

Herd Districts—State Lands—State Board of Land Commissioners.

State land may be included in a horse herd district. State board of land commissioners not resident owner and therefore cannot sign petition for creation of such district.

Mr. I. M. Brandjord,
State Land Commissioner,
Helena, Montana.

April 25, 1932.

My dear Mr. Brandjord:

I have your request for an opinion in regard to whether the state board of land commissioners has authority to sign a petition for the creation of a horse herd district.

Section 1 of chapter 119, laws of 1931, provides “ * * * upon the petition of resident owners or possessors of fifty-five per centum (55%) of the land of such district * * * ”

This office has recently held that government land can be included within a herd district but that the United States is not a resident owner. In my opinion, this would equally apply to the state board of land commissioners. The lessee of state lands could sign and state land could be included if the necessary fifty-five per cent. sign without the state land. Of course, the state land would also be included in determining the total amount of the area of the district.

Very truly yours,

L. A. FOOT,
Attorney General.