

Appropriations, Use Of.

The balance of the unused portion of an appropriation for a specific purpose for the first of two appropriation years may be transferred and added to the appropriation for the second year.

May 19, 1911.

Dr. T. D. Tuttle,
Sec'y State Board of Health,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your favor of the 19th inst., wherein the opinion of this department is asked respecting the use of the appropriation made by House Bill, No. 34, known as the Pure Food Law. This law is Chapter 130, Laws of 1911, and appears at page 358 of said laws.

By Sec. 12, thereof, the sum of \$1,500.00 is appropriated for the year 1911, and a like amount for the year 1912, for the purpose of employing such assistance as the professor of chemistry at the Montana Agricultural College may need, and to defray expenses incident to the application and enforcement of said law. The particular question concerning which you appear to desire advice is, whether or not the unexpended portion of the appropriation for the year 1911 will be held over so that same can be used in 1912, or whether the same will lapse into the general fund and thus leave available for the purpose of administering said

law in the year 1912, only the amount appropriated for that purpose for that year.

We have heretofore had occasion to construe similar appropriation bills and in accordance with former holdings of this department, you are advised under the authority of *State vs. Cook*, 14 Mont. 333, that a balance or unused portion of an appropriation for a specific purpose for the first of two years for which appropriations are made may be transferred and added to the appropriation made for the second year and expended for the purpose for which the appropriation was made.

See, *Opinions Attorney General*, Vol. I, p. 260 and 277; and Vol. II, *Opinions Attorney General*, page 339 and 348.

Yours respectfully,

ALBERT J. GALEN,

Attorney General.