

School Districts, Change of Boundaries Of. Districts,
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Change Of.

Boundaries of school districts cannot be changed between the first day of March and the first day of September following.

Boundaries of school districts which are indefinite or uncertain may be made definite at anytime.

February 28, 1912.

Hon. W. E. Harmon,
Supt. Public Instruction,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 21st inst., submitting the question:

"May the boundary between two adjoining districts be legally altered between the first of March and the first of September?"

The only statute bearing directly upon this question is Sec. 849 of the Revised Codes, which prohibits the creation of school districts between the first day of March and the first day of September of each year. This statute makes no reference to the changing of boundaries further than that which may be implied from the creation of new districts. If the purpose and reason of the statute was and is to prevent the alternation of district lines during the taxation and census periods, then that purpose and reason would apply with equal force to the alteration of boundaries. I know of no other purpose to be subserved by the statute. If new districts might be created at any period it might so complicate matters with reference to the taxation, census, etc., as to work great inconvenience, if not actual loss to the districts. The creation of a new district is, in effect, but the changing of the boundary lines of one or more old districts, and I know of no reason why the statute would not apply to the alteration or

changing of the boundary lines of the old district where no new district was created, as well as it would in the alteration or changing of the boundary lines in such old district when a new district is created.

This question was considered in a general way by this office in an opinion to the Honorable S. P. Wilson, County Attorney, Deer Lodge, Montana, March 6, 1910, and reported in Volume 3, Opinions of the Attorney General, 1908-10.

I freely admit that this question is not free from doubt. However, it is my opinion that under this statute there should be no change in the boundary lines of any school district between the first day of March and the first day of September following in each year, without regard to whether that change is for the creation of a new district or for other purposes.

This, however, can have no relation to the authority conferred by Sec. 834 of the Revised Codes relating to the correction of errors or conflicts in the boundary lines of school districts.

Respectfully yours,

ALBERT J. GALEN,

Attorney General.