

Public Institutions

CHAPTER 246

DIVISION OF PUBLIC INSTITUTIONS

246.01 POWERS AND DUTIES VESTED IN BOARD OF CONTROL; TRANSFERRED TO DIRECTOR OF PUBLIC INSTITUTIONS.

HISTORY. 1853 c. 12 s. 5; 1857 c. 45 s. 1; 1858 c. 34 ss. 1, 22 to 26; P.S. 1858 c. 119 ss. 38, 59 to 63; 1863 c. 6 ss. 21 to 25; G.S. 1866 c. 120 ss. 45 to 49; G.S. 1878 c. 120 ss. 47 to 49, 51, 52; 1885 c. 146 s. 9; 1887 c. 205 ss. 1, 2, 4, 9; 1887 c. 208 s. 2; 1889 c. 254 ss. 9, 23, 24; 1893 c. 5 s. 3; 1897 c. 210 ss. 1, 2; 1901 c. 122 ss. 4, 5; 1903 c. 316 ss. 1, 3; 1903 c. 335; R.L. 1905 ss. 1861, 1927; G.S. 1913 ss. 4004, 4134; 1917 c. 343 s. 1; G.S. 1923 ss. 4401, 4543; M.S. 1927 ss. 4401, 4543; 1939 c. 431 art. 7 s. 3; M. Supp. s. 3199-103; 1943 c. 570 s. 2; 1943 c. 612 s. 3.

Laws 1943, Chapter 570, Section 2 and Laws 1943, Chapter 612, Section 3, not being inconsistent were both incorporated into section 246.01.

In a proceeding to restore an alleged insane person to capacity, if the patient is an inmate of the hospital notice must be given to the director of public institutions, and if the party concerned is not an inmate service must be on both the director of public institutions and the director of social welfare. 1940 OAG 29, May 9, 1940 (246b-8).

Persons may be released from custody, but remain nevertheless under state guardianship until discharged by the probate court, so that they may be transferred without a second commitment. OAG March 13, 1944 (679g).

Persons who are feeble-minded and in the care of the director of public institutions may not be placed in any reformatory or prison. OAG Jan. 16, 1945 (88a-26).

Where under order of the probate court war savings bonds of a feeble-minded person are placed in hands of director of public institutions, the director has no authority to sell them without first obtaining an order of sale. OAG March 8, 1945 (679h).

246.02 INSTITUTION OFFICERS.

HISTORY. 1853 c. 12 ss. 5, 30; Ex. 1857 c. 45 s. 1; 1858 c. 34 s. 6; 1858 c. 71 s. 2; P.S. 1858 c. 119 s. 43; 1866 c. 6 ss. 4, 5, 11; G.S. 1866 c. 120 ss. 28, 29; 1868 c. 18 ss. 1, 4; G.S. 1878 c. 35 s. 15; G.S. 1878 c. 120 ss. 28, 29; 1885 c. 146 s. 10; 1887 c. 205 s. 5; 1887 c. 208 s. 3; 1889 c. 254 s. 5; 1897 c. 210 s. 2; 1901 c. 122 s. 6; R.L. 1905 s. 1865; G.S. 1913 s. 4008; G.S. 1923 s. 4405; M.S. 1927 s. 4405.

The superintendent of the state reformatory acts in a ministerial capacity, and must accept a prisoner sent to him though sentenced by the court contrary to law. 1934 OAG 678, Feb. 6, 1933 (341K-2).

246.03 OFFICIAL BONDS.

HISTORY. 1853 c. 12 ss. 6, 17; 1858 c. 34 s. 21; P.S. 1858 c. 119 s. 58; 1863 c. 6 s. 19; 1864 c. 71 s. 8; 1866 c. 6 s. 13; G.S. 1866 c. 35 s. 23; G.S. 1866 c. 120 s. 43; 1868 c. 18 s. 6; G.S. 1878 c. 35 s. 17; G.S. 1878 c. 120 s. 45; 1887 c. 208 s. 8; 1889 c. 254 s. 8; 1893 c. 5 s. 12; G.S. 1894 s. 3458; 1901 c. 122 s. 9; 1905 c. 199; R.L. 1905 s. 1868; G.S. 1913 s. 4011; G.S. 1923 s. 4408; M.S. 1927 s. 4408.

