COUNTY HEALTH COMMISSIONER is legislative office. In changing term from part to full term, the Board of County Commissioners not obliged to retain for the full term office, the incumbent in the part time County Health Commissioner—citing Hyde v. Bd. of Comm. of Wells Cty., 198 N. E. p. 333.

December 28, 1936.

Hon. Verne K. Harvey, M. D.
Director State Board of Health,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

Receipt is acknowledged of your letter dated December 11, 1936, requesting an answer to the following question:

"In attempting to establish full time county health personnel, the following question has arisen, 'Are the county commissioners obliged to retain the incumbent county health commissioner in office providing they declare an emergency and make provisions for full time county health officer and other full time personnel as provided by the acts of the General Assembly of 1935, chapter 217.'"

In the case of Hyde v. Board of Commissioners of Wells County, 198 N. E. 333 (334), the following language is used:

"The right to hold office is a privilege. The office is created by the state for the public good and not for private benefit. Where the constitution confers certain rights upon a public officer, those rights may not be invaded by the legislature. But the office in question is a legislative one, and the legislature had full power to provide for the removal of the incumbent by any agency it chose, summarily or for cause."

The Hyde case was one in which the board of commissioners preferred charges against the county road superintendent, a legislative office.

By authority of the case from which we have quoted, it follows that the county commissioners are not obliged to retain the incumbent health commissioner in office, provided they declare an emergency and make provisions for full time
county health officer, etc. They are not obligated to retain the incumbent who is a part time officer but may appoint in his place whomever they choose, provided, of course, the new appointee meets the qualifications prescribed by the act last above quoted.

DEPARTMENT OF PUBLIC WELFARE: Children, care of, at Rockville Sanatorium, whether cost a charge against County Welfare Fund.

WARRANTS: may warrants be drawn against County Welfare Fund without previous certification of approval by County Board or County Director?

December 29, 1936.

Mr. Wayne Coy,
Acting Administrator,
Department of Public Welfare,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Mr. Coy:

I have your letter of December 18 asking for a construction of the law regarding manner of payment by the county for the care and maintenance of a child at the Indiana State Sanatorium at Rockville. You ask the following questions:

1. Is not the expense for the care and treatment of a child sent to the Indiana State Sanatorium at Rockville a charge against the appropriation for the care of patients at that institution and payable out of the County General Fund for that purpose?

2. Has a County Auditor any authority to draw warrants against the County Welfare Fund for the payment of allowances for the care and maintenance of children, which have not been approved and certified by the County Director of Public Welfare?

The provision for the treatment of indigents at the State Sanatorium makes no distinction between minors and adults. The statute expressly states that the applicant shall be admitted to such hospital for treatment at a cost to the county, wherein such indigent resides, not to exceed $5.00 per week