

appropriate moneys from the highway fund for the purpose of paying claims incurred by the various counties of the state in the highway debenture bond election of 1943.

Further, Section 1 of said act discloses the intention for the said section recites in part:

"Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the highway fund, not otherwise appropriated, for the purpose of paying claims incurred for the highway debenture bond election of 1943." (Emphasis mine.)

It is to be observed the plural is used in reference to the sums to be appropriated in payment of the claims.

And paragraph two of Section 1 of the act recites:

"For the purpose of paying claims incurred for the highway debenture bond election of 1943, twenty-one thousand three hundred eighteen dollars and sixty-three cents (\$21,318.63)." (Emphasis mine.)

Then the act particularly itemized the claims to be paid, setting out each county and the particular amount of the claim of each county.

Section 2 of the act then provides:

"Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act." (Emphasis mine.)

The item of \$21,318.63 set forth in the second paragraph of Section 1 is \$615.77 less than the total particularly itemized claims, hence the confusion.

Evidently the last three claims in the particularly itemized list of claims was not added to the amount of \$21,318.63, through oversight or miscalculation of the scrivener drawing the bill. In any event, the particularly itemized claims and amounts thereof were appropriated and the total sum of said claims so appropriated is in the sum of \$21,934.40.

It is therefore my opinion that it was the intention of the legislature to, and it did appropriate each of the various particularly itemized sums in the

Opinion No. 18.

**House Bill No. 138—Appropriation
From Highway Fund—Paying Claims
for Highway Bond Election—Highway
Bond Election—Bond, Highway
Debenture—Legislature.**

Held: It was the intention of the legislature to, and it did appropriate each of the various particularly itemized sums in House Bill No. 138 in the total amount of \$21,934.40.

March 6, 1945.

Mr. W. L. Fitzsimmons, Clerk
State Board of Examiners
State Capitol
Helena, Montana

Re: House Bill No. 138.

An Act to Appropriate Moneys from the Highway Fund for the Purpose of Paying Claims Incurred for the Highway Debenture Bond Election of 1943.

Dear Mr. Fitzsimmons:

You have asked me for my opinion as to the amount of money appropriated by House Bill No. 138, owing to the discrepancy in the amount set out in the second paragraph of Section 1 of the act and the total, itemized amount set forth in paragraph three of Section 1 of the act.

In interpreting an act it is necessary to ascertain from a reading of the act in its entirety, the intention of the legislature.

It is to be noted from the title of this act the legislative intent was to ap-

total amount of \$21,934.40. As further justification for this holding, the chairman of the finance and claims committee of the Senate stated that such was the intention of the legislature.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General