246.04 BOOKS AND ACCOUNTS.

HISTORY. 1858 c. 34 s. 27; P.S. 1858 c. 119 s. 64; 1866 c. 6 s. 13; 1889 c. 254 s. 11; 1901 c. 122 s. 13; R.L. 1905 s. 1872; G.S. 1913 s. 4015; G.S. 1923 s. 4412; M.S. 1927 s. 4412.

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DIVISION OF PUBLIC INSTITUTIONS 246.11

246.05 DISSEMINATION OF INFORMATION.

HISTORY. 1901 c. 122 s. 15; R.L. 1905 s. 1874; G.S. 1913 s. 4017; G.S. 1923 s. 4414; M.S. 1927 s. 4414.

Scale of mental tests developed from statistical work done at expense of the state belongs to the public and the board of control (director of public institutions) cannot enter into a contract with a publisher providing for the sale of books and payment of royalty to the state. OAG March 28, 1938 (88a-10).

246.06 REPORTS.

HISTORY. 1858 c. 34 ss. 28, 29; 1858 c. 71 s. 13; P.S. 1858 c. 23 s. 56; P.S. 1858 c. 119 ss. 65, 66; 1866 c. 6 ss. 26, 29 to 31; 1866 c. 7 s. 10; G.S. 1866 c. 35 s. 26; G.S. 1866 c. 120 ss. 53 to 55; 1868 c. 18 s. 15; 1870 c. 7 s. 7; G.S. 1878 c. 35 s. 29; G.S. 1878 c. 120 ss. 56 to 58; 1883 c. 127 s. 4; 1885 c. 35 s. 2; 1885 c. 146 s. 19; 1887 c. 205 s. 10; 1887 c. 208 s. 6; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 s. 201; 1889 c. 167 s. 10; 1889 c. 254 ss. 4, 9; 1889 c. 255 s. 14; 1889 c. 259 s. 1; 1893 c. 5 s. 8; G.S. 1894 ss. 3454, 3520; 1897 c. 210 s. 18; 1901 c. 122 ss. 16, 17, 39; R.L. 1905 ss. 1875, 1894, 1951; 1907 c. 441 s. 3; G.S. 1913 ss. 4018, 4042, 4141; G.S. 1923 ss. 4415, 4443, 4608; 1925 c. 426 art. 18 s. 2; M.S. 1927 ss. 53-45, 4415, 4443, 4608.

246.07 DAILY RECORDS.

HISTORY. 1889 c. 254 s. 9; 1901 c. 122 s. 17; R.L. 1905 s. 1876; G.S. 1913 s. 4019; G.S. 1923 s. 4416; M.S. 1927 s. 4416.

246.08 INVESTIGATION; WITNESSES; CONTEMPT.

HISTORY. 1853 c. 12 ss. 8, 9, 12; 1858 c. 34 ss. 11, 12; P.S. 1858 c. 119 ss. 48, 49; 1863 c. 6 ss. 8 to 10; G.S. 1866 c. 120-ss. 32 to 34; G.S. 1878 c. 120 ss. 32 to 34; 1883 c. 127 s. 2; 1887 c. 93 s. 1; 1889 c. 254 s. 8; 1901 c. 122 s. 20; R.L. 1905 s. 1877; G.S. 1913 c. 4020; G.S. 1923 s. 4417; M.S. 1927 s. 4417.

246.09 VISITS TO HOSPITALS AND ASYLUMS FOR INSANE.

HISTORY. 1858 c. 34 s. 40; P.S. 1858 c. 119 s. 77; 1901 c. 122 s. 21; R.L. 1905 s. 1878; G.S. 1913 s. 4021; G.S. 1923 s. 4418; M.S. 1927 s. 4418.

