

Boiler Inspector—Salary of Deputy.

House Bill No. 105, Laws of 1905, amend Section 552, Political Code, by increasing the number of assistant boiler inspectors from one to two. The general appropriation bill No. 261, Laws of 1905, appropriates salary for Boiler Inspector and \$1,800.00 for Assistant Boiler Inspector. House Bill No. 292, Laws of 1905, makes a special appropriation of \$1,800.00 for salary of deputy boiler inspector. It was the intention of the legislature by this special appropriation bill to appropriate money to pay the salary of the additional assistant boiler inspector, provided for by said House Bill No. 105.

Helena, Montana, May 23, 1905.

State Board of Examiners, Helena, Montana.

Gentlemen:—In reply to your request for an opinion as to the fund out of which the salary of the assistant boiler inspector, provided for by Section 552, as amended by House Bill No. 105, laws of 1905, should be paid, I respectfully submit the following:

Section 552 prior to such amendment provided for one assistant boiler

inspector, as amended it provided for two assistant boiler inspectors, who must have four years experience in the operation of steam engines and boilers. Such assistants are to be appointed by the governor, by and with the advice and consent of the Senate, and each is to receive a salary of \$1,800 per year.

The general appropriation bill, House Bill No. 261, laws of 1905, appropriates \$2,400 for salary of boiler inspector, \$1,800 for assistant boiler inspector and \$3,500 for office and traveling expenses, for each year. House Bill No. 292, laws of 1905, is a special appropriation bill, and appropriates \$1,800 for the salary of deputy state boiler inspector and \$500 for office and traveling expenses, for each year. While House Bill No. 105 provides that there shall be two assistant boiler inspectors and House Bill No. 292 appropriates \$1,800 for salary of deputy state boiler inspector, it is evident that it was the intention of the legislature, by this appropriation, to provide for the salary of the new assistant provided for by the amendment of Section 552.

You are therefore advised that the salary of the new assistant boiler inspector should be paid out of the appropriation provided for by House Bill No. 292.

In consequence of the law above quoted, it will be seen, taking both appropriation bills together, that the boiler inspector's office is allowed the following: \$2,400 per year, for salary of the boiler inspector, and \$1,800 per year for each assistant, and four thousand dollars, for office and traveling expenses.

Yours very truly,

ALBERT J. GALEN,

Attorney General.