Appropriations, When to Be-Used. Game Warden, Appropriations for Deputies. Deputy Game Warden, Appropriation For. Year, Meaning Of in Appropriation.

Under Chapter 63, Laws of 1911, an appropriation of $2500 is available to the game warden for additional deputies for the year ending March 2, 1912. The word "year" used in said act means one year of 365 days from date the act becomes effective.

October 13, 1911.

Hon. Henry Avare,

    State Game and Fish Warden,

        Helena, Montana.

Dear Sir:

I acknowledge receipt of your request for an opinion as to the amount that you are authorized to expend during the year 1911, under Chap. 63, Laws of 1911.

This Chapter authorized the state game and fish warden to appoint additional deputy game and fish wardens at such times as he may deem necessary, and prescribes the salary and limit of expenses to be paid such additional deputies, and further provides:

"such total sum so paid for salaries and traveling expenses is not to exceed the sum of $2500 in any one year."

This act was approved and became effective on March 2nd, 1911. It is my opinion that this provision is in the nature of a continuing appropriation and that the one year referred to in said act means one year of 365 days from the date the act becomes effective; that is, $2500.00 is available for the year ending March 2nd, 1912.

Of course, under the provisions of the act, it being made discretionary with the game and fish warden as to the number of additional deputies to be appointed and the times at which such appointments are to be made and services rendered, the entire amount might be expended in less than one year, but, within the meaning of the act, no other additional deputies could be appointed until the expiration of the first year; that is, until after March 2nd, 1912.

I would suggest that in the future, provisions of the nature covered by this act should be covered by regular appropriations by the legislative assembly from the fish and game fund.

Yours very truly,

ALBERT J. GALEN,

Attorney General.