

**General Fund—Road Fund—Surplus—Budget Act—
Transfers.**

Under Section 4631, R.C.M. 1921, surplus moneys in the general fund at the end of the fiscal year may be transferred to the road fund of the county. The budget act does not alter or affect Section 4631 in that regard.

Glen M. Cox, Esq.,
County Clerk and Recorder,
Shelby, Montana.

April 29, 1930.

My dear Mr. Cox:

You have requested an opinion upon the question whether a surplus in the general fund can be transferred to the road fund at the end of the fiscal year in view of the budget law.

The budget law does not create any new funds but merely limits the amounts which may be expended from the funds of the county during the fiscal year.

Under Section 4631, R.C.M. 1921, the board has authority to transfer all surplus moneys that may be on hand in any of the several county funds except school funds, to such fund or funds as they may deem for the best interest of the county.

This right of transfer has not been affected by the budget act, that act having application only to the amount that may be expended from the various funds.

It is therefore my opinion that your question should be, and it is, answered in the affirmative.

Very truly yours,
L. A. FOOT,
Attorney General.