

OPINION
51-150

March 9, 1951 (OPINION)

SCHOOLS

RE: Reorganization

We have before us a letter written to you by Mattie Backen, County Superintendent of Schools, Wells County, which involves the construction of section 15-2309 and incidentally calls for a comparison between that section and section 15-2308.

It is our opinion that under section 15-2309 the county commissioners of a county in this state upon receipt by them of a petition signed by at least two-thirds of the school electors residing within the confines of a proposed district to be made up of two or more school districts or parts of two or more school districts would be vested with jurisdiction to form a new district if in their judgment the organization of a new district is desirable and necessary.

You will note that under section 15-2309 there is no election required for the reason that it provides that two-thirds of the school electors must sign the petition and, therefore, a majority of the electors in such new district has already expressed an opinion in behalf of the proposal to organize such district.

It is to be noted that under the provisions of section 15-2308 an election is provided for upon the petition of a majority of the electors of districts to be affected when boundaries are to be changed or districts are to be consolidated.

ELMO T. CHRISTIANSON

Attorney General