246.10 SURGICAL OPERATIONS.

HISTORY. 1907 c. 145 s. 1; G.S. 1913 s. 4024; G.S. 1923 s. 4421; M.S. 1927 s. 4421.

Operations on inmates for insane, feeble-minded, or epileptic can be performed only in emergency to save life, eyesight, hearing, or limb, provided consent of parent or guardian cannot be had; but when a ward is of age and of sufficient understanding the operation may be performed with his consent. OAG Jan. 22, 1932.

246.101 DISCHARGE OF EPILEPTIC INMATES FROM STATE INSTITUTIONS.

HISTORY. 1943 c. 166 s. 1.

246.103 DISCHARGE OF EPILEPTIC INMATES.

HISTORY. 1943 c. 166 s. 1.

246.11 INSPECTION.

HISTORY. 1863 c. 6 s. 12; G.S. 1866 s. 120 s. 36; G.S. 1878 c. 120 s. 6; 1889 c. 254 s. 4; 1901 c. 122 s. 22; R.L. 1905 s. 1879; G.S. 1913 s. 4026; G.S. 1923 s. 4423; M.S. 1927 s. 4423.

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246.12 BIENNIAL ESTIMATES; SUGGESTIONS FOR LEGISLATION.

HISTORY. 1889 c. 254 s. 4; 1901 c. 122 ss. 27, 28; R.L. 1905 s. 1883; G.S. 1913 s. 4030; G.S. 1923 s. 4427; M.S. 1927 s. 4427.

246.13 RECORD OF INMATES.

HISTORY. 1887 c. 208 ss. 15, 21; 1889 c. 254 ss. 4, 9; 1889 c. 256 s. 2; 1901 c. 122 s. 33; R.L. 1905 s. 1889; G.S. 1913 s. 4036; G.S. 1923 s. 4437; M.S. 1927 s. 4437.

The board of control (director of public institutions) may consent to give information to the department of justice. OAG Nov. 23, 1937 (851b).

246.14 TRANSFERS; QUESTIONABLE COMMITMENTS.

HISTORY. 1887 c. 208 s. 14; 1889 c. 256 s. 1; 1901 c. 122 s. 35; R.L. 1905 s. 1890; G.S. 1913 s. 4037; G.S. 1923 s. 4438; M.S. 1927 s. 4438.

Feeble-minded person may not be transferred to insane asylum unless it is an "appropriate institution" for such purpose, and so determined by expert and professional advice. 1918 OAG 423, Jan. 3, 1918.

An epileptic out of custody and on parole may be transferred to the state hospital for the insane on the old commitment and without a further hearing before the probate court. OAG March 10, 1944 (679e).

246.15 MONEY OF INMATES.

HISTORY. 1853 c. 12 s. 26; 1858 c. 34 s. 37; P.S. 1858 c. 119 s. 74; 1863 c. 6 ss. 28, 37; G.S. 1866 c. 120 ss. 52, 60; 1874 c. 17 ss. 1, 9; G.S. 1878 c. 120 ss. 55, 63, 86, 94; 1889 c. 254 ss. 9, 10; 1901 c. 122 ss. 36, 37; R.L. 1905 s. 1891; 1907 c. 280 s. 1; G.S. 1913 s. 4038; G.S. 1923 s. 4439; M.S. 1927 s. 4439.

A pass-book of an inmate is not "money" within the meaning of this section. OAG May 4, 1933.

246.16 UNCLAIMED MONEY OF INMATES.

HISTORY. 1874 c. 14 s. 4; G.S. 1878 c. 120 s. 89; 1889 c. 254 s. 9; 1905 c. 199 s. 1; G.S. 1913 s. 4039; G.S. 1923 s. 4440; M.S. 1927 s. 4440.

A check is not money within the meaning of this section. OAG Jan. 5, 1938 (349h).

246.17 MONEY TO DISCHARGED INMATES.

HISTORY. 1937 c. 110 s. 1; 1939 c. 27; M. Supp. s. 4440-1.

