

Railway Commission, Appropriation for.

The item of \$1000.00. mentioned in Section 8 of the Railway Commission Law, does not constitute an appropriation but is rather a limitation on the amount to be expended for the purposes therein named. Said amount to be paid from the moneys appropriated by Section 36 of the Act.

Helena, Montana, April 6th, 1907.

To the Board of Railroad Commissioners,
Helena, Montana.

Gentlemen:—

I am in receipt of your favor of the 4th inst. presenting for decision by this office the following question, to-wit:

“Is the item of \$1000.00 mentioned in Section 8, an item chargeable out of the sum appropriated in Section 36, or is it an extra item allowed the Board in addition to the State appropriation mentioned in Section 36?”

In answer to this question you are advised that the \$1000.00 mentioned in Section 8 of the law does not constitute an appropriation of State Funds for the purpose therein mentioned in addition to the \$50,000.00 which is appropriated by Section 36. It is rather a limitation of the amount which you are permitted to use for the purposes specified in Section 8, but when such items are allowed and paid by the State they will have to be paid from the appropriation made for your two years' maintenance in Section 36 of the law.

It is provided in the Constitution by Section 34 of Article V that “No money shall be paid out of the Treasury except upon appropriations made by law, and by warrant drawn by a proper officer in pursuance thereof, except interest on the public debt.” And, further, by the

provisions of Section 12, Art. XII, the appropriation of public moneys is prohibited for a period longer than two years.

It will therefore be readily seen and understood by you that Section 8 cannot have the force and effect of appropriating anything additional to the amount appropriated by Section 36 of the law.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.