

Opinion No. 155.**Bounty Claims—Livestock Commission—Duties of—Inspection Fees of County Clerk.**

HELD: The statutes do not confer authority upon the Livestock Commission to disapprove claims of County Clerk for bounty inspection of hides.

September 9, 1937.

Mr. Paul Raftery
Secretary,
Montana Livestock Commission
The Capitol

Dear Mr. Raftery:

You have called attention to certain illegal bounty claims filed in Hill County, during the year 1936. In some of these claims it has been admitted that the claimants had presented claims for gopher hides instead of coyote hides. You have raised the question whether or not the livestock commission has authority to disapprove the claim of the county clerk in cases where the original claim for bounty has been disapproved.

The claim of the county clerk is based on Section 3417.6, R. C. M., 1935, which provides 5¢ for the scalps of wolves and coyotes examined by him. Section 3417.8 provides as follows:

“It shall be the duty of the livestock commission to examine into

and investigate every such bounty claim and certificate filed with such commission, and in making such examination and investigation, the commission may require the holder of any such certificate or claim to furnish the commission with such additional evidence or proof with reference thereto as the commission may deem necessary and proper, and such evidence may be either oral or documentary as required by the commission. The livestock commission shall, after making such examination and investigation, indorse on such certificate or claim its approval or disapproval thereof, and if the same or any part thereof be disapproved, such indorsement shall state the reasons for such disapproval. If any such certificate or claim be disapproved by the commission, either in whole or in part, the commission shall immediately notify the holder thereof of the action of the commission and of the reasons therefor, and the date when said certificate or claim will be presented to the state board of examiners for its action thereon."

The "certificate or claim" therein mentioned refers to the certificate or claim of the person who claims the bounty. I do not find any provision which makes it the duty of the livestock commission to approve or disapprove of the claim of the county clerk. In the absence of such provision there would be no such duty imposed upon the livestock commission.