

Opinion No. 243.

**Appropriations — State Institutions —
Unanticipated Increase in Enrollment.
Additional Expenditures Authorized by
Board of Examiners.**

HELD: Where the state board of examiners have authorized increased enrollment and expenditures by reason of unforeseen and unanticipated emergency, as provided by Section 2, Chapter 40, Laws of 1937, claims approved by the board by reason of such increased enrollment cannot be paid out of the appropriations of the current or the succeeding year unless there is sufficient money, after paying the needs of such current or succeeding year, and such claims will have to be paid by a deficiency appropriation, as provided by Section 2.

February 7, 1938.

Hon. Howard Griffin
President, Montana State
Training School
Boulder, Montana

Dear Mr. Griffin:

You state that you have petitioned the Board of Examiners, as provided

by Section 2, Chapter 40, Laws of 1937, setting out the urgent necessity of increasing the enrollment at your institution, and that the board has authorized you to admit one hundred additional inmates. You ask:

"1. How is the extra expense, if any, incurred by this increased family to be paid?

"2. Will such bills over and above our present appropriation for the current year have to remain unpaid until the Board can present a claim to the next session of the legislature?

"3. Assuming that we have unpaid claims for necessities, due to insufficient funds, July 1, 1938, can such unpaid claims be paid out of the appropriation for 1938-1939?"

Answering your first question, if your appropriation for the current year is not sufficient to pay the added expense by reason of the increased enrollment, the unpaid claims will probably have to remain until a deficiency appropriation bill is passed by the next legislature. The last sentence of said Section 2 reads:

"Said state board of examiners shall report to the next legislature assembly the amount expended or indebtedness or liability incurred under such authority granted by it and request that a deficiency appropriation bill be passed to take care of and pay the same."

While the board may approve the claims exceeding your appropriation, it seems to me that by reason of the provision quoted above, that the legislature intended that the "indebtedness or liability incurred under such authority" should be paid by a deficiency appropriation bill and that, in the absence of any provision authorizing it, they should not be paid out of the appropriation for 1938-39, unless such appropriation exceeds the needs for such current year.