

February 28, 1933.

Your request for advice regarding the power of the legislature now in session to amend appropriation bills passed in 1931 has been received.

Speaking generally, the legislature has authority to expressly or impliedly amend any law, including a measure appropriating public money, in so far as it is susceptible of amendment at the time. 59 C. J. 238-240, 259-261, 851-858; 12 C. J. 805-807.

In amending the appropriation bills mentioned above, or any of them, care must be taken not to impair the obligation of any contract now existing between the state and an individual or private corporation, as an amendment of that character would be invalid. Section 11 of Article III of the Constitution; *State Savings Bank v. Barrett*, 25 Mont. 112; 1 *Cooley's Constitutional Limitation*; 12 C. J. 996-999.

We wish, also, in connection with this matter to direct your attention to the fact that the legislative assembly must not pass any law which increases or diminishes the salaries of state officers after their election or the salaries of certain other state officers after their appointment. Section 31 of Article V of the Constitution; *State ex rel. Jackson v. Porter*, 57 Mont. 343; 46 C. J. 1021-1024.

#### Opinion No. 92

#### Legislature—Statutes—Amendments— Appropriations—Constitutional Law.

HELD: That one session of the legislature has authority to amend an appropriation law enacted by a previous session; **provided**, that such amendment does not violate specific provisions of the Constitution.