

Appropriations, Continuance Of. Fish Commission, Appropriation For. State Fish Hatchery, Appropriation For.

Appropriation for work at State Fish Hatchery for year 1907, may be used for work done in 1908.

Helena, Montana, October 12, 1908.

Hon. W. F. Scott,
Chairman Montana State Fish Commission,
Helena, Montana.

Dear Sir:—

I am in receipt of your favor of the 5th inst. submitting for the consideration of this office the question "whether the unexpended portion of the \$1,500.00 appropriated for extra labor at the state fish hatchery for the year 1907, and the unexpended portion of the \$600.00 appropriated for expenditure and necessary expenses for the Montana state fish commission, for the year 1907, can legally be used during the fiscal year 1908?"

The question involved herein was discussed at length by this office in reply to inquiry made by Hon. Jos. K. Toole, governor, of date Nov. 10, 1905, which opinion is found reported in Opinions of Attorney General for 1905-'06, at page 260. In that opinion the conclusion was reached that unless the act appropriating the money contained a specific provision that the unexpended portion should lapse at the end of a year named in the act, that the appropriation continued for two years. Chapter 177, Laws 1907, providing for the establishment of a state fish hatchery and creating the state fish commission, does not contain any such special provision, hence the appropriations there made for the purpose named

in your letter may legally be used for such purposes during the present fiscal year, at the end of which time all unexpended appropriations return to the state treasurer, for all appropriations lapse at the end of the second year after made.

Very truly yours,

ALBERT J. GALEN,

Attorney General.