

Sec. 2. Minnesota Statutes 1965, Section 250.02, is amended to read:

250.02 Control and management; treatment of children. The state hospital for ~~indigent~~, crippled and deformed children shall be under the control and management of the commissioner of public welfare and he is hereby authorized and empowered to make provision for the care and treatment in such hospital of ~~indigent children who may have resided within~~ *reside in* the state for ~~not less than one year~~, who are crippled or deformed, or who are suffering from disease through which they are likely to become crippled or deformed, and to make the necessary contracts for the maintenance and care of such children in this hospital.

If a child, according to the rules and regulation of the commissioner of public welfare, is otherwise deemed indigent, he shall be entitled to care and treatment notwithstanding the existence of a policy of insurance covering either partially or totally the cost of such care and treatment provided by the commissioner in the Gillette State Hospital or other facility, but the commissioner shall require as a condition of admission that any amounts of money received by any person or by the Gillette State Hospital under such insurance policy but not in excess of the actual cost of caring for and treating the child, be paid over to the state treasurer and placed in the general revenue fund.

The Gillette state hospital shall seek reimbursement or actual costs of care and treatment provided, from parents to the extent of their ability to pay, from insurance policies covering care and treatment, and from other sources, including any federally financed medical aids for which the child is eligible. Payments received for such care and treatment shall be paid to the state treasurer and deposited in the general revenue fund.

Approved May 22, 1967.

CHAPTER 640—H. F. No. 1405

An act relating to the competency of witnesses in judicial proceedings; amending Minnesota Statutes 1965, Section 595.02.

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

Section 1. Minnesota Statutes 1965, Section 595.02, is amended to read:

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

595.02 Witnesses; dentists; competency of witnesses. Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to an action or proceeding for abandonment and neglect of the wife or children by the husband;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of such attorney be examined as to such communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of such person;

(4) A licensed physician or surgeon, *or dentist* shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of such patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of such deceased person for the purpose of waiving the privilege hereinbefore created. and no oral or written waiver of the privilege hereinbefore created shall have any binding force or effect except that the same be made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

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

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses.

Approved May 22, 1967.

CHAPTER 641—H. F. No. 1434

An act relating to the public employees retirement association; amending Minnesota Statutes 1965, Section 353.03, Subdivision 4.

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

Section 1. Minnesota Statutes 1965, Section 353.03, Subdivision 4, is amended to read:

Subd. 4. **P.E.R.A.; board of trustees; offices.** *The legal custodian of public buildings within the state shall as soon as practicable make provision for suitable office space in the state capitol or other state office buildings for the use of the board of trustees and its secretary. The commissioner of administration shall make provision for suitable office space in the state capitol or other state office buildings, or at such other location in St. Paul as he shall determine for the use of the board of trustees and its secretary. The commissioner shall give the board at least four months notice for any proposed removal from their present location. Any and all rental charges shall be paid by the trustees from the public employees retirement fund.*

Approved May 22, 1967.

CHAPTER 642—H. F. No. 1469

[Not Coded]

An act relating to Special School District No. 3, Duluth; amending Laws 1957, Chapter 651, Section 1.

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

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