

## Opinion No. 18

**Public Welfare Department—State  
Welfare Board—Board of County  
Commissioners—County Welfare  
Board—Statutes—Sections 71-216,  
71-401, 71-503, 71-601, Revised Codes  
of Montana, 1947—Welfare  
Applications—Rules and Regulations.**

**Held: The State Board of Public  
Welfare has power to make such  
rules and regulations as are  
necessary and reasonable to ex-  
pedite the approval of appli-  
cations which rules and regula-  
tions are binding upon County  
Welfare Boards.**

May 21st, 1951.

Mr. N. C. Briggs  
State Administrator  
Department of Public Welfare  
Helena, Montana

Dear Sir:

You have requested an opinion on the following:

Since the amendments to the Social Security Act effective July 1, 1951, require that aid to applicants for public assistance shall be furnished with reasonable promptness, and reasonable promptness has been interpreted by the Federal agency to mean that payment shall be made to eligible persons within 30 days from date of application, and the county welfare boards in many cases only meet once each month, how can the state department be assured that such application will be processed within the 30 day period?

Section 71-214, Revised Codes of Montana, 1947, reads as follows:

“The board of county commissioners, ex-officio, shall be the county welfare board and is hereby authorized to devote such additional time for public welfare matters as may be found necessary. The members of the county welfare board shall receive the same compensation for their services and the same mileage when acting as the county board of public welfare as they receive when acting as the board of county commissioners and shall be limited as to meetings as now provided by law, and the compensation and mileage

of the members of the board shall be paid from county funds. They may transact business as a board of county commissioners and as a county welfare board on the same day, and in such case they shall be paid as a board of county commissioners, but shall in no case receive compensation for more than one day's work for all services performed on the same calendar day."

The foregoing section clearly authorizes the board of each county to devote additional time for public welfare matters as may be found necessary.

Section 71-216, Revised Codes of Montana, 1947, reads as follows:

"The county board of public welfare shall be responsible for establishing local policies and such rules and regulations as are necessary to govern the county department and local administration of public welfare activities except that all such policies and rules and regulations must be in conformity with general policies and rules and regulations established by the state board."

And Section 71-205, Revised Codes of Montana, 1947, reads as follows:

"The state department of public welfare is hereby authorized and it shall be its duty to administer and supervise all federal funds allocated to the state and all state funds appropriated to the state department of public welfare, for the activities and purposes set forth under each part of this act. The state department of public welfare is also hereby authorized and it shall be its duty to do all things necessary, in conformity with federal and state laws, for the proper fulfillment of the purposes set forth in this act."

It is further pointed out that provisions of the Public Welfare Act provide under the Old Age Assistance section and Aid to Needy Dependent Children section, respectively, as follows:

71-401, Revised Codes of Montana, 1947, sub-section (e).

"all rules and regulations of the federal social security board and the state department of public welfare

made under this act shall be binding upon the county departments of public welfare."

And, Section 71-503, Revised Codes of Montana, 1947, sub-section (e).

"all rules and regulations of the state department of public welfare made under this act shall be binding upon the county departments of public welfare. The state board of public welfare shall make such rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this part."

See also 71-601, Revised Codes of Montana, 1947, sub-section (e).

Throughout the Public Welfare Act, the legislature has made provisions for cooperation with the federal government in these matters of mutual concern. It is for the benefit of those who are in need of aid and assistance to have their applications for such aid and assistance processed with the least possible delay. It is, therefore, my opinion that the State Board of Public Welfare can make rules and regulations to expedite the approval of these applications, and that such rules and regulations will be binding on the County Departments, which includes the County Welfare Board and the staff personnel.

Very truly yours,  
ARNOLD H. OLSEN  
Attorney General