246.18 DISPOSAL OF FUNDS.

HISTORY. 1901 c. 122 s. 37; R.L. 1905 s. 1892; G.S. 1913 s. 4040; G.S. 1923 s. 4441; M.S. 1927 s. 4441.

246.19 PROTECTION AGAINST FIRE.

HISTORY. 1901 c. 122 s. 38; R.L. 1905 s. 1893; G.S. 1913 s. 4041; G.S. 1923 s. 4442; M.S. 1927 s. 4442.

246.20 EMPLOYEES FORBIDDEN TO ACCEPT GIFTS; PENALTY.

HISTORY. 1889 c. 254 s. 22; 1901 c. 122 s. 40; R.L. 1905 s. 1895; G.S. 1913 s. 4043; G.S. 1923 s. 4444; M.S. 1927 s. 4444.

246.21 CONTINGENT FUND.

HISTORY. 1901 c. 122 s. 41; R.L. 1905 s. 1896; 1909 c. 74 s. 1; G.S. 1913 s. 4044; G.S. 1923 s. 4445; M.S. 1927 s. 4445.

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246.22 BLANKS AND FORMS.

HISTORY. 1901 c. 122 s. 42; R.L. 1905 s. 1897; G.S. 1913 s. 4045; G.S. 1923 s. 4446; M.S. 1927 s. 4446.

246.23 PERSONS ADMISSIBLE TO INSTITUTIONS.

HISTORY. 1897 c. 291 ss. 1, 3 to 8; R.L. 1905 s. 1898; G.S. 1913 s. 4046; G.S. 1923 s. 4447; M.S. 1927 s. 4447.

Settlement of illegitimate child living with and supported by its grandparents followed that of the grandparents and was lost where the grandparents and child moved out of the state without intent to return and remained for more than one year. OAG Sept. 27, 1937 (339j).

The right to commit an insane person to a hospital for the insane is determined at the place of settlement, not the domicile or place of residence. OAG March 5, 1945 (248b-7).

Commitments. 20 MLR 345.

246.234 RECIPROCAL EXCHANGE OF INSANE PERSONS.

HISTORY. 1945 c. 228 s. 1.

246.24 COMPROMISE OF CLAIMS.

HISTORY. 1903 c. 308; R.L. 1905 s. 1900; G.S. 1913 s. 4048; G.S. 1923 s. 4449; M.S. 1927 s. 4449.

246.25 INDIGENT BLIND INFANTS; DUTIES OF DIRECTOR OF PUBLIC INSTITUTIONS.

HISTORY. 1913 c. 284 s. 1; G.S. 1913 s. 4051; G.S. 1923 s. 4451; M.S. 1927 s. 4451.

Hospital expenses of inmates of schools for blind and deaf entered at the University Hospital are charges against the appropriations of such schools; if hospital care is given elsewhere, the charge is against the municipality of legal settlement. OAG April 8, 1932.

246.26 RELIGIOUS INSTRUCTION.

HISTORY. 1874 c. 46 ss. 1 to 3; G.S. 1878 c. 35 ss. 54 to 56; 1889 c. 254 s. 14; G.S. 1894 ss. 3633 to 3635; R.L. 1905 s. 1903; G.S. 1913 s. 4052; G.S. 1923 s. 4452; M.S. 1927 s. 4452.

246.27 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CERTAIN STATE INSTITUTIONS.

HISTORY. 1941 c. 479 s. 1.

By accepting a legislative award for tuberculosis contracted under state service (Laws 1941, Chapter 537, Section 85), relator is barred from claiming compensation under Section 246.27. *Wolner v State Dep't*, 213 M 96, 5 NW(2d) 67.

246.28 WHAT INCLUDED IN EXAMINATION.

HISTORY. 1941 c. 479 s. 2.

246.29 SUPERINTENDENT TO REPORT ILLNESS.

HISTORY. 1941 c. 479 s. 3.

246.30 DEFERRED BUILDING ACCOUNT.

HISTORY. 1945 c. 593 s. 1.