

Opinion No. 41.**Public Welfare — Appropriations —
Montana Relief Commission—Re-
imbursements From Sale of
Sheep Pelts—Reappropria-
tion, Period of.**

HELD: Unexpended balance of funds of Montana Relief Commission held by State Department of Public Welfare, were reappropriated to Department by House Bill 419, Twenty-sixth Legislative Assembly, and may be used for any legitimate expenditure of the Department during the period March 2, 1939, and June 30, 1939.

April 6, 1939.

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

Dear Mr. Brandjord:

You have requested my opinion as to whether or not the sum of \$16,545.35 received from Illinois Emergency Relief Commission, constituting 25% of the net proceeds from sheep pelts and wool shipped to that Commission by orders of the Federal Surplus Commodities Corporation, may be used by the State Board of Public Welfare for any expenditure that the State Department is authorized to incur. You have furnished me with copies of communications between the Montana Relief Commission and the Federal Agencies concerning this transaction.

From the correspondence before me, it appears that this sum of \$16,545.35 represents 25% of the proceeds of the sale of these pelts and wool as reimbursement of the Montana Relief Commission "for expenditures made from state funds for storage, insurance and other costs necessary to care for stocks of cattle hides, calf skins and sheep pelts resulting from the drouth program of 1934 and 1935." In short, this money was originally a part and parcel of Montana Relief Commission funds, advanced by that Commission.

This money was returned or repaid subsequent to the termination of the Montana Relief Commission and the establishment of the present Public Welfare Department.

This office in Opinion No. 227, Vol. 17, Official Opinions of the Attorney General, dated January 15, 1938, held that under the provisions of Section 11 (f) of Part 1, Chapter 82, Laws of 1937, all funds of the Montana Relief Commission were reappropriated for the use and benefit of the Department of Public Welfare, and, if not needed to satisfy obligations of the Montana Relief Commission, could be used for any legitimate purpose of the department. Under the facts presented, the sum in question became the property of the department and a part of its biennial appropriation, for use in any legitimate expenditure.

On March 1, 1939, the sum here in question, being an unexpended balance of the appropriation for the department for the biennium ending on that date, would ordinarily have reverted to the general fund. However, House Bill 419 of the Twenty-sixth Legislative Assembly provides in Section 3, as follows:

"In addition to the foregoing appropriations of six hundred thousand dollars (\$600,000.00) there is hereby appropriated to the State Department of Public Welfare for public assistance, for administrative costs in the State Department and in the county departments of Public Welfare and for all other expenditures that the State Department of Public Welfare is authorized to incur for the period beginning with March 2, 1939, and terminating with June 30, 1939, all balances remaining unexpended of the appropriations made for that department for the two-year period terminating with March 1, 1939, including all claims of the department against counties for reimbursements of their shares of old age assistance, aid to needy dependent children, aid to needy blind, administrative costs, and all other outstanding claims of the department."

Therefore, in view of this legislative enactment, the sum in question was reappropriated for use "for all other expenditures that the State Department of Public Welfare is authorized to in-

cur for the period beginning with March 2, 1939, and terminating with June 30, 1939."

It is therefore my opinion that this sum of \$16,545.35 may be used by the State Department of Public Welfare for all legitimate expenditures of the department for the period commencing March 2, 1939, and ending June 30, 1939.