

Fairs—County Fairs—County Fair Commission—County Commissioners.

In view of the amendment of section 4545 R. C. M. 1921 by chapter 30 laws 1927 county commissioners cannot appoint a county fair commission in the year 1927 until their regular meeting in December.

Existing county fair commissions which have been legally appointed prior to the above amendment may continue to function and perform their duties until the appointment of their successors.

W. F. Casey, Esq.,
Secretary, Montana State Fair,
Helena, Montana.

August 6, 1927.

My dear Mr. Casey:

You have submitted the following inquiry:

“Can the board of county commissioners subsequent to July 1st legally appoint a county fair board with authority to function during the present year?”

Section 4545 R. C. M. 1921, prior to its amendment at the last session of the legislature, read in part as follows:

“The board of county commissioners of each county of Montana may, at their regular meeting in December of each year, or thereafter, appoint from among the electors of their respective counties, five responsible persons to constitute a county fair commission.”

By chapter 30 laws of 1927 the legislature amended the above section to read in part as follows:

“The Board of County Commissioners of each county of Montana may, at their regular meeting in December in 1927, appoint from the electors of their respective counties, five responsible persons to constitute a County Fair Commission,

three of said members to be appointed for a term of two years, and two for a term of one year, and until their successors are appointed."

Chapter 30, above referred to, contained no clause specifying an effective date. Therefore, under section 90 it took effect July 1st of this year. It seems obvious from the language of section 4545, as amended, that a board of county commissioners cannot appoint a county fair commission in the year 1927 until their regular meeting in December. The amendment superseded the old section and the new act does not appear to be open to any different construction than that above indicated.

While the question is not presented in your letter, it is proper to add to what has been said above, that if there is in any county an existing county fair commission which was regularly appointed in the year 1926, it is my opinion that that commission holds over and can continue to perform the duties of the office until the appointment of their successors by the board of county commissioners at their meeting in December, 1927. This conclusion follows from the fact that under the old law the county fair commission apparently held office for one year, and there is nothing in the amendment of section 4545 by chapter 30 laws of 1927 to indicate that the legislature intended to abolish existing county fair commissions. Such commissions may, therefore, in my opinion, continue to function until their successors are appointed under the new law.

Very truly yours,

L. A. FOOT,
Attorney General.