

School Districts, Division of Money Upon Change of Boundaries of County. School Moneys, Transfer Of Upon Change of Boundaries of County. County, Change of Boundaries Of, Effect Upon School Moneys.

Under the provisions of the bill changing the boundaries of Madison and Beaverhead Counties, school districts embraced within the territory annexed to Beaverhead county are entitled to all moneys to the credit of such school district at the

time of the taking of effect of the bill, and the treasurer of Madison county should transfer to the treasurer of Beaverhead county all moneys which those school districts would be entitled to at the time the bill changing the boundaries of the county took effect.

March 16, 1911.

Mr. Julian Knight,
County Attorney,
Virginia City, Montana.

Dear Sir:

Your letter of March 14th has been received, requesting my opinion upon the following question:

"Certain territory has recently been taken from Madison county and added to Beaverhead county. Are school districts in this territory entitled to any money in the general school fund of Madison county, which has not yet been apportioned?"

In reply I will say that Section 5 of Senate Bill No. 55, which is the act changing and defining the boundaries of Beaverhead and Madison counties, provides as follows:

"It is hereby made the duty of the county treasurer of Madison county to transfer and pay over on or before the 1st day of June, 1911, all moneys in said Madison county to the credit of school districts embraced within the limits of the territory hereby taken from said county of Madison and included within the county of Beaverhead, which said moneys so transferred shall be held by the county of Beaverhead to the credit and for the use of the same school districts as they formerly existed."

It is my opinion that the legislature intended by section 5 above quoted, that school districts embraced within the territory annexed to Beaverhead county under Senate Bill No. 55 are entitled to all school moneys to the credit of such school districts at the time of the taking effect of the bill. The Act takes effect from and after its passage and approval, and was approved on March 2nd, 1911. By the use of the words "to the credit of the school districts" the legislature evidently intended that the treasurer of Madison county should transfer to the treasurer of Beaverhead county all moneys which those school districts would be entitled to at the time of the taking effect of the Act.

Under the provisions of Section 830 of the Revised Codes it is the duty of the county superintendent to apportion all school moneys to the school districts quarterly, and in making the apportionment for the districts which were transferred from Madison to Beaverhead county by the Act above referred to, the superintendent should apportion to those school districts their pro-rata amount of all school moneys up to March 2nd, 1911, and the amount of school moneys to the credit of these school districts on that date should be paid by the county treasurer of Madison county on or before the first day of June, 1911, to

the county treasurer of Beaverhead county and placed to the credit of the school districts so annexed to Beaverhead county.

Yours very truly.

ALBERT J. GALEN,

Attorney General.