

No. 418 -

**COUNTIES—ADVERTISING—COUNTY FAIR
COMMISSION**

Held: A county may appropriate money to be expended by the county fair commission for the purpose of paying all or part of the cost of newspaper or magazine advertising within or without the state for advertising the products and resources of the county.

May 16, 1942.

Mr. J. Miller Smith
County Attorney
Lewis and Clark County
Helena, Montana

Dear Mr. Smith:

You have asked the opinion of this office on the following question:

“Under Section 4549, Revised Codes of Montana of 1935, may a county expend money, duly appropriated, for the purpose of paying all, or part, of the cost of a newspaper and magazine advertisement,

either within or without the state, in which the products and resources of said county are advertised?"

An examination of Section 4549 of the Revised Codes of Montana of 1935 clearly indicates an appropriation of money may be used by the county commissioners of any county for the purpose of "advertising the products and resources of their county." In Opinion No. 298 of Volume 17 of the Opinions of the Attorney General it was held no limitation is placed by the legislature upon the nature or place of the advertising authorized by Section 4549 of the Revised Codes of Montana of 1935. We agree with this conclusion. The objectionable features upon which Opinion No. 338 of Volume 19 of the Opinions of the Attorney General was based are not present here. Here the county maintains control over each item of expenditure for advertising purposes.

It is my opinion a county may, if the board of county commissioners in their sound discretion deem it to be for the best interest of the county, appropriate money to be expended by the county fair commission for the purpose of paying all or part of the cost of newspaper advertising within or without the state for advertising the products and resources of the county, as limited by Section 4549, Revised Codes of Montana, 1935.

Sincerely yours,

HOWARD M. GULLICKSON
Attorney General