

Opinion No. 201

Public Welfare—Inter-State Transients—Temporary Relief.

HELD: The county board of public welfare has a discretion in determining what length of time temporary relief to inter-state transients should be given, and each case must be determined upon the particular facts.

November 29, 1937.

Board of County Commissioners of
Silver Bow County
Butte, Montana

Gentlemen:

You have submitted to this office the question as to who are inter-state transients in relation to persons entitled to relief under Chapter 82, Session Laws of 1937.

An answer to your inquiry necessitates answering the question as to what length of time temporary aid may be granted.

Paragraphs (a) and (d) of Section II, Part II of said chapter provide:

“(a) An applicant to be eligible for general relief must have resided in the State of Montana for a period of one year, six months of which must be in the county where application is made.

“(d) Inter-state transients, without legal Montana residence, shall not be eligible for continued assistance from

state funds but may, if in distress, receive temporary relief from either state or county funds until such time as such transients may be returned to their state of legal residence or state of origin. If transient families are stranded and without means of return, their transportation may be paid from state funds."

If a person has not resided in the State of Montana for a period of one year, and six months in the county where he has made application for relief, it may generally be said that he is an inter-state transient. An abstract definition of transient means a person who is in a community, place, or state, as the case may be, for a brief space of time. Webster's New International Dictionary defines transient as follows: "staying for a short time; not regular or permanent; a brief duration."

Paragraph (a) of Section II, Part II, Chapter 82, *supra*, defines a person who is entitled to (continued) general relief, and by the process of exclusion and elimination, persons not entitled to such relief are inter-state transients and entitled to only temporary relief, as distinguished from continued general relief. Webster's New International Dictionary defines temporary as follows: "lasting for a time only; existing or continuing for a limited time only."

Paragraph (d) of Section II, Part II of said chapter, provides that inter-state transients shall not be eligible for continued assistance from state funds, but may, if in distress, receive temporary relief from either state or county funds until such time as such transient may be returned to his state of legal residence or state of origin. Such persons are excluded from continued aid and shall receive only temporary aid until such time as they may be returned to their state of legal residence or state of origin.

The statute does not establish a line of demarcation in reference to the time during which temporary aid shall be extended, and to do so is obviously impossible. Each case must be governed by its own facts, and generally the facts in every case are dissimilar. A family may have moved into Montana, securing at the time what appeared to be permanent employment, and intending to separate from either

the state of origin or state of legal residence, and intending to adopt Montana as the state of their permanent residence. In such a case temporary aid would be for a greater duration than it would be for a person with less fixed intention. In other words, the intent of the legislature was, and is, to invest discretion in the relief department, either state or county as the case may be, in determining the length of time temporary aid can be extended to inter-state transients, and such discretion shall be exercised in accordance to all the facts in each particular case.