

No. 252

**BUREAU OF CIVILIAN REHABILITATION—STATE
BOARD OF CIVILIAN REHABILITATION—SALARY OF
STATE SUPERVISOR—APPROPRIATIONS—FEDERAL
FUNDS**

Held: State supervisor's salary set by legislature to be paid from state funds, \$2400. Board under Section 3049, Revised Codes of Montana, 1935, may fix salary, and in its discretion may use federal funds to increase salary in event by so doing they do not violate any of the regulations and requirements of the federal agency participating.

September 23, 1941.

Mr. Lief Fredericks
State Supervisor
Bureau of Vocational Rehabilitation
State Capitol
Helena, Montana

Dear Mr. Fredericks:

You have asked my opinion as to the salary of the State Supervisor, Bureau of Rehabilitation.

I find Section 3049, Revised Codes of Montana, 1935, defines the powers and duties of the state board in part as follows, "to appoint such assistants as may be necessary to administer the provisions of this act and said act of Congress in this state and fix the compensation of such assistants." Since 1937 the board has fixed the salary of the state supervisor at

\$3400.00 per year, which salary has been paid continuously since. The 1937 Legislature appropriated \$3000.00 annual salary for this office and the same amount was appropriated by the 1939 Legislature. The balance of the yearly salary of \$400.00 was made up from the moneys received from the federal government's participation in the program.

The 1941 Legislature—by House Bill 380—appropriated \$2400.00 as the yearly salary of the state supervisor, and that is the entire amount of state funds which can be used for that salary. However, in the event the state board directs a part of the federal funds may be used for the state supervisor's salary and by so doing does not violate any of the regulations and requirements of the federal agency participating, then it is within the board's discretion to do so.

Apparently the intent of the Legislature in House Bill No. 380, when it stated, "In addition thereto there is hereby appropriated all moneys received from the federal government for civilian rehabilitation, provided, however, that no administrative salaries shall be increased by reason of the use of this fund," was to freeze the salaries at the level they had been heretofore.

It is my opinion the Legislature would not have the authority to direct how the federal funds should be used. The federal government only may direct how the funds it provides may be used. The state may then either accept or reject the participation of the federal government.

Sincerely yours,

JOHN W. BONNER
Attorney General