

Protein Laboratories—Counties—Senate Bill 57, Laws 1931.

The law does not contemplate the joint operation of protein laboratories by two or more counties but all surplus goes to the county operating the laboratory regardless of where samples originated.

Mrs. Toile Morris,
Department of Agriculture,
Helena, Montana.

April 10, 1931.

Re: Construction of Senate Bill No. 57,
Providing for Protein Testing Laboratories.

My dear Mrs. Morris:

You have requested an opinion as follows: 1. "Whether the attorney

general will approve a plan for Dawson and neighboring counties to share in cost of equipment and/or rental on laboratory space."

It might be said that the bill apparently does not contemplate any plan whereby neighboring counties may jointly operate a laboratory. This disposes of question 2 as to the counties drawing their agreement between themselves.

3. "Should Dawson county establish a laboratory itself would all fees earned by the laboratory accrue to the credit of the laboratory, or would we share only in a portion of the surplus resulting from testing of samples originating in Dawson county?"

Section 10 of the bill provides:

"On July first each year, the Commissioner of Agriculture shall determine the amount of surplus, if any, accumulated from fees remitted by each laboratory and seventy-five per cent of said surplus from such county shall be paid to each county upon claims duly approved by the Board of Examiners and warrant of State Auditor upon State Treasurer, and twenty-five per cent shall be retained by the Department of Agriculture revolving appropriation fund to apply on the administration costs of this act."

You are advised that under the above section all of the seventy-five per cent of the surplus would be returned to the county in which the laboratory had been established regardless of where the samples to be tested had been sent from.

Very truly yours,

L. A. FOOT,

Attorney General.