

## CHAPTER 262

## COUNTY SYSTEM

**262.01 COUNTY BOARD SUPERVISORS OF THE POOR; OVERSEER OF POOR MAY GRANT RELIEF; COUNTY POOR RELIEF AGENT; POORHOUSES.**

**HISTORY.** 1849 c. 60 ss. 2, 10; R.S. 1851 c. 16 ss. 2, 10; P.S. 1858 c. 15 ss. 1, 9; 1864 c. 16 ss. 3, 4; G.S. 1866 c. 15 ss. 5, 6; G.S. 1878 c. 15 ss. 5, 6; 1883 c. 36 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 15 s. 6; 1893 c. 178 s. 2; G.S. 1894 ss. 1955, 1956; R.L. 1905 s. 1492; G.S. 1913 s. 3075; G.S. 1923 s. 3165; M.S. 1927 s. 3165; 1933 c. 198; Ex. 1933 c. 10 s. 1; M. Supp. s. 3165.

The fact that a poor person received county aid while living in a certain town, and the fact that such aid was paid him by direction of the county commissioner of the district in which the town was located, does not estop that town from denying such poor person's settlement therein when the county votes to change from the county to the town system of poor relief. *City of Moorhead v Town of Flowing*, 184 M 509, 239 NW 217.

County may enter into a contract for the care and support of its poor. OAG Dec. 22, 1931.

County operating under county system of poor relief may purchase wood lots for the purpose of furnishing employment to needy persons in clearing land, etc., if the county feels that to do so serves the best interests of the county in furnishing poor relief. OAG Feb. 5, 1935.

County board may abolish poor farm and lease or sell it but in so doing must comply with the provisions of sections 373.01, 373.02, and 375.13. OAG Feb. 18, 1936.

County may hire rock crushing outfit for the purpose of furnishing work to needy persons and may sell lime derived from such operation at cost. OAG Dec. 4, 1936.

County board may furnish relief on a county work project in lieu of direct relief to persons physically able to work. OAG Dec. 21, 1926.

County home and poor farm should be maintained and operated by county welfare board in counties operating under the county system. OAG Nov. 5, 1937.

Expenditures by county welfare board of Ramsey county. Use of funds raised by a bond issue. 1942 OAG 126, Sept. 17, 1941 (37B-6).

The county board may establish poorhouses but may not purchase real estate to be used as a home for persons receiving general relief. OAG Jan. 31, 1945 (125a-64).

**262.02 LIMITATIONS APPLYING TO MEMBERS OF BOARD.**

**HISTORY.** 1864 c. 16 s. 3; G.S. 1866 c. 15 c. 5; G.S. 1878 c. 15 s. 5; 1893 c. 178 s. 2; G.S. 1894 c. 1955; R.L. 1905 s. 1493; G.S. 1913 s. 3076; G.S. 1923 s. 3166; M.S. 1927 s. 3166.

**262.03 OVERSEER OF POOR MAY BE APPOINTED IN CERTAIN COUNTIES.**

**HISTORY.** 1864 c. 16 ss. 5, 6; G.S. 1866 c. 15 ss. 7, 8; G.S. 1878 c. 15 ss. 7, 8; G.S. 1894 ss. 1957, 1958; R.L. 1905 s. 1494; G.S. 1913 s. 3077; G.S. 1923 s. 3167; M.S. 1927 s. 3167; 1933 c. 19; M. Supp. s. 3167.

**262.04 POWERS AND DUTIES OF OVERSEER.**

**HISTORY.** 1864 c. 16 s. 7; G.S. 1866 c. 15 s. 9; G.S. 1878 c. 15 s. 9; G.S. 1894 s. 1959; R.L. 1905 s. 1495; G.S. 1913 s. 3078; G.S. 1923 s. 3168; M.S. 1927 s. 3168.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 262.05 RELIEF OF THE POOR; COUNTY SYSTEM

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### 262.05 COMMITMENT TO POORHOUSE BY COUNTY BOARD.

