

**Road Projects—Single Purpose Of—Constitutional Inhibition as to Expense.**

Where two road projects serve separate purposes, they do not constitute a single purpose so as to come within the constitutional provision prohibiting an expenditure of more than \$10,000.00 on each project, without being submitted to a vote of the people.

April 25, 1919.

State Highway Commission,  
Helena, Montana.

Gentlemen:

You have submitted to me a plat showing the location of Federal Aid Road Projects No. 23 and No. 38, and have requested my opinion as to whether or not these two projects constitute a single purpose within the meaning of Section 5 of Article 13 of the State Constitution, so as to prevent an expenditure by the county of \$10,000.00 upon each project without the approval of the electors.

These two projects cover a piece of road running east from Chinook and a piece of road running west from Harlem, but both projects are on the main highway east and west across Blaine County and both are east of Chinook, the county seat. A few days ago, with reference to two projects in Wibaux County, one west of Wibaux, the county seat, and one east of Wibaux, I advised you that in my opinion as Wibaux was the county seat and the commercial, banking, business and social center of the county, and the two roads, although part of the same main highway across the county, served locally two different communities, an expenditure of \$10,000.00 by the county upon each project would not be a violation of the above mentioned clause in our State Constitution. You advised me that both Harlem and Chinook are incorporated towns and that each is a banking, commercial and business center for the particular locality in which it is located and that most of the traffic passing over project No. 23 would be in connection with business at Chinook and that most of the traffic over project No. 38 would be in connection with business conducted at Harlem. Of course some of the traffic over project No. 38 would also pass over project No. 23 on account of business connected purely with county affairs conducted at the county seat. But you state that the very great majority of the traffic over each of these projects is local and would not in any way involve the other project. In such case it occurs to me that the same conditions would exist with reference to the Constitutional prohibition as exists in Wibaux County, and that therefore the County Commissioners of Blaine County would be permitted to expend \$10,000.00 upon each of these projects without violating the Constitution. A large discretion is vested in a Board of County Commissioners and a determination of that question by the Board of County Commissioners would be entitled to great weight in determining whether or not each of these two projects is a single purpose. The determination of the question of singleness of purpose within the constitutional prohibition is very largely a question of fact and the

determination by the Board of County Commissioners that each of these projects constitutes a single purpose should be permitted to stand in the absence of evidence to the contrary.

Respectfully,

S. C. FORD,

Attorney General.