

**Rural School Districts—School Districts, Classification  
Of.**

By Section 7 of Chapter 211 of the 1919 Session Laws, the Legislature did not intend to create a new classification so as to conflict with Section 401 of Chapter 76 of the Session Laws of 1913.

Oct. 1, 1919.

A. A. Freseman, Jr.,  
Clerk District No. 68,  
Geysler, Montana.

Dear Sir:

You have submitted to me the question of whether the provisions of Section 7 of Chapter 211 of the 1919 Session Laws, being an act for the creation of rural school districts, providing for the creation of second class districts from the territory embraced in rural school districts, in any way conflicts with Section 401 of Chapter 76, 1913 Session Laws, and providing for the classification of districts according to population.

Section 2 of Chapter 211 provides that after acceptance of the provisions of the Act all districts and parts of districts of the third class, and minor portions of second and third class districts, non-contiguous thereto, shall together constitute a single district to be known as the rural school district, while Section 7 thereof provides for the creation of second class districts from the territories of a rural district upon petition of one hundred qualified electors and an assessed valuation of \$600,000 within the proposed district. This section says nothing about the population of the proposed district. Section 401 provides that all districts having a population of one thousand or more, and less than eight thousand are, and hereafter shall be, districts of the second class.

Heretofore the classification of districts was based wholly on the population and without regard to the assessed valuation. Did the legislature intend by Section 7 to add a new method of classification (based partly on the valuation), or is the provision of population added to the other requirements of Section 7?

Inasmuch as the prime object of the rural district, as I understand it, was to equalize the funds raised by taxation, so as to give to each child its proportionate benefit of all property assessment, and to cut off a small portion which contained property of an assessed valuation of \$600,000 upon the petition of one hundred electors who might constitute ninety per cent of the entire number of electors in the proposed district, and thus give to the children of these electors, no matter how few, the entire benefit of assessment on this property, and exclude every other child in the original district from participating therein, would entirely defeat this purpose. It is my opinion that the legislature did not intend to create a new classification but merely provided this method of cutting off a portion of a rural district into a second class district providing it contained the requisite population of a second class district as provided in Section 401.

This view is further sustained by the fact that there is no conflict in the provisions and that the requirement of population must be added to the other requirements before any portion of a rural district can be created out of a second class district.

Respectfully,

S. C. FORD,

Attorney General.