

**Schools—County High School Board, Powers Of—Dormitory For High School.**

Where necessity requires, the county high school boards may provide a building for dormitory accommodations for students attending the high school, providing taxes are levied for that purpose.

Helena, Montana, January 3, 1920.

Mr. Albert Anderson,  
County Attorney, Dawson County,  
Glendive, Montana.

Dear Sir:

You have submitted to me the question whether the County High School Boards are authorized to expend the High School funds derived from taxation, for the purpose of providing dormitory accommodations for students attending the high school. As stated in your letter, the original Act for the creation of free county high schools contained no provision whatever for the erection of a dormitory or dormitories; or for providing dormitory accommodations in connection with the school.

See Vol. 4 A. G., page 196.

Under Section 2109, General School Laws, the High School Board may certify to the Board of County Commissioners that they have decided to submit to the electors of the county the question whether bonds shall be

issued for the purpose of erection or purchase of a building or buildings for high school purposes, and the equipment thereof, or for the erection and equipment of a dormitory or dormitories, or gymnasium, and for a suitable site therefor.

Under subdivision "b" of Section 2104, powers of the trustees, the board is directed to select a site for the county high school, and then proceed to make purchases of material and let such contracts for necessary school buildings as they may deem proper. Under subdivision "c" of this section, they may, in their discretion, lease suitable buildings for the use of the high school while new buildings are in process of erection.

It will be observed from examination of these sections that there is no express provision for furnishing dormitory accommodations by the High School Board, but that authority is given for the purpose of submitting the question of bonding the district for this purpose.

Under Section 2108, the trustees are directed to make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for payment of contingent expenses, and shall furnish the County Commissioners a certified estimate of the rate of tax required to raise the amount desired for such purposes. This tax must not exceed five mills on the dollar in any one year.

The inference to be drawn from reading these two sections would be that the High School Board is authorized to expend money raised by a tax levy for building purposes, and I am of the opinion that this was intended to include a dormitory.

While County High School Boards are boards of limited jurisdiction, having only such powers as are expressly conferred by law, or incidental powers necessarily included, I am of the opinion that the legislature intended that dormitory accommodations may be provided at county high schools where necessity requires that the students should have suitable accommodations to enable them to remain at school, providing such accommodations can be furnished out of taxes levied for that purpose.

Respectfully,

S. C. FORD,

Attorney General.