

the state department of public welfare to be deposited by the latter in bank account, or accounts, subject to its orders, as provided for in Section III, Part VIII, Chapter 82, Laws of 1937.

March 22, 1937.

Hon. Ray N. Shannon
State Treasurer
The Capitol

Dear Mr. Shannon:

You have inquired whether your responsibility as State Treasurer, for money turned over to the State Public Welfare Department, and by it placed in its own "bank account or accounts," as provided by Section III of Part VIII of Chapter 82, Laws of 1937, ceases thereafter.

It is my opinion that your question should be answered in the affirmative. Said section provides:

"The state department of public welfare shall disburse all public assistance grants and costs of administration as provided for in each part of this act. The state public welfare department shall establish (or open) a bank account or accounts, properly safeguarded under state law and rules of the state department. Such account or accounts shall be subject to orders drawn by the state department for the payment of assistance grants and costs of administration of the state and county departments."

In view of the limitations contained in the provisions of Sections 182, 192 and 6014.123 R. C. M. 1935, I do not believe that a depository bank could be required to give security to the State Treasurer for such funds. Section 182, supra, provides:

"It shall be the duty of the state treasurer to deposit public moneys in his possession and under his control in solvent banks located in the state of Montana, * * *."

Then follows a provision as to what securities shall be acceptable as security for such deposits.

After the money has been placed in the account or accounts to be opened by the state public welfare department, subject to its orders, such money cannot be considered as "in the possession

Opinion No. 64.

State Treasurer, Responsibility for Moneys Turned Over to the State Department of Public Welfare.

HELD: The state treasurer is not responsible for money turned over to

and under the control" of the state treasurer. Since the state treasurer does not make the deposit and has no control over it and is unable to secure it, it would be contrary to all rules of law or equity to hold him responsible for such money.