

**Fish and Game Commission—State Board of Examiners—
Claims—Moneys.**

Expenditures of moneys from the fish and game fund for the purposes specified in section 3653 R. C. M. 1921 are under the exclusive control of the fish and game commission, subject to the right of the board of examiners to examine claims as to their correctness and legality.

Hon. J. E. Erickson,
Governor of Montana,
Helena, Montana.

August 12, 1926.

My dear Governor Erickson:

You have requested my opinion as to the authority of the state board of examiners to direct and control the expenditure of money by the fish and game commission.

Section 20 of article VII of the constitution of Montana provides in part that the state board of examiners shall have "power to examine all claims against the state, except salaries or compensation of officers fixed by law."

Section 3653 R. C. M. 1921 provides in part that the fish and game commission "shall have the exclusive power to expend for the protection, preservation and propagation of fish, game, and fur-bearing animals, and game and non-game birds, all funds of the state of Montana, collected or acquired for that purpose, whether arising from state appropriations, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this state, from appropriations, or received by the commission from any other sources are hereby appropriated to and placed under control of the Montana Fish and Game commission."

It is clear that the board of examiners has authority, under the constitutional provision above quoted, to examine claims against the state for expenditures of money by the fish and game commission. The extent of such examination is limited to ascertaining the correctness of the claim and whether or not it is a legal and valid charge against the state of Montana.

Under the provisions of section 3653, above quoted, the fish and game commission has exclusive authority to expend the moneys placed under its control "for the protection, preservation and propagation of fish, game and fur-bearing animals and game and non-game birds."

Expenditures for the purposes specified by the above section are under the exclusive control of the fish and game commission, and the board of examiners, in my opinion, possesses no authority to control or interfere with the same, further than to examine the claims presented for the purpose of ascertaining their correctness and legality.

Very truly yours,

L. A. FOOT,
Attorney General.