

**Held: The board of county commissioners has the authority to budget for and approve the payment from county funds for such items as printing, postage, stationery, telephone, telegraph and traveling expenses for the office of the public administrator in the same manner as other county officers.**

November 29, 1945.

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

Dear Mr. Brown:

You have requested my opinion as to whether the board of county commissioners has the authority to approve a budget for, and the payment from county funds for such items as printing, postage, stationery, telephone, telegraph and traveling expenses for the office of public administrator.

The office of public administrator is an elective county office. (Section 5 of Article XVI of the Montana Constitution, as amended.) There is no fixed salary for the office, but commissions are paid on the estates handled. (Section 10017, Revised Codes of Montana, 1935.)

The purchase of supplies and incidental expenses for county offices may be done under the general power granted in Section 4465.7, Revised Codes of Montana, 1935, which provides in part as follows:

“The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To purchase, receive by donation, or lease any real or personal property necessary for the use of the county . . .”

The supplies purchased must be authorized by the board of county commissioners. (Page 305, Volume 13, Report and Official Opinions of the Attorney General.)

Our Supreme Court in the case of *Gavigan v. Silver Bow County*, 99 Mont. 58, 41 Pac. (2d) 409, considered the question of payment for the semi-annual report of the public administrator and said:

**Opinion No. 102.**

**Office and Officers—Public Administrators, Supplies for the Office of—County Commissioners, Purchase of Supplies for County Officers—Supplies, Public Administrator.**

“Manifestly, there are only three sources of payment, either (1) from the commissions of the public administrator which constitute his compensation for services rendered, or (2) from the funds of the estates handled, or (3) from the funds of the county. If the office of public administrator were a salaried office and he were commanded by statute to make this publication, we assume no objection would be made to this charge. **The incidental expenses, such as office supplies, stationery, and printing furnished to each of the several county officers are regularly paid without special statute, without comment, and without objection. We see no reason for drawing a distinction in this behalf between salaried and commission offices.** The cost of publishing the report in question is not a proper charge against the commissions received by the public administrator.” (Emphasis mine.)

The Supreme Court in the above quoted case did not have the precise question you ask before it, but the emphasized portion is a comment that throws light on the question, and is in fact the answer.

It is therefore my opinion that the board of county commissioners has the authority to budget for and approve the payment from county funds for such items as printing, postage, stationery, telephone, telegraph and traveling expenses for the office of the public administrator in the same manner as other county officers.

Sincerely yours,  
R. V. BOTTOMLY,  
Attorney General