

State Board of Entomology, Powers of, Expenditure of Money by.

Under the terms of Chapter 120, Session Laws of the Thirteenth Legislative Assembly, the State Board of Entomology is authorized to spend \$2,000 of the appropriation for their work in employing a chemist to examine city water.

April 20, 1915.

State Board of Entomology,
Helena, Montana.

Gentlemen:

I am in receipt of your request of the 17th instant, for an opinion as to the propriety of using \$2,000 of the appropriation for the work of your board in employing a chemist to examine city water supplies and recommend or conduct the treatment of such waters for the purpose of reducing typhoid fever infections. The powers and duties and purpose of the State Board of Entomology are set forth in Sections 4 and 5 of Chapter 120 of the Session Laws of the Thirteenth Legislative Assembly, which sections are as follows:

"It shall be the duty of said board to investigate and study the dissemination by insects of diseases among persons and animals, said investigation having for its purpose the eradication and prevention of such diseases."

"Said Board shall take steps to eradicate and prevent the spread of Rocky Mountain tick fever, Infantile Paralysis and

all other infections of communicable diseases that may be transmitted or carried by insects.”

This Act apparently contemplates not only the state of the transmission of disease, but actual eradication and prevention. The means or the method are administrative matters left to the discretion of the Board. Such things must necessarily be left to the judgment of men trained in such work, and so long as they do not show an actual abuse of the discretion vested in them by the legislature, they are within the law. Since the language of Act so clearly contemplates the eradication of disease, it would seem that the method contemplated by the Board was reasonable since by doing what they propose doing they may simply be combatting the effect brought about by the dissemination of disease by insects.

I am, therefore, of the opinion that there is nothing illegal in the proposed expenditure of this money.

Yours very truly,

D. M. KELLY,

Attorney General.