

Opinion No. 334.

**Public Welfare—Counties—Loans—
General Relief.**

HELD: A county welfare board may not make a grant of general relief on condition the amount granted be repaid to the county. A county may not loan county funds.

September 21, 1938.

Mr. Cedor B. Aronow
County Attorney
Shelby, Montana

My Dear Mr. Aronow:

You have requested an opinion as to whether or not the County Clerk and Recorder, or the County Welfare Board, has authority to make a grant of general relief on condition that the sum granted be repaid. You advise that a resident of your county had been granted and paid general relief over a period of time; that he was then given employment by the county and the Clerk and Recorder required him to refund from his monthly check a certain sum until the whole amount received by him as general relief was repaid.

This office has had numerous complaints that relief recipients were com-

pelled by the county to repay relief grants. In at least one county, relief was granted eligible recipients on condition that repayment would be made, and, when the recipient received temporary employment, he was required by the county welfare board to repay the amount granted. In these instances, the highest amount was \$4.50 and the lowest 45 cents.

There is no provision of the Welfare Act which makes provision for the repayment of general relief grants. Nor is there any provision giving authority to the county welfare board to require repayment of grants made under Part II of Chapter 82, Laws, 1937, General Relief. We do, however, find such authority under other parts of the Act.

Section IX of Part III, Old Age Assistance provides that if at any time during the continuance of old age assistance the recipient becomes possessed of property or income in excess of the amount enjoyed at the time of the grant, he shall immediately notify the county department and the county department may, upon inquiry, either cancel the assistance granted, or vary the amount thereof. It further provides that any excess assistance paid shall be recoverable as a debt due the state or county. A similar provision is found in Part V, Aid to Blind. (Section XII.)

If the legislature intended that assistance grants under Part II, General Relief, should be repaid by the recipient, it would have so provided. Not having made such provision, it must be assumed that it was not the intention of the legislature that those persons to whom general relief was granted should be required to repay the amount granted.

The transactions mentioned herein are nothing more or less than loans by the county. That a county may not engage in the business of loaning money is clear.

It is, therefore, my opinion that a county board of public welfare has no authority to make a grant of general relief on condition that the recipient repay the amount granted at some future time. It follows, of course, that neither the Clerk and Recorder nor any other county officer may loan any county funds for any purpose whatsoever on condition that the same be repaid.