

**OPINION  
63-208**

December 4, 1963            (OPINION)

SCHOOL DISTRICTS

RE:    Dissolution - County Reorganization Committee

This office has been requested to issue an opinion relative to the dissolution of school districts which have not operated a school for the immediately preceding two years.

The facts as presented to us are as follows:

The Board of County Commissioners held a meeting in the spring of 1963 with all districts not holding school for the two years prior to July 1, 1962. No action to dissolve the districts was taken by the Board of County Commissioners and these school districts remain in the county and do not operate a school. No school district reorganization or petition of annexation involving these districts was in progress at the time of the meeting or is in progress at the present time.

The questions presented to us are as follows:

Whose responsibility is it to dissolve these districts and attach them to a district operating a school? Would it be the Board of County Commissioners or the School District Reorganization Committee?"

As you are probably aware, the 1963 Legislative Assembly transferred the authority to dissolve the districts in question from the Board of County Commissioners to the County Reorganization Committee. This was done by a bill which carried an emergency clause, i.e., it became effective when signed by the Governor. The Governor signed the bill on March 18, 1963.

We have previously advised you, unofficially, that because several counties were in the immediate process of dissolving these districts, and because of certain language contained in the bill, the Boards of County Commissioners who had assumed jurisdiction of this matter prior to March 18, 1963, should continue their jurisdiction and dissolve the districts and provide for their attachment to adjoining districts. If, however, the boards of county commissioners did not, at that time, provide for the dissolution and attachment of these districts or issue an order providing for dissolution and attachment at a later date, it is our opinion they lost jurisdiction and the County Reorganization Committee now has jurisdiction over this matter. In these instances the County Superintendent of Schools should give notice of the fact these districts are not operating schools to the County Reorganization Committee so that such committee may provide for the dissolution and attachment of these districts as required by law.

If, of course, the County Commissioners attempted to assume initial

jurisdiction of this matter after March 18, 1963, any order they might have issued would be invalid for lack of jurisdiction.

HELGI JOHANNESON

Attorney General