

tension work in agriculture and home economics as provided in Section 16-1130, R.C.M., 1947.

The Board of County Commissioners has the authority under Section 16-1130, R.C.M., 1947, to appropriate money from the general funds of the county or from funds provided by special levy "which the said county commissioners are hereby authorized to make at the same time as other levies for county purposes, for the purpose of carrying on extension work in agriculture and home economics within the said county..." No mention is made of the necessity of submitting the question to the qualified electors as to whether there shall be a special levy. In fact, the statute without restriction authorizes the county commissioners to make the levy if there is not sufficient money for such purpose in the general fund of the county.

The submission of the proposition to the electorate would be of doubtful value and a great expense to the county. The rule is expressed in 18 Am. Jur. 243, in the following manner:

"There is no inherent right in the people, whether of the state or of some particular subdivision thereof, to hold an election for any purpose. Such action may be taken only by virtue of some constitutional or statutory enactment which expressly or by direct implication authorizes the particular election. The rule is firmly established that an election held without authority of law is void, even though it is fairly and honestly conducted."

It is therefore my opinion that the Board of County Commissioners is not authorized to submit the question of a special levy for the purpose of carrying on extension work in agriculture and home economics to the qualified voters of the county.

It is also my opinion that the Board of County Commissioners has the discretionary authority to determine if there shall be a special levy for the purpose of carrying on extension work in agriculture and home economics.

Very truly yours,
ARNOLD H OLSEN,
Attorney General.

Opinion No. 70

Board of County Commissioners— Election for Special Levy for Extension Work in Agriculture and Home Economics Not Authorized

HELD: 1. The Board of County Commissioners is not authorized to submit the question of a special levy for the purpose of carrying on extension work in agriculture and home economics to the qualified voters of the county.

2. The Board of County Commissioners has the discretionary authority to determine if there shall be a special levy for the purpose of carrying on extension work in agriculture and home economics.

April 14, 1956

Mr. Manuel J. Roth
County Attorney
Garfield County
Jordan, Montana

Dear Mr. Roth:

You requested my opinion as to whether the Board of County Commissioners has the authority to submit the question of a special levy for the purpose of carrying on ex-