

Opinion No. 125**Fish and Game—State Game Warden—
Deputies—Expenses—Claims.**

HELD: If expense claims are authorized by the Fish and Game Commission, and expenditures are necessarily incurred, the fact that repair bills are allowed in addition to a depreciation charge of \$15.00 per month will not render such repair claims invalid.

Claims for storage of a car when such car is at base of operations are properly disallowed.

Additional allowances for special work, which are properly approved, may be allowed.

March 28, 1933.

You have requested my opinion relative to expense accounts of deputies in your office. Section 3661, R. C. M. 1921, as amended by Chapter 59, Laws of 1927, provides in part: "Each deputy state fish and game warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, not

exceeding the sum of Six Hundred Dollars (\$600.00) per year, unless special work shall be ordered by the fish and game commission; said expenses to be approved by said state fish and game warden and to be paid upon proper vouchers from the state fish and game fund".

It appears that the State Fish and Game Commission has authorized an expenditure for expenses of not in excess of \$50.00 per month or \$600.00 per year; and has authorized the payment of \$15.00 per month for depreciation on cars and the payment for license plates and repairs on cars. The law limits the expenditures under certain conditions and authorizes additional expenditures for expenses when necessary and authorized by the State Fish and Game Commission. When such expenditures are properly authorized and made, they constitute valid claims and should be paid. The fact that \$15.00 per month is allowed for depreciation will not prevent the allowance of repair bills as same are clearly authorized by the minutes of the board February 9, 1933. The allowance of expenses, save as limited by law, is clearly left with the State Fish and Game Commission.

It appears to me that the commission is not exactly following the letter and spirit of the law. The law provides for expenses of each deputy not in excess of \$600.00 per year. When the expenses of a deputy reaches \$600.00 in one year, the State Game Warden should make an order authorizing the expenditure of such additional expenses as he deems right and proper under the statute quoted.

Answering your specific questions:

1. If authorized by the board and necessarily expended, the fact that repair bills are allowed in addition to a depreciation charge of \$15.00 per month will not render such repair claims invalid.

2. The law specifically states that expenses are allowed to a deputy "while away from his place of residence". It would appear that portion of the statute would forbid claims for storage of a car when such car is at base.

3. As the statute provides that in

case of special work, such additional expenses may be allowed as shall be approved by the State Fish and Game Warden, you are undoubtedly authorized to make additional allowances for special work.