

**Fish and Game—Funds—Exhibitions—Expositions.**

Section 3653 R. C. M. 1921, does not authorize the fish and game commission to use fish and game funds for the purpose of making an exhibit of fish and game at an industrial exposition to be held outside the state of Montana.

Robert H. Hill, Esq.,  
State Game Warden,  
Helena, Montana.

April 24, 1926.

My dear Mr. Hill:

You have requested my opinion whether it is legal for the fish and game commission to expend moneys in the fish and game fund for the purpose of putting on an exhibit of the game animals and fish of this state at the Northwest Commercial and Industrial Exposition to be held in Chicago from November 20th to December 4th, 1926, the object being to advertise what is believed to be one of the biggest assets of this state.

It is elemental that an expenditure of money such as the above cannot be legally made except by authority of some express provision of law.

Nowhere do I find any authority of law which, in my opinion, would warrant the fish and game commission in making an expenditure of fish and game funds for the purpose above indicated.

The only section of the code applicable upon this point is the following language from section 3653:

“It (the fish and game commission) shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this act.”

You will observe that the purpose for which the maintenance of educational work is authorized is strictly limited to the collection and diffusion of statistics and information germane to the fish and game laws of the state. I cannot conceive by what process of reasoning it can be logically concluded that the giving of an exhibition of Montana fish and game at Chicago would be equivalent to the collection of information for the purposes of our fish and game laws.

Since I find no other statute under which such authority is granted, it is my opinion that the fish and game commission is without authority to make appropriation for the purpose in question.

Very truly yours,

L. A. FOOT,  
Attorney General.