

University of Montana—Fairs—Faculty—Judges.

The work of a judge at a state or county fair is no part of the duties of a member of the faculty of the university of Montana and there is therefore no impropriety in such faculty member accepting extra compensation for such work.

It is discretionary with the state board of education to permit a faculty member to act as a judge at state or county fairs.

C. E. Smith, Esq.,
President State Fair Advisory Board,
Corvallis, Montana.

February 19, 1927.

My dear Mr. Smith:

You have requested my opinion whether it is legal for members of the faculty of the university of Montana, who are paid by the state, to act as judges at the state fair or at county fairs or at fairs held outside the state, and receive additional compensation for said services.

There is no specific statute of this state bearing directly upon this question; hence, the answer must be sought by consideration of the statutes dealing with the powers and duties of members of the faculty of the university of Montana.

Section 853 R. C. M. 1921 vests the control of the university of Montana in a state board of education and provides that said board shall appoint the faculty for the various institutions constituting the university of Montana, and shall prescribe the powers and duties of the faculty.

It will be observed, therefore, that the appointment of the faculty and the designation of their powers and duties rests with the state board of education. Faculty members are hired by said board to do certain teaching work; they constitute the board of instructors at a school or other educational institution.

The judging of exhibits at state or county fairs is no part of the ordinary duties of a member of the faculty of the university of Montana. It is, however, a matter of common knowledge that a professor possessing special training along agricultural lines is better equipped than one not so trained to judge of the quality of agricultural products, livestock exhibits and the like.

It should be borne in mind also that in the case of the state fair that enterprise is a state institution, established among other things, for the purpose of "disseminating knowledge concerning the growth, prosperity and possibilities of agriculture, stock-raising and horticulture."

Since, therefore, the work of a judge at a state or county fair is no part of the duties for which a faculty member is employed by the state board of education, there is, in my opinion, no impropriety in such faculty member accepting extra compensation for said work.

As to whether the doing of such work will interfere with the performance of his duty as a member of the faculty is a matter resting entirely in the discretion of the state board of education. If the board is of the opinion that a faculty member can spend four or five days in each year judging livestock or other exhibits at a fair without lessening

his efficiency or interfering with his work, said board possesses authority to permit such occupation.

Very truly yours,

L. A. FOOT,
Attorney General.