

School Districts, Time of Creation Of.

Sec. 3, Chap. 113, Laws of 1911, does not prohibit the creation of school districts between the first of January and the first of March in any year in which a general election may be held.

March 15, 1912.

Hon. Charles A. Taylor,
County Attorney,
Billings, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 12th inst., in which

you ask my opinion as to:

“Whether or not a school district may be created between the 1st day of January and the 1st day of March, 1912?”

Sec. 849, Revised Codes, provides:

“No school district shall be created between the first day of March and the 1st day of September following of each year.”

Sec. 3, Chapter 113, Laws of 1911, gives to boards of county commissioners and boards of school trustees authority to change the boundaries, create new or consolidate established precincts but provides that no precinct shall be changed, altered, located or established between the first day of January and the first day of December in any year in which a general election is held. It is my opinion that the creation of a new district is only limited as to the time of its creation by the provisions of Section 849, above referred to, and that Section 3, Chapter 113, Session Laws of 1911 in view of its reference to the general election only applies to the creation changing, or altering of the election precincts for general county elections, and I agree with you in the opinion which you have rendered that it is not the intention of this section to farther limit the time in which new districts may be created and that new school districts may be created between the 1st of September and the first of the following March in the same manner as before the passage and approval of Chapter 113, Laws of 1911.

It will be necessary, however, for the clerk and recorder as registry agent to place the electors registered in the old districts in the proper precinct register for the school district election. The latter portion of Sec. 2, of said Chapter 113, gives authority to the board of school trustees to establish additional polling places in any election precinct, provided, the same is made at any time before the closing of the Great Register. But for the purpose of the general elections, to be held this fall, the precinct as established by the board of county commissioners prior to January 1, 1912, cannot be changed, altered, located or established until after December 1, 1912.

Yours very truly,

ALBERT J. GALEN,

Attorney General.