HISTORY. 1864 c. 16 s. 9; G.S. 1866 c. 15 s. 11; G.S. 1878 c. 15 s. 11; G.S. 1894 s. 1961; R.L. 1905 s. 1496; G.S. 1913 s. 3079; G.S. 1923 s. 3169; M.S. 1927 s. 3169.

### 262.06 COMMITMENT BY MEMBER.

HISTORY. 1864 c. 16 s. 10; G.S. 1866 c. 15 s. 12; 1877 c. 13 s. 1; G.S. 1878 c. 15 s. 12; 1885 c. 263 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 15 s. 12; 1893 c. 178 s. 3; G.S. 1894 s. 1962; 1901 c. 45; R.L. 1905 s. 1497; 1907 c. 360; 1909 c. 290 s. 1; G.S. 1913 c. 3080; G.S. 1923 s. 3170; M.S. 1927 s. 3170.

### 262.07 TEMPORARY RELIEF.

HISTORY. 1877 c. 13 s. 1; G.S. 1878 c. 15 s. 12; 1885 c. 263 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 15 s. 12; 1893 c. 178 s. 3; G.S. 1894 s. 1962; 1901 c. 45; R. L. 1905 s. 1498; 1907 c. 360; 1909 c. 290 s. 1; G.S. 1913 s. 3081; G.S. 1923 s. 3171; M.S. 1927 s. 3171.

This section is limited to counties having a poorhouse and an overseer of the poor and to cases in which only temporary and limited relief is required; and where it appears that it is for the best interests of the county to grant temporary relief rather than caring for the family in the poorhouse. OAG Aug. 16, 1935.

County may furnish relief to one who is not legally settled within the county. OAG Oct. 15, 1937.

Maximum relief of \$200.00 may be granted to each of several members of a family. OAG May 1, 1925.

Under this section the county may legally pay expenses of transportation of paupers to the state where they have a legal settlement. The county cannot enforce reimbursement from the state of the pauper's residence or from the state of Minnesota; neither has the director of social welfare any authority to take charge of the family. OAG Dec. 22, 1927.

Counties have no authority to purchase supplies by wholesale and deliver same to poor. OAG Oct. 16, 1933.

Fact that applicant for relief owns homestead clear from all encumbrances, does not preclude applicant from receiving poor relief, but is matter to be considered as affecting amount of or necessity for relief. OAG June 21, 1922.

A person who lost his settlement by voluntary removal from the state returned many years later, was properly given care even though he had lost his rights for poor purposes. OAG July 21, 1944 (339j).

### 262.08 RELIEF AGENT MAY BE EMPLOYED IN CERTAIN COUNTIES.

HISTORY. 1933 c. 6 s. 1; M. Supp. s. 3171-1.

### 262.09 DUTIES; REPORTS; TERM.

HISTORY. 1933 c. 6 ss. 2, 3; M. Supp. ss. 3171-2, 3171-3.

### 262.10 CONVEYANCE OF POOR PERSONS.

HISTORY. 1864 c. 16 s. 11; G.S. 1866 c. 15 s. 13; G.S. 1878 c. 15 s. 13; G.S. 1894 s. 1963; R.L. 1905 s. 1499; G.S. 1913 s. 3082; G.S. 1923 s. 3172; M.S. 1927 s. 3172.

Authority of sheriff to forcibly remove a poor person from a house to the county poorhouse is a county matter and the attorney general will not pass thereon on application of city attorney. OAG Feb. 6, 1935.

### 262.11 SETTLEMENT IN ANOTHER COUNTY.

HISTORY. 1864 c. 16 ss. 12, 13; G.S. 1866 c. 15 ss. 14, 15; G.S. 1878 c. 15 ss. 14, 15; G.S. 1894 ss. 1964, 1965; R.L. 1905 s. 1500; G.S. 1913 s. 3083; G.S. 1923 s. 3173; M.S. 1927 s. 3173.

