

State Fairs — Appropriations — Accounts — Contingent Fund—Funds—Board of Examiners—Claims.

A warrant should be issued to pay a claim for the purpose of reimbursing the state fair revolving appropriation special fund for moneys expended out of earnings of the state fair.

February 28, 1928.

George P. Porter, Esq.,
State Auditor,
Helena, Montana.

My dear Mr. Porter:

You have submitted to me the report of the state accountant relative to the affairs of the state fair, together with a request for an opinion as to whether you should issue a warrant for the payment of contingent claim No. 496720, approved by the board of examiners for the sum of \$14,657.47, against the \$20,000.00 appropriation for the year beginning July 1, 1928, and ending June 30, 1929, for the maintenance, operation and other expenses of the Montana state fair, as contained in house bill No. 87 of the laws of 1927.

As I understand the matter, the facts submitted by you are that the board of examiners authorized the secretary of the state fair to open an account with the National Bank of Montana from which to pay emergency claims, and that the state fair board took from the appropriation for the year beginning July 1, 1927, and ending June 30, 1928,

the sum of \$15,000.00 from the premium appropriation, and the sum of \$6,841.34 from the operation appropriation, and that these advances, together with the earnings of the state fair, were deposited in the bank and checked out, and that the warrant you contemplate issuing for claim No. 306820 is for the purpose of reimbursing the state fair revolving appropriation special fund for the moneys expended by the state fair board from the earnings of the state fair.

The board of examiners presumably authorized the establishment of the contingent fund under the powers vested it by section 285, R. C. M. 1921. Whether the legislature contemplated by this section that the board of examiners has this authority is unnecessary at this time to determine. The fact remains that the board has seen fit to exercise this authority in the present case, and it would seem, therefore, that having done so, it must, under the provisions of that section, thereafter examine and approve such expenditures. This it has done and the claim is now being presented for the issuance of a warrant simply to reimburse the fund out of which the expenditures were made; and it is my opinion that the warrant for such claim should be issued.

Very truly yours,

L. A. FOOT,
Attorney General.