

1933, he gave an opinion to the effect that the Nepotism Act applies to school districts. (Id. 163). See also recent rulings of the attorney general, being opinions numbered 23 and 96 in Volume 18, O. A. G., where the former opinions are approved.

It is our opinion that the views expressed in the above opinions are correct and that it is not possible to arrive at any other conclusion. Moreover, since the first of these opinions were given the legislature has met three times and has not seen fit to amend the law.

Since the law is clear we do not think that any question of construction is involved, but if there were, the failure of the legislature to act would be a further argument in support of our construction of law.

Opinion No. 124.

Nepotism Act—Schools and School Districts—Teachers.

HELD: The employment of a wife of a trustee of a school district as a teacher violates the Nepotism Act.

August 25, 1939.

Miss Frances Schultz
County Superintendent of Schools
Ekalaka, Montana

My Dear Miss Schultz:

You have submitted the question whether the employment of a wife of a trustee of a school district as a teacher violates the nepotism law. You enclosed an opinion from County Attorney Berg dated July 22, 1939, holding that such employment does violate the Nepotism Act.

On March 23, 1933, the attorney general held that the Nepotism Act applies to school districts and school district officials. (Vol. 15, O. A. G. 98.) On April 25, 1933, he held that a member of a school board violates the Nepotism Act when he acts to appoint as clerk a relative of another member of the board. (Id. 128). Again on June 8,