

## CHAPTER 393

## COUNTY WELFARE BOARD

**393.01 ESTABLISHMENT.**

**HISTORY.** 1937 c. 343 s. 1; Ex. 1937 c. 90; M. Supp. s. 974-11; 1941 c. 261; 1941 c. 284 s. 1; 1943 c. 417 s. 1; 1943 c. 473 s. 1; 1945 c. 56 s. 1.

Under the statute charging the county welfare board with the administration of public assistance, such boards have the duties formerly performed by county and town officials, and in disputes with other political divisions must institute statutory proceedings to settle the dispute and determine the pauper's settlement and provide for his removal thereto in proper cases. The duties of the board are governmental and quasi-judicial, not merely administrative, and the members cannot be made to respond personally in damages where there was an honest exercise of judgment. *Robinette v Price*, 214 M 521, 8 NW(2d) 800.

The county board proceedings relative to old age assistance should be recorded in the record of commissioners' proceedings and published in the same manner as other business of the board. OAG May 14, 1936.

The county welfare board is a separate legal entity and distinct from the board of county commissioners, but since the welfare board has no specific authority to make and sign its own checks or warrants, the proper practice would be for it to authorize the county auditor to issue warrants on its order; the executive secretary of the welfare board would furnish auditor with a certified list of disbursements, upon which warrants would be based. OAG May 22, 1937.

The county welfare board is not required to publish the minutes of its meetings, but the publication of itemized expenditures is required in the county's annual financial statement. OAG May 22, 1937.

Child welfare board ceases to exist and its functions and duties are assumed by the county welfare board upon appointment of the members of the latter board. OAG May 24, 1937.

Welfare board members are county officials and may not furnish goods or services to persons receiving same from the welfare board and paid for by funds administered by that board. OAG June 12, 1937.

Spouse of welfare board member probably should not furnish goods or services to persons receiving them from the welfare board and paid for from funds administered by that board. As a matter of public policy a member of the board should not himself accept any of the aids or benefits administered by the board even though legally entitled to them. OAG July 29, 1937.

In a county operating under the town system the responsibility of furnishing poor relief to dependent children under guardianship of the director of social welfare rests not with the county welfare board but with the political subdivision of legal settlement, but the welfare board should cooperate with the local relief authorities and see that such children receive adequate and proper care. OAG Aug. 2, 1937.

The legislature did not intend, by this act, to abolish the town system of poor relief; in counties operating under the town system the primary obligation to care for the poor rests with the political division of legal settlement, but the county welfare board may extend necessary aid when the municipality is unable or refuses to provide such aid, but the municipality is not required to reimburse the welfare board. OAG May 19, 1938.

The county welfare board may not purchase merchandise from a corporation in which stock is owned by a county commissioner member of the welfare board. Such a transaction brings the board member within the provisions of sections 382.18 and 620.40. OAG Nov. 30, 1938.

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A member of the legislature may not serve on a county welfare board. OAG April 5, 1939.

A vacancy on a county welfare board caused by the expiration of the term of a county commissioner member must be filled by the appointment of another county commissioner. OAG Nov. 30, 1938.

Claims allowed by the welfare board may be paid without waiting 15 days. 1942 OAG 195, Oct. 16, 1941 (125A-64).

## **393.02 OATH.**

HISTORY. 1937 c. 343 s. 2; M. Supp. s. 974-12.

## **393.03 PER DIEM OF MEMBERS.**

HISTORY. 1937 c. 343 s. 3; M. Supp. s. 974-13; 1945 c. 475 s. 1.

Members of a county welfare board may not be reimbursed more than five cents per mile for the use of their own cars. OAG Oct. 13, 1937 (104a-8).

Members of the county welfare board may under Laws 1939, Chapter 99, Section 16, receive seven cents per mile for use of automobile in performance of their welfare duties. 1942 OAG 218, Sept. 29, 1941 (125A-64); OAG Nov. 18, 1944 (124j).

## **393.04 ORGANIZATION.**

HISTORY. 1937 c. 343 s. 4; M. Supp. s. 974-14; 1939 c. 432; 1941 c. 284 s. 2.

The statute does not require the executive secretary of a county welfare board to furnish a bond, but should one be voluntarily furnished it would be enforceable. 1938 OAG 136, Aug. 25, 1937 (104a-2).

