subd. 2. Unclaimed personal property. When any inmate of a state institution has died or disappeared therefrom, or hereafter shall die or disappear therefrom leaving in the custody of the superintendent thereof personal property, exclusive of money, which remains unclaimed for a period of two years, and there is no person entitled thereto known to the superintendent, the superintendent or his agent may sell such property at public auction. Notice of such sale shall be published for two consecutive weeks in a legal newspaper in the county wherein the institution is located and shall state the time and place of such sale. The proceeds of the sale, after deduction of the costs of publication and auction, may be expended, at the discretion of the superintendent, for the entertainment and benefit of the inmates of such institution. Any inmate, his heirs or his representatives, may file with, and make proof of ownership to, the superintendent of the institution disposing of such personal property within four years after such sale, and, upon proof satisfactory to such superintendent, he shall certify for payment to the state treasurer the amount received by the sale of such property. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.

[1905 c 199 s 1; 1951 c 369 s 1] (4440)

246.17 [Repealed, 1953 c 341 s 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 commissioner of public welfare a statement of the amount and sources of all moneys received. On receipt of such statement, the commissioner 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 commissioner of public welfare 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, AGENTS; ACCEPTANCE OF GIFTS. No agent or employee of the commissioner of public welfare, 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.

Except as provided above, the superintendent or chief executive officer of any institution may under rules and regulations prescribed by the commissioner of public welfare, accept contributions and gifts of money and personal property for the use and benefit of the inmates of the institution under his jurisdiction. All monies and securities so received shall be deposited in a separate account at the institution and records shall be kept, clearly showing the identity of the donor, the purpose of the donation and the ultimate disposition of the contribution. Each contribution shall be duly receipted and shall be expended or used as nearly in accordance with the conditions of the gift or contribution as is compatible with the best interest of the inmates and the institution.

[R. L. s. 1895; 1953 c 563 s 1] (4444)

246.21 CONTINGENT FUND. The commissioner of public welfare 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 inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of public wel-

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fare. An itemized statement of every expenditure made during the month from such fund shall be submitted to the commissioner under rules established by him. If necessary, the commissioner 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 commissioner of public welfare 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 commissioner of public welfare 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 commissioner; and he may recommend that such person be admitted notwithstanding, giving his reasons therefor. The commissioner of public welfare 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 poor-house believes an inmate thereof not to have a residence in the state, but to have a residence elsewhere, he shall so notify the commissioner of public welfare 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 commissioner of public welfare 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 commissioner of public welfare 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 commissioner, 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 commissioner 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. The commissioner of public welfare 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 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)

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246.26 RELIGIOUS INSTRUCTION. The commissioner of public welfare 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 department of public welfare, 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 department of public welfare 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 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

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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 unpended 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.

9C578 Subd. 4. [Repealed, 1953 c 732 s 5]

[1947 c 534 s 1-4; 1951 c 173 s 1]

9C579 **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, disbursement.** All income derived from the sale of cattle, hogs, horses, sheep, and poultry, and the by-products therefrom, or the young thereof, by all institutions, including the State Sanatorium for Consumptives, the State Training School for Boys and the Home School for Girls, shall be credited to said fund. All purchases, all registration and transfer fees, membership fees in cow-testing associations and county and state dairy herd organizations, breeding fees and veterinarian fees shall be paid out of said fund as herein provided. Notwithstanding the provisions of Laws 1939, Chapter 431, as amended, and the provisions of Minnesota Statutes, Section 16.02, the commissioner of public welfare, subject to the approval of the attorney general and the commissioner of administration, shall prescribe rules and regulations for the payment of fees and purchase and sale of all cattle, hogs, horses, sheep, poultry, the young thereof, and the by-products therefrom covered by this section, and such rules and regulations may provide that such purchases and sales may be made by him or his designated agent and such fees paid without securing bids or advertising therefor.

Subd. 3. **State auditor, duties.** 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 commissioner of public welfare. The unobligated balance in said account shall lapse at the end of each fiscal year.

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Subd. 4. **Commissioner of public welfare, duties.** 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 commissioner of public welfare.

Subd. 5. **Excess, undisbursed balance, transfer.** 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; 1951 c 392 s 1; 1953 c 553 s 1; 1955 c 440 s 1]

246.33 CEMETERY. Subdivision 1. The commissioner of public welfare 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.

