

Board of Stock Commissioners, Delegation of Authority to Executive Committee. Secretary, Board of Stock Commissioners, Vacancy in. Vacancy in Office of Secretary to Board of Stock Commissioners, Authority of Executive Committee to Fill.

The Board of Stock Commissioners having empowered its Executive Committee and given it full authority in all matters when the board is not in regular session, such committee has full power and authority to appoint a secretary when such office becomes vacant, until the next regular meeting of the Board.

Helena, Montana, November 23, 1909.

Board of Stock Commissioners,

Helena, Montana.

Gentlemen:

I am in receipt of a request for an opinion presented on behalf of the board by Mr. C. J. McNamara, a member thereof, with which request there was handed to me the minutes of your last regular meeting held on April 1st, 1909, the question arising and upon which the advice of this department is asked being whether the executive committee of the board of stock commissioners are authorized to fill the vacancy in the office of secretary occasioned by the death of W. G. Preuit, until the next regular meeting of the board, or whether it will be necessary in order to legally fill such vacancy to call a special meeting of the board.

After careful examination of the law and of the minutes of the board submitted to me, I am of opinion and believe it within the power and authority of the executive board to fill such vacancy until the next regular meeting of the board of stock commissioners.

The only law with reference to the subject of the appointment of secretary is section 1785 of the revised codes of 1907, which provides that, "The board must organize by electing one member president and appointing a secretary." In the minutes of your meeting of April 1st I find that before adjournment it was moved by Mr. Montgomery of the board, "that the executive committee be empowered to employ inspectors as in previous years and have full authority to act in all matters when the board was not in regular session," and that this motion was duly seconded and carried. Therefore, under the authority expressly conferred by the board itself upon its executive committee, and considering that it is to the best interests of the services and a saving of expense to the state, you are advised that you have the right, power and authority to fill such vacancy until the next meeting of the board of stock commissioners.

The minutes above referred to are herewith returned.

Very truly yours,

ALBERT J. GALEN,

Attorney General.