

Opinion No. 190.**Public Welfare—Property—Title,
Disposition of.**

HELD: 1. Title to property both real and personal acquired by the Department of Public Welfare, in whatever manner, vests in the State of Montana, for the use and benefit of the department.

2. The State purchasing agent with the consent and approval of the Governor, has the exclusive right to sell or dispose of, or authorize the sale or other disposition of personal property of the department, title to which is in the State.

November 10, 1937.

State Department of Public Welfare
Mr. B. L. McFerran,
Purchasing Agent
Helena, Montana

Dear Mr. McFerran:

You advise that the department has a supply of blankets in storage which were used in the Transient Service, and title to which was transferred to the department when the Transient Service was discontinued.

You request opinion on whether or not these blankets may be legally transferred to the Women's Division of the Works Progress Administration to be mended, remodeled, made over into larger blankets, or made into certain articles of children's clothing and then transferred by the Works Progress Administration to the Montana Division of the Federal Surplus Commodity Corporation for the use of Montana Relief Clients?

Section XIII of Part 1 of Chapter 82 provides, as follows:

“ * * * Title to property purchased, or condemned, or acquired in **whatever manner**, shall be taken in the name of the State of Montana for the use and benefit of the state department.”

Therefore title to the blankets in question acquired from the Transient

Service vested in the State of Montana, for the use and benefit of the Department of Public Welfare.

Section 293.4, Revised Codes of Montana 1935, provides:

"SALE OF STATE PROPERTY AND PRODUCTS OF STATE INSTITUTIONS. The state purchasing agent shall have exclusive power, subject to the consent and approval of the Governor, to sell, or otherwise dispose of, or authorize the sale or other disposition of all materials and supplies, service, equipment, or other personal property of every kind now owned by the State of Montana, but not needed or used by any state institution or by any department of the state government * * *."

The blankets in question, therefore, being personal property of the State of Montana, may be sold, or otherwise disposed of only by the state purchasing agent, with the consent and approval of the Governor.

It is therefore my opinion that before your department may dispose of the blankets in question for the purposes you mention, you must obtain the authorization of the state purchasing agent, and the consent and approval of the Governor to do so.