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. Subdivision 1. The commissioner of public welfare 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 commissioner 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 commissioner shall serve the nearest relative or, if the commissioner 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 commissioner 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]

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 commissioner 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]

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246.36 ACCEPTANCE OF VOLUNTARY, UNCOMPENSATED SERVICES. For the purpose of carrying out his duties, the commissioner of public welfare 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]

246.37 FACTORY AT REFORMATORY FOR MEN. The commissioner of public welfare is hereby authorized and directed, within the limits of the facilities of the Minnesota state reformatory for men and the means which now are, or hereafter may be made, available to him, to establish, equip, maintain, and operate at the Minnesota state reformatory for men a factory for the manufacture, processing, repairing, and production of goods, wares, and merchandise and for that purpose to make use of the labor of inmates not needed for reformatory maintenance service and to employ such, but only such, skilled craftsmen as in the judgment of the commissioner and the superintendent of the reformatory may be necessary for the proper instruction and the profitable employment of the inmates therefor.

[1953 c 616 s 1]

246.38 VOCATIONAL TRAINING FOR INMATES; ADMINISTRATION. Such work activity as authorized by section 246.37 shall be for the primary purpose of reforming, teaching proper work habits to, and providing vocational training for the inmates of the reformatory and not as a competitive business venture. To accomplish the foregoing purpose, the commissioner of public welfare shall have the power and authority:

(a) To determine, by consultation with the superintendent, labor and industrial organizations, the state apprenticeship council, the state industrial commission, the department of administration, and such other persons and bodies as he may feel qualified, the quantity and nature of goods, wares, and merchandise to be made and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for reform and vocational training for the inmates and with the best interests of labor, industry, and the state.

(b) To publish and distribute a schedule of prices for the sale and repair of goods, wares, and merchandise, which shall be set at a minimum consistent with the cost of production and in no event shall exceed the wholesale market price for similar products produced elsewhere in the State of Minnesota.

(c) To authorize the superintendent to take in a limited and minor amount of outside work for repair or processing which shall offer experience and practical training in various vocations not otherwise obtainable in processes current in the factory. Priority for such repair or processing shall be given to state institutions.

(d) To encourage inmates to engage in handicraft during their leisure time and to assist in the sale of such handicraft articles by providing retail sales outlets to make such products available to the public for the account of the inmates, under such rules and regulations as the commissioner of public welfare may prescribe, for the mutual benefit of the inmates, industry, labor, and the public.

(e) To formulate a system of records or accounts which shall at all times indicate the extent of purchases and sales, which shall be open to public inspection.

[1953 c 616 s 2]

246.39 SALE OF GOODS. No goods, wares or merchandise, manufactured, processed, or produced wholly or in part by the inmates of the Minnesota state reformatory for men, except articles of handicraft, shall be sold for resale, nor sold to any person, corporation, or political body except the state institutions under the jurisdiction of the commissioner of public welfare, the state teachers colleges, the secretary of state, and public welfare institutions under the jurisdiction of the political subdivisions of the state.

[1953 c 616 s 3]

246.40 GOODS MADE FOR NATIONAL DEFENSE. Nothing in sections 246.37 to 246.40 shall be construed to prevent the production or sale of any article for purposes of national defense during times of national emergency where such production or sale is otherwise permitted by the laws of the United States or the State of Minnesota.

[1953 c 616 s 4]

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59C158017 246.41 CONTRIBUTIONS FOR BENEFIT OF MENTALLY DEFICIENT AND EPILEPTIC PERSONS. Subdivision 1. Acceptance. The commissioner of public welfare is authorized to accept, for and in behalf of the state, contributions of money for the use and benefit of mentally deficient and epileptic persons.

Subd. 2. **Special welfare fund.** Any money so received by the commissioner shall be deposited with the state treasurer in a special welfare fund, which fund is to be used by the commissioner of public welfare for the benefit of mentally deficient and epileptic persons within the state, including those within institutions. And, without excluding other possible uses, research relating to mentally deficient and epileptic persons shall be considered an appropriate use of such funds; but such funds shall not be used for any structures or installations which by their nature would require state expenditures for their operation or maintenance without specific legislative enactment therefor.

[1953 c 519 s 1]

246.42 FOOD PRODUCTS, PRODUCTION AND PRESERVATION. The commissioner of public welfare may contract with corporations or individuals engaged in the commercial canning or freezing of food products, under such terms as he believes are for the best interests of the state, for the seeding, fertilizing, harvesting, and preserving of food products for consumption by institution inmates. The contract may provide for the payment of the processor's services by a fractional share of the food processed. The commissioner shall not be required to advertise for or secure bids.

