

PUBLIC INSTITUTIONS

CHAPTER 246

DIVISION OF PUBLIC INSTITUTIONS

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

Amended by L. 1947 c. 211 s. 1.

While the director of public institutions has the power of administration and management, he is without power to change the character or purposes of reformatories or prisons. OAG Jan. 16, 1945 (88-A-26).

No authority has been granted to the director to transfer a sanitary sewer to the city of Owatonna. OAG Dec. 12, 1945 (89).

Neither the director of public institutions nor the board of parole is authorized by law to pay hospitalization expense of parolee. The parolee is primarily liable and if unable to pay the hospital or physician may seek compensation under the poor laws. OAG Oct. 25, 1946 (91-H).

246.02 INSTITUTION OFFICERS.

There is no statutory authority authorizing the executive officer of the respective state institutions to charge or collect fees for certifying to the courts the mental condition of inmates, or other information acquired in the course of their official duties. OAG Nov. 4, 1946 (196-S).

246.101 DISCHARGE OF EPILEPTIC INMATES FROM STATE INSTITUTIONS.

Release of an inmate on parole is not a discharge. The conditions prescribed by statute must have taken place in order to constitute a discharge. OAG July 13, 1943 (88-A-14).

246.14 TRANSFERS; QUESTIONABLE COMMITMENTS.

A child born to a prisoner at women's state reformatory is within the control of the director of social welfare and neither the director of public institutions nor the superintendent of the reformatory are empowered to place the child in a private boarding home except at the direction of the director of social welfare. OAG July 13, 1940 (88-A-8).

The director of public institutions may transfer an epileptic patient from the colony to which he was committed to the state hospital for the insane, or other public hospital better adapted to care for the patient's needs. OAG March 10, 1944 (248-A-7).

246.15 MONEY OF INMATES.

When an inmate of a state institution dies, or leaves, and his address is unknown, sections 246.15 and 246.16 outline the disposition of money; but if he leaves property other than money, application must be made to the probate court; or if claims are filed, proceed under section 526.01. OAG Aug. 1, 1946 (88-a-27f).

Occupational therapy consists of handicraft work done by inmates, and under L. 1945, c. 575, s. 19, the interest of each inmate in the proceeds of the sale of the articles produced should first be separated and credited to the social welfare fund

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for the benefit of the inmate and the balance carried in the diversified labor fund. OAG Feb. 19, 1947 (88-a-9).

246.23 PERSONS ADMISSIBLE TO INSTITUTIONS.

If the braille and sight-saving school at Faribault has the necessary space and facilities, the director of public institutions may, in exercise of his discretion, permit the admission to the school of a child whose settlement was in South Dakota. OAG March 26, 1946 (482-A).

A county welfare worker drawing stated compensation is not entitled to additional compensation when attending patient being transported to a hospital for the insane. OAG April 24, 1945 (125-A-64).

Guardianships and commitment under the probate code. 20 MLR 333, 345.

246.27 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CERTAIN STATE INSTITUTIONS.

Where a nurse disabled by reason of contracting tuberculosis while employed at a state hospital, accepted the appropriation made in L. 1941, c. 537, s. 85, she is barred from also claiming compensation under L. 1941, c. 479; but the award of the industrial commission is without prejudice to an application to the commission to amend its order so that the nurse may receive the \$960 appropriated, but no more. *Wolner v State*, 213 M 96, 5 NW(2d) 67.

246.29 SUPERINTENDENT TO REPORT ILLNESS.

Repealed by L. 1947 c. 616 s. 5.

246.31 ALLOCATION OF MONEYS IN DEFERRED BUILDING ACCOUNT.

History. 1947 c. 534 s. 1.

L. 1947, c. 534, s. 4, in no way abrogates the provisions of sections 526.01 to section 526.07. The collection of the \$10.00 per month from the county is mandatory. OAG July 3, 1947 (248).

Sections 246.31 and 525.75, as amended by L. 1947, cc. 534, 622, are to be construed together, and when the county committing a person from a state institution to a place of commitment pays the \$10 per month maintenance fee, it has recourse against certain persons. OAG July 3, 1947 (248).

246.32 LIVE STOCK CONTINGENCY FUND.

HISTORY. 1947 c. 315 s. 1.