

Opinion No. 220.

**Fairs—Montana State Fair—Repairing
of Buildings—Appropriations.**

HELD: 1. Money received as fees and collections of state fair grounds and appropriated for operation of state fair may not be used for repairs of buildings.

2. Unexpended appropriations, if any, for state fair may not be used after the expiration of the time for which the appropriations are made.

3. Money may not be taken from the general fund of the state and used for repairs of state fair buildings without appropriation.

December 30, 1937.

Mr. Fred H. Padbury
 Representative, Lewis and Clark
 County
 Helena, Montana

Dear Mr. Padbury:

You state that there is about \$1,100 in the old state fair appropriation, and this year the commissioner of agriculture has collected \$700 in rentals from the state fair grounds. You ask whether this money may be used for necessary material in repairing the buildings on the state fair grounds. You also ask whether you can obtain money from the general fund of the state for the necessary repairs, in order to put the buildings on the state fair grounds in a good condition.

The last legislature made the following appropriation for the operation of the state fair:

“For the operation of the
 state fair, ten thousand
 dollars\$10,000.00

“In addition thereto all fees and collections are hereby appropriated.”

The item of \$10,000 was vetoed by the Governor. The money taken in as fees and collected would not be available for “repairs” by the 1937 appropriation, for the reason that such money was appropriated for “operation,” and this does not include repairs, as defined by Section 1, House Bill 337, Laws of 1937

If any appropriation was made prior to the last session of the Montana legislature, and if any part of it remains unexpended, it would not be available because Section 304, R. C. M. 1935, provides that “unexpended appropriations, after the expiration of the time for which the appropriations are made, shall be covered back into the several funds from which they are appropriated.”

Money may not be taken from the general fund of the state for repairs of the state fair buildings for the reason that Article XII, Section 10 of the Montana Constitution provides:

“* * * no money shall be drawn from the treasury but in pursuance of specific appropriations made by law.”

Reference is made to unpublished opinion given to Bruce, Commissioner of Agriculture, dated June 29, 1936, which holds to the same effect.