

Horticulture, Fees for Inspection. Fees and Fines, Where Deposited. Inspectors of Horticulture, Should Account for Fees.

Under the provisions of Chap. 121, Laws of 1911, the inspectors of horticulture must account for and turn into the state treasury all fees and fines collected in pursuance to their duties.

June 2, 1911.

Mr. M. L. Dean,
State Horticulturist,
Missoula, Montana.

Dear Sir

I acknowledge receipt of your letter of the 31st ult., in which you ask for further information relative to the provisions of Section 1933, Chapter 121, Session Laws of 1911, concerning which I advised you under date of May 24th, I may not have made myself perfectly plain to you in that opinion, but in order to make myself plain I will state that it is my opinion that all fees of whatsoever nature or kind collected by any of the inspectors under any of the provisions of said Chapter 121, Session Laws of 1911, must be accounted for and turned into the state treasury, and this irrespective of any claim for compensation that the inspector may have against the state.

I notice by the provisions of regulation No. 18, promulgated by the horticultural board that you provided that the fees may be retained by the inspector up to the amount of his compensation. This was allowable under the previous law but the legislature of 1911 in adding the word "fees" in addition to fines as was originally provided by this section, expressly intended that fees collected as well as fine paid for violation of the provisions of the act, must be turned into the state treasury for use in defraying the expenses of the board.

Yours very truly,

AIBERT J. GALEN,
Attorney General.