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RELIEF OF THE POOR; COUNTY SYSTEM 262.11

Where one received aid from county in which he had not resided for a year (two years) county in which he did have legal settlement owed duty to reimburse the county giving aid. In re Settlement of Johnson, 189 M 161, 248 NW 710.

Where there is no dispute as to the settlement of a pauper or the right to remove him, proceedings under section 262.07 must be dismissed. Settlement of Robinette, 211 M 224, 300 NW 798.

An order of the district court in proceedings to determine dispute between political subdivisions, which recites the fact of the dispute and service of notice of hearing on the pauper, is regular on its face. Robinette v Price, 214 M 522, 8 NW(2d) 800.

Where a poor person has a settlement in one county and moves into another and four months later the second county renders necessary emergency medical treatment, it may recover the cost from the county of the poor person's settlement and the claim will not outlaw for six years. OAG Sept. 26, 1931.

Taking a wounded person to a general hospital does not amount to an application for aid so as to constitute patient a pauper. OAG Jan. 9, 1934.

A poor person is free to move wherever he chooses and the right of removal to his place of settlement does not arise until he makes application for poor relief. OAG Jan. 11, 1934; OAG April 16, 1935.

In a controversy between political subdivisions as to place of settlement, a poor person may not be removed from the subdivision where he is residing pending an appeal to the district court or the supreme court. OAG Oct. 18, 1935.

One living upon a freehold estate, whether legal or equitable, in a county in which he does not have a settlement, and who applies for relief therein, cannot be removed to the county of his settlement. OAG Feb. 8, 1936; OAG June 20, 1938.

A poor person may not be removed until there has been a determination of his place of settlement. OAG April 7, 1937.

Where pauper was removed to the county of settlement and then returned to the county from which removed, that county has no right to remove him again until he makes another application for relief. OAG July 7, 1937.

Where a resident of another state is brought into county for hospitalization, and county in other state pays expenses for a time and then disclaims further responsibility, there is no statutory method for removing such person to the state of his settlement, and no statutory method for paying his transportation to the other state, even if he voluntarily departs, but such expenses have been frequently paid and the propriety thereof has not been seriously questioned where the other state signified a willingness to assume responsibility for future care. OAG Oct. 15, 1937.

After place of settlement has been determined the poor person must be removed within a reasonable time. Otherwise if he becomes self-supporting, he may not be removed until he again makes application for relief. OAG Dec. 15, 1937.

A pauper may not be removed from county while receiving relief from another county. OAG April 18, 1938.

After place of settlement has been determined under section 261.08, the proper procedure to remove person is that provided by this section. OAG May 12, 1938.

Poor persons may be forcibly removed to another county in the state but cannot be removed against their will to another state, even though that state is willing to receive them. OAG Feb. 9, 1939; OAG Feb. 28, 1939.

Poor family may not be ordered removed from county prior to making application for relief. OAG June 1, 1932; OAG June 13, 1932.

Order of chairman of board is sufficient authority to sheriff to convey pauper to his place of settlement even though he resists. OAG Aug. 3, 1932.

Local authorities have no power to remove paupers against their will to another state. OAG June 17, 1933.

Where a person moves permanently to another state, and later becomes insane, and is committed to a hospital, the county of his former settlement in Minnesota is in no way financially liable. OAG June 7, 1944 (248b-7).

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 262.12 RELIEF OF THE POOR; COUNTY SYSTEM

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### 262.12 COUNTY BOARD TO APPOINT PHYSICIAN.

**HISTORY.** 1864 c. 16 s. 15; G.S. 1866 c. 15 s. 16; G.S. 1878 c. 15 s. 16; G.S. 1894 s. 1966; 1899 c. 172; R.L. 1905 s. 1501; G.S. 1913 s. 3084; G.S. 1923 s. 3174; M.S. 1927 ss. 3174.

In emergency cases, a county operating under the county system of poor relief is responsible for expenses incurred by another county in furnishing medical and hospital services for an indigent person with settlement in the former county, even though such indigent person made no application for relief until subsequent to the furnishing of such services. Re Larson, 215 M 601, 11 NW(2d) 145.

