

County Health Officer, Salary Of. Health Officer, County, Salary Of, By Whom Paid. County Health Officer, Expenses Incurred, By Whom Paid.

The salary of each health officer whether he be employed by the day or month is payable by the city, town, or county for which he is such health officer.

All necessary expenses incurred by a local board of health or by any county board of health are to be paid by the respective city, town, or county for which the person incurring the expense is an official.

Expenses incurred for the purchase and necessary transportation of sample food, purchased at the direction of the State Board of Health are to be paid by the State of Montana.

March 15, 1912.

Dr. T. D. Tuttle,
Sec'y, State Board of Health,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of March 15th submitting the following questions for my official opinion:

1. Is the State responsible for all or any part of the salary of a local or county health officer when such health officer is engaged in performing the duties under the requirements of what is commonly known as the Pure Food Law and the rules and regulations of the state board of health made thereunder?

2. When a local or county health officer is employed on a per diem basis that is when he receives a salary for such days as he may devote to public health work, is the state responsible for all or any of the days that he may devote to work under the law and regulations mentioned in question one?

3. When a local or county health officer is required to travel any distance in making the regular monthly inspections provided for in the regulations of the state board of health under the provisions of the pure food law, is the state responsible for his traveling expenses, or are such traveling expenses paid as provided for in Section 1492, Revised Codes of Montana, 1907?

4. Is the state responsible for the cost of samples of food products purchased and for transporting such samples to the laboratory, these samples being purchased by the direct order of the secretary of the state board of health?

In reply to your first and second questions, I will say that under the provisions of Sec. 1497, Revised Codes, as amended by Chap. 117, Session Laws of 1909, the salary of each health officer, whether he be employed on a per diem basis or by the month, is payable by the city or town for which he is such health officer, or by the county in the event he is a county health officer, and the provisions of Chap. 130, Session Laws of 1911, do not in anywise change the law in this respect.

In answer to your third question I will say that under the provisions of Section 1497, as amended by Chap. 117, Session Laws of 1909, all necessary expenses incurred by any local board of health or by any county board of health, are to be paid by the respective city, town or county for which the person incurring the expense is an officer.

In answer to your fourth question, I will say that under the provisions of Sec. 11, Chap. 130, Session Laws of 1911, it is made the duty of the state board of health to enforce the provisions of this act. The state board, through its secretary, and through local and county health officers is required to make all necessary investigations and

inspections in reference to all foods and drugs, and for this purpose the state, county and local health officers are made food and drug inspectors for their respective districts. Each local and county health officer shall make regular inspections as the rules and regulations of the state board of health may from time to time require, and shall make such reports relative to conditions existing within his district at such times and in such manner as the state board of health may direct. This act places upon local and county health officers additional duties which they are required to perform, and for which they are paid by the respective city, town or county for which they may be officers. However, when such officers incur expenses for samples of food products, under the direction of the secretary of the state board of health, such expenses, as well as these incurred in the necessary transportation of such samples, is a proper charge against the state, to be paid from the appropriation mentioned in Sec. 14 of Chap. 130, Session Laws of 1911, upon verified claim presented to the state board of examiners, approved by the secretary of the state board of health.

In an opinion addressed to James E. Davis, City Attorney, Billings, Montana, under date of March, 13th 1912, I stated that local city and county health officers, under direction of the secretary of state board of health, are acting for the state board of health, and whatever proper expense they incur while so acting is to be paid out of the appropriation mentioned in Sec. 14 of the act, upon claims properly presented to the state board of examiners. This opinion was only intended to cover the character of expenses referred to in the fourth question contained in your letter and herein replied to, and if the opinion appeared broad enough to cover all expenses incurred by local and county health officers, it is amended in that respect

Yours very truly,

ALBERT J. GALEN,

Attorney General.