

Dear Mr. McKenna:

You have requested of this office an opinion as to whether the county commissioners of your county are bound to give up the thirty days' notice to a lessee of lands who leased the lands pursuant to Section 5 of Chapter 171, Laws of 1941, pursuant to Chapter 147, Laws of 1943, before selling the land leased, if the lease was entered into prior to the passage and effective date of said Chapter 147, Laws of 1943.

Chapter 147, Laws of 1943, provides in part as follows:

"Section 1. Whenever tax deed lands now held or hereafter acquired, by any county of this state, have been leased pursuant to the provisions of Section 5, Chapter 171 of the laws of the twenty-seventh legislative assembly . . . the said board shall by registered mail notify the lessee, who shall have a period of thirty (30) days after the mailing of such notice within which he may purchase the leased property at the appraised value thereof . . ."

The legislature in framing this act did not see fit to use the present or future tense in speaking of the lease, but specifically stated "have been leased" and referred to a section of an act of a former legislature.

It is therefore my opinion that the county commissioners shall give notice to lessors required by said Chapter 147, before selling under the provisions of Section 4, Chapter 171, Laws of 1941, even if the lease under which the lessors are holding was entered into before the enactment and approval of said Chapter 147, Laws of 1943.

This opinion is to be read in connection with former opinions rendered by this office, namely Numbers 27 and 159, Volume 20, Report and Official Opinions of the Attorney General, not yet bound, which in substance substantiate this opinion.

Sincerely yours,
R. V. BOTTOMLY
Attorney General

Opinion No. 205.

**Lands—County Commissioners—
Counties—Legislative Acts—Lessors
and Lessees.**

Held: County commissioners must give notice provided for in Chapter 147, Laws of 1943, to all lessors, when selling under provisions of Section 4, Chapter 171, Laws of 1941, regardless of when lease made.

May 5, 1944.

Mr. J. E. McKenna
County Attorney
Fergus County
Lewistown, Montana