

charged by them for which services they are paid the sum of \$50.00 each. No such provision is made for either the president of the senate or the speaker of the house although it is undoubtedly true that in many instances the house journal is not complete for the authentication of the speaker at the time the house adjourns.

In the absence of any statute authorizing the payment of salaries after the close of the session, I am of the opinion that none can be paid. In its appropriation for the legislature the salaries of the members are provided for but since no express provision is made for payment of salaries after the adjournment of the legislature it must be assumed that such provision was intended for the regular salaries. Even if there had been express provision for salaries after the close of the legislature, in view of Section 75 and Article V, Section 13, of the Montana Constitution, it is doubtful if such provision would be legal.

The legislature did make a special appropriation for incidental expenses. It is my opinion that so far as Mr. Dellwo's expenses are concerned it was the intention of the legislature to pay them out of the incidental expense account and if there is money remaining in this fund these items may be paid therefrom.

Opinion No. 440

Legislative Assembly—Salaries and Expenses—Speaker of House of Representatives—Journal, Authentication of.

HELD: The Speaker of the House of Representatives is not entitled to salary for two days in coming to Helena to authenticate House Journal, but if appropriation of Legislature for incidental expenses is sufficient, his expenses may be paid therefrom.

February 3, 1934.

You have asked my opinion concerning the legality of the claim of Honorable D. A. Dellwo, Speaker of the House of Representatives, for two days' salary amounting to \$24.00 and railroad fare and other expenses amounting to \$15.10 incurred on a trip made by him to Helena to approve the House Journal.

I wish to call attention to the following statutes: Section 68 provides that the journal of the house of representatives must be authenticated by the signature of the speaker; Section 75 provides that the speaker of the house shall receive the sum of \$12.00 per day "during the session of the legislative assembly." No provision is made by statute for any pay of the speaker after the adjournment of the legislature.

On the other hand, Sections 73, 76 and 78 provide that the clerk of the senate and the chief clerk of the house of representatives shall receive \$10.00 per day each; that after the close of the session certain duties shall be dis-