

**Stock, Slaughtered—Claims For Payment Of.**

Method prescribed for the presentation of claims for the payment of slaughtered stock.

March 12, 1920.

Hon. Geo. P. Porter,  
State Auditor,

Helena, Montana.

I have your letter of recent date with reference to claims for slaughtered stock.

You state that it has been customary to have the original claim sent to the Auditor's office, which, after being inspected by the Auditor as to the amount and assessed value of the stock slaughtered, was passed to the State Veterinarian for approval, after his approval presented to the State Board of Examiners, and after their approval then returned to the State Auditor to have the warrant drawn, and ask whether or not such a claim may not, in the first instance, be sent to the State Veterinarian, instead of to the State Auditor after being approved by the State Veterinarian be presented to the State Board of Examiners and after receiving their approval delivered to the State Auditor for the purpose of having the warrant drawn.

The only provisions found in the act, Chap. 157, Sess. Laws 1917, with reference to the State Auditor, are found in subdivision 6 of Section 10 thereof, which provides that a claim against the state and county shall be made by the owner with the State Auditor, and county commissioners, accompanied by an affidavit of the owner, certificate of the State Veterinarian, and certificate of the county assessor designating the assessed value or minimum assessed value for the class of animals for which the claim is made, and that the State Auditor shall examine the same, and if found correct, he shall issue a warrant for fifty per cent of the sum named in the return. Apparently the only duty imposed upon the State Auditor is to examine the claim by comparing the amount claimed with the valuation given in the certificate of the county assessor, and if such amounts correspond he must then draw a warrant for the claim.

The language used in subdivision 6 of Section 10 is very similar to that used in the old statute, Chapter 68, Session Laws 1913, and was undoubtedly taken from this latter act, and it is very probable that the legislature at the time said Chapter 68 was enacted, did not consider that such claims were required to be presented to the State Board of Examiners for audit, consequently intended the State Auditor to act as an auditing officer. However, under the provisions of the constitution all claims against the state must be approved and ordered paid by such board before warrants can be drawn therefor. When the board examines such a claim it undoubtedly must compare the amount claimed with the amount specified in the assessor's certificate in order to determine the amount for which it will order a warrant drawn, and there can be no necessity for the State Auditor examining and auditing the claim.

I am, therefore, of the opinion that such claims need not be sent to the State Auditor in the first instance, but may be sent by the claimant, or by the county, direct to the State Veterinarian, who, if he approves the same, must transmit them to the State Board of Examiners, and when they are approved and warrants ordered drawn by that Board, they may be delivered to the State Auditor, who must then draw warrants for the amounts for which the claims are approved by the State Board of Examiners.

Truly yours,

S. C. FORD,

Attorney General.