

**Firemen's Relief Association—Duty of City Treasurer to Turn Over Moneys to Association Treasurer.**

A City Treasurer receiving money under the provisions of Section 4017 of the Revised Codes of 1907 must turn the same over to the treasurer of the relief association organized under Chapter 129 of the Laws of 1911, as amended by Chapter 49 of the Laws of 1915.

Geo. P. Porter, Esq.,  
State Auditor and Commissioner of Insurance ex-officio,  
Helena, Montana.

My dear Mr. Porter:

You have requested my opinion whether City Treasurers are required to deliver to the treasurer of Fire Department Relief Associations organized under Chapter 129, Laws of 1911, as amended by Chapter 49, Laws of 1915, the money paid to the city by the State under the provisions of Section 4017, Revised Codes of Montana of 1907.

The Act of March 4, 1907, now Sections 3334 to 3341, inclusive, Revised Codes of 1907, provided for the creation, management and control of a "Disability Fund" for the relief of members of the Fire Department, disabled in the line of duty. This Act provided for a Board of Trustees consisting of the Mayor, Clerk and Attorney of the city or town, the Chief of the Fire Department and one member of the Fire Department to be selected by a majority of the members of the Fire Department. The fund was raised by taxation. This

fund was held in the custody of the City or Town Treasurer and paid out on order of the Council upon the written recommendation of a majority of the Board of Trustees of said fund.

The Legislature, in 1911, enacted Chapter 129, which empowered the members of a Fire Department of a city or town, with the consent of a majority of the members of the City or Town Council, to form themselves into an association under the name of "Fire Department Relief Association of the City of ....." (naming the city), and to select from their members a president, secretary and treasurer and such other officers as considered necessary. The treasurer is required to give bond in such amount as the association may determine, and thereupon shall receive all moneys in the hands of the City Treasurer to the credit of the disability fund of such city, and the City Treasurer "shall thereafter from time to time, as moneys are received by him for the credit of said fund, turn the same over to the treasurer of said relief association, taking proper receipt therefor." (Sec. 7, Chap. 129, supra.)

In 1915, the Legislature amended said Chapter 129, by Chapter 49, Laws of 1915, to provide that 50 per cent of the licenses collected by the State Auditor under Section 4017, Revised Codes of Montana of 1907, should be paid into the "Disability Fund" of the Fire Department of the city.

This money, therefore, when received by the County Treasurer, comes within the provisions of Section 7 of said Chapter 129, and the City Treasurer, upon receipt thereof, must turn the same over to the treasurer of the Relief Association, taking a proper receipt therefor.

In your letter of inquiry you have given the foregoing interpretation to the law, and in my opinion, you are correct.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.