

may seize and retain in his possession any personal property abandoned upon any public way, sidewalk, or other public premises or any property or exhibits entered in evidence in any judicial proceeding as are released by order of the court. The sheriff shall, after holding the property for a period of at least three months, sell the same at public auction giving reasonable public notice of the time and place of such sale in a newspaper of general circulation within the county. The notice shall give a brief description of the articles to be sold and the time and place of sale. The sale shall be made by the sheriff or under his direction. The owner of any such property upon application and satisfactory proof of ownership may recover his property or, within one month of the sale, the net proceeds of the sale of such property. The sheriff shall transfer the net proceeds from the sale of property to the county treasurer to be credited to the general revenue fund and to be deposited as provided by law. The net proceeds shall be the sale price less any costs of handling, storage, or sale.

Subd. 2. When the property seized and retained is a motor vehicle, the sheriff shall, prior to the disposal of such motor vehicle, mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intent to dispose of such motor vehicle. For the purpose of this subdivision the definition of motor vehicle shall be the same as that set forth in section 169.01. The sheriff shall provide for the sale of such motor vehicle to the highest bidder at public auction or sale, following reasonable published notice thereof. No such sale shall be conducted until such motor vehicle has been in possession of the sheriff for a period of not less than thirty days after the mailing of notice to the registered owner, if any, as provided by this subdivision. The net proceeds, as defined in subdivision 1, of any such sale shall be transferred to the county treasurer to be credited to the general revenue fund and to be deposited as provided by law. Any such net proceeds shall be paid over to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six months of the sale.

Approved April 28, 1969.

CHAPTER 204—S. F. No. 758

An act relating to mentally retarded or deficient persons; providing for costs of their care in state institutions; amending Minnesota Statutes 1967, Sections 252.041, Subdivision 5; 252.043; and 252.044; repealing Minnesota Statutes 1967, Section 252.047.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 252.041, Subdivision 5, is amended to read:

Subd. 5. **Mentally retarded or deficient; cost of care.** "Cost of care" means the commissioner's determination of the average per capita cost of all maintenance, treatment and expenses, other than that paid from the Minnesota state building fund, at the state hospitals for the mentally retarded and epileptic at Faribault, Cambridge and Brainerd during the fiscal year previous to the period for which billing is being made.

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.

Sec. 2. Minnesota Statutes 1967, Section 252.043; is amended to read:

252.043 **Order to pay; limitations upon liability.** The commissioner shall issue an order to the patient or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the State of Minnesota the amounts so determined, the total of which shall not exceed the full cost of care. Such order shall specifically state that the commissioner's determinations shall be conclusive unless appealed from as herein provided. In no case shall the relatives be ordered to pay more for each patient than ~~\$10 per month~~ *ten percent* of the cost of care but payments in excess of ~~\$10 per month thereof~~ may be accepted by the commissioner. No relative shall be liable for the cost of care given a patient at a state institution for the mentally deficient or epileptic after such patient has reached the age of 21 years. When a patient or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount with interest.

Sec. 3. Minnesota Statutes 1967, Section 252.044, is amended to read:

252.044 **Liability of estate of deceased patient.** Upon death of a patient or former patient, the total cost of care from the effective date of Extra Session Laws 1961, Chapter 62, regardless of the amount the patient was ordered to pay, less the amount actually paid toward the cost of care by the patient or his relatives, shall be allowed as a claim against the estate of such patient or former patient

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by the court having jurisdiction to probate the estate. All proceeds collected by the state in such case shall be divided between the state and county in proportion to the cost of care each has borne. *Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient or former patient shall not apply to any claim against an estate made hereunder to recover cost of care.*

There is appropriated from the general revenue fund, or from the fund or account in the state treasury to which the money was credited, to the counties as provided by this section, an amount sufficient to make the necessary payments as are provided herein.

Sec. 4. *Minnesota Statutes 1967, Section 252.047, is repealed.*

Approved April 28, 1969.

CHAPTER 205—S. F. No. 736

An act relating to mentally ill persons; providing for costs of their care in state institutions; amending Minnesota Statutes 1967, Sections 246.50, Subdivision 5; and 246.53.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 246.50, Subdivision 5, is amended to read:

Subd. 5. **Mentally ill; cost of care.** "Cost of care" means the commissioner's determination of the average per capita cost of all maintenance, treatment and expense; other than that paid from the Minnesota state building fund, at all of the state hospitals for the mentally ill during the fiscal year previous to the period 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 se-

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