There are two systems of poor relief, the county system and the town system. The electors of the county determine which system will be operative. Laws 1937, Chapter 343, created the optional county system. The matter of relief under the town system is not a matter of county concern. In counties where the town system is in effect the county board has authority to levy taxes necessary to provide for the obligations resting on the towns and such as rest on the county according to law, but does not have authority to make levies for general relief. 1940 OAG 314, March 8, 1939 (519j).

The state agency has power to disapprove the appointment of an executive secretary, since this act expressly declares that such appointment shall be in accordance with the rules and regulations adopted by the state agency. OAG Feb. 24, 1939 (125a-64).

## **393.05 COUNTY TO PROVIDE OFFICES.**

HISTORY. 1937 c. 343 s. 5; M. Supp. s. 974-15.

## **393.06 SALARY AND EXPENSES OF COUNTY WELFARE BOARD.**

HISTORY. 1937 c. 343 s. 6; M. Supp. s. 974-16; 1939 c. 445.

The purchase of an automobile by a county welfare board is not a proper expenditure, within the meaning of "traveling and other necessary expenses", as used in this section. OAG Oct. 14, 1938 (707a-7).

The county may create a revolving fund as an administrative device for the distribution of public assistance to groups of recipients according to law, but not as a direct allotment for relief. 1940 OAG 257, Nov. 11, 1940 (125a-64).

Consideration of the use of proceeds under bond issue, Laws 1941, Chapter 403, for salary increases and establishment of cafeteria. 1942 OAG 126, Sept. 17, 1941 (37B-6).

## **393.07 POWERS AND DUTIES.**

HISTORY. 1937 c. 343 s. 7; M. Supp. s. 974-17; 1939 c. 407; 1941 c. 370 s. 2; 1941 c. 476.

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The statute requires publication of the annual financial statement, and the names of all persons receiving assistance from the county welfare fund and the amount paid to each. The requirement is mandatory, but the 30-day provision is directory only. *State ex rel v Heffelfinger*, 209 M 343, 296 NW 181.

The administration by the board involves duties formerly performed by county and town officials. Whereas in the instant case the court finds that the poor person's settlement is in a political subdivision of another county and orders the persons removal thereto the functions of the welfare board cease and those of the sheriff begin. *Robinette v Price*, 214 M 533, 8 NW(2d) 800.

Child welfare board ceases to exist and its functions and duties are assumed by county welfare board upon the appointment of the members of the latter board. OAG May 24, 1937.

As a part of their duty to administer all forms of poor relief, the county welfare boards of counties operating under the county system assume responsibility for the operation and maintenance of poor farms. OAG June 23, 1937; OAG Aug. 1, 1939 (339k).

The county welfare boards administer relief to persons who have deeded their homes to the county as security for relief to be issued in the future. OAG June 23, 1937; OAG Aug. 1, 1939.

The management and control of county sanatoria remains with the sanatorium commission and is not in the county welfare board. OAG July 19, 1937.

The county welfare board has no responsibility or authority under this section to hospitalize persons at the University hospital. Laws 1937, Chapter 343, does not supersede or amend sections 261.21 to 261.23 or section 158.03, which give such authority to the county board. Poor relief laws are not applicable in determining a person's eligibility for admission to the University hospital under the provisions of sections 261.21 to 261.23 or section 158.03, and the responsibility for the payment of costs is governed by residence rather than settlement. The same rule is applicable in counties operating under the town system of poor relief as in those under the county system. This rule does not apply where a poor person is given medical treatment or hospital care under the poor relief laws. OAG July 20, 1937 (1001c).

The welfare board is not responsible for either the costs of commitment or the support of the feeble-minded, epileptic, or insane persons receiving institutional care. OAG July 28, 1937.

In a county operating under the town system the responsibility of furnishing poor relief to dependent children under the guardianship of the director of social welfare rests not with the county welfare board but with the political division of legal settlement, but the welfare board should cooperate with the local relief authorities and see that such children receive adequate and proper care. OAG Aug. 2, 1937.

