

when any legal duties are to be performed.

May 31, 1935.

Mr. Fred W. Schmitz
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You have requested my opinion as to the hours county offices should remain open during the time the City of Townsend is operating on the daylight saving plan, by which clocks are set one hour ahead of standard time.

Section 4736 R. C. M. 1921 provides that the sheriff, the county clerk, the clerk of the district court, the treasurer and county attorney shall keep their offices open for the transaction of business from nine o'clock a. m. until five o'clock p. m. Section 453 R. C. M. 1921 provides that unless otherwise provided by law, every officer must keep his office open for the transaction of business continuously from nine o'clock a. m. until five o'clock p. m. each day, and at other times when the accommodation of the public or the proper transaction of business requires.

Our statutes do not fix the standard of time and it therefore becomes a question of construction as to what standard of time was meant by the legislature when it enacted the above sections. Both of the sections were enacted as part of the Political Code of 1895. At that time it is not likely that the daylight saving time was ever heard of by the legislature as that time came into general use during the World War. To say that the legislators in 1895 had daylight saving time in mind would be to credit them with a vision which even legislators do not possess.

In 1883 there was adopted by the railroads of the United States and Canada a standard time, which, outside of a few conscientious objectors at the time, soon came into common and universal use throughout the country, including our state. This is the standard of time which has been followed for about fifty years and it is therefore reasonable to assume that the legislature in 1895 had this standard in mind.

Opinion No. 111.

**Officers—State Officers—County
Officers—Office Hours—Day-
light Saving Time.**

HELD: Standard time, not daylight saving time, should be used in determining the office hours of state and county officers, as well as the time

It is my opinion that this fixed, unvarying and uniform standard was the one the legislature intended should be used in determining the office hours of state and county officers, as well as the time when any legal duties are to be performed. (62 C. J. 960, Section 3; *Smith v. Pittsburg*, 30 Pa. Dist. 454, 455.)

A municipality enjoying home rule may, of course, adopt daylight saving time for purely municipal affairs. (62 C. J. 961, Section 5.) It goes without saying that business institutions, not being restricted as to the hours of opening and closing, except as they may be restricted by voluntary codes, may adopt such daylight saving time. The office hours of public officers, however, are regulated by law and such officers are not free to adjust their office hours according to the better thought of the day, without legislative sanction. It would seem, however, that such officers may obey the letter of the law, as well as serve their respective communities, by keeping their offices open for the accommodation of the public without keeping the full office force on the job between the hours of four and five o'clock p. m. standard time. The question of the number of people to be left in each office during this time might well be left to the official discretion of each officer, subject to correction by the board of county commissioners in case of abuse thereof.