

My Dear Mr. Johnson:

You have submitted to this office for my opinion the following:

Carbon County authorized \$600 to be expended as follows: \$350 for a county exhibit at the Midland Empire Fair in Yellowstone County and the further sum of \$250 for Montanans Incorporated, earmarked for advertising the products and resources of Carbon County. The question involved is whether or not such funds must be expended by the county fair commission or by the board of county commissioners either directly or through such agency as the Montanans Incorporated.

Section 4549 authorizes the board of county commissioners to appropriate funds to be expended by the county fair commission for the purpose of holding a county fair, or advertising the products and resources of the county.

Section 4550 provides that such money shall be kept in a separate fund by the county treasurer and payable on orders signed by the president and secretary of the fair commission. Section 4550 authorizes the board of county commissioners to make an annual appropriation of \$200, or so much thereof as may be necessary, out of the general fund of the county for the purpose of defraying expenses of collecting, transporting, and taking care of any exhibit from the county to another county where any agricultural fair, seed show, or other agricultural exhibit is held.

The board of county commissioners of Carbon County may expand an annual amount not to exceed \$200, appropriated from the general fund of the county, to pay the expenses of collecting, transporting, and taking care of an exhibit to the Midland Empire County Fair in Yellowstone County. The commissioners may designate a suitable agency, such as that of the Montanans Incorporated, in the expenditure of such funds, so long as the funds are earmarked and applied exclusively for the purposes above named. Funds necessary to be expended in excess of \$200 and within the maximum limitation as provided for in Section 4549 in providing for the Car-

Opinion No. 122.

**County Commissioners—County Fair
Commission—Appropriations**

HELD: 1. The County Commissioners may designate any agency to expend appropriation provided for by Section 4550, R. C. M., 1935.

2. Funds appropriated under Section 4549, R. C. M., 1935, for purpose of holding county fair or advertising products and resources of county may be expended only by county fair commission.

August 18, 1939.

Mr. Claude A. Johnson
County Attorney
Carbon County
Red Lodge, Montana

bon County exhibit in the Midland Empire County Fair in Yellowstone County may be appropriated by the board of county commissioners and must be expended by the county fair commission. Such funds are payable by the county treasurer on orders signed by the president and secretary of the fair commission. (Vol. 14, Ops. of Atty. Gen., 14.) The disadvantages entailed through cost connected in the appointment of a fair commission may not in this particular instance be offset by the advantages accruing from the services received. Such disadvantages, if any, are properly addressed to the legislature. The attorney general's opinion No. 298, Volume 17, is inapplicable for the reason that it relates to the authority of the board of county commissioners to make appropriations and not to a consideration of the proper agency authorized to expend such funds.