

Salary, of State Examiner. Fees, of State Examiner. State Examiner, Salary and Fees Of.

The salary of the state examiner for all services rendered by him in any capacity shall be \$3000 per year and in addition thereto the state shall pay the necessary office and traveling expenses of himself and assistants. All other fees received by him should be paid into the state examiner's fund.

December 14th, 1911.

Hon. C. E. Kumpe,
State Examiner,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of November 11th, requesting my official opinion upon the following question:

"Under the provisions of Section 11, Chapter 111, Session Laws of 1911, should the per diem fee provided for by this section be paid into the state treasury, or is it a compensation to be allowed the state examiner for the performance of duties imposed by this act?"

Chapter 93, Session Laws of 1911, which amends Section 213, Revised Codes of 1907, provides that the salary of the state examiner for all services rendered in any capacity whatever shall be \$3,000 per year, and in addition thereto the state shall pay the necessary office and traveling expenses of himself and assistants. Section 2 of this act further provides that, the state examiner shall be allowed one first assistant at a salary of \$2,400 per year, and one second assistant at a salary of \$2100 per year, and a clerk at a salary of \$1200 per year; provided,—

"That if at this session there is enacted a law placing private banks under the supervision of the state examiner, there shall be allowed an additional deputy at a salary of \$1,800 per year and expense money as may be included in the general appropriation bill."

While it is true that Chapter 111 above referred to is a later enactment than Chapter 93, yet under the provisions of Chapter 93 it is contemplated that the state examiner may be required to examine private banks and for this purpose the act provided for an additional deputy.

In my opinion Section 11, Chapter 111, simply provides a fee for reimbursing the state for the additional expense incurred in examining private banks and that this fee should be paid into the state examiner fund for such purpose and is not an additional compensation to be allowed the state examiner in person but is simply an emolument attached to the office for the purpose of defraying the added expense to which the state has been put by reason of placing private banks under the supervision of the state examiner.

Yours very truly,

ALBERT J. GALEN,
Attorney General.