

May 7, 1935.

Hon. Frank H. Johnson
 Superintendent of Banks
 The Capitol

I have your letter of April 30, inquiring whether or not your examination of the Montana Relief Commission is limited to state funds.

Section 5 of Chapter 109, Laws of 1935, expressly commands that: "Such commission (the Montana Relief Commission) shall keep complete records and reports of all receipts of moneys, disbursements made thereof, all of which said records, and reports shall be subject to examination and audit by the State Examiner, and it shall be the duty of the State Examiner to examine and audit such reports when and at such intervals as he shall deem necessary." (Italics ours.)

It will be observed that the legislature requires the State Examiner to examine all of the accounts of the Montana Relief Commission, and not merely a part of them. Since Federal funds received by the Governor, as well as other funds, are required by the Act (Section 4) to be placed in the "Relief Fund" the Commission is required to keep complete records thereof and you are required to examine such records.

Nothing stated in our opinion No. 87, is inconsistent with this interpretation. In that opinion we stated that the Federal moneys were a trust, and were not state moneys in the same sense as moneys received from taxation. We further stated as you quoted: "The state officers have no control over it, except to carry out the trust relation * * *."

This assertion is reaffirmed, but as it affects your problem we should point out that the strict keeping of accounts by the state officers and the proper checking, examining and auditing of such accounts by other state officers all form a part of the duty of the State in carrying out such trust relationship.

In view of the express command of Chapter 109, supra, we think there can be no doubt that it is your duty to examine the disbursement of Federal moneys through the Montana Relief Fund, as well as revenue raised by the State.

Opinion No. 96.

State Examiner, Duties of—Montana Relief Commission, Examination of Accounts—Federal Relief Funds.

HELD: It is the duty of the State Examiner to examine the disbursements of Federal moneys through the Montana Relief Fund, as well as revenue raised by the State.