

# MINNESOTA STATUTES 1953 ANNOTATIONS

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## RELIEF OF POOR; COUNTY SYSTEM 262.01

dominate the other. Each board in consideration of an application must act upon the application and the evidence before it and not upon what the other board has done. It is the province of the district court to decide the question when a case is properly before it. OAG Nov. 26, 1951 (339-G-2).

The county board has authority to provide hospitalization of indigent patients of the county who are afflicted with a malady which can probably be remedied by hospitalization and who are financially unable to pay their bills; but whether nursing care is a part of the hospitalization is a question of fact. OAG July 14, 1947 (1001-D).

Where a pauper is hospitalized under the poor law the county of the pauper's settlement, where the county system prevails, is liable to the hospital for reasonable value of services rendered; but where an indigent person is hospitalized under the general hospital law the cost of such hospitalization shall not exceed in amount full rates fixed and charged by Minnesota general hospital. OAG Nov. 28, 1951 (1001-D).

### 261.22 APPLICATION FILED

The test of eligibility for hospitalization under the University of Minnesota Hospital Law, or under the general hospitalization law, is one of indigency or financial inability to pay for the care; and that is the measure the board of county commissioners must follow in contracting for hospitalization for indigent persons. Section 256.18 deals with the granting of old age assistance and has no connection with the hospital law. OAG June 25, 1949 (339-G-2).

### 261.23 COSTS OF HOSPITALIZATION

The county board has authority to provide hospitalization of indigent patients of the county who are afflicted with a malady which can probably be remedied by hospitalization and who are financially unable to pay their bills; but whether nursing care is a part of the hospitalization is a question of fact. OAG July 14, 1947 (1001-D).

## CHAPTER 262

### COUNTY SYSTEM

#### 262.01 COUNTY BOARD SUPERVISORS OF THE POOR; RELIEF; RELIEF AGENT; POORHOUSES

HISTORY. Amended, 1949 c 420 s 2.

The welfare board submits to the county board an annual budget estimating its needs. The estimate is not binding on the county board. If the county board approves the estimate, tax is levied accordingly. The county board under the provisions of section 262.01 establishes a poorhouse and by direction of the county board the welfare board operates it. While the county board has power to repair, equip, and put a poorhouse in shape as requested by the county welfare board, it is limited in its expenditures. It may expend available money but cannot contract to spend money it does not have. OAG Sept. 3, 1948 (125-A-36).

The plan of taking care of poor persons unable to support themselves by the poor farm system was evolved more than 100 years ago when social security and old age assistance had not appeared in the law. The poor farm system and the social security and old age assistance laws are distinct and of unrelated philosophy. Poor farms are established and maintained by county boards. The welfare board has no powers or duties in respect thereto. There is no law under which the county board may contract with a pauper for his support at the poor farm. He cannot be a paying guest therein. OAG Dec. 24, 1953 (339-K).

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 262.02 RELIEF OF POOR; COUNTY SYSTEM

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A town may purchase tax-forfeited land to be used as a dump ground, and under section 262.01 the commissioner of taxation may convey any tract of tax-forfeited land to any governmental subdivision for authorized public use. This may be done by application to the commissioner with a statement of facts as to the use to be made of the land and the need therefor. There must be a favorable recommendation of the county board. OAG Jan. 20, 1950 (434-A-6).

## 262.02 LIMITATIONS APPLYING TO MEMBERS OF BOARD

A bartender in an on-sale liquor store owned by his wife may qualify as village mayor. OAG Jan. 20, 1950 (90-E-4).

## 262.05 COMMITMENT TO POORHOUSE

The county welfare board is without authority to take the property of poor persons committed to the poorhouse. OAG May 17, 1951 (339-K).

## 262.07 TEMPORARY RELIEF

HISTORY. 1864 c 16 s 10; GS 1866 c 15 s 12; 1877 c 13 s 1; GS 1878 c 15 s 12; 1885 c 263 s 1; GS 1878 Vol 2 (1888 Supp) c 15 s 12; 1893 c 178 s 3; GS 1894 s 1962; 1901 c 45; RL 1905 s 1498; 1907 c 360; 1909 c 290 s 1; GS 1913 s 3081; GS 1923 s 3171; MS 1927 s 3171; 1949 c 420 s 3.

## 262.12 COUNTY BOARD TO APPOINT PHYSICIAN

HISTORY. 1864 c 16 s 8; GS 1866 c 15 s 10; GS 1878 c 15 s 10; 1881 c 35 s 1; GS 1894 s 1966; 1899 c 172; RL 1905 s 1501; GS 1913 s 3084; GS 1923 s 3174; MS 1927 s 3174.

## 262.13 MINORS, HOW PROVIDED FOR

HISTORY. Amended, 1949 c 420 s 4.

## 262.14 BURIAL AT EXPENSE OF COUNTY

The duty of giving a pauper, whose relatives are not available or who are financially unable to give him a proper burial, rests entirely with the county and at county expense. OAG Feb. 4, 1948 (339-C).

## CHAPTER 263

### TOWN SYSTEM

## 263.01 TOWN BOARDS AND COUNCILS; TO BE SUPERINTENDENTS; RELIEF

HISTORY. 1889 c 170 s 2, 3; GS 1894 s 1973, 1974; RL 1905 s 1509; GS 1913 s 3094; GS 1923 s 3184; MS 1927 s 3184; 1949 c 420 s 5.

The period required to obtain a settlement for purposes of poor relief was not extended or tolled by mere application for relief to a township, which application was not granted. OAG Feb. 16, 1951 (339-O-5).

In counties having the town system of poor relief, section 263.01 is authority to the town board to grant aid to poor people for their board and care, including medical attendance. Like authority is conferred on the county board by section 261.21. Each board exercises discretion in the performance of its duties. Neither board may dominate the other. Each board in consideration of an application must act upon the