

No. 123

**TAYLOR GRAZING ACT—RANGE IMPROVEMENTS—
DISTRICT ADVISORY BOARD, powers of**

Held: Cricket, rodent and predatory animal control and equipment for fire control on range are range improvements, authorizing the expenditure of moneys by the District Advisory Board under the Taylor Grazing Act for such purposes.

May 23, 1941.

Mr. H. M. Montgomery, Secretary
Taylor District Advisory Board
Malta District No. 1
Box 316
Chinook, Montana

Dear Mr. Montgomery:

You present in substance this question:

“May the District Advisory Board under the Taylor Grazing Act expend funds received under Section 10 of the Act for use in cricket, rodent and predatory animal control and for the purchase of fire fighting equipment to be used in controlling range fires?”

The question hinges on the scope of the phrase “and for such other range improvements as the District Board may approve,” appearing in the following portion of subdivision 2 (a), Section 1, Chapter 102, Laws of 1939:

“(2) It shall be the duty of the county treasurers to allocate the funds received under the provisions of Section ten (10) of the Taylor Grazing Act as follows:

“a. The moneys earned under Section three (3) thereof (by grazing districts) to a fund to be designated as a special grazing fund, which fund shall be paid on warrants of authority issued by the district advisory board of the Taylor Grazing Act when signed by the chairman and secretary of said district advisory board.

“The funds comprising said special grazing fund shall be expended only for range improvements such as fences, reservoirs, wells, and for such other range improvements as the district advisory board may approve. Before any improvements herein provided for can be made, or any money expended, such improvements shall be approved by the district advisory board and a record of approval of such improvements shall be spread upon the minute records of the board, . . .”

The expenditures of the funds for the purposes above enumerated may be justified by the grouping of such purposes within the phrase “other range improvements.” The Advisory Board is vested with discretion to approve the projects coming within the scope of “range im-

provements." In the absence of fraud or manifest abuse of that discretion, its determination is conclusive.

Guillot v. State Highway Commission, 102 Mont. 149, 56 Pac.

(2nd) 1072;

State ex rel. Pew v. Porter, 57 Mont. 535, 189 Pac. 618.

Since the designation of the improvements you suggest are a reasonable and valid exercise of the Board's discretion, your question is answered in the affirmative.

Sincerely yours,

JOHN W. BONNER

Attorney General