

1927, XVI Op. Atty. Gen. 119, advised that a legislative investigating committee was not prevented from incurring expenditures in advance of a special appropriation bill, either by sec. 20.75, prohibiting any official to "forestall" an appropriation, nor by sec. 8, art. VIII of the constitution, requiring certain prescribed legislative action to create a debt, relying upon the decision in *State ex rel. Rosenhein v. Frear*, 138 Wis. 173, that the term "debt" as used in that section of the constitution did not include the expenses of an investigation in aid of ordinary legislative business. But I am of the opinion that we need not go so far, for, as was suggested in the opinion just referred to, sec. 20.01 contains this general appropriation:

"There is appropriated from the general fund to the legislature, * * * such sum as may be necessary to carry out its functions * * *".

It may be thought that the specific "allotments" that follow this introductory paragraph exclude any of this appropriation from being used for any except the specified purposes and in the specified manner. But I do not think this a proper construction of the section. The language is broad and all-inclusive, and the mere fact that the legislature has limited the amount that may be used for certain purposes and specified the manner of disbursement in specified instances, evidences no intent to restrict the broad language of the appropriation itself. Similar language of allotment is made in other appropriation sections, where a specified sum is appropriated and the allotments do not exhaust it, showing that the allotments are not exclusive. But without this aid, I think the broad language of the legislative appropriation is not limited by the allotments. We have, then, an appropriation out of which witness fees of legislative committees may be paid, independent of the provisions of sec. 13.30, which, therefore, need not be construed to be, in itself, an appropriation.

It may be thought that witness fees are properly within the allotment of sec. 20.01 (10), for contingent expenses, and prescribing a rather onerous procedure for its disbursement that could be had only when the legislature is in session. But sec. 13.30 places witness fees under a different