

State Institutions and Departments, Authority of State Auditor to Issue One Warrant in Payment of Employes of. State Auditor, Authority to Issue One Warrant in Payment of Employes in State Institutions. Employes of State Institutions and Departments, Rights of to Have Salary Warrants Issued Direct. Salary Warrants, Employes of State Institutions and Departments Entitled to Receive Pay Direct From the State.

The issuance of one warrant by the state auditor to the head of each state institution or department in payment of salaries of its employes would be a payment of same in a manner not authorized by law. Employes of the state are entitled to receive their pay direct from the state.

February 5th, 1913.

Hon. William Keating,
State Auditor,
Helena, Montana.

Dear Sir:

I am in receipt of your favor of the 4th inst., submitting to me the question of whether or not you may issue one warrant to the head of each state institution and department to cover the monthly pay roll for that institution or department.

Every subordinate in the various departments and every employe at the different state institutions are employes of the state and not employes of the principal or head of the department or the superintendent of the institution. Being employes of the state, they are as much entitled to receive their pay directly from the state as are the heads of the departments or superintendents of the various institutions. These different subordinates and employes would have the right to insist upon receiving their warrants directly from you. I have searched very carefully but find nothing in the statutes or the provisions of the law that would indicate that you have the right to issue one warrant to the head of a department or institution to cover the entire pay roll for that department or institution. Such a practice would make the head of each department or superintendent of each state institution a disbursing agent of the state, duties not contemplated by the statutes, and not provided for. In my opinion, payment of the money in this manner would be a payment of the same in a manner not authorized or provided for by law, and for purposes not authorized by law.

I would therefore advise you that you have no such right and that you must continue to issue a separate warrant to each state employe.

Very truly yours,

D. M. KELLY,

Attorney General.