

Opinion No. 150.

**County Commissioners—Land, Fair
Grounds—Fair Grounds—County
Fair Grounds.**

Held: Neither the board of county commissioners nor the fair commissioners of Lake County have authority to aid in the maintenance and construction of a fair

grounds, which fair grounds was not purchased by the county commissioners under the authority of Section 4550, Revised Codes of Montana, 1935, as amended, as a county fair grounds:

ing provisions may purchase, erect, construct and maintain permanent improvements on such fair grounds."

Section 4550, Revised Codes of Montana, 1935, being in effect at the time of the purchase of the land by the county commissioners it must be assumed the commissioners were acting under the authority of that statute, and that the tract of land constituted the county fair grounds.

The board of county commissioners, availing itself of the provisions of Section 4550, as amended, is therefore empowered to construct, purchase or erect and maintain permanent improvements on "such" fair grounds. I think it must be assumed only one fair grounds was contemplated by the statute, upon which permanent improvement could be made. I find no authority for the board of county commissioners to make expenditures for or assist in the construction of improvements for fair grounds other than those purchased under the authority of Section 4550, as amended. Such authority may not be implied from the further provision of Section 4550, as amended, allowing the county commissioners to appropriate a sum each year for the purpose of defraying the expenses of maintaining an exhibit at any state fair, county agriculture fair, 4-H fair or future farmers fair, seed show or other agricultural exhibit held within the state or county.

The powers of the fair commission are expressed in Section 4545.1, Revised Codes of Montana, 1935; the fair commission shall have control and operation of the fair and supervision and management of the fair grounds and also the leasing of buildings and fair grounds, and shall return to the fair fund the revenue obtained from the leasing or renting of the same. Under the provisions of Section 4549, Revised Codes of Montana, 1935, the board of county commissioners may appropriate annually to the fair commission a sum 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."

Nowhere is the fair commission given the authority to maintain or construct buildings or improvements. Its authority extends to the control and the operation of the fair and the supervision and management of the fair

April 29, 1946.

Mr. T. R. Delaney
County Attorney
Lake County
Polson, Montana

Dear Mr. Delaney:

You have requested my opinion in the following matter:

About four years ago, the county commissioners acquired a tract of land near Polson for a fair grounds, after which contributions and work toward the construction of a grandstand and certain buildings was donated by Polson businessmen.

The grounds mentioned have been considered the county fair grounds, although no fair commission was appointed until September 1945.

Another town has held a Junior Fair three or four years, at which the county commissioners have contributed about \$200 a year. The town people, interested in developing their Junior Fair, are now acquiring some buildings which they wish the county commissioners or the fair commission of Lake County to join in and help construct and maintain.

The question arises, whether or not the county commissioners or the fair commission of Lake County have authority to aid in the town proposal financially.

Section 4550, Revised Codes of Montana, 1935, as amended by Chapter 6, Laws of 1945, provides in part:

"The board of county commissioners of any county in the state of Montana may purchase, receive by donation, or own and hold a tract of land in their respective counties, not exceeding one hundred sixty (160) acres, as county fair grounds, which land may be used by the county fair commission for the purpose of promoting the interests of horticulture, agriculture and stock raising. The board of county commissioners who shall avail themselves of the forego-

grounds. The appropriation received from the county is for the purpose of holding a fair or advertsing the products of the county.

It is therefore my opinion neither the board of county commissioners nor the fair commissioners of Lake County have authority to aid in the maintenance and construction of a fair grounds which fair grounds was not purchased by the board of county commissioners under the authority of Section 4550, Revised Codes of Montana, 1935, as amended, as a county fair grounds.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General