

3. Assuming that all items in standard schedule are needed, the total grant per person in the average community should not be less than provided by standard schedule.

March 14, 1938.

Board of County Commissioners
Deer Lodge County
Mr. T. P. McGrath, Chairman
Anaconda, Montana

Gentlemen:

You have submitted the question as to whether or not persons receiving W. P. A. earnings, or otherwise, can have those earnings supplemented by general relief, and if so to what extent?

Paragraph 2 of Section XII of Part II, Chapter 82, of the 1937 Session Laws, provides:

“The amount of relief assistance granted any person or family shall, subject to the regulations and standards of the state department, be determined by the county department with due regard to the resources and necessary expenditures of the individual or family and the conditions existing in each case, and shall be sufficient to provide such person or family with a reasonable subsistence compatible with decency and health.”
In conformity to said provision of

Opinion No. 261.

Public Welfare—Minimum Standards. Supplementary Grant.

HELD: 1. County Boards of Public Welfare may supplement W. P. A. wages with relief grants to extent that need is shown.

2. The standards set by State Board are merely for use as a guide, and the totals therein stated may be increased or decreased to meet actual need shown.

Chapter 82, the State Department of Public Welfare on August 30, 1937, adopted a monthly budget schedule representing the average minimum cost necessary to provide each person or family with a reasonable subsistence compatible with decency and health. The schedule so adopted is as follows:

Number of Persons	1	2	3	4	5	6	7	8	9	10
Food	9.00	15.00	21.00	26.00	31.00	35.00	39.00	43.00	47.00	51.00
Clothing	1.50	3.00	4.50	6.00	7.00	8.00	9.00	11.00	12.00	14.00
Fuel	3.00	3.00	4.00	4.00	5.00	5.00	5.00	5.00	6.00	6.00
Rent	8.00	10.00	10.00	10.00	12.00	12.00	15.00	15.00	15.00	17.00
Water	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Light	1.50	1.50	1.50	2.00	2.00	2.00	2.00	2.00	3.00	3.00
Medicine	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00
Incidentals	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00
Totals.....	27.00	38.50	49.00	58.00	69.00	76.00	86.00	94.00	103.00	113.00

Paragraph (b) of Section II of Part II of said chapter provides:

"The fact of need shall be the determining factor in the right of residents to obtain relief. Any individual or family who is a resident and whose income is insufficient to provide the primary necessities of life, such as food, shelter and clothing, shall be eligible for relief."

Section III of Part II of said chapter provides:

"Persons eligible for and in need of relief shall be, whether employable or unemployable, given equal consideration for public assistance as those persons eligible for assistance under other parts of this act."

It will be observed that the provisions of Chapter 82, supra, expressly provide that need shall be the determining factor in the right of recipient to obtain relief, and the fact that the person is a W. P. A. employee, or otherwise, does not disqualify him from receiving aid, if the amount he receives from the W. P. A. source or otherwise, is inadequate to supply those needs as determined by the board of county commissioners, according to the standards established by the State Department of Public Welfare.

Paragraph 3 of Section IX of Part II of said chapter provides:

"It is hereby also declared to be the legal and financial responsibility of the board of county commissioners to provide adequate relief to persons in need of the same according to standards established by the state department of public welfare and to the extent that county funds are available."

By way of illustration you have called my attention in your letter to the following example: "A family of six, with the head of the household on W. P. A., receives a security wage of \$52.80. Yet the suggested state budget allowance is \$76.00 for a family of this size, which is \$23.20 more than W. P. A. earnings. It is this difference that we are requested to supplement."

The State Department of Public Welfare in establishing a budget, or standard, of the amounts of assistance

to be granted did not, nor was it authorized by any law, to fix an inflexible and arbitrary amount, either the minimum or maximum which could be paid. The amount each recipient is allowed must be determined by the county department, taking into consideration resources and necessary expenditures and the conditions of need existing in each case. However, the amount determined upon by the county welfare department is subject to the standards and regulations of the state department of public welfare. According to the report of the department of public welfare made on April 30, 1937, the budget or standard adopted by it sets forth the approximate minimum amount required for food, clothing, and various necessities of life throughout the State of Montana.

By reason of the adoption of said budget it was not meant that the county department should not grant more, or must not grant less than the amounts specified therein. Conditions of need in each case will determine whether the amount allowed to the recipient should be the same as is specified in the budget, or should be larger or smaller. As conditions are variable, the amounts which are authorized to be granted must of necessity be variable, and any budgetary standard such as that adopted on August 30, 1937, by the state department must be flexible enough to conform to said conditions. Those conditions as explained in the issuance of instruction by the state department of public welfare on August 30, 1937, are as follows:

"FOOD:

In counties where food costs vary substantially from the average prices represented by the budget, information will be furnished as to what per cent should be added or deducted.

CLOTHING:

The clothing needs of a family will vary according to the household composition.

FUEL:

The cost will vary with the community. In certain counties the fuel problem is of no consequence because of firewood in the forests.

RENT:

This is to be allowed on an individual basis. Where no rent is paid

this item is to be deducted. Where the family owns the home, taxes and interest payments can be included insofar as they do not exceed the maximum allowed for rent.

WATER:

Water costs vary only slightly in the different counties. In homes where there is no connection with a municipal water supply, this item is not to be allowed. This will be true of most rural homes.

LIGHT:

The light costs will depend on the type of lighting used in the home. The amount allowed will be less in homes where electricity is not used. Also the season of the year and household composition should be considered. If other than electricity is used the amount allowed should be large enough to cover the cost but should not exceed the budget allowance.

MEDICINE:

The amount allowed for medicine is intended for the purchase of household medicine and supplies. It is to be understood that the county is responsible for medical care and hospitalization. In exceptional cases the individual may need a larger amount for certain medicines. In such cases this should be verified by a doctor's certificate before the additional allowance is made.

INCIDENTALS:

This item may vary to some extent. In cases where the amount allowed is considerably larger a full explanation should be made.⁹

Assuming that the recipient is in need of all of the items enumerated in said budget schedule, and under ordinary normal and average price and other prevailing conditions, the amounts established in said budget will generally constitute the lowest reasonable minimum amount which should be paid to the average recipient. Under such conditions, if an amount lower than the amount specified in said schedule is paid and allowed, the recipient will be unable to receive reasonable subsistence compatible with decency and health, which the law expressly entitles him to.

It is true that in some cases the needs of the recipient will be such that

a lesser amount than that which the standard specifies can be paid, while in other cases it will be found necessary to exceed those amounts. Whether the amounts allowed will be the same, or greater or less than the schedule provides must be determined upon the conditions in each particular case. The county department in making their determination of the amount to be paid shall use the state standard as a basis and yardstick and apply the same in conformity to the instructions set forth above.

Therefore, if the condition of need in the particular case warrants it, you should supplement Works Progress Administration earnings in such an amount as will supply such needs, using as a basis the standard specified in said state budget. And in order to supply said needs it may be necessary for you to pay a family or six, the head of which receives \$52.80 per month from Works Progress Administration sources, the sum of \$23.20 per month, or a greater or lesser amount than the sum of \$23.20 as the condition of need dictates.