[1953 c 581 s 1]

246.43 SEX OFFENDERS. Subdivision 1. **Conviction of specified offenses; presentence examinations.** If a person who is 21 years of age or older at the time of his apprehension is convicted under sections 617.01, 617.02, 617.08, or 617.13, the court may commit him to the commissioner of public welfare of the department of public welfare for a presentence social, physical and mental examination. The court and all public officials shall make available to the commissioner upon his request all pertinent data in their possession in respect to the case.

Subd. 2. **Conviction of other sex crime; presentence examination.** If a person who is 21 years of age or older at the time of his apprehension is convicted of any sex crime other than those specified in subdivision 1, the court may commit him to the commissioner for such a presentence examination, if the commissioner certifies that he has adequate facilities for making such examination and is willing to accept such commitment. The court and all public officials shall make available to the commissioner upon his request all pertinent data in their possession in respect to the case.

Subd. 3. **Conveyance.** When the court commits a person to the commissioner in accordance with subdivision 1 or 2 for presentence examination, the court shall order him conveyed by the proper county authorities at the sole expense of the county, to some place of detention approved or established by the commissioner.

Subd. 4. **Report of examination.** Upon completion of the examination, but not later than 60 days after the date of the commitment order, a report of the results of the examination and the recommendations of the commissioner shall be sent to the court.

Subd. 5. **Disposition where specialized treatment not recommended.** If it appears from such report that the commissioner does not recommend specialized treatment for his mental and physical aberrations, the court shall order the proper county authorities to bring him before the court at county expense and shall sentence him in the manner provided by law.

Subd. 6. **Disposition where specialized treatment recommended; probation; out-patient treatment, commitment.** If it appears from said report that the commissioner recommends specialized treatment for his mental and physical aberrations, the court may either place him on probation with the requirement as a condition of such probation, that he receive outpatient treatment in such manner as the court shall prescribe, or commit him to the commissioner under this section.

Subd. 7. **Appeals.** (a) The right of a convict to appeal from the judgment of conviction is not affected by this section.

(b) If a person who has been convicted and committed to the commissioner appeals from a conviction, the execution of the commitment to the commissioner shall not be stayed by the appeal except as provided in paragraph (c).

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(c) If the committing court is of the opinion that the appeal was taken in good faith and that the question raised merits review by the appellate court, or when there has been filed with the court a certificate that a judge of an appellate court is of the opinion that questions have been raised that merit review, the judge of the court in which the person was convicted, or in the case of his incapacity to act, the judge by whom the certificate was filed, may direct that such person be left at liberty under such conditions as in the judge's opinion will insure his submission to the control of the commissioner at the proper time if it is determined on the appeal that the commissioner is entitled to custody.

Subd. 8. Notice of commitment; procedure. (a) If a court commits a person to the commissioner it shall at once notify him of such action in writing.

(b) The commissioner shall then arrange for his treatment in the institution best suited in his judgment to care for him. He may transfer him to or from any institution to provide for him according to his needs and to protect the public. The commissioner may irrespective of his consent require participation by him in vocational, physical, educational and correctional training and activities; may require such modes of life and conduct as seem best adapted to fit him for return to full liberty without danger to the public; and may make use of other methods of treatment and any treatment conducive to the correction of the person and to the prevention of future violations of law by him.

(c) The commissioner may make use of law enforcement, detention, parole, medical psychiatry, education, correctional, segregative and other facilities, institutions and agencies, public or private, within the state. The commissioner may enter into agreements with public officials for separate care and special treatment (in existing institutions) of persons subject to the control of the commissioner under this section. Nothing herein contained shall give the commissioner control over existing institutions or agencies not already under his control, or give him power to make use of any private agency or institution without his consent.

(d) Placement of a person by the commissioner in any institution or agency not operated by the commissioner, or his discharge by such institution or agency, shall not terminate the control of the commissioner over him. No person placed in such institution or agency may be released therefrom except to the commissioner or after approval of such release by the commissioner.

Subd. 9. Periodic examinations. The commissioner shall make periodic examinations of all persons within his control under this section for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force. These examinations may be made as frequently as he considers desirable and shall be made with respect to every person at intervals not exceeding one year. He shall keep written records of all examinations and of conclusions predicated thereon, and of all orders concerning the disposition or treatment of every person under his control. Failure of the commissioner to examine a person committed to him or to make periodic examination shall not entitle him to a discharge from the control of the commissioner, but shall entitle him to petition the committing court for an order of discharge and the court shall discharge him unless it appears in accordance with subdivision 13 that there is necessity for further control.

