

Irrigation District Commission—Expenditures — Bonds.

An irrigation district bond commission must authorize all obligations incurred after the bonds have been certified and must authorize the payment of all expenses previously incurred in excess of \$2,500.00.

C. S. Heidel, Esq.,
Chairman, Irrigation District Bond Commission,
Helena, Montana.

My dear Mr. Heidel:

You have asked this office for an interpretation of Section 7220, Revised Codes of 1921.

You state that it would seem that, after the Commission has once approved plans for construction or reconstruction, it will then be required to approve the design and plans for any additional structure or improvement costing over \$2,500.00 and not included in the original designs, and any special change from the original plans involving items \$2,500.00 or over.

This section reads as follows:

“Whenever the bonds of any irrigation district have been certified, as provided in this Act, no expenditure exceeding the sum of twenty-five hundred dollars shall be made from the construction fund of such district without the consent of the Commission provided for in this Act, and no obligation shall be incurred chargeable against such fund without previous authorization of the Commission, nor shall any expense of any kind be incurred in excess of money actually provided by levy of assessment or otherwise.”

The Legislature apparently intended by this section to require the Commission to approve any expenditure made after the date of certification, where the same exceeds \$2,500; and after the bonds have been certified, to prevent any obligation from being incurred without previous authorization of the Commission. That is, the expenses that have been incurred by the Irrigation Board, prior to the time when the Irrigation District Bond Commission certifies the bonds, may not be paid without the consent of the Commission, if in excess of \$2,500. After the bonds have been once certified, all obligations must then be authorized by the Irrigation District Bond Commission.

No expenses, however, are allowed to be incurred in any event in excess of the money actually provided for by levy of assessment, or otherwise.

Very truly yours,
WELLINGTON D. RANKIN,
Attorney General.