

No. 257

**STATE BOARD OF BEAUTY CULTURISTS—BEAUTY CULTURISTS' BOARD**

**Held:** Section 3228.4, Revised Codes of Montana, 1935, as amended by Chapter 222, Laws of 1939, does not give the six (6) persons whose names are submitted to the Governor any vested right and the Association can at its next annual meeting present a list of six (6) different names. If the Montana Hairdressers' Association wishes a new list to supercede all other lists, the Association can accomplish that by proper parliamentary procedure at the time of the new recommendation.

October 6, 1941.

Mr. John D. Stafford  
County Attorney  
Cascade County  
Great Falls, Montana  
Attention: Mr. Cleveland Hall, Deputy

Dear Mr. Stafford:

You have written to us in part as follows:

"Mrs. Lulu Brim, Post Office Box 177, Great Falls, Montana, who is the State Inspector for the State Examining Board of Beauty Culturists, has requested that we obtain from you your opinion upon the following matters.

"Section 3228.4, R. C. M., 1935, provides that the governing board of the Association shall consist of three (3) members appointed by the Governor from a list of six (6) names submitted by the Association. Each year the Association at its convention has submitted the names of six persons. The question to be determined is whether or not the names heretofore submitted remain upon the list indefinitely, even though there may be no vacancies upon the board or does the new list submitted each year supercede the names theretofore submitted."

It is my opinion, after studying Section 3228.4, Revised Codes of Montana, 1935, as amended by Chapter 222, Laws of 1939, the Governor may appoint anyone from any of the lists submitted under the present state of the law. While it may have been the intention of the legislature to have the latest list submitted supercede all other lists, nevertheless the statute does not say so. If the Montana Hairdressers' Association desires its latest list to supercede all others, then this can be accomplished by the Association through proper parliamentary procedure at the time of the recommendation of the new persons. Then, upon submitting the new recommendation to the Governor, together with the action of the Association, this procedure will legally, in my opinion, carry out the intention of the legislature if in fact it was intended by it to have the new recommendation supercede the old. This is the practical way to handle the ambiguity that exists in the statute and will avoid misunderstandings in the future.

I do not believe persons whose names are submitted to the Governor by the Association obtain any vested right thereby. The purpose of submitting names to the Governor is to assist him in filling the vacancies which annually occur on the governing board of the Association. Should the Association desire to re-submit the name of any person whose name had theretofore been submitted by the Association, it could do so on its new list of recommendations.

Sincerely yours,

JOHN W. BONNER  
Attorney General