In the disbursement of relief funds allocated to the various counties by the state agency, the legislature intended, for the purpose of uniform administration, that the state agency be required to deal only with one agency in each county, that agency to be the county welfare board, since it would be impossible for the state agency to exercise the supervision contemplated by the act if it had to deal directly with every municipality in the state. Whenever possible, arrangements should be made for the welfare board to disburse the state relief funds directly to eligible recipients, even in the town system counties, rather than allocating such funds to the several political divisions for disbursement. In counties operating under the town system, many administrative difficulties would be encountered if the state agency were required to determine the contribution that should be made for relief purposes by each municipality; therefore, the state agency may rightfully take the position that it will look only to the county as the responsible agency for the distribution of the relief funds raised by that county and its political divisions. OAG Aug. 24, 1937.

Certification of patients to the University hospital is to be made by the county board pursuant to sections 158.01 to 158.12, 251.06, and 251.07, and not by the county welfare board. OAG Aug. 24, 1937.

The county welfare board assumes the duties of the local agent appointed pursuant to section 257.36 (prior to establishment of county welfare boards the juvenile court had authority to appoint local agents to cooperate with the state board of

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control [director of social welfare] in counties where no child welfare board existed), but a guardian appointed pursuant to sections 260.11 and 260.12 (providing for appointment of guardians of dependent children by the probate court) serves in a private capacity as a "reputable citizen of good moral character" and not in official capacity as local agent. Such guardians continued to act until the guardianship is terminated in the usual manner. OAG Oct. 5, 1937.

Claims presented pursuant to section 256.25 should be executed by the executive secretary of the county welfare board or by some one else authorized by said board to act in its behalf. OAG Oct. 11, 1937.

County physicians are to be appointed by the county board of commissioners pursuant to section 262.12, and not by the county welfare board. 1938 OAG 143, Oct. 12, 1937 (104b-7); OAG Nov. 22, 1937.

Since the county welfare board has the responsibility for the operation and maintenance of the county home, expenses incidental to maintenance of the home may be paid by the welfare board out of moneys levied and appropriated for poor relief purposes; income received from the operation of the farm used in connection with the home may properly be credited to the welfare board for its use. OAG Nov. 3, 1937 (125a-64).

The county welfare board has jurisdiction to enter into a contract for the hospitalization of indigent persons under poor relief laws but not for hospitalization at the Minnesota general hospital or a hospital coming within the provisions of section 261.21 to 261.23. OAG Nov. 22, 1937.

A county, through its county welfare board, is authorized to pay the state agency for mental examinations made at the request of the county welfare board. 1938 OAG 156, Dec. 10, 1937 (125a-64).

Section 375.19 requires publication of disbursements for old age assistance and aid to dependent children as a part of the annual financial statement of the board of county commissioners. OAG Jan. 7, 1938.

Although the responsibility for the care of persons in need of hospitalization is upon the board of county commissioners, that board may designate the county welfare board to act as its agent, except as to matters requiring the exercise of the judgment and discretion of the county commissioners. OAG Jan. 26, 1938 (125a-27).

The town system of poor relief was not abolished by the establishment of county welfare boards, and the primary obligation to care for the poor rests upon the various municipalities, but the county may extend necessary aid when municipality is unable or refuses to provide it. OAG Jan. 26, 1938.

The welfare board may pay incidental expenses, in cooperation with state and federal governments, in connection with resettlement and national reemployment program. OAG Feb. 2, 1938 (125a-64).

The legislature did not intend, by this act, to abolish the town system of poor relief; in counties operating under the town system the primary obligation to care for the poor rests with the political division of legal settlement, but the county welfare board may extend necessary aid when a municipality is unable to or refuses to provide such aid, but the municipality is not required to reimburse the welfare board. OAG May 19, 1938.

"Clinical observation and treatment" is "hospital service and treatment" within the meaning of section 158.02, and the responsibility for the payment of costs in connection with University hospital service and treatment rests with the board of county commissioners and not with the county welfare board or the municipality in which the person receiving such treatment has his place of settlement. OAG May 19, 1938 (1001c).

Although not necessary nor required by statute, it would be desirable in counties operating under the town system of poor relief for each town, village, and city in the county to adopt a resolution delegating to the county welfare board authority to administer and supervise poor relief funds in such town, village, or city. It is not necessary for the board of county commissioners to adopt a resolution authorizing the welfare board to administer poor relief. OAG Oct. 4, 1938.

County under the town system of poor relief may levy taxes pursuant to its obligations under this act and under section 263.10 (which provides that in counties under the town system a town, village, or city is entitled to reimbursement by the

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county for 75 per cent of the amount expended for poor relief in any year in excess of one mill of the taxable value of the property in such town, village, or city for that year) and administer aid received from state and federal governments 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.

