

OPINION
48-59

June 11, 1948 (OPINION)

COUNTIES

RE: Funeral Expenses Patient of T.B. Sanitarium

This is in reply to your letter of June 10, addressed to the attorney general.

You refer to an opinion issued out of this office, reported in the Attorney General's Report for 1932-1934, in which it is held that the funeral expenses of an indigent patient who dies in the State Tuberculosis Sanitarium should be paid by the county of his residence. You inquire whether this is still the holding of this office. I beg to advise that it still is the holding of this office.

You further inquire whether the funeral expenses for an indigent patient at the sanitarium are paid from the institutional revolving fund in chapter 8 under Title 25 of the N.D.R.C. 1943.

The charitable institutions revolving funds are made up of the moneys allocated thereto under the provisions of Chapter 3 of the Title "Alcoholic Beverages." This fund is chargeable with the cost of the care and maintenance of patients at the charitable institutions, but I do not believe that the cost of funeral expenses of a patient is chargeable to this fund. Subdivision 5 of section 23-0603 N.D.R.C. 1943, as amended by Chapter 198 of the Session Laws of 1947, provides that if the deceased left no husband, wife, or kindred * * * and did not leave means sufficient to defray his funeral expenses, including cost of casket, it is the duty of the County Welfare Board to arrange and superintend the burial and the expense shall be borne by the county. This, of course, would be the county of the deceased's legal residence, regardless of the place where he died.

NELS G. JOHNSON

Attorney General