

Public Institutions

CHAPTER 246

DIVISION OF PUBLIC INSTITUTIONS

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246.01 POWERS AND DUTIES VESTED IN BOARD OF CONTROL TRANSFERRED TO DIRECTOR OF PUBLIC INSTITUTIONS. The director of public institutions is hereby specifically constituted the guardian of both the estate and person of all feeble-minded and 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 or persons feeble-minded, epileptic or mentally ill on parole from state institutions, and with reference to the institutions of the state of Minnesota except the state sanatorium for consumptives, are hereby transferred to, vested in, and imposed upon the director of public institutions, and in relation thereto said director is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: The state prison, the state reformatory for men, the state training school for boys, the school for the feeble-minded, state hospitals and asylums for the insane, the Minnesota Braille and sight-saving school, the state school for the deaf, the state public school for dependent children, the state epileptic colony, the state hospital for indigent, crippled, and deformed children, the state hospital for inebriates, the home school for girls, and the state reformatory for women. The director shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in the director. It is intended that there be vested in the director all of the powers, functions, and authority heretofore vested in the state board of control relative to state institutions, except the state sanatorium for consumptives.

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 herein above mentioned.

[1939 c. 431 art. 7 s. 3; 1943 c. 570 s. 2; 1943 c. 612 s. 3] (3199-103)

246.02 INSTITUTION OFFICERS. The director of public institutions shall appoint a chief executive officer for each institution under his exclusive control and may remove him for misconduct, incompetency, or neglect of official duty. No such removal shall be made except upon written charges and opportunity to be heard. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by the director of

public institutions. In case of an apparent conflict between the powers conferred by law upon any executive officer of a state institution and those conferred by this chapter upon the director of public institutions, it shall be conclusively presumed that the power belongs to the latter.

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

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

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

246.04 BOOKS AND ACCOUNTS. The director of public institutions shall keep at his office a proper and complete system of books and accounts with each 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 director of public institutions shall gather, compile, and disseminate information embodying the experience of charitable, reformatory, and penal institutions in this and other countries, regarding the best and most successful methods of caring for the insane, defective, and criminal classes. He shall encourage and urge the scientific investigation of the treatment of insanity and epilepsy by the medical staffs of the insane hospitals and asylums and the school for the feeble-minded; and, from time to time, shall publish bulletins and reports of the scientific and clinical work done in these institutions. He shall provide the forms for statistical returns to be made by the institutions in their annual and other reports. The total annual expenditure under this section shall not exceed \$500.

[R. L. s. 1874] (4414)

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

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

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

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

246.08 INVESTIGATION; WITNESSES; CONTEMPT. As often as once in six months, the director of public institutions shall visit and inspect each institution, and investigate its financial condition and management. He shall have power to summon and compel the attendance of witnesses; to examine them under oath, and order the production of all books, property, and papers material to such investigation. Witnesses other than those in the employ of the state shall receive the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced may tend to criminate the person giving or producing it, or to expose him to public ignominy, shall not excuse him, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any matter or thing concerning which he may be so required to testify or produce

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evidence; provided, that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. The director shall cause the testimony so taken to be transcribed and filed with him as soon as practicable and when so filed it shall be open to public inspection. Every person failing or refusing to obey any order of the director issued under this section, or to give or produce evidence when so requested, shall be reported by the director to the district court and dealt with as for a contempt of court.

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

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

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

246.10 SURGICAL OPERATIONS. When, in the opinion of the superintendent of a state hospital or asylum for the insane or of the school for feeble-minded and colony for epileptics, a surgical operation is necessary to save the life, health, eyesight, hearing, or a limb of any inmate committed thereto, he shall call in consultation some reputable physician in general practice in the city or village where such institution is situated; and, if such consulting physician and superintendent shall certify to the director of public institutions that in their opinion such operation is necessary, as herein provided, the superintendent shall be authorized by and with the written consent of the director of public institutions and under his direction to perform or cause to be performed such surgical operations upon any such inmate as may be necessary and proper for such purpose; provided, that the consent of the proper relatives or guardian cannot be had in season to effect such saving.

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

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

[1948 c. 166 s. 1]

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

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

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

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

246.13 RECORD OF INMATES. The director of public institutions shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, patient, inmate, or convict in the institutions under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. The record shall state every transfer from one

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institution to another, naming each. This information shall be furnished to the director of public institutions by each institution, with such other obtainable facts as he may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person, patient, inmate, or convict, shall cause a true copy of his entrance record to be forwarded to the director of public institutions. When a patient or inmate leaves, is discharged or transferred, or dies in any institution, the chief executive officer, or other person in charge, shall inform the director of public institutions within ten days thereafter on forms by him furnished.

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

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

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

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

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

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

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

246.17 MONEY TO DISCHARGED INMATES. Upon the parole or discharge of any inmate of the state training school for boys situated at Red Wing, Minnesota, or the home school for girls situated at Sauk Centre, Minnesota, the director of public institutions may in his discretion pay to each inmate released an amount of money not exceeding the sum of \$10.00. All such payments shall be made from the current expense fund of the institution.

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

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

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

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

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

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

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

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

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

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

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

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

thereupon proceed in the manner above provided; except that, if deemed impracticable to return such person to the state of his residence, he may so certify and such person shall thereafter be a charge upon the county, town, city, or village in which he has longest resided within the preceding year.

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

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

[1945 c. 228 s. 1]

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

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

246.25 INDIGENT BLIND INFANTS; DUTIES OF DIRECTOR OF PUBLIC INSTITUTIONS. The director of public institutions is hereby authorized and directed to provide at some state institution by law under his control, to be selected by him, for the care, medical treatment, maintenance, and education of indigent blind infants, residents and citizens of the state of Minnesota, under such rules and regulations as he may prescribe.

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

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

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

246.27 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CERTAIN STATE INSTITUTIONS. No new employee shall be given employment in any state institution under the direction of the division of public institutions, department of social security, whether certified for such employment by the state civil service department, or otherwise selected, unless such person presents to the appointing officer of such institution a certificate showing that he has undergone the physical examination hereinafter provided for and has been found to be free of tuberculosis.

[1941 c. 479 s. 1]

246.28 WHAT INCLUDED IN EXAMINATION. Such physical examination shall include an X-ray examination of the lungs and such additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state board of health in cooperation with the division of public institutions. Such examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the division of public institutions in cooperation with the state board of health showing the presence or absence of tuberculosis infection and disease based upon such examination.

[1941 c. 479 s. 2]

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246.29 SUPERINTENDENT TO REPORT ILLNESS. When the superintendent of any state institution under the direction of the division of public institutions learns that any employee of the institution whose duties brought the employee in direct contact with inmates therein who were known to be afflicted with tuberculosis has contracted and become ill from tuberculosis while employed in the institution he shall report such illness to the director of the division of public institutions, who shall in turn report the same to the industrial commission. The industrial commission, upon receiving such report, shall mail to the superintendent of the institution blank forms for a petition to be filled out by the employee claiming the medical and sanatorium treatment and compensation provided for in sections 251.04 and 251.05. The industrial commission shall thereupon set the claim for a hearing and determination in the same manner as claims of other state employees under the workmen's compensation law are heard and determined.

[1941 c. 479 s. 3]

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]