

No. 225

COUNTIES — STATE EXAMINER — COUNTY BUDGETS

Held: State Examiner conclusively determines nature of expenditures chargeable to particular county budget in absence of controlling statute.

August 30, 1941.

Mr. W. A. Brown
State Examiner
State Capitol
Helena, Montana

Attention: Mr. S. L. Kleve, Chief Examiner

Dear Mr. Brown:

You submit the following:

“As you will notice from item (4) of our Circular Letter, dated June 24, 1941, we instructed County Clerks relative to expenditures incurred in connection with arrest of persons, subsequently adjudged to be insane. It is our contention that, regardless of whether or not

a person is a county charge, when he or she is arrested by the Sheriff, the expenses in connection therewith are charges against the activities of the Sheriff and the expenses incident to a hearing are district court expenses, both of which are General Fund items.”
and inquire whether or not you are correct in your contention.

Section 1442 of the Revised Codes of Montana, 1935, relating to the cost of examination and commitment of insane persons, provides:

“**Cost of examination and commitment.** The cost of the examination, committal, and taking an insane person to the asylum must be paid by the county in which he resides at the time he is adjudged insane. The sheriff must be allowed the actual expenses incurred in taking an insane person to the asylum, as provided by section 4885 of this code.”

The above is the only statutory direction as to how such expense is to be borne. No statute requires the cost of arrest, detention or other expense preliminary to examination to be apportioned to any particular county fund.

It is unnecessary, in the absence of a controlling statute, to determine, as a matter of law, the expenditures properly chargeable to any certain budget account. This duty devolves upon the State Examiner by Section 4613.8 of the Revised Codes of Montana, 1935, in the following clear terms:

“**State examiner to make rules and regulations for carrying out act—accounting systems.** The state examiner hereby is empowered, and it is made his duty to make such rules, regulations and classifications, and prescribe such forms as may be necessary to carry out the provisions of this act, to define what expenditures shall be chargeable to each budget account, and to establish such accounting and cost systems as may be necessary to provide accurate budget information.”

You have, by your circular letter, dated June 24, 1941, defined these expenditures as chargeable to the budget item designated and this determination must be conclusive on the county. Hopeless confusion in supervision of county finances would result if each county were permitted to independently determine these questions.

Sincerely yours,

JOHN W. BONNER
Attorney General