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board shall fix and determine in accordance with chapter 422. The county shall pay to the municipal retirement fund an amount certified to the county auditor of the county by the retirement board as the cost of the retirement allowances and other benefits accruing and owing to such county employees. The cost to the public of the retirement allowances as herein provided shall be paid from the county revenue fund by the county auditor upon receipt of certification from the retirement board as herein provided, and the county board is authorized to levy and collect such taxes as may be necessary to pay such costs.

[1973 c 650 art. XXI s 21]

245A.22 Reimbursement of counties by state relating to public assistance

To the extent of appropriations available therefor, the department of public welfare shall reimburse counties up to 50 percent of all salary expenses, approved by the commissioner, incurred and paid by the counties, for which no payment or reimbursement is made by the United States or any subdivision thereof, in administering, and salary administrative costs in providing services in connection with, all public assistance programs. No aid under this section shall be paid for salary costs of (a) single-county welfare directors; or (b) fiscal support personnel to the extent involved in the processing of public assistance claims and payments, or their supporting clerical staff; or (c) persons who are not regularly assigned employees of local agencies. Claims for reimbursement for expenditures made by the county shall be presented to the department by the respective counties at least four times per year in such manner as the commissioner shall prescribe. For the purposes of this section, the term "salary" shall include regular compensation not in excess of that paid similarly situated state employees, the employer's cost of health benefits and contributions to the appropriate retirement system, but shall not include travel or other reimbursable expenses. The commissioner shall, pursuant to the administrative procedures act, prior to making any payments, promulgate rules to implement this section.

[1973 c 650 art. XXI s 30]

CHAPTER 246. PUBLIC INSTITUTIONS

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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 correctional institutions administered and managed by the commissioner of corrections, 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 schools and hospitals for the mentally retarded and epileptic, state hospitals for the mentally ill, the Minnesota braille and sightsaving school, the state school for the deaf, and the state hospital for inebriates. 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

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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 such state institutions. 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 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.

For the purpose of carrying out his duties, the commissioner of public welfare shall accept from mentally deficient wards for whom he is specifically appointed guardian a signed application for his consent to the marriage of said ward. Upon receipt of such application he shall promptly conduct such investigation as he deems proper and determine if the contemplated marriage is for the best interest of the ward and the public. A signed copy of the commissioner's determination shall be mailed to the ward and to the clerk of the district court of the county where the application for such marriage license was made.

There is hereby appropriated to such persons or institutions as are entitled to such sums as are provided for in this section, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make such payment.

[1973 c 540 s 3]

246.02 Executive officers

[For text of subds. 1 and 2, see M.S.1971]

Subd. 3 [Repealed 1973, c 540 s 5]

[For text of subd. 4, see M.S.1971]

246.20 [Repealed, 1973 c 400 s 2]

246.43 Sex offenders

Subdivision 1. Conviction of specified offenses; presentence examinations. If a person who is 18 years of age or older at the time of his apprehension is convicted under sections 609.291, 609.292, 609.293, 609.295, 609.296, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by sections 609.291, 609.293, or 609.295, or is convicted of an act otherwise within the scope of one of these provisions occurring prior to its effective date, the court shall commit him to the commissioner of public welfare of the department of public welfare or shall order any other state, local, or private agency that the court may deem adequate to make said examination for a presentence social, physical and mental examination. The court and all public officials shall make available to the examining person, agency or commissioner upon his request all pertinent data in their possession in respect to the case.

[1973 c 725 s 43]

Subd. 2. Conviction of other sex crime; presentence examination. If a person who is 18 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 ex-

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amination 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.

[1973 c 725 s 44]

[For text of subds. 3 to 19, see M.S.1971]

246.50 Care of patients at state hospitals; definitions

[For text of subds. 1 to 4, see M.S.1971]

Subd. 5. "Cost of care" means the commissioner's determination of the anticipated average per capita cost of all maintenance, treatment and expense, including depreciation of buildings and equipment, and indirect costs related to the operation other than that paid from the Minnesota state building fund, at all of the state hospitals for the mentally ill or mentally deficient during the current year for which billing is being made. "Cost of care" for outpatient or day-care patients shall not exceed 50 percent of the total average per capita cost for resident patients as determined by the commissioner of public welfare.

For purposes of this subdivision "resident patient" means a person who occupies a bed while housed in a hospital for observation, care, diagnosis, or treatment.

For purposes of this subdivision "outpatient" or "day-care" patient means a person who makes use of diagnostic or therapeutic service but does not occupy a regular hospital bed.

For the purposes of collecting from the federal government for the care of those patients eligible for medical care under the social security act "cost of care" shall be determined as set forth in the rules and regulations of the Department of Health, Education, and Welfare.

[1973 c 235 s 1]

[For text of subds. 6 to 8, see M.S.1971]

246.51 Payment for care and treatment; determination

The commissioner shall make such investigation as he deems necessary and determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the commissioner finds that the patient is unable to pay the full cost of care he shall make a determination as to the ability of the relatives to pay provided, however, that in no case shall the relatives, unless they reside outside the state, be ordered to pay more for each patient than ten percent of the cost of care but not to exceed \$60 per month but voluntary payments in excess thereof may be accepted by the commissioner. In the case of nonresident parents of children receiving care in state hospitals in Minnesota, the commissioner may require payment of the full per capita cost of caring for such patients. No parent shall be liable for the cost of care given a patient at a state hospital after such patient has reached the age of 18 years. Such determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. All money received shall be paid to the state treasurer and placed in the general fund and a separate account kept thereof. Responsibility under this section shall not apply to those relatives earning less than \$4,000 per year.

[1973 c 35 s 46; 1973 c 138 s 1; 1973 c 235 s 2; 1973 c 725 s 45]