

**Opinion No. 173.**

**Schools and School Districts—  
Power Line, Construction of—  
Districts, School—  
Construction, Power Line—  
Budget, School District.**

**Held:** A school district may provide in its budget for its proportionate share of money for the construction of a power line which will be used by the schools of the district.

June 22, 1946.

Mr. James H. Higgins  
County Attorney  
Meagher County  
White Sulphur Springs, Montana

Dear Mr. Higgins:

You advise me that a third class school district in your county plans to participate in the construction of a power line for the use of the district. You ask if the district may so provide in its budget for such an expenditure.

Section 1019.3, Revised Codes of Montana, 1935, sets out the form of the budget and of the items as "New Equipment (not financed from sale of bonds.)" This item would cover such construction and would be the grant of authority to the district. However, a school district is limited in its expenditures by the maximum that may be raised by tax levy.

Section 1203, Revised Codes of Montana, 1935, as amended by Chapter 51, Laws of 1945, provides that a levy not to exceed ten mills may be made on the property of the district. In your letter you suggest that if the full levy is made, the funds realized would be sufficient. Under Section 1019.7, Revised Codes of Montana, 1935, an extra levy may be made after the approval of the electorate is secured, but

it appears that such will not be necessary.

It is therefore my opinion a school district may provide in its budget for its proportionate share of money for the construction of a power line which will be used by the schools of the district.

Sincerely yours,  
R. V. BOTTOMLY,  
Attorney General