

Budget Act—Transfers—Witness Fees.

Transfers may be made from other items in the general class of maintenance and operation to the item of witness fees as contained in said classification for the purpose of permitting the payment of witness fees when the amount appropriated for that item has been exhausted.

George W. Padbury, Jr., Esq.,
County Attorney,
Helena, Montana.

December 10, 1929.

My dear Mr. Padbury:

You state that in the county budget adopted for this year there was included an item for investigations and witness fees; that this amount, due to a murder case in which expert medical testimony was required on behalf of the State, has been exhausted and that there are claims of about \$40.00 in excess of the amount allowed for this purpose in the budget.

You further state that there are other items in the budget from which a transfer could be made so that this deficiency could be paid. You inquire if this may be done.

The appropriation in the budget for investigations and witness fees is properly a part of operation and maintenance. Section 5 of Chapter 148 of the Laws of 1929 (the budget act) provides that upon a resolution adopted by the board of county commissioners transfers and revisions within the general class of "maintenance and support" but otherwise referred to as "maintenance and operation" may be made.

It is my opinion that the board may proceed under said section to make a transfer from some other item in the general class of maintenance and operation to this particular item and that claims chargeable against said item may be paid from the amount transferred to it from other items provided for under the head of maintenance and operation.

Very truly yours,

L. A. FOOT,
Attorney General.