

Opinion No. 76.

**Golden Gate International Exposition
—Powers of Montana Commission.**

HELD: The Montana Commission, Golden Gate International Exposition, has authority to employ Montanans, Incorporated, for the purpose of answering inquiries by mail, such inquiries resulting from the operation and maintenance of the exhibit at the exposition.

The Montana Commission has authority to determine upon the proper method of advertising the Exposition and its finding of fact as to what is proper will not be disturbed in the absence of abuse of discretion.

June 15, 1939.

Mr. Wm. G. Ferguson
Secretary, Montana Commission,
Golden Gate International Exposition
Helena, Montana

Dear Mr. Ferguson:

You have requested my opinion upon the question whether the Montana Commission, Golden Gate International Exposition, may pay out

money to Montanans, Incorporated, to cover the cost of answering inquiries made to the Montana Commission and resulting from the Montana exhibit at the Golden Gate International Exposition at San Francisco.

House Bill No. 322, Laws of 1939, page 627, made the following appropriation:

"* * * for the purpose of paying the expense of operating and maintaining an exhibit at the Golden Gate International Exposition to be held at San Francisco, California, commencing February 18, 1939, and ending January 1, 1940, the sum of ten thousand dollars (\$10,000.00), the same being more particularly itemized as follows:

Department of Agriculture, Labor and Industry, Division of Labor and Publicity.

For use of Montana commission, Golden Gate International Exposition; operation and maintenance, \$10,000.00."

Such inquiries result from the operation and maintenance of the exhibit at the Exposition, and the proper operation and maintenance of such exhibit naturally includes the answering of such inquiries whether they are made in person or by mail.

Since this is true, we see no reason why the Montana Commission may not either answer such inquiries itself or employ Montanans, Incorporated, to do it. The exact method of operation was not prescribed by said House Bill, and since the employment of Montanans, Incorporated, for this purpose is a method reasonably adapted to the purpose of the exposition, it is my opinion that it is proper; moreover, this method is not only more likely to give employment to Montana people but also probably more efficient since such work can be better handled by an organization especially created for that purpose.

You have also submitted the following:

"Montana Day at the New York World's Fair has been set for July 19. As you know, Montana is making no showing whatsoever at the World's Fair, and it would seem that, if possible, we should put forth some effort to provide a program

featuring Montana, particularly in view of the fact that the state is making a fine showing at San Francisco on Montana Day, in addition to having an exhibit there. We believe it will require the expenditure of about a thousand dollars in order to present a satisfactory program at the World's Fair. This amount can be expended without crippling the San Francisco show in any way. Can the commission undertake such an expenditure provided we lay special emphasis on the San Francisco exhibit, urging all attending the New York World's Fair who will visit San Francisco to call at the Montana exhibit and secure full information on a vacation in Montana?"

While the Legislature appropriated funds to operate and maintain the Montana exhibit at the San Francisco Fair, it did not specify any details as to such operation. These were left to the sound judgment and discretion of the commission. The authority of the commission to advertise the Montana exhibit may be inferred from the authority to operate and maintain such exhibit. Just what is a reasonable and proper method of advertising so as to be incidental to the proper operation and maintenance of such exhibit is a question of fact for the commission to determine. Should the commission therefore find, in good faith and in the exercise of its sound judgment, that the proposed advertising is of the nature reasonably relating to the proper operation of such exhibit, it is my opinion that the court could not say, as a matter of law, that it is improper and an abuse of discretion.