

**Schools, Dormitory For—Dormitory For District Schools,
Bonds Cannot Be Issued For—Bonds For District Schools
Dormitory Cannot Issue.**

A school district is without authority to issue bonds for the purpose of constructing a school dormitory.

March 31, 1920.

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

Dear Sir:

You have requested an opinion from this office regarding the powers of a school district to bond their district for the purpose of building a school dormitory.

The purposes for which bonds may be issued are set forth in Section 2015 of Chapter 76 of the Session Laws of 1913, as amended by the Chapter 196 of the Session Laws of 1919, and are as follows:

“The board of trustees of any school district within the State is hereby vested with the power and authority to issue and negotiate coupon bonds for any one or more of the following purposes; (a) For the purpose of building, altering, enlarging, repairing or acquiring by purchase, one or more school houses in said district. (b) For the purpose of furnishing and equipping one or more school houses in the district. (c) For the purpose of purchasing land for a school site. (d) For the purpose of constructing, or acquiring by purchase, a teacherage in said district, and purchasing land necessary for the same.”

School districts have only such powers as are conferred upon them by law, and if the Legislature intended that a dormitory was necessary or proper, it could very easily have said so. The Supreme Court has several times passed upon the power of Boards of County Commissioners, and other municipal corporations, and have held them to the strict letter of the law. The Court has frequently decided that there are no implied powers unless given by statute, except the incidental powers necessarily included in those given.

Williams vs. Commissioners, 28 Mont. 366.

Yegen vs. Commissioners, 34 Mont. 80.

In an opinion by a former Attorney General, found in Vol. 4, Opinions of Attorney General, page 197, the question was asked whether a county High School might issue bonds for the purpose of erecting a dormitory. I quote the following from this opinion:

“The erection and maintenance of a dormitory would, undoubtedly, in a certain sense, contribute to the welfare of the school; it would at least contribute to the comforts of the pupils and would probably increase the attendance. Good roads and bridges would probably do the same thing. The question here is not a matter of convenience to the school or to the pupils,

but whether or not the law is broad enough to authorize the trustees to erect and maintain a building of that character, for if they have the authority to erect it, have they the authority to maintain it?

In view of the construction of the powers granted to various boards contained in the decisions of our supreme court I am of the opinion that some further legislation will be necessary to authorize the trustees to construct and maintain a building of that character."

Subsequently the Legislature did provide that bonds might be issued by the county for constructing a dormitory in connection with the County High School. However, the Legislature has not seen fit to so provide in case of the ordinary school district, and until it does, I am of the opinion that a school district cannot issue bonds for such purposes.

Respectfully,

S. C. FORD,

Attorney General.