A county health officer receiving no remuneration of any kind is not a county officer and may receive compensation from the county for operations upon poor relief patients and for their hospitalization in a hospital owned by him. County physician is a county officer and a hospital in which he owns an interest is not entitled to contract with the county or charge for services. OAG April 16, 1935.

County is liable for the reasonable value of services rendered by a hospital to an indigent person in an emergency requiring prompt and immediate attention. OAG May 15, 1935.

County board may employ a physician for the poor without letting the work upon bids (and he may be compensated from time to time for his services) but cannot contract for a definite term at a definite salary. OAG Nov. 29, 1935.

County physicians are to be appointed by the board of county commissioners and not by the county welfare board; if more than one physician is appointed, the order of appointment should prescribe the district in which each physician is to act. OAG Oct. 12, 1937; OAG Nov. 22, 1937.

Where pauper contracts a contagious disease and is furnished medical and nursing care, that portion of the services rendered by a nurse or physician which inures solely to the benefit of the patient may be paid from county poor funds; that portion of the services which is reasonably necessary to the control of a communicable disease, and for the protection of the public from contagion, as provided in section 145.05, should be paid for in accordance with the provisions of section 145.06 by the town, city, or village in which the afflicted person is located. OAG Feb. 29, 1940.

### 262.13 MINORS, HOW PROVIDED FOR.

**HISTORY.** 1864 c. 16 s. 15; G.S. 1866 c. 15 s. 16; G.S. 1878 c. 15 s. 16; G.S. 1894 s. 1966; R.L. 1905 s. 1502; G.S. 1913 s. 3085; G.S. 1923 s. 3175; M.S. 1927 s. 3175.

### 262.14 BURIAL AT EXPENSE OF COUNTY.

**HISTORY.** 1864 c. 16 s. 16; G.S. 1866 c. 15 s. 17; G.S. 1878 c. 15 s. 17; G.S. 1894 s. 1967; R.L. 1905 s. 1503; G.S. 1913 s. 3086; G.S. 1923 s. 3176; M.S. 1927 s. 3176.

County board may allow a reasonable amount for the services of a minister. OAG April 6, 1929.

The expense of burial of an indigent transient is imposed on the county in which death occurs. OAG April 26, 1934.

County may not pay expenses incident to searching for bodies of persons accidentally drowned. OAG Nov. 14, 1934.

Where a person committed to a state hospital for the insane dies therein, his place of settlement at the time he was committed to the institution is liable for the burial expense. OAG Nov. 23, 1934.

Settlement for poor relief purposes cannot be acquired by residence in a transient camp. When persons residing in such camp have a legal settlement for poor relief purposes in some other municipality of the state, the county in which the transient camp is located is not liable either for medical aid or burial expenses, but where such persons have no settlement in the state, the county is liable for burial expenses. OAG June 8, 1935.

Where pauper from another state dies in Minnesota and county pays the burial expense, there is no remedy whereby the county may collect from the other state if it refuses to recognize the claim. OAG Aug. 19, 1935.

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There is no authority whereby a county may recover from relatives of a poor person funeral expenses expended by the county under this section. OAG March 30, 1939.

The statute does not authorize county or town to contribute a fixed sum, such as \$100.00, to the cost of funeral ordered by a relative. County is required to provide a decent burial for its pauper dead, and if relatives of deceased are unwilling to meet this expense they cannot be compelled to do so. If relatives wish a more elaborate funeral than the county provides, they should contract for the additional features as a private matter, which they have the right to do. OAG April 12, 1939.

County furnishing burial pursuant to this section may not sue to recover burial expenses under section 573.02 (which permits action by personal representative of the decedent where death was caused by wrongful act) nor file petition for the appointment of a special administrator for that purpose. OAG June 22, 1939.

There is no fixed maximum that a county may spend for the burial of a pauper; all that the statute contemplates is that a pauper shall be given a decent burial; the amount to be spent rests in the discretion of the county board. OAG Jan. 22, 1940.

