

**Opinion No. 53****County Commissioner—General Fund—Surplus Commodities Program**

**Held: Board of County Commissioners may lawfully appropriate county money from the county general fund for the purpose of obtaining necessary help and incurring necessary expenses for the distribution and administration of surplus commodities as made available by federal agencies.**

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May 22, 1958

Mr. Thomas H. Mahan  
Attorney for the State Department  
of Public Welfare  
Helena, Montana

Dear Mr. Mahan:

You have submitted the following: "Whether money from the general fund of a county may be used for the purpose of obtaining

help and incurring necessary expenses for the distribution and administration of surplus commodities as made available by federal agencies."

In answering your inquiry it will be necessary to examine Section 16-1162, RCM, 1947, which is as follows:

"In any county where aid is received from the Reconstruction Finance Corporation or any other similar agencies, the county commissioners of such county shall be authorized to employ the necessary help and incur such expenses as are necessary in the administration of such relief, and in so doing the board of county commissioners may appropriate such funds as are necessary from the general fund of said county and such appropriation shall be held and deemed legal and valid notwithstanding the provisions of the budget act."

It should also be noted that the above section is in Chapter 11 of title 16, RCM, 1947, which is entitled "Special Powers and Duties of County Commissioners". The above law is plain and explicit.

Therefore, it is my opinion that the statute above quoted authorizes the board of county commissioners to appropriate county money from the county general fund for the purpose of obtaining necessary help and incurring necessary expenses for the distribution and administration of surplus commodities as made available by federal agencies.

Very truly yours,  
FORREST H. ANDERSON  
Attorney General