

State Fish Commission, Authority Of. Fish Commission,
Authority Of. Flathead Fish Hatchery.

By the provisions of Chapter 18, Laws of 1911, the state fish commission have authority to construct a hatchery in such manner and form as they deem best and there is no requirement of law that they should advertise for bids for such construction any given length of time.

July 22, 1912.

Hon. Henry Avare,
State Game and Fish Warden,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your verbal request for an opinion with reference to the authority of the State Fish Commission to construct a fish hatchery in Flathead County and whether or not it will be necessary to advertise for bids for such construction for a period of 30 days.

By the provisions of Chap. 18, Laws of 1911, it is made the duty of the State Fish Commission to provide for the construction of a fish hatchery in Flathead County. There is no general provision of law with reference to the length of time calls for bids upon public works must be advertised. However, in the immediate case by Sec. 2, Chap. 18 the Commission is given authority to construct the hatchery therein named in such manner and form as they shall deem best. Their actions in the matter are only limited by their own good judgment with reference thereto to be used within the amount appropriated by the legislature, subject, however, to the conditions that the bills for such construction shall be passed upon and approved by the State Board of Examiners. If then, in the judgment of the Commissioner you are able to obtain as good bids from two weeks advertisement as from thirty days, I cannot see any reason why you should not advertise for a period of two weeks only.

Yours very truly,

ALBERT J. GALEN,
Attorney General.