Subd. 10. Parole. Any person committed as provided in this section may be paroled if it appears to the satisfaction of the commissioner after recommendation by a special review board, appointed by the commissioner a majority of whose members shall not be connected with the department of public welfare that he is capable of making an acceptable adjustment in society. The chief officer of the institution wherein he is confined shall report in writing at least annually to the commissioner concerning his condition with a recommendation as to continued confinement or parole. The commissioner may promulgate regulations for parole, revocation of parole, and the supervision of parolees.

Subd. 11. Supervision and control of persons committed. The commissioner shall keep every person committed to him under this section under his control and shall retain him, subject to the limitations of subdivision 12, under supervision and control, so long as in his judgment such control is necessary for the protection of the public. The commissioner shall discharge any such person as soon as in his opinion there is reasonable probability that he can be given full liberty with-

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out danger to the public, but no person convicted of a felony shall, without the written approval of the committing court, be discharged prior to two years after the date of his commitment.

Subd. 12. **Discharge of person committed.** Every person committed to the commissioner who has not been discharged from his control as provided in subdivision 11 unless the commissioner has previously thereunto made an order directing that he remain subject to his control for a longer period and has applied to the committing court for a review of said order as provided in subdivision 13 shall be discharged at the expiration of any sentence imposed, subject to the provisions of section 640.53, or at the expiration of one year, whichever is the greater. For the purposes of this subdivision, sentence shall begin at noon of the day of commitment by the court to the commissioner.

Subd. 13. **Order directing continuance of control.** If the commissioner is of the opinion that discharge of a person from his control at the time provided in subdivision 12 would be dangerous to the public for reasons set forth in subdivision 14, he shall make an order directing that he remain subject to his control beyond that period; and shall make application to the committing court for a review of that order at least 90 days before the time of discharge stated.

Subd. 14. **Review of orders, continuing control.** (a) If the commissioner applies to the committing court for the review of an order as provided in subdivision 13, the court shall notify the person whose liberty is involved, and, if he be not *sui juris*, his parent or guardian as practicable, of the application, and shall afford him opportunity to appear in court with counsel and of process to compel the attendance of witnesses and the production of evidence. He may have a doctor or psychiatrist of his own choosing, examine him in the institution to which he is confined or some suitable place designated by the commissioner. If he is unable to provide his own counsel, the court shall appoint counsel to represent him. He shall not be entitled to a trial by jury.

(b) If, after a hearing, the court finds that discharge from the control of the commissioner of the person to whom the order applies would be dangerous to the public because of the person's mental or physical deficiency, disorder or abnormality the court shall confirm the order. If the court finds that discharge from the control of the commissioner would not be dangerous to the public for the causes stated, the court shall order that he be discharged from the control of the commissioner at the time stated in the original commitment.

Subd. 15. **Confirmation of order continuing control.** (a) When an order of the commissioner is confirmed as provided in subdivision 14, the control of the commissioner over the person shall continue, but unless he is previously discharged, the commissioner shall within 5 years after the date of such confirmation make a new order and a new application for review thereof in accordance with this section. Such orders and applications may be repeated as often as in the opinion of the commissioner it may be necessary for the protection of the public.

(b) Every person shall be discharged from the control of the commissioner at the termination of the period stated in paragraph (a) unless the commissioner has previously acted therein as required, and shall be discharged if the court fails to confirm the order as provided in subdivision 14.

Subd. 16. **Orders affirmed by court; appeal.** (a) If under the provisions of this section the court affirms an order of the commissioner, the person whose liberty is involved may appeal to the proper appellate court for reversal or modification of the order. The appeal shall be taken in the manner provided by law for appeals to said court from the judgment of an inferior court.

(b) At the hearing of an appeal the appellate court may base its judgment upon the record, or it may upon its own motion or at the request of either the appellant or the commissioner refer the matter back for the taking of additional evidence.

(c) The appellate court may confirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged.

(d) Pending appeal the appellant shall remain under the control of the commissioner.

