

Fire Districts, in Unincorporated Communities... Unincorporated Towns, Fire Districts in Towns, Unincorporated, Fire Districts.

The legislature by Chapter 107, Laws of 1911, and by Chapter 142, Laws of 1915, seem to have had in mind the organization of fire districts in unincorporated communities. No procedure for doing so is laid down.

July 21, 1916.

Hon. James L. Davis,
County Attorney,
Billings, Montana.

Dear Sir:

I am in receipt of your communication under date the 7th instant, relative to the issuance of bonds by fire districts in an unincorporated village or town. Examination of the law upon the subject, shows it to be in a rather chaotic state. Chapter 107 of the Laws of 1911 authorizes bonds to be issued by any organized fire district, but the law seems to be void of any provision for the organization of such districts, unless it is given by Chapter 123, Laws of 1915, conferring power upon the county commissioners to create special improvement districts, in accordance with Chapter 89, Laws of 1911, amended by Chapter 142, Laws of 1915. It is true that Chapter 16 of the Laws of 1915, amending Section 2801 Revised Codes, 1907, gives the county commissioners authority to establish fire limits within such villages or towns, but no method of procedure is laid down. Chapter 142, is very complete and outlines in detail the procedure to be followed by a city council in carrying out its provisions.

There may be some question as to the validity of Chapter 123, Laws of 1915, since the county commissioners strictly speaking, are not municipal or corporate authorities. The title of this Act, as well as the body of it, is extremely meager. The only way to determine the matter finally, would be a test in the courts. This would probably be accomplished by having the county commissioners proceed as for Chapter 142, Laws of 1915, and then have someone contest the matter by injunction.

As to the possibility of having the State Board of Land Commissioners bid upon such bonds, they would probably have a great deal of hesitancy in investing in such securities, unless their validity was conclusively established by a test of the courts, as above suggested.

Yours very truly,

J. B. POINDEXTER,
Attorney General.