

**County High School Board—Time for Holding Meeting
for Purpose of Organization.**

Under the provisions of Chapter 190 of the Laws of the 17th Legislative Assembly, the County High School Board should, at the regular January meeting, fill by election any vacancy that may result from the retirement of any officer, and the officer thus elected should hold office for the unexpired term, or until the regular April meeting when the election of officers for the year is held.

Miss May Trumper,
Superintendent of Public Instruction,
Helena, Montana.

My dear Miss Trumper:

You have submitted to me the following question:

When should a High School Board be organized after the appointments are made in December of new members in compliance with the provisions of Chapter 190 of the Session Laws of 1921?

This chapter provides for a change in the date of appointment of members of the County High School Board from March to December, and that the new members shall take office on the 1st day of January following their appointment.

Subdivision 6 of Section 2104 of the General School Laws, being Chapter 76 of the Laws of 1913, reads as follows:

"At their regular April meeting in each year the trustees shall choose from their number, a president, vice president, and secretary, who shall hold office for one year or until their successors have been appointed and qualified, and said trustees shall have authority to make all necessary rules for their government not inconsistent with the law. * * *"

The Legislature apparently overlooked the necessity of amending this section so as to conform to the provisions of Chapter 190, above, and so as to permit the organization of the Board immediately after the commencement of the term of office of the new members.

The retirement of any member under the provisions of Chapter 190, who might be an officer, would create a vacancy in the office to be filled as vacancies are ordinarily filled, namely, by the election of a member to fill the vacancy for the unexpired term.

I am, therefore, of the opinion that the Board should at the regular January meeting fill by election any vacancy that may result from the retirement of any officer under the provisions of Chapter 190 of the Laws of 1921, the officer thus elected to hold office for the unexpired term or to the regular April meeting when the election of officers for the year under Section 2104, *supra*, is to be held.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.