

### **County Budget Law—Repeal—Laws.**

Chapter 148, laws of 1929, repeals the prior existing county budget law. Between March 15, 1929, and the end of the fiscal year—June 30, 1929—there is no county budget law in effect, the new act applying only to budgets to be made up in future years commencing with the fiscal year beginning July 1, 1929, and the said new law containing no saving clause as to the prior existing law.

Hugh M. Marron, Esq.,  
Deputy County Attorney,  
Wolf Point, Montana.

May 4, 1929.

My dear Mr. Marron:

You have requested an opinion relative to the application of the provisions of the county budget act recently enacted as Chapter 148, Laws of 1929. Your inquiry might be summarized by the following question:

During the period intervening between March 15, 1929, the effective date of said Chapter 148, and the end of the current fiscal year, shall county officers be governed by said Chapter 148 or by the budget law in effect prior to the enacting of said Chapter 148, with reference to expenditures?

Chapter 148, laws of 1929, specifically provides in both the title and Section 11 of the bill for the repealing of Sections 224 and 230, inclusive, of the Revised Codes of Montana of 1921, said sections constituting the county budget act. This chapter also provides that the bill shall become effective immediately from and after its passage and approval, which was March 15, 1929, and no saving clause was provided in the act.

Our Supreme Court has clearly announced the effect of repealing statutes in *Westchester Fire Ins. Co. vs. Sullivan*, 45 Mont. 18, where it was held:

"It was within the power of the legislature to have made a reservation in the repealing act \* \* \* but it did not do so. The act contains no reservation and became immediately operative. \* \* \* The repeal of the Code provision had the effect of blotting it out as completely as if it had never existed."

It is my opinion that the county budget act, consisting of Sections 224 to 230, inclusive, R.C.M. 1921, was repealed and the provisions thereof became inoperative upon the approval of Chapter 148, Laws of 1929, by the Governor on March 15, 1929.

Chapter 148 requires officers to perform certain acts in order to affect a budget for 1929 and subsequent years which must be followed and the budget for the fiscal year adopted by the second Monday of August. Its provisions concern only future budgets.

It is my opinion that since the legislature provided no saving clause in Chapter 148 during the period intervening between the repeal of the former budget act, to wit, March 15, 1929, and the end of the present fiscal year, county officers are not governed by any budget act in the making of expenditures.

You have also asked whether outstanding road warrants in Roosevelt county, aggregating \$33,000, should be considered in preparing the budget for the ensuing fiscal year.

Section 2 of Chapter 148 provides in part as follows:

"Under the general class of interest and debt redemption proposed expenditures for interest and for redemption of prin-

cipal shall be set forth separately for each series or issue of bonds, and **warrant** interest and redemption requirements shall be set forth in a similar manner.”

This provision clearly shows the intent of the legislature to provide for the inclusion of bonds and warrants.

Very truly yours,

L. A. FOOT,

Attorney General.

By C. P. Cotter, Special Assistant.