

Opinion No. 216.**Counties—County Commissioners—
Relief—Transportation.**

HELD: County commissioners, within their sound discretion, may provide transportation for relief workers on W. P. A. projects out of poor fund, when such transportation is necessary in order to provide relief work for the needy.

December 23, 1937.

Harold G. Dean, Esq.
County Attorney
County of Sanders
Thompson Falls, Montana

My dear Mr. Dean:

We have your letter asking our opinion as to whether or not your Board of County Commissioners can furnish transportation to W. P. A. workers upon a project in the west end of your county. Section 4465.4 of the Revised Codes of Montana, 1935, provides:

“The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

“To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same, and to levy the necessary tax

therefor per capita, not exceeding two (\$2.00) dollars and a tax on property not exceeding three-fifths (3/5) of one per cent (1%) or either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said tax, or of any part thereof."

The above section is in force and effect, and has not been expressly repealed by Chapter 82 of the 1937 Session Laws, and under the facts, as submitted by you in your letter, in your particular case at least, it has not been repealed by implication.

Section VII, Part II, of Chapter 82, supra, provides:

"It is hereby declared to be the primary legal duty and financial obligation of the board of county commissioners to make such tax levies and to establish such budgets in the county poor fund as provided by law and as are necessary to provide adequate institutional care for all such indigent residents as are in need of institutional care and to make such tax levies and establish such budgets in the county poor fund as are necessary to make provision for medical aid and services and hospitalization for all indigent county residents. All such public assistance and services shall be charges against and payable from the county poor fund."

The obligation to establish levies, budgets and the maintenance of the poor fund remains under the jurisdiction of the Board of County Commissioners. Many of the laws relating to the poor in the counties have not been repealed or modified in any particular substantial part. Unless these W. P. A. employees can have access to this proposed employment in your county, and be conveyed to their employment at the expense of the county, it logically follows that many will not receive said employment and will be a charge for direct relief upon the Poor Fund, which relief cost would far exceed the cost incurred in transporting them to this project. The direct purposes of the W. P. A. project in your county are to relieve unemployment, primarily, and the construction of this project. It follows that the county is assisted in preserving the Poor Fund, which must

otherwise be utilized in direct relief as aforesaid. The primary purpose of your Board of County Commissioners supplying transportation to these employees from their homes to the project and return, is to grant aid to unemployed persons and relieve the needy and distressed, and not in itself merely to give transportation. In interpreting statutes bearing upon relief and unemployment a liberal interpretation must be given, to the end that people will not be in distress or want.

The County Commissioners are familiar with all the facts in this case. By virtue of their official positions they are vested with peculiar and special knowledge of the needs of the people in Sanders County, and are empowered in the exercise of sound discretion to provide conveyances for employees who work upon the W. P. A. project, and to use funds from the Poor Fund of the county for that purpose.