Subd. 17. **Application for voluntary admission to institution.** Any person believing himself to be afflicted by a physical or mental condition which may result in sexual action dangerous to the public may apply upon forms prescribed by the commissioner for voluntary admission to some institution which provides diagnosis

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for such persons. If the application is approved and he is admitted by the commissioner he shall be given a complete physical and mental examination. If it appears upon the examination that he is afflicted by a physical or mental condition that may prove dangerous to the public, such facts shall be certified to him and to the commissioner. If he desires treatment, he may apply for admission to an institution designated by the commissioner and upon approval of his application, he may be received in the designated institution and shall there receive the treatment indicated by his condition. If he is able to defray all or a part of the cost of his care and treatment, he shall be required to do that. If he desires to leave the institution he must give 5 days written notice to the superintendent of the institution of his intention to leave. The commissioner may provide outpatient treatment for him at his expense.

Subd. 18. Inconsistent provisions. All statutes conflicting with this section are superseded to the extent of the conflict and the provisions of this section shall prevail over conflicting provisions heretofore enacted.

Subd. 19. Separable provisions. It is the intent of the legislature that the provisions of this section are separable and if any provision shall be held unconstitutional, such decision shall not affect the remainder of this section.

[1953 c 673 s 1]

246.44 PIPESTONE INDIAN SCHOOL, LEASE BY STATE. The commissioner of public welfare is empowered to enter into a lease with the United States of America, or any authorized department or agency thereof or to acquire by gift, for use by the state for the purposes hereinafter set forth the institution owned by the federal government and known as the Pipestone Indian School of the Bureau of Indian Affairs located in Pipestone County. The lease or instrument of acquisition by gift, referred to above, shall not be effective until approved by the Executive Council.

[1953 c 727 s 1]

246.45 PUBLIC INSTITUTION. The institution referred to in section 246.44, if leased to or acquired by the state, shall be, for such period of time as it may be operated by the state, a state institution within the department of public welfare and subject to the control and supervision of the commissioner of public welfare.

[1953 c 727 s 2]

246.46 NAME; CARE AND TREATMENT OF MENTALLY DEFICIENT PERSONS OR OF ALCOHOLICS. The institution referred to in section 246.44, if leased to or acquired by the state, shall be used for the care and treatment of mentally deficient persons or of persons afflicted with alcoholism, as may be determined by the commissioner of public welfare with approval of the governor. Said institution shall be known by such name, prefixed by the word "Pipestone" as the commissioner of public welfare, with approval of the governor, may determine.

[1953 c 727 s 3]

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246.47 VOLUNTARY INMATES OF STATE HOSPITALS FOR MENTALLY ILL; PAYMENT FOR CARE AND TREATMENT. Subdivision 1. A person who voluntarily or upon commitment enters a state hospital for the mentally ill as a patient or inmate shall pay for the care and treatment he receives while there on the basis set forth in subdivisions 2, 3, and 4.

Subd. 2. The daily cost of care and treatment in the receiving unit shall be in an amount comparable to that charged by the University hospitals for care and treatment of other types of illnesses, plus special hospital and clinical charges similar to such charges at the University hospital, all to be determined and established from time to time by the commissioner of public welfare.

Voluntary patients may be admitted to a receiving unit if they pay such charges or if responsible relatives of the patient guarantee such payment. If a voluntary patient is unable to pay such charges in full, or to secure a guarantee of their payment by a responsible relative, the patient shall be examined forthwith by a staff physician to determine whether or not the patient's case is an emergency, wherein danger to the public or damage to the patient would result from delay in hospitalization and treatment. If no emergency is found to exist the patient shall not be retained in the hospital. If an emergency is found to exist the patient shall be retained, and a guarantee of payment by the county welfare board of the patient's residence must immediately be sought. If such guarantee is not received within

ten days from the date the patient entered the hospital, the superintendent of the hospital, or a staff member designated by him, shall either institute proceedings for the commitment of such patient or release the patient.

The liability of the county of such committed patient's residence for the payment of such expenses shall arise as of the date of the admission of the patient in the receiving unit and for a maximum of 30 days; thereafter the county welfare board shall be charged on the basis provided in subdivisions 3 and 4. The county shall be billed for all of said charges, and shall pay to the state all money collected by the county from the patient or relatives of the patient who are responsible for his care plus one half of the remaining uncollected balance.

Subd. 3. For care and treatment in a state mental hospital other than in a receiving unit the monthly charge for any patient under 65 years of age at the time of admission shall be an amount equal to the average monthly per capita cost of maintaining all persons in all state hospitals for the mentally ill in this state for the preceding fiscal year, as determined annually by the director of the division of public institutions.

