

**Opinion No. 265.****Public Welfare—Authority of Board  
to Sponsor W. P. A. Projects.**

HELD: 1. The State Public Welfare Board has absolute authority to sponsor W. P. A. projects designed to furnish relief to the unemployed in the form of work.

2. In sponsoring such projects the board may furnish necessary materials therefor.

April 2, 1938.

Mr. Thomas Dignan  
County Attorney  
Glasgow, Montana

Dear Mr. Dignan:

You have requested my opinion as to whether or not the State Board of Public Welfare can use its funds to complete Works Progress Administration Armory Project at Glasgow.

You state that press reports indicate the State Welfare Board may not use its funds for such purpose. I assume you have reference to the statement of Dr. Potter, Chairman of the State Welfare Board, in commenting on the recent decision of the Supreme Court in the case of State ex rel. Fred Browning v. I. M. Brandjord et al., 106 Mont. 395, to the effect that under

this decision "the proposed use of the \$150,000 for sponsorship of W. P. A. projects was ended."

I do not agree with Dr. Potter's statement. On the contrary, under the court's decision in this case, the authority of the board to sponsor W. P. A. projects is quite clearly stated and admits of no such interpretation. The court says:

"The Public Welfare Board may under these statutes contract with a governmental agency, such as the Works Progress Administration, to furnish certain materials necessary to insure the institution and completion of projects reasonably designed to furnish relief to the unemployed in the form of work. This board is bound to supervise the expenditure of the funds appropriated by the state for its use."

The court in this decision merely held that the state board could not turn over money to the governmental agency, and said on this point:

"If the board in the exercise of its discretion desires to furnish materials for a project, it should furnish them and not merely turn over to some governmental agency or officer a sum of money to be expended by it or him when or where it or he pleases."

It is quite clear from this language that the board has absolute authority to furnish materials necessary for such projects.

The court further holds that the unexpended balance in the Welfare Fund from the appropriation for the first fiscal year does not revert to the general fund, but it may be used in the second fiscal year. The amount involved in the case at issue was the sum of \$150,000. Under the decision the court has made available all of the unexpended balance. In other words, the board now has the sum of \$239,000, being the unexpended portion of the first fiscal year appropriation, which it has absolute authority to use in the purchase of necessary materials for Works Progress Administration projects, and is now in a better position to furnish materials to such projects than before such decision.

It is my opinion that the State Welfare Board may sponsor projects of the Works Progress Administration

reasonably designed to furnish relief to the unemployed in the form of work, by furnishing materials necessary for such projects.

Therefore, the State Public Welfare Board has the absolute authority to use its funds to complete the Works Progress Administration Armory Project at Glasgow in purchasing materials necessary for such project, if such project is reasonably designed to furnish relief to the unemployed of your county in the form of work.