

Appropriations—Bills—Legislation—Budget.

Under sections 298-301, R.C.M. 1921 a "Budget Bill" must first be finally enacted by the legislature before any other appropriations can be considered.

Supplementary appropriation bills may be prepared, introduced and referred to committee, provided they are not finally acted on ahead of the general budget bill.

Grant Reed, Esq.,
Chairman, Appropriations Committee,
Twentieth Legislative Assembly,
Helena, Montana.

January 12, 1927.

My dear Mr. Reed:

You have requested my opinion whether the legislative assembly may lawfully enact separate general appropriation bills from time to time, grouping together a number of state offices, commissions or departments, whether executive, legislative or judicial, whenever the assembly has determined upon the appropriation it desires to make for such departments.

In that connection you have directed my attention to sections 23 and 33 of article V of the state constitution. I do not find that these sections of the constitution contain anything that would prohibit the legislature from passing as many appropriation bills as it desires in the manner you have indicated.

Such a plan, however, appears to be definitely forbidden by the state budget law—sections 294-304, R. C. M. 1921. Section 298 declares that "The legislative assembly shall not appropriate any money out of the state treasury except in accordance with the following provisions." The section then goes on to provide that every appropriation bill shall be either a "Budget Bill" or a "Supplementary Appropriation Bill" as hereinafter mentioned. It then provides for the submission of the budget, itemized in a certain manner designated by the section. Section 299 then states that the general appropriation bill for the maintenance of the several departments of the state government and the several state institutions "shall be based upon the budget so submitted."

Section 301 further provides that "Neither the House of Representatives nor the Senate shall consider any other appropriations until the budget bill has been finally acted upon by both houses."

From the sections above quoted it seems clear that a "Budget Bill", drawn in conformity with the arrangement of the budget provided for in section 298, must first be finally enacted before any other appropriations can be considered. In this connection, however, it should be noted that section 301 authorized the enactment of supplementary appropriation bills, limited to a single work, object or purpose stated therein. It would seem that such supplementary appropriation bills might be prepared, introduced and referred to committee, provided that they were not finally acted upon ahead of the "Budget Bill."

Very truly yours,

L. A. FOOT,
Attorney General.