charged and was not eligible for reappointment. One convicted of crime was not eligible, and therefore, could not recover the contributions.[1]

The question posed must, therefore, be answered in the negative. It is my opinion that each of the officers in the cases described was dismissed for a reason that is properly classified as a breach of the public trust.

FRANK J. KELLEY,
Attorney General.

65|004.1

SCHOOLS: Districts – Reorganization.

School districts, except as provided in Sec. 4(a) of the act, which operate grades kindergarten through twelve, are subject to reorganization under Act 289, P.A. 1964.

No. 4442 October 4, 1965.

Mr. Alexander J. Kloster
Acting Superintendent of Public Instruction
Prudden Building
Lansing, Michigan

You have requested my opinion on the following question:

"Are school districts which operate grades kindergarten through twelve subject to reorganization under Act 289, P.A. 1964?"

Act 289, P.A. 1964, being M.S.A. Cur. Mat. §§ 15.2299(1) et seq., provides for the reorganization of school districts and for elections to accomplish this purpose. Sec. 2 of the act creates a state committee for reorganization. Certain powers and duties are reposed in the state committee for reorganization, as set forth in Sec. 4, and it is pertinent to your question to quote the following portion thereof:

"The state committee shall:

"(a) Within 12 months after the effective date of this act, develop policies, principles and procedures for a statewide school district reorganization program planned so that all areas may become part of a school district operating or designed to operate at least 12 grades. In no case can an intermediate district committee plan be submitted under this act which would require the merger of 2 or more school districts of the third class or higher. There shall be created no less than 500 school districts operating 12 grades."

[1] Also of interest are two cases where a return of pension contributions was disallowed when police officers were discharged for cause. The reasons given were that the statute did not provide for such a return and such contributions were never part of the officers' salary. (*Reagan v. Board of Firemen, Policemen and Fire Alarm Operators Pension Fund Trustees of San Antonio*, 307 S.W. 2d 958 (Texas 1957); and *Fraser v. City of Norwich*, 137 Conn. 43, 75 A 2d 60 (1950)).

Under Sec. 5 of the act an intermediate district committee for reorganization of school districts is created. Its powers and duties are enumerated in Sec. 6 of the act.

Consideration must also be given to Sec. 11 of the act, which states as follows:

> "Where the proposed district involves expansion of the boundaries of an existing twelve-grade district by addition of non-twelve-grade territory the board of education of the twelve-grade district shall continue as the board of the enlarged district.
>
> "Where the proposed district involves the merger of 2 or more twelve-grade districts with or without the addition of non-twelve-grade territory, or where the proposed district involves merger of non-twelve-grade districts into a new twelve-grade district a board of education fairly representing all areas of the new district shall be appointed by the intermediate district board to serve until a new board is elected as provided in section 410 of the school code."

The object of construction of a statute is to determine and carry out the intention of the legislature. *Van Antwerp v. State,* 334 Mich. 593 (1952). Such construction is to be made in light of the purpose to be accomplished with proper meaning given to all provisions of the statute. *Mason County Civic Research Council v. Mason County,* 343 Mich. 313 (1955).

In Sec. 4(a) of the act the legislature has expressed a clear intent that all areas of this state become a part of a school district operating or designed to operate at least twelve grades. At the same time, in the same section, the legislature has limited reorganization so as not to require the merger of two or more school districts of the third class or higher, and has prohibited the creation of less than 500 school districts operating twelve grades.

At the time of the enactment of Act 289, P.A. 1964, the Administrative Services Division of the Office of Superintendent of Public Instruction recorded 1438 school districts of all types, including 540 districts offering grades kindergarten through twelve, and 5 districts offering partial grades kindergarten through twelve.

In setting a limit that there shall be created not less than 500 school districts operating twelve grades, the legislature in effect recognized the potential reorganization of some 40 school districts operating grades kindergarten through twelve in addition to reorganization of school districts operating less than 12 grades.

In Sec. 11 the legislature has contemplated that reorganization may involve the merger of two or more twelve-grade districts with or without the addition of non-twelve-grade school district territory when it made provision for the appointment of the first board of education of such merged school district.

It must follow that subject to the limitations found in Sec. 4(a) of the Act, as they relate to the merger of two or more school districts of the third class or higher, and that there shall be created no less than 500 school districts operating twelve grades, school districts operating twelve grades may be reorganized under the provisions of Act 289, P.A. 1964.

Therefore, it is the opinion of the Attorney General that school districts except as provided in Sec. 4(a) which operate kindergarten through twelve grades are subject to reorganization under Act 289, P.A. 1964.

FRANK J. KELLEY,
Attorney General.

651004.2

WORKMEN'S COMPENSATION: Employees required to be covered.

A private non-agricultural employer whose only employee is a person hired for one day a week is not subject to the provisions of the Workmen's Compensation Act even though the employee works 4 other days a week for other employers for a period of 13 weeks or longer during the preceding 52 weeks.

No. 4473 October 4, 1965.

Honorable Sander M. Levin
State Senator
Honorable James Bradley
State Representative
The Capitol
Lansing, Michigan

You have asked whether Section 2a of Part 1 of the Workmen's Compensation Act, Act 10, Public Acts of 1912, First Extra Session, as amended by Act 44, Public Acts of 1965, effective September 1, 1965[1] requires insurance by an employer who hires a single employee for one day a week if that person works 4 other days a week for other employers for a period of 13 weeks or longer during the preceding 52 weeks.

Sec. 2a (1)(b) of Part 1 provides:

> "(1) This act shall apply to: * * *
>
> "(b) All private employers, other than agricultural employers, who regularly employ less than 3 employees if at least one of them has been regularly employed for 35 or more hours per week for a period of 13 weeks or longer during the preceding 52 weeks."

From a reading of Section 2a of the act, a private non-agricultural employer who employs only one employee is subject to the provisions of the Workmen's Compensation Act only if that employee is regularly employed for 35 or more hours per week for a period of 13 weeks or longer during the preceding 52 weeks.

Your letter of inquiry indicated that it has been suggested by others than yourselves that this section should be read with Sec. 1, Fourth, (d) of Part 4 of the Workmen's Compensation Act to require insurance if employment by a number of employers totaled at least 35 hours. That section provides:

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[1] M.S.A. Cur. Mat. § 17.142(1).