Subject to the approval of the commissioner of public welfare, voluntary patients under 65 years of age may be admitted to a mental hospital, except in a receiving unit, if each such patient pays such charges, plus hospital and clinic charges, or if responsible relatives of the patient guarantee such payment. If such voluntary patient is unable to pay such charges in full, or to secure a guarantee of their payment by a responsible relative, a guarantee of payment by the county welfare board of the patient's residence must immediately be sought, and if not received within 10 days from the date the patient entered the hospital, the superintendent of the hospital or a staff member designated by him shall either commence proceedings for the commitment of the patient or release the patient.

The liability of the county of residence of any voluntary patient who is under 65 years of age at the time of his admission, for the payment of such expenses shall arise as of the date of the admission of the patient in the hospital. The county welfare board shall be billed for all of said charges and shall pay to the state all money collected by the county from the patient or relatives of the patient who are responsible for his care plus one half of the remaining uncollected balance.

Committed patients, under 65 years of age at the time of commitment, admitted to a mental hospital, except in a receiving unit, or relatives responsible for their care, shall pay the full per capita per month cost to the commissioner of public welfare, or so much thereof as the commissioner shall determine the patient or his responsible relatives are able to pay. If the commissioner determines that the patient or his responsible relatives are unable to pay one half or more of the per capita per month cost, the county welfare board of the patient's legal residence shall be billed for one half of such cost. The county shall thereupon collect from the patient or responsible relatives such portion of the amount billed as their ability to pay may warrant, and the county welfare board shall pay to the commissioner one-fourth of the total amount billed after subtracting the amount of collections made by the county welfare board and remitted to the commissioner.

Subd. 4. For care and treatment in a state mental hospital other than in a receiving unit, the charge for any patient 65 years of age or older at the time of admission, shall be an amount per month equal to the county's share of the average monthly payments for residents of the county in which the patient resides for the care of patients supported in nursing homes through the old age assistance program, which monthly amount is to be determined from time to time by the commissioner of public welfare.

Voluntary or committed patients who are 65 years of age or older when admitted to a state mental hospital or relative responsible for their care, except in a receiving unit shall pay such cost, so determined, or so much thereof as the commissioner of public welfare shall determine the patient or his responsible relatives are able to pay. If the commissioner of public welfare determines that the patient or his responsible relatives are unable to pay one half or more of said amount, the county welfare board of the patient's legal residence shall be billed for one half of such amount. The county shall pay to the commissioner of public welfare, an amount equal to the county's share of the average county nursing home charge rate for that county determined by the commissioner of public welfare plus one half of such amount as the county may recover on an ability to pay basis from the patient or his responsible relative.

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Subd. 5. Mental patients who are receiving care and treatment from the state outside of hospitals, or their responsible relatives, shall pay the full cost of service received, to be determined by the commissioner of public welfare, or so much thereof as he shall determine the patient or his responsible relatives are able to pay, which in no event shall be less than 50 cents for each succeeding visit after the first visit. If such out patients or their responsible relatives are unable to pay any more than said 50 cents for visits following the first visit, the county of the patient's legal settlement shall pay \$5 to cover the cost of the first visit and examination.

Subd. 6. The words "patient's residence" or "patient's legal residence," as herein used, means the patient's legal settlement as defined in Minnesota Statutes 1949, Section 256.19, Subdivision 1.

[1953 c 732 s 1]

59C578 246.48 **COLLECTIONS; LEGAL ASSISTANCE; COSTS.** Subdivision 1. The duty and authority to make all collections due the state under the provisions of Laws 1953, Chapter 732, is hereby given to and vested in the commissioner of public welfare. He shall promulgate the necessary rules and regulations to govern the collections provided for in Laws 1953, Chapter 732, by the county welfare boards.

Subd. 2. The attorney general and county attorneys shall furnish to the commissioner and county welfare boards any legal assistance necessary to enforce such collections.

Subd. 3. The county welfare boards may retain ten percent of all amounts collected under Laws 1953, Chapter 732, from the patients, person's estate or responsible relatives to assist such boards in defraying the costs of administering the collections and investigations.

[1953 c 732 s 2]

59C578 246.49 **LIMITATION ON APPLICATION.** None of the charges or collection responsibility imposed upon county welfare boards by Laws 1953, Chapter 732, shall apply to any commitments that were made prior to July 1, 1947.

[1953 c 732 s 7]

N59 C 578 s 1-6