

**Counties—Classification of Counties—Deputy County Officers and Salaries. Senate Bill No. 138 of the Fifteenth Legislative Assembly Construed.**

The deputies of the county officers appointed on the first day of January under the classification as the county of the second class continue in office until January 1st, 1919, and the new law does not ipso facto change the classification and remove such deputies from office or change their salaries.

March 27, 1917.

Mr. Stewart McConochie,  
County Attorney,  
Lewistown, Montana.

Dear Sir:

I am in receipt of your letter of the 6th inst. requesting my opinion of the following question:

“Do the deputies appointed on the first of January, under the classification as the county of the second class, continue in office until January 1st, 1919, or does the new law ipso facto change the classification of Fergus County and remove such deputies from office or change their salaries?”

The class of a county is determined by the assessed valuation, and the manner of determining what the assessed valuation is in a particular county is left to the Board of County Commissioners, as provided for by Section 2975, Revised Codes, 1907.

You state that in September, 1916, the Board of County Commissioners of Fergus County, under the provisions of Section 2973 of the Revised Codes of Montana, 1907, as amended by the laws of 1909, passed a resolution, based upon the assessed valuation of Fergus County, classifying Fergus County as a county of the second class.

Fergus County, in September 1916, had an assessed valuation of less than \$30,000,000.00 and more than \$20,000,000.00, under the old law it was properly classified as a county of the second class, and if its assessed valuation in September, 1918, does not exceed \$30,000,000.00, under the provisions of the Act of March 3rd, 1917, (Senate Bill No. 138) Fergus County will be in the third class.

It is my opinion that a county once having its status as to classification settled, must remain in the class which it has been legally designated until it is legally and officially designated to another class by a subsequent classification, and such designation does not relate

back, and the new law does not effect the officers now in office, whether elective or appointive, until the County Commissioners shall, in September, 1918, change the classification of the county.

Respectfully,

S. C. FORD,

Attorney General.