Where a pauper having a settlement in the state dies therein, the expense of burial should be paid by the county, if it operates under the county system of poor relief; but the town in which the pauper had his settlement, if the county operates under the town system. OAG March 6, 1940.

A county with county system for care of the poor paying burial expenses of a pauper not resident of the county may not recover funeral expenses from relatives. OAG Dec. 18, 1931.

## 262.15 TAX FOR SUPPORT OF POOR.

**HISTORY.** 1864 c. 16 s. 18; G.S. 1866 c. 15 s. 19; G.S. 1878 c. 15 s. 19; G.S. 1894 s. 1969; 1899 c. 256 s. 8; R.L. 1905 s. 1504; G.S. 1913 s. 3087; G.S. 1923 s. 3177; M.S. 1927 s. 3177.

In a town system county the duty of providing relief and levying taxes therefor is not a matter of county concern but rests upon each individual city, village, or town. Each is obliged to care for its own residents. Only after that is done has the city, village, or town a right to reimbursement from the county. (As provided in section 263.10.) Village of Robbinsdale v County of Hennepin, 199 M 203, 271 NW 491.

A county operating under the town system may provide for the poor of an insolvent town. OAG Aug. 29, 1935.

A county operating under the town system may levy taxes for poor relief and issue bonds in cases of emergency to raise funds for poor relief purposes. OAG April 14, 1936; OAG July 29, 1936.

A county under the town system of poor relief may levy taxes pursuant to its obligations under sections 263.10, 393.06, and 393.07, and administer aid received from state and federal government through the county welfare board, but does not have authority to make levies to defray the cost of general poor relief. OAG March 8, 1939.

That part of a village situated within a county having the town system of poor relief is governed by the laws pertaining thereto, while that portion of the village situated in another county operating under the county system is governed by the laws applicable to the county system; and each county auditor should make his own levy for that portion of the village within his county. OAG Dec. 16, 1939.

## 262.16 TAX LEVY FOR SOCIAL SECURITY MEASURES; DUTIES OF COUNTY COMMISSIONERS; PENALTIES.

**HISTORY.** 1937 c. 304 s. 1; M. Supp. s. 3177-1.

It is mandatory that each county levy taxes annually sufficient to produce the full amount required for old age assistance and other purposes. OAG Aug. 3, 1944 (521W).

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 262.17 RELIEF OF THE POOR; COUNTY SYSTEM

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### 262.17 DISTRICT POORHOUSE; BOARD OF DIRECTORS.

HISTORY. 1899 c. 256 ss. 1, 9; 1901 c. 130; R.L. 1905 s. 1505; G.S. 1913 s. 3088; G.S. 1923 s. 3178; M.S. 1927 s. 3178.

### 262.18 LOCATION AND ERECTION OF POORHOUSE.

HISTORY. 1899 c. 256 s. 1; R.L. 1905 s. 1506; G.S. 1913 s. 3089; G.S. 1923 s. 3179; M.S. 1927 s. 3179.

### 262.19 EXPENSE OF POORHOUSE, HOW APPORTIONED.

HISTORY. 1899 c. 256<sup>6</sup> s. 2; R.L. 1905 s. 1507; G.S. 1913 s. 3090; G.S. 1923 s. 3180; M.S. 1927 s. 3180.

### 262.20 OVERSEER OF POOR.

HISTORY. 1899 c. 256 ss. 3, 4; R.L. 1905 s. 1508; G.S. 1913 s. 3091; G.S. 1923 s. 3181; M.S. 1927 s. 3181.

### 262.21 BOARD OF CONTROL OF COUNTY MAY PURCHASE LAND FOR POOR FARM.

HISTORY. 1911 c. 218 s. 1; G.S. 1913 s. 3093; G.S. 1923 s. 3182; M.S. 1927 s. 3182.

### 262.22 COUNTY BOARDS TO CONTRACT FOR CARE OF PERSONS OTHER THAN PAUPERS.

HISTORY. 1915 c. 321 s. 1; G.S. 1923 s. 3183; M.S. 1927 s. 3183.