

**Salary Warrants—County Commissioners Need Not Sign. County Clerks May Draw and Sign Warrant for Salaries.**

Under Div. 12, Sec. 4230 and Div. 3, Sec. 4424 of the Pol. Code, it is not necessary for the county commissioners to meet monthly for the purpose auditing, allowing and authorizing the issuance of warrants for salaries of officers. Such warrants need be signed only by the county clerk. County officers should file their sworn claims, however, on the first of each month.

Helena, Montana, April 21st, 1906.

Hon. John J. Kerr, County Attorney, Glasgow, Montana.

Dear Sir:—Your letter of the 14th inst., received. You ask for opinion of this office as to whether it is necessary for the board of county commissioners to meet each month for the purpose of auditing the claims of county officers for salaries and to authorize the county clerk to draw warrants for the same; also as to whether it is necessary for the warrants to be signed by the chairman or other members of the board, or is the signa-

ture of the county clerk on such warrants sufficient?

Last fall we gave a verbal opinion upon this question to the State Examiner upon which he bases his instructions to the county clerk, as mentioned in your letter.

Div. 12, of Sec. 4230, Pol. Code, defining the powers and duties of the board of county commissioners, provides:

"At the regular meeting of the board to examine, settle and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the county treasurer therefor and provide for the issuing of the same."

Sec. 4424 of the same code, Div. 3, provides that the county clerk must "draw warrants on the county treasurer in favor of all persons entitled thereto, in payment of all claims or demands chargeable against the county which have been legally examined, allowed and ordered paid by the board of county commissioners; also of all debts and demands against the county when the amounts are fixed by law and which are not directed to be audited by some other person or tribunal."

It will be noticed by Div. 12, of said Section 4230, that the commissioners are not required to examine, settle and allow salaries of officers, and also that division three of said Section 4424 makes a clear distinction between claims against the county, the amounts of which are fixed by law, and those which must be legally examined, allowed and ordered paid by the board.

You are therefore advised that it is not necessary for the board of county commissioners to meet the first of each month for the purpose of examining, allowing and ordering paid the claims for salaries of county officers, nor is it necessary to have the signature of the chairman or other members of the board on the warrants drawn for such salaries.

It is advisable, however, and as a guide for the county clerk in drawing warrants for salaries, to have each county officer sign and swear to a claim for salary the first of each month, then the board of commissioners, at their regular quarterly meetings, can check over and examine the claims filed during the preceding months for the purpose of ascertaining if they are in accordance with the salaries of such officers as fixed by law.

Yours very truly,

ALBERT J. GALEN,  
Attorney General.