

**Opinion No. 281.****Public Welfare—County Commissioners—Transportation, Furnishing for W. P. A. Workers—Poor Fund.**

HELD: 1. County Commissioners may pay for gas, truck hire, etc., from poor funds, for the purpose of providing means of transportation for relief clients in going to and from Work Progress Projects, where such projects are located at a distance where transportation is necessary.

May 9, 1938.

Hon. I. M. Brandjord, Administrator  
State Department of Public Welfare  
Helena, Montana

My dear Mr. Brandjord:

You have submitted the question as to whether or not the counties may pay for gas, truck hire, etc., out of the county poor fund in order to provide transportation to persons working on a Works Progress Administration project.

Under the law prior to the year 1937 it was held by the attorney general's office that expenditures from the poor fund for such purposes were authorized. (Vol. 15, Opinions of the Attorney General, Opinions Nos. 378, 423, 439.)

Section V, Chapter 82, Session Laws of 1937, circumscribes the authority of the county commissioners and requires that all relief disbursements to relief recipients shall be by cash and in no other manner (State of Montana, *ex rel Wilson v. Weir, et al.*, 106 Mont. 526). However, the purchase of gasoline, truck hire, etc., so that employment for the needy may be made possible on Works Progress Administration projects is not the payment of general relief to eligibles as contemplated by Chapter 82. The purpose of such expenditures, which are to be made from the poor fund, indirectly results in relieving the poor fund from direct disbursements, and thus relieves the load imposed upon it.

The legislature has declared it to be the public policy of the state, that the state and political subdivisions cooperate with any agency of the federal government in and for the construc-

tion, operation, and maintenance of work projects intended for a useful purpose and calculated to furnish employment and assistance to the needy.

In order to cooperate with the federal government and its agencies, the county, when sufficient funds are not available, may even issue relief warrants payable by a special levy to pay such expenses. But when the county has funds available it may use the same for such purpose and no necessity exists to make a special levy. The object of the expenditure is to give employment to the needy and those in distress, and thus, the poor fund being relieved from direct general relief, it follows that where there are funds available in the poor fund the board has the right to use the same. Chapter 85 of the 1937 Session Laws expressly grants such powers to the counties and other subdivisions of the state, and such power is different and additional to the powers given in Chapter 82, *supra*.

The state and political subdivisions thereof carry out this policy by sponsoring such projects; that is, by furnishing materials, equipment, etc., while the federal government furnishes the wages. The amount of earnings permitted each individual is designed to be such an amount as will provide the individual and his family the necessities of life. Thus the county poor fund to that extent is relieved of the burden of caring for such needy.

We have heretofore held in Opinion 261, Vol. 17, Opinions of the Attorney General, that counties may supplement these wages or earnings where it is shown that such are insufficient. If the project being sponsored by a county is located so that some means of transportation is necessary, and the individual would have to provide such transportation at his own cost, then his earnings, designed to provide the common necessities, would thereby be reduced and the county would have to supplement such earnings to this extent. Such supplementation may be made by the county by providing the transportation. Therefore it is my opinion that the counties are authorized to purchase gasoline and hire trucks for the conveyance of employees to Works Progress Administration projects, and are authorized to expend poor funds for that purpose when such funds are available.