

CHAPTER 393

COUNTY WELFARE BOARD

393.01 ESTABLISHMENT.

When relief funds are allocated by the governor on advice of the legislative advisory committee, the responsibility for administration is on the county welfare board, and not with the board of county commissioners. 1942 OAG 273, June 20, 1941 (125-A-64).

The county welfare board in Ramsey county may, with the approval of the county board and St. Paul city council, fix the salary of its executive. OAG Jan. 19, 1945 (125-A-64).

A member of the welfare board may also hold the office of clerk of a town board in a county which has the county system of administering relief to the poor. OAG Jan. 22, 1947 (358-a).

393.03 PER DIEM OF MEMBERS.

A member of the county welfare board when acting as an appraiser may be reimbursed for his actual expense but cannot otherwise be compensated. OAG Dec. 6, 1945 (125-A-64).

There is a distinction between "expenses" and "mileage." The mileage compensation is fixed by laws irrespective of what the travel costs while expenses must be incurred before they are paid and in the exact amount. OAG Feb. 26, 1946 (125-A-64).

393.04 ORGANIZATION.

The merit system rules, section 393.07, subdivision 5, do not control the county board in fixing the salary of the executive secretary. OAG Jan. 19, 1945 (125-A-47).

Upon resignation of the chairman of the county welfare board the board may fill the vacancy for the unexpired portion of the term. OAG Feb. 2, 1945 (104-B-14).

County welfare worker when taking a patient to asylum cannot draw added compensation. OAG April 24, 1945 (125-a-64).

The county welfare board may fix the salary of the executive secretary within the limitations of federal and state statutes, and within the rules and classifications promulgated by federal and state agencies. OAG Feb. 13, 1946 (125-A-64).

393.06 SALARY AND EXPENSES OF COUNTY WELFARE BOARD.

The purchase and maintenance of county automobiles for the use of the county welfare board of St. Louis county is authorized under a special act and is not general. OAG July 20, 1945 (125-A-64).

In counties other than St. Louis county where employees of the county welfare board use their own automobiles on official business they are governed in their charges by the provisions of section 350.11. OAG May 27, 1946 (125-A-64).

393.07 POWERS AND DUTIES.

Section 375.17 provided for publication of an annual statement, requires publication of the names of all persons receiving old age assistance or other payments from the county welfare fund and the amounts paid to each. The requirement for publication is mandatory and the county cannot avoid publication by failing to

make an applicable appropriation. The 30 day period within which it must be made is directory only. *State ex rel v Heffelfinger*, 209 M 343, 296 NW 181.

County welfare boards perform functions formerly performed by county and town officials and, in dispute with other political subdivisions, must institute statutory proceedings to settle the dispute and to determine the alleged pauper's settlement and provide for his removal thereto in proper cases. *Robinett v Price*, 214 M 521, 8 NW(2d) 800.

In prosecution of claims, if incident to authorize operation, the county welfare board may render assistance to veterans. OAG Jan. 12, 1944 (104-B-15).

The authority granted to the county welfare board to make rules in relation to the merit system does not extend to the granting to an employee an extended leave of absence with pay. OAG June 29, 1944 (125-A-47).

Where a member of the welfare board petitions for appointment of a guardian for an old age recipient, the county attorney may charge a fee. It is no part of the duties of the county welfare board to serve in relation to the appointment of a guardian. OAG Dec. 28, 1944 (121-B).

The board of county commissioners is the only body having authority to appoint a veterans' service officer. OAG May 25, 1945 (125-a-64).

Under authority of section 393.04 the county welfare board is authorized to fix the salary of executive secretary irrespective of the merit system rules; but the salary should be fixed in accordance with the compensation plan adopted by the state director of social welfare. OAG Jan. 19, 1945 (125-A-47); OAG Feb. 13, 1946 (125-A-64).

393.08 ESTIMATES FURNISHED TO COUNTY BOARD.

While the duties of the members of the county welfare board are "quasi-judicial" in nature they are "ministerial" and not "governmental." *Robinette v Price*, 214 M 521, 8 NW(2d) 800.