

Appropriation, Expenditure Of. Montana State Fair.

It is not within the power of the Board of Directors of the Montana State Fair to make expenditure of the appropriation made for permanent improvements for the purchase of an additional tract of ground, the intention of the language used in the Act being that the money appropriated thereby shall be used only for permanent improvements upon the ground already owned by the State for State Fair purposes.

Helena, Montana, July 23, 1907.

Mr. John W. Pace,
Sec. Montana State Fair,
Helena, Montana.

Dear Sir:—

I am in receipt of your favor of the 20th inst., in which you state that it is desirable to secure twenty acres of land additional to the Montana State Fair Grounds, and that the board of directors of the Montana State Fair have an option on a tract of land which they believe extremely desirable to purchase for the State, as an addition to the present State Fair Grounds, and, in this connection, you inquire as to whether or not, under the present law, the sum of Two Thousand Dollars can legally be appropriated and paid out on the purchase of such land from the moneys appropriated by the last Legislative Assembly for permanent improvements by House Bill No. 85, Laws 1907, page 533.

Under said Act the appropriation is expressly made "for permanent improvements upon the grounds of the Montana State Fair to be expended by the Board of Directors * * * for the making of such permanent improvements upon the grounds of the Montana State Fair as to them may seem necessary or desirable."

From the language used in making this appropriation it is apparent that the intent was to make this appropriation for permanent improvements to be placed upon the grounds already owned by the State for State Fair purposes; and therefore it is not within the province of said board to use the said moneys for the purpose indicated. Additional land may be considered a permanent improvement, but the language

used in making this appropriation is not sufficiently broad to permit its expenditure for such purposes.

Yours very truly,

ALBERT J. GALEN,

Attorney General.