A county attorney is not entitled to additional compensation or fees for handling county welfare board matters, although mileage for use of his automobile in that connection might properly be allowed by the district judge and paid from the county attorney's contingent fund. OAG March 19, 1939; OAG Aug. 31, 1939.

In its annual financial statement the county may not itemize disbursements for O. A. A. and A. D. C. by substituting numbers for the names of recipients who received such aid. OAG June 9, 1939.

The county welfare board has authority to compromise a claim against the estate of a deceased O. A. A. recipient if in its best judgment such a settlement will realize as great a part of the claim as can be reasonably expected under the circumstances, but the state agency may require that such compromises be made subject to the approval of such state agency. Such a regulation is justified because of the duties of supervision imposed on the state agency, and because a portion of the money collected will be reimbursed to the state and federal governments. 1940 OAG 240, Oct. 2, 1939 (521g).

The state agency may adopt and enforce regulations providing that county welfare boards shall publish monthly, in summary form, all expenditures for O.A.A. and A.D.C. such expenditures not to be itemized by name of recipient, and that lists of public assistance recipients be protected from public disclosure, provided that such regulations shall not interfere with the publication of the annual county financial statement as required by section 375.17. OAG Oct. 10, 1939.

Funds allocated by the governor under advice of the legislative advisory committee, Laws 1941, Chapter 525, are allotted to the county welfare board on whom is placed the responsibility of administration. 1942 OAG 273, June 20, 1941 (125A-64).

The county welfare board should take over the responsibility for the operation and maintenance of the county poor farm. 1942 OAG 278, Jan. 22, 1942 (125A-64).

The county welfare board, not being a corporate entity, cannot sue or be sued. OAG Aug. 30, 1944 (521p-4).

Provided there is a rule to the effect that employees have an allowance for earned vacations, the heirs of a deceased employee may receive the amount due to decedent. OAG July 20, 1944 (125a-64).

Under Laws 1943, Chapter 597, the compensation of the employees of the county welfare board should have been increased, but as the county board did not do so, the welfare board has no power to do so. OAG Sept. 21, 1944 (104a-9).

A veteran selected from the Minnesota county welfare system eligible register, when appointed becomes a permanent appointee. There is no probationary period. OAG Nov. 16, 1944 (125a-64).

The county board may establish a poorhouse. The county welfare board has no power to purchase real estate for a home for relief clients. OAG Jan. 31, 1945 (125a-64).

### 393.08 TO FURNISH ESTIMATES TO COUNTY BOARD.

**HISTORY.** 1937 c. 343 s. 8; M. Supp. s. 974-18; 1945 c. 305 s. 1.

The board of county commissioners' proceeding relative to old age assistance should be recorded in the record of commissioners' proceedings and published in the same manner as other business of the board. OAG May 14, 1936.

State and federal funds as grants-in-aid for dependent children and old age assistance must be paid by the state agency directly to county treasurer and not to the county welfare board. OAG May 20, 1937.

In the disbursement of relief funds allocated to the various counties by the state agency, the legislature intended, for the purpose of uniform administration, that the state agency be required to deal only with one agency in each county, that agency to be the county welfare board, since it would be impossible for the

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state agency to exercise the supervision contemplated by the act if it had to deal directly with every municipality in the state. Whenever possible arrangements should be made for welfare board to disburse state relief funds directly to eligible recipients, even in town system counties, rather than allocating such funds to the several political divisions for disbursement. In counties operating under the town system, many administrative difficulties would be encountered if the state agency were required to determine the contribution that should be made for relief purposes by each municipality; therefore, the state agency may rightfully take the position that it will look only to the county as the responsible agency for the disbursement of relief funds raised by that county and its political divisions. OAG Aug. 24, 1937.

The county welfare board is not required to submit to the county attorney, for approval as to form and legality, claims against the board, but if it does so he should pass upon the same. OAG Nov. 10, 1937.

After funds have been allocated to county welfare board for administrative purposes, the board of county commissioners does not have authority to pass upon the advisability or the necessity of expenditures by the welfare board for individual items of equipment used by such board. OAG Nov. 15, 1937 (125a-64).

## **393.09 COUNTY WELFARE BOARD TO MEET MONTHLY.**

HISTORY. 1937 c. 343 s. 9; M. Supp. s. 974-19.