

Attention of Mr. G. R. Milburn,
Chairman

Gentlemen:

Your question submitted to this office as of June 7, 1940, is, in short, as follows:

A cooperative state grazing district was organized under Chapter 66, Laws of 1933, but failed to technically conform to Section 18, Chapter 208, Laws of 1939, in that the district did not file a map describing the boundaries of the district within six months from the date of the approval of the act, although the district did conform to Section 18, aforesaid in getting the approval of the commission before the six months had elapsed. It is your desire to know whether or not the said grazing district is still legally organized or must be dissolved under the said Section 18 of Chapter 208, Laws of 1939.

In answering your question we quote the purpose of Chapter 208, Laws of 1939, as follows:

"An Act for the Purpose of Providing for the **Conservation, Protection, Restoration**, and proper Utilization of Grass and Forage Resources of the State of Montana as a Means of Restoration and Maintenance of the Prosperity and General Welfare of the State; * * *"

It is quite apparent from the title of this act that it was passed for the general good of the general public of the state and therefore must be liberally construed and so interpreted as to give effect rather than to make void (Section 8770, R. C. M., 1935).

The grazing district was incorporated under laws as existed at the time of its incorporation and from all appearances conformed with all the necessary conditions of such corporation. There is not a great deal of difference between Chapter 66, Laws of 1933, and Chapter 208, Laws of 1939, as far as the incorporation of grazing districts is concerned. Chapter 208 makes a provision for amendments of the articles of incorporation so as to enlarge the district, if it is so desired. There is nothing in Chapter 208 to compel the dissolution of the grazing district by reason of non-conformity with Section

Opinion No. 239.

State Grass Conservation Commission—Grazing Districts—
Organization of,
requisites.

HELD: Under Chapter 66, Laws of 1933, and Chapter 208, Laws of 1939, failure of Grazing District to file map within time prescribed, does not invalidate organization.

The certificate of approval on the part of the Grazing Conservation Commission, is the vital requisite to bring into being a grass conservation district.

Chapter 66, Laws of 1933, and Chapter 208, Laws of 1939, were enacted for the benefit of the general public and should be liberally construed.

June 17, 1940.

Montana Grass Conservation Commission
Grass Range, Montana

18, Chapter 208, Laws of 1939, since the section provides that such corporations may amend their articles. Likewise, that upon failure to comply, if they so desire to amend their articles, with Chapter 208 the commission may dissolve the corporation.

It is therefore our interpretation of the said Section 18 that the word "may" does not mean "must," but that it is optional with the corporation.

These corporations are for the benefit of the general public. They are charitable in a sense, non-profit and should rather be encouraged than discouraged in their operation.

In the question submitted it is apparent that the grazing district did comply with Section 18, Chapter 208, Laws of 1939, in that they received the certificate of approval within the statutory limitation, which would be within six months from March 17, 1939, but the district is challenged by reason of the fact that the new map, if it is a new map, was not filed with the clerk and recorder within the six months. We do not feel that this point is well taken for the reason that the filing of the instrument is simply for the purpose of giving notice to the world. The vital part of the section is the certificate of approval on the part of the grass conservation commission for the reason that the commission must know that territory of grazing districts did not infringe upon each other.

A grazing commission incorporated under Chapter 66, Laws of 1933, having filed its map showing its boundaries is notice to the world as to the boundaries shown by such a map. If any change in the territory of the district is made, as provided for under the Laws of 1939, no one could be injured under the filing of the old map other than those who might come within the district as altered, if altered at all. This, I feel, is a reasonable construction of Chapter 208, as provided for by Section 8771, R. C. M., 1935.