

**Opinion No. 54.****Fish and Game Commission—Expenditure of Funds.**

HELD: The Fish & Game Commission has no authority to appropriate money from its funds and expend the same as a prize in an essay contest.

March 6, 1937.

Mr. K. F. MacDonald  
State Fish and Game Warden  
The Capitol

Dear Mr. MacDonald:

You have submitted the following:

"The Fish and Game Commission has given considerable consideration to conducting an essay contest in the grade schools, high schools and colleges on subjects relating to the fish and game program. It is proposed that this contest be conducted jointly with the Montana Wildlife Federation. It is proposed too, that prizes in the amount of \$150.00 be offered, with \$75.00 to be furnished by the sportsmen's organizations and a like amount from the Fish and Game Department.

"A question has arisen as to whether or not the Fish and Game Commission has authority to use part of the Fish and Game Funds for such purposes. Near the end of Section 3653 of the Montana statutes, it provides that '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.'

"In your opinion, would not the Fish and Game Commission be acting within its authority to appropriate \$75.00 for the essay contest under the provisions of Section 3653?"

In my opinion your question should be answered in the negative. Offering prizes for essay contests is not establishing and maintaining an educational and biological department, within the meaning of the Act. If prizes may be offered for essay contests, it is difficult to see any limit upon the power of the commission. I believe the section that you have quoted has narrower application.