

No. 186

**DEPARTMENT OF PUBLIC WELFARE—FOOD
STAMPS—REVOLVING FUNDS—COUNTIES—WEL-
FARE—SURPLUS MARKETING ADMINISTRATION**

Held: County Welfare Board may use surplus funds in any available fund not pledged for a particular purpose as a deposit for revolving fund with the State Department of Public Welfare for the purpose of participating in the Surplus Marketing Administration of Food Stamps.

July 26, 1941.

Mr. I. M. Brandjord
Administrator
State Department of Public Welfare
Helena, Montana

Dear Mr. Brandjord:

You have submitted for my opinion the question:

“From what fund or funds may a county take money to be deposited with the State Department of Public Welfare for the purchase of SMA food stamps to be used in the county concerned?”

Ample provision is made in Section XI, Part I, Chapter 82, Laws of 1937, as amended by Chapter 129, Laws of 1939, for the joint participation by the state and counties of the State of Montana in the program of the Federal Government similar to the surplus marketing administration program and to the food stamp program now in use in several counties in the state.

In view of your proposal to participate under a statewide plan and to institute the creating of a revolving fund for the counties involved for the purchase of food stamps in the required amounts to take care of the demands necessary to put the program into effect, it is my opinion that, if the respective counties have in their poor fund sufficient funds to warrant the withdrawal from that fund of the necessary amount for deposit with the State Welfare Department for the purpose of creating a revolving fund in behalf of that county with the State Department, the fund shall originate from the surplus funds in the poor fund of the county.

However, in view of the opinion previously given by this office holding that food stamps held by county treasurers in any available surplus fund may be considered as cash, which opinion was rendered under date of March 28, 1940, and appears in Volume 18, Opinion No. 221, it would be my further opinion that, in the event the poor fund of the county has no surplus or is in a depleted condition, any surplus in any of the county funds not pledged for a particular purpose can be used as a deposit with the State Department of Public Welfare and the receipt of the same be treated as cash for the respective county, as the same may be readily converted into cash by the surrender of the receipt given to the State Department of Public Welfare and its equivalent in cash will be returned to the respective counties.

Sincerely yours,

JOHN W. BONNER
Attorney General