

Opinion No. 298.**Counties—Fairs—Advertising—
Appropriations.**

HELD: Section 4549, R. C. M. 1935, authorizes boards of county commissioners to make appropriations for advertising purposes and by virtue of

this section they may make an appropriation within the limits of that section for the purpose of putting on an exhibit at the Golden Gate International Exposition in San Francisco.

July 7, 1938.

Mr. Wm. G. Ferguson
Secretary, Montana Commission
Golden Gate International Exposition
P. O. Box 1703
Helena, Montana

Dear Mr. Ferguson:

You have asked whether the boards of county commissioners of the various counties in the state may make appropriations for advertising purposes in putting on an exhibit at the Golden Gate International Exposition in San Francisco. While Section 199, R. C. M. 1935, provides that official opinions be given only to certain county and state officers, since your request is made at the instance of certain boards of county commissioners, we may consider the request for an opinion from this office as coming from them.

Section 4549, R. C. M. 1935, reads:

"The board of county commissioners of their respective counties may appropriate annually out of the general fund of the county treasury to the county fair commission a sum not to exceed two thousand five hundred dollars (\$2,500.00), to be expended by the county fair commission for the purpose of holding a county fair, or advertising the products and resources of their county. In addition to the appropriation above provided for, or in lieu thereof, the county commissioners of any county in Montana shall have the power to levy an ad valorem tax of one and one-half (1½) mills or less on each dollar of taxable property in such county, for the purpose of securing, equipping, and maintaining a county fair, including the purchase of land for such purpose, and the erection of such buildings and other appurtenances as may be necessary; provided, however, that no portion of said appropriation or tax levy shall be expended for horse racing." (Blackface ours.)

It will be noted that the county commissioners are authorized to ex-

pend not to exceed \$2500 (a) for the purpose of holding a county fair; (b) or advertising the products and resources of their county. The part relating to advertising was added to this section by an amendment in 1927 (Section 1, Chapter 32, Laws of 1927). No limitation was placed upon the form or a place of advertising, as was done in Section 4550, last paragraph. Naturally advertising outside of the county, or even the state, would be more effective than advertising within the borders of the county or state. Attorney General Foot held that by virtue of this provision the county could advertise its products and resources at a fair held in an adjoining county (Vol. 14, Opinions of the Attorney General, 14).

Since the legislature has not placed any limitation upon the nature or place of the advertising that might be done by a county, I am of the opinion that your question must be answered in the affirmative.