

February 23, 1938

Mr. I. M. Brandjord
Administrator, State Department
of Public Welfare
Helena, Montana

My Dear Mr. Brandjord:

You have asked whether balances in the appropriations for service to crippled children and child welfare services for the fiscal year ending March 1, 1938, under Chapter 82, Laws of 1937, may be expended during the period from March 2 to July 1.

You have called our attention to the provision of Section 4 of Part VIII of Chapter 82, Laws of 1937, which is the provision under Chapter 82 making appropriations for the several parts of the Act. You further call our attention to the fact that under Chapter 82 the appropriation for these two services did not become available until July 1, 1937.

You are advised that under the provisions of Section 4 of Part VIII, paragraphs 4 and 5, there was a specific appropriation for each annual period commencing March 2 and ending March 1. In this instance the appropriation of \$30,000 for service to crippled children and \$15,000 for child welfare service was made specifically for the period mentioned. Under the statutes appropriations made for a specific fiscal period cannot be used in the ensuing fiscal period. It is therefore my opinion that any balance remaining in these two particular appropriations at the end of the fiscal year, March 1, 1938, cannot be used for any period thereafter.

I am mindful of the fact that under the provisions of Part VI, Section 1, the powers and duties of the state bureau of child protection and the orthopedic commission were not transferred to the Department of Public Welfare until July 1, 1937. I am further mindful that under Part I, Section 2 (f), it is provided: " * * * That the provisions of this act shall not apply to the Montana orthopedic commission or the state bureau of child and animal protection until after the first day of July, 1937, and that these departments continue to operate as the law now provides until that date."

While it is true that the duties and functions of these two departments were not transferred to the Depart-

Opinion No. 251.

Public Welfare—Appropriations—Fiscal Year—Child Welfare—Crippled Children.

HELD: The fiscal year for appropriation for child welfare and services to crippled children is for the period March 2nd to March 1st, regardless of the fact that such appropriation was not made available under Chapter 82, Laws, 1937, until July 1, 1937.

ment of Public Welfare until July 1, 1937, it is my opinion that the legislature did not intend that a different fiscal year be established for these two departments from that which was established under Chapter 82. If the legislature had intended a different fiscal year for these two departments it is only natural to suppose they would have made a specific appropriation for these departments for the period June 30 to July 1. Failing to have done this, it is my opinion that only one fiscal year is provided for all appropriations under Chapter 82.