

Opinion No. 309.

**Counties—County Commissioners,
Power of—Dependent Poor—
Employment Offices.**

HELD: The county commissioners, should they find it necessary and desirable in order to find employment for the dependent poor, may budget and appropriate money for setting up or assisting the Montana State Employment Service in setting up free public employment offices.

August 1, 1938.

Hon. W. A. Brown
State Examiner
The Capitol

Dear Mr. Brown:

You have submitted a letter from Mr. John W. Nelson, Field Supervisor, Montana State Employment Service,

and have requested my opinion as to whether or not the county commissioners in the various counties are authorized to budget for, or to make an appropriation to help finance free public employment offices by setting up, or aiding the state employment service in setting up such offices

On October 31, 1933, the Attorney General rendered an opinion to the effect that county commissioners have power to hire an employment manager for the purpose of providing and caring for the dependent poor. See Volume 15, Opinions of Attorney General, 261. We agree with the reasons stated in that opinion, and, on the strength thereof, we think that the question should be answered in the affirmative. On July 30, 1934, the Attorney General gave an opinion to the effect that the county commissioners have power to pay rent for local administrative offices of local commissions and officers working for the F. E. R. A., when it is necessary and where it is not practicable or possible to establish same in the county courthouse. (Volume 15, Opinions of the Attorney General, 404.) It was likewise held that the county commissioners may purchase paint and other supplies out of the poor fund for the purpose of keeping the poor employed by the W. P. A. (Volume 15, Opinions of Attorney General, 292.)

The care of the state for its dependent classes is considered by all enlightened people as a measure of its civilization (21 R. C. L. 701). Section 5, Article X of the Montana Constitution, provides:

"The several counties of the state shall provide as may be prescribed by law for those inhabitants, who, by reason of age, infirmity or misfortune, may have claims upon the sympathy and aid of society."

In carrying out the mandate of the Constitution, the legislature enacted Section 4465.4, which reads:

"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; * * *."

The statute does not specify the exact method in all instances by which

the county commissioners shall provide for the care and maintenance of the dependent poor. No doubt the legislature, in carrying out the mandate of the Constitution, intended to vest in the county commissioners a wide discretion. It is well known that counties are unable to furnish sufficient money or supplies for the needy and that they have been forced to furnish employment. This method of dealing with the dependent poor is in the interest of all. It is to the advantage of the taxpayer and serves to preserve the self-respect of those needing assistance. It is a method reasonably well adapted to the end of providing for the care and maintenance of the dependent poor, a duty with which the county commissioners are charged.

If, therefore, in the exercise of sound discretion, the county commissioners should find that it is necessary and desirable, in order to find employment for the dependent poor, that money be expended for employment offices, it is my opinion that they may budget and appropriate money for such purpose.